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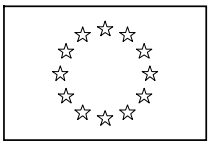

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.5.2001
COM(2001) 252 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

THE EUROPEAN UNION'S ROLE IN PROMOTING HUMAN RIGHTS AND DEMOCRATISATION IN THIRD COUNTRIES

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1. INTRODUCTION

The European Commission (EC) has adopted a number of Communications relating to human rights and democratisation in the last decade[1]. This Communication does not seek to rewrite the fundamental policy. Rather it seeks to set this policy in the context of the Commission's overall strategic approach in external relations for the coming years. Changes in the external environment, as well as internal Commission reforms, require a re-focussing of human rights and democracy strategies, in particular to ensure that these issues permeate all Community policies, programmes and projects. Prioritisation, focus, delivery and impact are the main threads running throughout the document. The Commission wants to be judged on its performance in meeting the EU's policy goals. This Communication outlines a way forward.

The basis for European Union (EU) action is clear. The European Union seeks to uphold the universality and indivisibility of human rights - civil, political, economic, social and cultural - as reaffirmed by the 1993 World Conference on Human Rights in Vienna. The EU also upholds the principle that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights, as reaffirmed by the 1995 Beijing Declaration and Platform for Action. The protection of such rights, together with the promotion of pluralistic democracy and effective guarantees for the rule of law and the fight against poverty, are among the European Union's essential objectives. The Treaty of Amsterdam - which came into force on 1 May 1999 - reaffirms in its Article 6 that the European Union '*is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles that are common to the Member States'* and emphasises in article 49 that the respect of these principles also is required by countries who apply for EU membership. It also introduced, in Article 7, a mechanism to sanction serious and persistent breaches of human rights by the EU Member States. This mechanism was further reinforced by the Treaty of Nice concluded in December 2000. This also extended the objective of promoting the respect of human rights and fundamental freedoms, from development co-operation to all forms of co-operation with third countries (Art. 181bis TEC).

The Commission's action in the field of external relations will be guided by compliance with the rights and principles contained in the EU Charter of Fundamental Rights which was officially proclaimed at the Nice Summit in December 2000, since this will promote coherence between the EU's internal and external approaches. The Charter makes the overriding importance and relevance of fundamental rights more visible to the EU's citizens by codifying material from various sources of inspiration, such as the European Convention on Human Rights, common constitutional traditions, and international instruments.

The European Union is well placed to promote democracy and human rights. It is continually seeking to improve its own democratic governance, and the Commission will shortly adopt a White Paper on the theme. Uniquely amongst international actors, all fifteen Member States of the Union are democracies espousing the same Treaty-based principles in their internal and

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[1] The European Union and the External Dimension of Human Rights Policy, COM (95) 567 final; The Inclusion of Respect for Democratic Principles and Human Rights in Agreements between the Community and Third Countries, COM (95) 216 final; 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 and Countering Racism, Xenophobia and Anti-Semitism in the Candidate Countries, COM (99) 256 final. Communication on EU Election Observation and Assistance COM (2000) 191 final.

external policies. This gives the EU substantial political and moral weight. Furthermore, as an economic and political player with global diplomatic reach, and with a substantial budget for external assistance, the EU has both influence and leverage, which it can deploy on behalf of democratisation and human rights.

Since 1992, the EC has included in all its agreements with third countries a clause defining respect for human rights and democracy as 'essential elements' in the EU's relationship. This clause is unique in bilateral agreements. This approach has been further developed in the Cotonou agreement signed with African, Caribbean and Pacific (ACP) countries in June 2000 which is based on respect for human rights, democratic principles and the rule of law, and on good governance. It constitutes a major step in the development of the European Union's human rights policies.

In November 2000, the Council and the Commission adopted an important Joint Statement on the European Community's development policy[2], which has been welcomed by the European Parliament (EP). Together with the reform of the management of external assistance it represents a new framework for the implementation of EC development policy. This new development policy is firmly grounded on the principle of sustainable, equitable and participatory human and social development. The promotion of human rights, democracy, the rule of law and good governance are an integral part of it.

Poverty reduction, the main objective of the European Community's development policy, will only be sustainably achieved where there are functioning participatory democracies and accountable governments. Corrupt and autocratic governments are likely to misuse development assistance either to maintain repression or for private enrichment at the expense of their populations. Such governments also generate conflict and instability in their region. Democratic, pluralist governments which respect the rights of minorities are less likely to resort to nationalism, violence or aggression, either internally, against their neighbours or further afield. Conflict and instability is costly in human terms. It is also likely to bear upon the EU as the world's largest aid donor, and a favoured destination for immigrants.

The process of globalisation is a potential force for freedom and justice as well as for prosperity. But it has a dark side, too. There is a danger that globalisation will have a negative effect on the welfare of the world's poorest and most vulnerable groups, that not all countries and populations will be able to reap its potential benefits, and that it will lead to a uniformity of cultural values. Special attention needs to be paid to the rights of vulnerable groups, and to empowering those at risk of exclusion, if the process of globalisation is not to increase the division between the billions who benefit and the billions who are left in squalor and misery. The European Union has a role to play in providing positive answers to those concerns. Through its human rights and democratisation policy, it can contribute to making globalisation a truly inclusive process.

The EU should also encourage other global actors, such as multinational corporations (MNCs), to play a full part in increasing respect for human rights world-wide and to use their often considerable influence within a developing country to support rather than undermine that country's own efforts to achieve sustainable development. It is in the interests of those companies: stable countries and free societies are also the best places to invest and to do

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[2] Joint Statement on EC Development Policy, Council and Commission, 10 November 2000 available at: http://europa.eu.int/comm/development/lex/en/council20001110_en.htm.

business. For that reason, the promotion of human rights and democracy is also an essential complement to the EU's support for multilateral trade and investment facilitation.

The Joint Statement on the European Community's development policy stresses the importance of concentrating EC development co-operation on certain sectors. It identifies institutional capacity building (and in particular for democracy and good governance) as a strategic area for Community activities. It also identifies the promotion of human rights, equality between men and women, and children's rights among the principles to be mainstreamed into co-operation activities. This Policy Statement, together with the reform of the management of external assistance currently underway, represent a new framework for the European Commission's activities in support of human rights and democratisation.

This Communication identifies **three** areas where the Commission can act effectively.

- through promoting coherent and consistent policies in support of human rights and democratisation. This applies both to coherence between European Community policies, and between those policies and other EU action, especially the Common Foreign and Security Policy. It also relates to the promotion of consistent and complementary action by the EU and Member States, in particular in the promotion and mainstreaming of human rights through development and other official assistance;

- through placing a higher priority on human rights and democratisation in the European Union's relations with third countries and taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance;

- by adopting a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR), matching programmes and projects in the field with EU commitments on human rights and democracy.

The Communication therefore concentrates mainly, but not exclusively, on the role of the European Community's external assistance in promoting human rights and democratisation. It also responds to the request by the Cologne European Council conclusions to examine the advisability of setting up a European Agency for Human Rights and Democracy.

Chapters 2 and 3 focus on countries other than those which have been recognised as candidates for EU membership. For the candidate countries, the approach developed in Agenda 2000 on the basis of the accession criteria established in 1993 by the Copenhagen European Council applies.[3] These stipulate that membership requires that the applicant country ensures the *'stability of institutions guaranteeing democracy, the rule of law, human rights, and the respect for and protection of minorities'*. Fulfilment of the political Copenhagen criteria is a precondition for opening accession negotiations.

[3] The approach taken in Agenda 2000 was initially limited to the ten applicant countries of Central and Eastern Europe. However, following the Cardiff European Council in June 1998, it was extended to cover Cyprus and Turkey, and subsequently to Malta when it decided to re-activate its application for membership in February 1999.

2. A MORE COHERENT AND CONSISTENT EU APPROACH

The crosscutting nature of human rights and democratisation requires considerable effort to ensure consistency and coherence[4]. Community activities cannot be viewed in isolation from other European Union actions. The Council has also called for the strengthening of the co-ordination between the Commission and the Member States[5] in order to improve synergy between the action of the Community and that of the Member States.

To promote human rights and democratisation objectives in external relations, the EU draws on a wide-range of instruments. These derive themselves from the EU's commitment to protect fundamental rights as reaffirmed by the proclamation of the Charter. Some constitute traditional diplomacy and foreign policy, such as *démarches* and interventions in UN Fora, and sanctions. Others include financial co-operation instruments, and the bilateral dialogues, which complements them. Some are more innovative, and potentially underused, namely Community instruments in policy areas such the environment, trade, the information society and immigration which have the scope to include human rights and democratisation objectives. These tools should be used in a coherent manner, to achieve synergy and consistency and to ensure maximum effective use of resources to promote sustainable development and respect for human rights and democratisation world-wide. The Commission, which shares with the Council a Treaty obligation (Article 3 TEU) to ensure the consistency of its external activities as a whole, should work to ensure that these different instruments are used coherently and effectively. This effort needs to be made both internally, and with the Commission's main institutional partners, the European Parliament and the Council.

The full involvement of the European Parliament in the policies pursued in this area helps to ensure increased democratic legitimacy. The EP is active in tabling questions, holding debates, and passing Resolutions on human rights issues. It undertakes regular missions to third countries. Through its Interparliamentary Delegations, it has a significant role to play in encouraging the development of democratic parliamentary institutions in third countries. It maintains regular contact with human rights organisations and human rights defenders.

The Commission can best ensure that EP and Commission approaches are coherent and consistent by regularly exchanging views, and by reflecting Parliament's priorities in the Commission's approach wherever appropriate. In following up the Communication on Election Assistance and Observation, the Commission and the Parliament have already begun to reinforce co-ordination, in particular through the involvement of Members of the European Parliament (MEPs) in EU observation missions. Existing contacts should be intensified. The Commission will involve the Parliament in discussions of programming priorities for external assistance relating to human rights and democratisation. The Commission will provide the Parliament with regular updates on activities undertaken and an evaluation of how far its objectives have been achieved.

With the Council and Member States, the Commission is uniquely placed to promote consistency between Community activity, EU activity, and that of member states. For example, while a Community decision is needed to establish an EU election observation

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4 The *Comité des Sages* report also argued for an informed, consistent and credible human rights policy for the EU. Leading By Example - A Human Rights Agenda for the European Union for the Year 2000, – European University Institute (October 1998 – Report commissioned by the EC on the occasion of the 50th anniversary of the Universal Declaration of Human Rights available at http://www.iue.it/AEL/events.htm).

5 Conclusions of the General Affairs Council, 9.10.2000.

mission, the Commission should ensure that such decisions are consistent with the EU's political priorities and CFSP. The Commission also ensures through its input into Council discussions and the development of positions in international human rights forums that these reflect Community action, as well as CFSP. The Commission contributes a Community input to the drafting of the Council's Annual Report on Human Rights, established in 1999.

The Council's own approach to human rights and democratisation policy can be fragmented, since it addresses these questions both geographically and thematically, and in EC and CFSP configurations. The Commission shares a responsibility with the Presidency and individual Member States to ensure that positions are consistent.

Furthermore, the Commission chairs the Committees of Member States which are charged with agreeing the strategies and in some cases individual projects under the Community's co-operation instruments: European Development Fund (EDF), Technical Assistance to the Commonwealth of Independent States (Tacis), Asia and Latin America (ALA), Mediterranean (MEDA), European Initiative for Democracy and Human Rights (EIDHR) etc. It should ensure that the approach taken in these Committees is consistent both with CFSP positions taken by the Council, and with other Committees. The Commission should be alert to opportunities to foster coherence, for example by ensuring that Committees are aware of all policy and programming documents which have an impact on their area of interest, (while ensuring that decisions are only made in the appropriate body). The Commission will promote the mutual exchange of information on human rights and democracy policies, programmes and projects in order to create a culture of best practice, optimise the use of limited financial and human resources, and maximise the impact of projects on the ground.

On a country-by-country basis, and in line with the October 2000 General Affairs Council (GAC) Conclusions on external assistance, Commission delegations must promote coherent and complementary action through on-the-spot co-ordination and a regular two-way exchange of information on EC and member states' co-operation programmes and projects relating to human rights and democratisation. Such exchanges should not be limited to projects but also extend to thematic and policy issues relevant to the country in question.

The adoption of a Community Co-operation Framework for Country Strategy Papers in May 2000[6] now provides a strategic basis for such co-ordination. It also serves as a tool for the Commission itself to take a more coherent and consistent worldwide approach to the promotion of human rights and democratisation, using the various financial instruments available. Previous activity has sometimes been criticised as fragmented and inconsistent, including between countries and regions. The Country Strategy Papers encourage a more systematic approach by requiring an analysis of the situation in each country relating to human rights, democratisation and the rule of law.

In addition to its approach towards co-operation programmes, the Commission, consistent with its commitment to respect the EU Charter will ensure that in the formulation of other policies, any negative effect on human rights and democratisation is always avoided, and wherever possible, policies are adapted to have a positive impact. Particular policy areas of focus are likely to be **Justice and Home Affairs** including **immigration and asylum** and the **fight against organised crime**, **social policy**, the **environment**, **research, culture** and the

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6 Working Document of the Commission Community Co-Operation: Framework for Country Strategy Papers, SEC(2000)1049 and in particular Section B3 of the Political Analysis section http://europa.eu.int/comm/development/lex/en/sec2000_1049_0_en.htm

information society. A methodology for assessing impact will be developed on the basis of international experience, including that used to promote gender equality.

Trade and **investment** are areas that in recent years have seen a proliferation of initiatives intended to promote human rights, particularly in developing countries. The European Parliament has taken a particularly active part in this debate[7]. Other key players are the social partners (business, trade unions) and civil society organisations. Trade unions are often the largest mass membership organisations in partner countries, and are watchdogs for international labour standards, including freedom of association. The EU believes respect for social rights and labour standards leads to durable and equitable social and economic development. It pursues a positive approach by promoting social development through incentives and capacity-building measures, rather than sanctions. The EC has its own instrument in the 'social incentive clause' in the Generalised System of Preferences (GSP) which provides for additional preferences to be extended to countries honouring certain International Labour Organisation (ILO) standards[8]. The Cotonou Agreement encourages co-operation in the areas of trade and core labour standards. The Commission is also active in the debates in the ILO on core labour standards and in the Organisation for Economic Co-operation and Development (OECD) on the role of multi-national companies.

The Commission supports many of the initiatives taken on Corporate Social Responsibility (CSR) by other organisation. It intends to adopt a Green Paper on CSR in June 2001 that will seek views on the added value of an EU approach to promoting all aspects all aspects of CSR, including its external dimension.

3. INTEGRATING HUMAN RIGHTS AND DEMOCRATISATION INTO DIALOGUE AND COOPERATION

To be effective, respect for human rights and democracy should be an integral, or 'mainstream', consideration in all EU external policies. This means including these issues in the planning, design, implementation, and monitoring of policies and programmes, as well as the dialogue pursued with partners both by the Commission and the Council. Dialogue with third countries

3.1. Dialogue with third countries

States are primarily responsible for upholding human rights and fundamental freedoms. They are answerable to their citizens, the international community and the UN for failure to respect human rights in their countries. The most effective way of achieving change is therefore a positive and constructive partnership with governments, based on dialogue, support and encouragement. This should aim to improve mutual understanding and respect, and promote sustainable reform. However a prerequisite for success is that these states are genuinely ready to co-operate. The EU should pursue this approach wherever possible, while recognising that in some cases, the third country may have no genuine commitment to pursue change through dialogue and consultation, and negative measures may therefore be more appropriate. This is

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7 EP Report (Howitt) A4-0508/98 on EU standards for European Enterprises operating in developing countries: towards a European Code of Conduct

8 Council Regulation (EC) No 2820/98 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 OJ L 357 , 30.12.1998 P. 0001 – 0112.

the basis on which the EU's essential element agreements, and the 'suspension clauses' operate. All avenues for progress are explored before the EU resorts to sanctions.

3.1.1. Regional and bilateral dialogues, and partnership and co-operation agreements

The EU engages in a political dialogue of varying degrees of formality with all countries with which it has relations. In many cases, the basis for a dialogue on human rights and democracy is the 'essential elements' clause included in all third country Community agreements since 1992, which now applies to over 120 countries[9]. Even where an agreement including such clauses is not in force, political dialogue should reflect Treaty provisions on human rights and democracy. Annex 1 gives more details on dialogue arrangements with geographical regions.

'Essential elements' clauses stipulate that respect for fundamental human rights and democratic principles as laid down in the Universal Declaration on Human Rights (UDHR) underpin the internal and external policies of the parties and constitute an 'essential element' of the agreement. In more recent agreements, this is enhanced by a final provision dealing with non-execution of the agreement. This requires each party to consult the other before taking 'measures' save in cases of special urgency. An interpretative declaration, or the clause itself, clarifies that cases of special urgency include breaches of an 'essential element' of the agreement. Measures can include, *inter alia*. the suspension of high level contacts, and changes to co-operation programmes, including the postponement of new projects or the use of different channels of delivery. For example, the EU may suspend co-operation with governments but continue support to local populations through projects carried out by civil society organisations.

However the EU's insistence on including essential elements clauses is not intended to signify a negative or punitive approach. They are meant to promote dialogue and positive measures, such as joint support for democracy and human rights, the accession, ratification and implementation of international human rights instruments where this is lacking, as well as the prevention of crises through the establishment of a consistent and long-term relationship. The dialogue on human rights that they enable should be a two-way one, with the EU also agreeing to discuss human rights and democratisation issues within its own borders.

As a reflection of both sides' interest in promoting human rights, the dialogue should also be used to exchange views on thematic issues which may not be of concern in that country, such as the death penalty, torture and racism and xenophobia, the human rights of women, not least in order to build coalitions and support for EU positions in international fora, including the UN. In addition, dialogue can provide for a useful exchange of views on the human rights situation in other third countries, in particular where partners bring greater knowledge and expertise to the table.

The Commission believes that the more systematic inclusion of human rights and democracy issues into political dialogue will give substance to the essential elements clauses and permit both parties to identify the most effective measures needed to build political and economic stability. A long-term dialogue on human rights and democratisation is also an element in the EU's conflict prevention strategy[10]. It can have an early warning role by highlighting at an

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[9] A model clause was approved by the Council in 1995. The Commission's approach is outlined in its Communication on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries (COM (95) 216 final).

[10] Communication on Conflict Prevention of 11 April 2001 (COM (2001) 211).

early stage problems which could in the future lead to violent conflict as well as contributing to their resolution.

In all its dialogues with third countries (other than the candidate countries who have a special status), the Commission will in future seek to ensure that the discussion covers issues of concern relating to human rights and democracy, where this is not already the case. This will apply both to the Commission's own dialogue including that conducted through its delegations, and the dialogue that takes place on an institutionalised basis (Troika format, Association Councils etc).

3.1.2 Approaches to dialogue

Discussions between the Commission and the partner country should in particular be linked to the establishment of the EC's assistance programme. The dialogue should encourage partner governments to pursue the objective of peace and stability as an integral part of their development plans, and identify opportunities for EC assistance to contribute to those objectives. Discussions should consider how ratification of the fundamental human rights instruments and of other rights-based international agreements (e.g. ILO conventions, Convention on Bio-diversity) and their effective implementation could be pursued, together with consideration of how UN recommendations should be followed up. This reflects the EC's development priority of promoting institutional capacity-building, good governance and the rule of law.

The analysis of the political and security situation included in Country Strategy Papers provides a starting point. The common CSP framework requires this to be considered in a broad context, including the regional dimension, the human rights situation, i.e. economic and social rights as well as civil and political rights, and relevant cultural and social factors with direct impact on the political process and on the potential for conflicts and instability. These can include questions of democratic participation (including universal suffrage, free elections, multiparty structure, equality of access to political activity, participatory decision making); human rights (including adherence to, and implementation of, commitments under international human rights Treaties and Conventions, protection of civil liberties including freedom of speech and of assembly, effective operation of human rights monitoring); and the rule of law (including an independent and effective judiciary, transparent legal framework, equality of all citizens before the law, police and public administration subject to the law, enforcement of contractual obligations).

Successful dialogues should include the joint establishment of certain goals depending on local circumstances. These are necessary for both the EU and the partner country to measure progress over time. These could include the ratification of international instruments, peaceful resolution of existing or potential conflicts, or concrete improvements in respect for human rights of vulnerable groups. Some internationally accepted benchmarks exist, for example as established by the ILO, the UN and the Council of Europe. The Commission will draw on these as appropriate, and where there are new developments in this field, assess their usefulness. However, the EU should avoid the mechanistic use of indicators, or attempt to compare or rank countries' performance. Each situation is different. Trends matter more than snapshots. The EU's objective should be to pursue a consistent approach between countries and regions, and avoid double standards.

Dialogue should be transparent. The Commission will evaluate the impact of its dialogue and related activities, and report on it to the Parliament and the Member States.

3.1.3 Dialogue with civil society

Civil society makes an important input into policy-making for all regions with which the EU has relations. The Cotonou Agreement formally gives to civil society including NGOs an enhanced role. The Commission will build on experience and continue the dialogue on human rights and democratisation issues with civil society and NGOs both through its delegations and in Brussels, including through the Human Rights Contact Group meeting in the European Parliament.

These exchanges provide useful information for both sides and strengthen mutual understanding. They should take place in the framework of the Commission's overall approach to dialogue with civil society. Dialogue with Commission policy-makers should be made easier, for example through greater transparency of Commission policy-making and use of the Internet. At local level, the Commission will use its co-ordination role to hold occasional roundtables with civil society- and member states. These could both cover policy issues and identify areas where the EC and member states could potentially provide support to strengthen civil society.

The December 1998 Council conclusions called for a '*reflection on the usefulness of convening a periodic human rights discussion forum with the participation of EU institutions as well as representatives of academic institutions and NGOs*'. Three Forums have been held so far in co-operation with the Council Presidency[11] and a fourth will take place in May 2001.

The Commission believes that these Forums have served a useful role, and that the Forum, appropriately constituted, could serve as the centrepiece for the EU's dialogue with NGOs on human rights and democratisation. However, there is undoubtedly room to improve the Forum's effectiveness and representativeness (including possible wider civil society participation), and to be clearer about its purpose. The Commission will therefore evaluate the Forums held so far, and on the basis of this, consult the Council, European Parliament and the NGOs themselves, on the best way forward. The Commission will make suggestions on how the Forum can play a role in implementing the approach in this Communication.

3.2. 'Mainstreaming' the promotion of human rights and democracy in EC assistance programmes

The European Community's external assistance programmes (Phare, Tacis, ALA, MEDA, CARDS) total some € 5 billion p.a. in addition to European Development Fund resources for the African, Caribbean and Pacific countries (13.5 billion Euro under the 9th EDF between 2000-2007)[12]. This assistance is available, *inter alia*, to promote human rights, democracy and the rule of law, through programmes focussed primarily but not exclusively on assistance channelled via governments, much of it targeted at tackling the root causes of poverty.

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[11] EU Discussion Forum, Brussels, 30 November and 1 December 1999 – EU Human Rights conference 'The EU and the Central Role of Human Rights and Democratic Principles in Relations with Third Countries', Venice, 25-28 May 2000 – EU Human Rights Forum, Paris, 13 December 2000. http://europa.eu.int/comm/external_relations/human_rights/conf/index.htm.

[12] As an example, 182 m€ of EDF programmes in direct support of human rights and democratisation from 1997- 2000. A further 115 m€ supported election assistance and observation between 1996 and 1999, of which 71 m€ was spent in Africa (some under the EDF).

With the exception of the EDF (which operates under the Cotonou Agreement), programmes are based on Council Regulations, which specifically identify human rights and democratisation as principles or priorities, although the way in which this is done varies. The EC's Development Policy also targets the root causes of poverty and is grounded on the principles of sustainable, equitable and participatory human and social development.

The financial instruments in favour of candidate countries (in particular Phare) are a sound basis for a coherent treatment of the human rights and democracy problems. For the other instruments, the Commission will enhance the positive impact of EC assistance programmes on respect for human rights (including economic, social and cultural rights) and democratisation by:

- Including these issues in the dialogue used to draw up the Country Strategy for EC assistance (as outlined in 3.1.2 above)

- Using Country Strategies to focus on sectors or cross-cutting interventions to improve the overall governance situation and make complementary use of the full range of EC instruments available, including the EIDHR (see below) to promote human rights and democratisation

- Supporting participation of civil society in the EC's development co-operation, in line with the approach in the Cotonou Agreement, and building the capacity of civil society actors engaged in dialogue and implementation of programmes.

- Taking active steps to use participatory approaches in programme design and to assess, monitor and enhance the impact of individual projects and programmes on human rights

- Taking performance in the area of human rights (including economic, social and cultural rights), democracy and the rule of law into account when deciding country allocations under the main co-operation programmes.

The Commission will examine the possibility of systematically assessing the human rights and democratisation impact of co-operation projects, so as to both avoid negative effects and enhance positive impacts. It will study the experience of member states, international organisations and other donors in the field, as well as the approach taken by the Commission to gender and environmental impact assessments. Even where such impact assessments are not feasible, Commission staff working on assistance programmes still need training and greater awareness of human rights and democratisation issues to apply the new approach outlined above.

In its co-operation with African, Caribbean and Pacific countries, the Commission has already begun to consider progress in implementing institutional reforms for human rights, democracy, the rule of law and good governance as an element in defining allocations for individual countries within the total EDF financial envelope. The Communication 'Revitalising the Barcelona Process' announced that the same approach would be taken for MEDA. This is an important positive measure in encouraging action by governments, and Commission will extend it to other regions, in order to promote a coherent approach worldwide, and encourage member states to do likewise.

Humanitarian assistance provided by the European Community's Humanitarian Office (ECHO) is intended to relieve human suffering and Regulation 1257/96 states unequivocally that EC "humanitarian aid decisions must be taken impartially and solely according to the victims' needs and interests". EC humanitarian aid is therefore provided to all victims of crises, unconditionally, impartially and independently of political convictions. It is not subject to recipient countries' human rights records.

However, the Commission, through ECHO, has an obligation to ensure that humanitarian activities themselves respect and contribute to the protection of the human rights of the victims of armed conflict. There is also an emerging consensus among humanitarian NGOs and International Organisations that integrating human rights analysis into the early planning of humanitarian activities may alleviate possible negative side effects and perhaps even contribute to the protection of the rights of victims.

The Commission has therefore recently launched a 'human rights approach to humanitarian assistance'. This has two aspects: humanitarian protection activities are funded in emergencies, and human rights considerations are mainstreamed into humanitarian assistance. This means that as of 1 February 2001, when submitting humanitarian projects for funding by ECHO, partners must explain how their operation will impact on the human rights situation in the field.

4. THE EUROPEAN INITIATIVE FOR DEMOCRACY AND HUMAN RIGHTS (EIDHR)

Approximately 100m€ is available annually under Chapter B7-7 of the budget, known since 1994 as the European Initiative for Democracy and Human Rights (EIDHR), to support human rights, democratisation and conflict prevention activities to be carried out primarily in partnership with NGOs and international organisations. Regulations 975/99 and 976/99[13] provide the legal basis.

The EIDHR has been the subject of a number of EP Reports[14] and evaluations[15]. These have generally acknowledged the positive contribution made by the EC towards the protection of human rights and the development of democratic processes in third countries. However, they have also commented that the impact of EC assistance through both the EIDHR and the main assistance programmes is reduced because of a lack of focus on priorities, as well as the limited sustainability of action. These reports suggested that its impact could be considerably enhanced through the development of a more strategic vision of how to use the instruments available to the Community in support of human rights and democracy objectives. The management of the programme has also been criticised.

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13 Council Regulations (EC) Nos. 975 and 976/99 of 29 April, O.J. L 120 of 8 May 1999.

14 Lenz Report on setting up a single coordinating structure within the European Commission responsible for human rights and democratisation, PE 220.735/fin, 4.12.97; Imbeni 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, PE 223.610/fin, 2.12.97; Roubatis Report on COM(95) 0567 – C4 – 0568/95, PE228.009fin. 6.11.98.

15 See http://europa.eu.int/comm/europeaid/evaluation/index.htm, including: Evaluation of Aspects of EU Development Aid to the MED Region, COWI, Denmark, November 1998; Evaluation of Community Aid concerning positive actions in the field of human rights and democracy in the ACP countries, 1995–1999; Franklin Advisory Services August 2000. Evaluation of the PHARE and TACIS Democracy Programme: European Institute (Sussex)/ISA Consult/GJW, November 1997. See also European Court of Auditors Special Report 12/00 on the management by the Commission of European Union support for the development of human rights and democracy in third countries (OJ C 230, 10.08.2000).

The Commission has already begun to reform the programming and implementation of the EIDHR, and the overall reform of EC external assistance will further significantly improve its effectiveness. The management of the EIDHR is being made more transparent, including through regular publication of reports of actions funded[16] and the establishment of guidelines, standard formats and project appraisal documents that set out clearly how project proposals are to be assessed and selected.

In its future implementation of the EIDHR, the Commission will build on the experience acquired over the last few years, basing itself on the Commission's 1998 Vade-Mecum on Grant Management which sets out the main procedures to be applied in committing, and subsequently spending, budget line funds. This document requires, *inter alia*, that the availability of grants must be publicised widely and that "targeting should be achieved by clearly defining the purpose of grants, as derived from the policy goals and desired impact".

Three instruments are currently used to implement the EIDHR, and they will continue to form the basis of the EC's approach. They are:

- **Calls for Proposals**, involving publication in the Official Journal and on the Commission's website.

- **microprojects** (<50,000€ over 12 months), managed by Commission delegations and awarded through local Calls for Proposals. These should be extended to more delegations as they acquire greater local management capacity in line with the reform of external assistance.

- **targeted projects**[17], carried out in support of policy objectives which cannot be covered under Calls for Proposals or microprojects, selected in line with transparent, published guidelines.

The Commission will also pursue more effective evaluation of activities undertaken and their impact, including through regular exchanges of experience with the Human Rights and Democracy Committee of member states examining both EC and bilateral activities to seek synergies and improvements. The scope for establishing indicators of impact will be pursued.

4.1 The added value of EIDHR

Despite these improvements which are planned or in train, there is still a need to develop a more strategic approach for the EIDHR and its relationship to other instruments, in line with the recommendations of the Court of Auditors. The strategy for the EIDHR should be based on its added value in promoting EU human rights and democratisation objectives. Compared to **other EC instruments,** it:

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16 The implementation of measures intended to promote observance of human rights and democratic principles in external relations (1996-1999)' COM (2000) 726 final of 14.11.00. A detailed report on the activities supported under the 2000 budget will be published in June 2001.

17 All projects funded through the EIDHR, including those selected via Calls for Proposals, are targetted on specific objectives. The use of the term 'targetted projects' refers to those financed at the initiative of the Commission in line with specific priorities

- is complementary to the EC programmes carried out with governments (EDF, Tacis, ALA, MEDA, CARDS, Phare, etc) in that it can be implemented with different partners, and in particular NGOs and international organisations. In addition, it represents a form of 'human rights venture capital fund', allowing the launch of initiatives on a pilot or experimental basis which may subsequently be taken up by governments on a wider scale;

- can be used without host government consent, or where the main EC programmes are not available for other reasons, such as their having been suspended;

- is an essential complement to the EU's Common Foreign and Security Policy objectives in the fields of human rights, democratisation and conflict prevention. In some regions, it provides the only legal base for certain activities including the promotion of political and civil rights, election observation and conflict resolution initiatives[18].

The EIDHR's main added value compared to **other donor** support in this area is that it:

- is identified with the EU, and reflects and promotes its values, including institutionalised multilateralism, fundamental rights, democracy and the rule of law, and respect for minorities;

- provides grants that are perceived as having the EU's political backing, which can at times help protect potentially vulnerable civil society organisations *vis-à-vis* repressive governments;

- can be used to take more political risks than the support provided by a member state with commercial or political interests;

- is understood as impartial, particularly in comparison to other national donors;

- can be used to pursue human rights and democratisation initiatives on a regional basis, reflecting the EU's own nature as an organisation committed to regional integration, as well as the existence of agreements between the EU and regional groupings.

4.2 Establishing a strategy for the EIDHR

The EIDHR must have a more strategic, prioritised and longer-term approach, so as to enhance its impact and effectiveness in view of the comparatively limited budget and the resources to manage it. The EIDHR strategy will have **three** elements:

(1) a limited number of thematic priority issues, selected on the basis of the EIDHR's added value and potentially to be addressed in all countries outside the EU. For these issues, the Commission will seek to establish a specific role for itself, not only within the EU, but also on the international scene.

(2) the identification of certain 'focus countries', chosen in line with the EU's political and development priorities, and the particular added value of the EIDHR in meeting them.

(3) the potential for flexibility to allow the EU to respond to urgent and unforeseen needs.

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[18] Communication on Conflict Prevention, 11 April 2001 (COM (2001) 211).

The priorities identified through this strategic approach will form the basis of the annual programme that is submitted to the Committee of member states for examination. This programme is reviewed each year, and the priorities - both thematic and country - can be adapted as appropriate. The annual programme will also be discussed with the European Parliament and at the annual Discussion Forum for Human Rights NGOs.

4.2.1 Thematic Priorities

Priorities should be identified in terms of **themes** or **issues** aimed at addressing specific medium to long-term goals. Priorities should not be defined on the basis of **activities**, such as human rights training. These are a means of contributing to tackling those issues, but not an end in themselves. Nor should they be defined in terms of **target groups.** Where the EC wishes to enhance the impact on the rights of certain groups (for example women, children and indigenous peoples), this should be addressed in the project design and the selection methodology. In particular, and in line with the EC's Development Policy Statement, the Commission should ensure that promotion of gender equality, and of children's rights are mainstreamed in all thematic priorities pursued under the EIDHR. The same approach applies to the rights of indigenous people, in line with the Commission's working document and the Council's Resolution, which called for respect for the rights of indigenous peoples to be integrated as a cross-cutting aspect at all levels of development cooperation, including policy dialogue[19].

The Commission recognises that certain groups, such as children and indigenous peoples, are particularly vulnerable. But the Community, in highlighting certain human rights and democracy objectives, should focus its action on addressing the root causes of the problems, rather than the symptoms.

Where relevant, encouragement will be given to projects that have a regional dimension, reflecting the EU's added value and in line with the EU's policy of encouraging regional co-ordination and integration.

The Commission proposes the following **four** thematic priorities for the EIDHR programme for 2002 and in the medium-term:

(1) Support to strengthen democratisation, good governance and the rule of law

This should focus on working with civil society to promote greater participation of people in decision-making at all levels, including an equal participation of men and women, and different identity groups (ethnicity, religion etc); the development of pluralist political processes; a free media; an independent and well-functioning justice system; the rights of freedom of association and assembly; and support for electoral processes including observation by domestic and EU observers.

A flourishing civil society, able to draw on an independent and impartial legal system, plays a fundamental role in holding governments accountable and denouncing human rights abuses. Strengthening and empowering individuals and civil society, including through education, training and awareness raising, and enabling effective advocacy for all rights, including social, economic and cultural rights, are essential complements to our assistance programmes with

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[19] Council Resolution on indigenous peoples within the framework of the development cooperation of the Community and the Member States, 30 November 1998 adopted on the basis of the Commission Working Document on Indigenous Peoples of 11 May 1998 (SEC (1998) 773). The Commission will report on follow-up of the Resolution in 2001.

governments, particularly those involving good governance, institution-building, the rule of law and poverty reduction. EIDHR support should not duplicate existing mainstream programmes carried out with government, although the activities undertaken may provide an input to future programmes with governments. Locally managed microprojects are a particularly useful tool to fulfil this priority. Where civil society is weak and needs strengthening - for example, under, or in the aftermath of a dictatorial regime - local NGOs are unlikely to have the capacity to apply for funding from Brussels.

Support for measures facilitating the peaceful democratic conciliation of group interests, and resolution of differences is important for conflict prevention, as is training in the rule of law, and in particular humanitarian law.

Election assistance and observation is an area of increasing EC support, both because of the central importance of elections to democratisation, but also as a reflection of the added value of a co-ordinated EU presence in election observation.

(2) Activities in support of the abolition of the death penalty

The EU's commitment to the abolition of the death penalty was reaffirmed in Article 2 of the EU Charter. It is a requirement for countries seeking EU membership. It is a high profile policy that the EU pursues in international human rights fora and in dialogue with all countries, regardless of the nature of the EU's relationship with them. It is an area where the EU is taking the lead and other donors are less active. Support for abolition of the death penalty should include projects intended to reduce its use, for example by promoting debates at government and civil society level on its ineffectiveness in reducing crime.

(3) Support for the fight against torture and impunity and for international tribunals and criminal courts

The EU's commitment to the fight against torture and inhuman and degrading treatment or punishment was reaffirmed in Article 4 of the EU Charter. EU policy guidelines on the fight against torture have been adopted[20]. Assistance programmes should complement them. The Commission has devoted significant resources to activities relating to torture, including the rehabilitation of torture victims, and the political protection provided by EC support can be important for NGOs active in this sensitive area. In seeking to be an agent of change, the EU should ensure that it focuses as much as possible on prevention, including through human rights education of the police and other possible agents of torture.

The EU has been a strong supporter of the establishment of international tribunals and the International Criminal Court. Addressing impunity is important to preventing, resolving and dealing with the consequences of conflict.

(4) Combating Racism and xenophobia and discrimination against minorities and indigenous peoples

This is an area where the EU has significant internal as well as external policy competence. The Council of Ministers has recently adopted two Directives, under Article 13 of the EC Treaty, providing protection against discrimination in employment and other areas on grounds of racial and ethnic origin, religion and belief, disability, age and sexual orientation. The EU Charter lays down the equality before law of all people (Art. 20), prohibits discrimination on

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[20] Conclusions of the General Affairs Council, 9 April 2001

any ground (Art, 21) and requests the Union to protect cultural, religious and linguistic diversity (Art. 22). Measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups are important to conflict prevention. EIDHR action will reflect the Declaration and Plan of Action to be adopted at the World Conference against Racism in Durban in September 2001[21]. Special attention will given to promoting and supporting the rights of indigenous peoples in the framework of the International Decade of the World's Indigenous Peoples (1995-2004).

The above thematic priorities primarily focus on political and civil rights, as this is where the EIDHR has particular added value compared to other EC instruments. This is not to question the indivisibility and interdependence of political, civil, economic, social and cultural rights, or to accord political and civil rights a higher priority. Rather, it reflects the fact that significant material support for the promotion of social, economic and cultural rights should generally be pursued through the Community's main development assistance programmes (e.g. health, education and food security). These instruments have greater added value in this area, not least through the significantly greater resources that are available to address what are generally expensive problems. However, the first priority identified above, ('democratisation, good governance and the rule of law') includes support for awareness raising and capacity building of groups who pursue a rights based approach to basic human needs and access to resources. Social, economic and cultural rights as human rights objectives are also promoted through the EC's development co-operation and external assistance programmes (see **3.2**).

In support of an EU strategy for the promotion of **Corporate Social Responsibility (CSR**), the encouragement of CSR initiatives in third countries, and support to trade unions and other NGO monitoring bodies, might be considered a future priority for the EIDHR. However the list of priorities should be not be lengthened, if strategic focus is to be maintained.

4.2.2 Country Focus

In addition, the Commission will identify a limited number of 'focus countries' on which it intends to concentrate EIDHR support, and where issues that are not global thematic priorities can nonetheless be addressed through use of EIDHR **targeted projects**. These countries, and the issues, will be identified primarily on the basis of the analysis and priorities identified in CSPs and Accession Partnerships, so as to ensure coherence and complementarity with other EC instruments, and the establishment of a critical mass of EC support. Wherever possible, **microproject** budgets will be made available to delegations in focus countries. Designation as a focus country will also mean that greater priority will be given to projects involving those countries in **Calls for Proposals**.

Identification as a focus country will not necessarily signify that the country concerned is classified by the EU as one of the worst offenders against human rights, or one where democracy is least evident. Rather it will be an indication of the political priority which the EU attaches to working to strengthen respect for human rights and democracy in that country, or to preventing and resolving conflict, as well as the potential for activity under the EIDHR to contribute to those goals.

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[21] World Conference against Racism, racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa – 31 August -7 September 2001. The Commission will present a contribution to this conference in a Communication to be adopted in May 2001.

In some cases, the country will be considered an EIDHR focus country due to the non-availability of other funding instruments, or due to a desire to channel support via the NGO sector. In identifying focus countries, geographical balance will be taken into account, although this should not be the main concern. The Commission will be guided primarily by need and the scope for effective action by the EIDHR.

Focus countries will be included in the annual programme for the EIDHR. They will therefore also be reviewed on an annual basis, taking into account EU positions and statements in international forums to ensure coherence across pillars, the views expressed by NGOs, and an evaluation of the effectiveness of previous EIDHR support.

4.2.3 Flexibility

An important element of the EIDHR strategy is to allow the EU to respond to urgent and unforeseen needs which will inevitably arise, and where the EIDHR is the appropriate instrument to pursue the EU's objectives. Conflict resolution initiatives are an example, as are positive measures in support of an Article 96 consultation under the Cotonou Agreement, or in situations where other forms of aid have been suspended. The annual programme for the EIDHR will retain the budgetary flexibility to respond to such needs. Projects outside established priorities should nonetheless be clearly driven by the EU's strategic priorities.

Additional flexibility to respond to human rights and democratisation priorities at a country level will be permitted through the **microprojects** scheme. When establishing priorities for local Calls for Proposals, Commission delegations should base themselves on the global priorities, but may adjust them to address specific local issues, particularly where these are identified in CSPs and Accession Partnerships.

This strategic approach to EIDHR programming will be discussed with the Committee of Member States, European Parliament and NGOs, with a view to implementing it for the 2002 budget.

The Regulations providing the legal basis for the EIDHR expire on 31 December 2004. They require the Commission to provide the Council with an assessment of the operations financed by the Community under the Regulations in 2002, which may be accompanied by appropriate proposals concerning their future.

4.3 Co-operation with the United Nations and other international organisations

While primarily focussed on direct support to civil society through NGOs, the EIDHR is an important instrument for co-operation with international organisations. Joint projects have been pursued for several years with the Council of Europe and OSCE/Office for Democratic Institutions and Human Rights (ODIHR). In 2000, following the agreement between the UN and the EC on the principles applying to the financing of programmes administered by the UN, the Commission established a comprehensive programme of co-operation in the field of human rights with the Office of the High Commissioner for Human Rights (OHCHR) with emphasis on providing support to the World Conference against Racism.

Co-operation between the Commission and international organisations is important to the pursuit of the EU's human rights and democratisation objectives. It should be made more effective, and based both on the comparative advantage of the organisation and the EC's priorities as established in the EIDHR programme. In some focus countries, international bodies such as the UN and the International Committee for the Red Cross (ICRC) may have privileged access to work to improve the human rights situation, making them natural partners for the Commission. The Commission and international organisations should work together to ensure that the EC contribution highlights the priority which the European Union attaches to

those particular causes. Decisions to co-finance projects should naturally be guided by the same considerations of need, cost-effectiveness and sustainability which apply to all projects undertaken through the EIDHR. The Commission will seek to agree co-operation strategies with certain international organisations and fix achievable and realistic medium/long-term goals. Co-financed programmes and projects coherent with such strategic plans could then be identified.

Co-operation with the UNOHCHR is particularly important as a reflection of the importance the EU attaches to the signature, ratification and application of international human rights instruments by the third countries with whom it has partnerships, as well as to the follow-up of relevant recommendations by UN bodies. Enhanced co-operation could involve not only projects, but also support to the UN mechanisms (e.g. special rapporteurs) where these relate to issues identified as a priority for the EU. This would contribute to strengthening the multilateral framework to which the EU is committed. Such an approach would identify the OHCHR as a partner for the EC on an *ad hoc* basis, and is consistent with the Communication on building an effective partnership with the UN[22].

5. A EUROPEAN HUMAN RIGHTS AGENCY?

The European Council first mooted the possibility of a European Human Rights Agency in the run-up to the 50th Anniversary of the Universal Declaration of Human Rights, celebrated by EU Foreign Ministers in Vienna in December 1998. Paragraph 46 of the Cologne Conclusions of June 1999 reads *'The European Council takes note of the Presidency's interim report on human rights. It suggests that the question of the advisability of setting up a Union agency for human rights and democracy should be considered'*.

Two alternative models have been floated. The first model, a reporting and/or advisory agency, was put forward in the 'Comité des Sages' report. However, the Commission considers that the European Union does not lack for sources of advice and information. It can draw on reports from the United Nations, the Council of Europe and a variety of international NGOs. Furthermore there is no monopoly of wisdom when it comes to analysing human rights and democratisation problems, or their implications for the European Union's relations with a country. The real challenge for any institution is to use the information in a productive manner, and to have the political will to take difficult decisions. An additional advisory body would not overcome this challenge. The Commission does not therefore intend to pursue this suggestion, nor the related one which has been occasionally been made that the Commission should produce, or subcontract an organisation to produce, a world-wide overview of the human rights situation by country, as is done by the US State Department.

The second model which has been suggested is that of an 'implementing agency', which would be involved in identification of human rights and democratisation projects, allocation of grants and overseeing their implementation. The Commission's general approach to this issue is set out in its Communication on the externalisation of the management of Community programmes[23]. It includes a proposal for a Council Regulation laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes. However, the Commission believes that establishing a separate agency outside the EuropeAid Co-operation Office to support human rights and democratisation in third

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22 Communication on "Building an effective partnership with the United Nations in the field of Development and Humanitarian Affairs" – scheduled to be adopted 2.5.01.

23 COM (2000) 788 final.

countries would undermine the EIDHR's essential purpose as a complement to the main EC assistance programmes and a support to the EU's specific CFSP objectives. The Commission will therefore focus on implementing the improved approach to human rights and democratisation policies outlined in this Communication and will not propose the creation of a new body.

6. CONCLUSIONS

This Communication has identified three areas in which the Commission can play a more effective role in the pursuit of the EU's human rights and democratisation objectives: through the promotion of **coherence and consistency** across EU and EC policies; through placing a higher priority on, and **'mainstreaming',** human rights and democratisation objectives in the European Union's relations with third countries, in particular through political dialogue and strategic use of its external assistance programmes; and through adopting a more focussed and **strategic approach** to the European Initiative for Democracy and Human Rights (EIDHR).

The Commission will promote coherence and consistency both between EU actions under the different Treaty pillars, and also between EC actions and those of Member States. The Commission's dialogue with third countries should be pursued in a consistent and coherent way and be based on internationally agreed human rights standards and instruments, in particular those of the UN. The Commission will also seek opportunities in other areas of Community policy, such as trade, immigration and the environment, to propose policies and initiatives which favour respect for human rights and democratisation, including through the promotion of Corporate Social Responsibility.

The Commission should ensure that all EC assistance instruments are mobilised in support of human rights and democratisation objectives. The Country Strategy Papers, which should highlight human rights, democratisation, the rule of law and good governance, will be the main instrument in establishing this coherence, including for the Commission's own dialogue with partner countries.

The Commission's future approach to the EIDHR will be based on the identification of a limited number of priority themes and a number of countries on which the Commission will particularly focus, to be reviewed annually, in consultation with the member states, Parliament and civil society. The management reforms already underway for the EIDHR will be continued, to achieve greater transparency, effectiveness and sustainable impact.

The Commission will pursue the new approaches and actions identified in consultation with the Council, European Parliament and civil society, as well as other donors and international organisations. The importance of dialogue and consultation with civil society when it comes to integrating human rights and democratisation into the European Union's activities, and in particular, EC development policies, cannot be overestimated. The Commission will seek to deepen this and make it more effective, *inter alia* through the NGO Human Rights Forum.

The European Union, should, on the one hand, work with governments through its dialogue and co-operation programmes. By including a crosscutting focus on governance issues in country strategies, it can promote internal reforms and respect for international human rights instruments. On the other hand it can support and build the capacity of civil society to demand change. The EU can also focus its support on special issues of concern, as well as optimising the potential of not only its assistance but all its policies to promote respect for certain rights.

The chief responsibility for democratisation and promoting respect for human rights lies with governments. But on the basis of the objectives it has set itself in this Communication, the Commission will regularly evaluate whether progress is being made, and the extent to which EU activity has contributed to that progress, and report on this. **A list of action points arising from the Communication is included in Annex 2.**

The Council, the European Parliament and the other partners with whom the Commission co-operates to promote respect for human rights and democratisation are invited to support the approach in this Communication, and to work with the Commission to implement it.

Annex 1

Dialogue arrangements with geographical regions

[taken from section 3.1.1]

Where institutionalised, the dialogue takes different forms. That with the accession countries is most advanced, and builds on the 'Copenhagen criteria' established for accession by the EU in 1993. In its Opinions on the Central and Eastern Europe countries' applications for accession to EU[24], the Commission analysed the situation relating to democracy, rule of law and to human rights (civil, political, economic and social). These opinions also covered the respect and protection of minorities, including their right to maintain their cultural identity, to equal treatment in social and economic life, and protection against hostility from the majority population (and even the police). In line with the Agenda 2000 approach, the Commission assesses progress towards meeting the accession criteria in the Regular Reports on each country (since 1998). This approach ensures coherence between the various EU instruments and institutions, as well as co-ordination with relevant international organisations such as the Council of Europe and the OSCE. Countries wishing to become members of the European Union are expected not only to subscribe to the principles of democracy, the rule of law, human rights (civil, political, social, economic and cultural rights) and the respect for and protection of minorities, but to put these into practice.

In order to help the candidate countries remedy the specific weaknesses identified in the Regular Reports, the Community establishes an Accession Partnership for each of the candidate countries. These Accession Partnerships identity priorities for each country to fulfil the accession criteria. They also indicate the financial assistance available from the Community in support of these priorities and the conditions attached to that assistance.This Pre-Accession Strategy, based on regular assessments of progress made by the candidate countries in meeting the Copenhagen accession criteria, and Accession Partnerships including targeted assistance, has led to positive developments in all candidate countries, particularly concerning the Copenhagen political criteria. As part of this approach, the development of civil society is also encouraged, in particular through ACCESS, a multi-country Phare programme running until 2002.

This overall approach has successfully promoted coherence between the EU's various instruments, as well as with other organisations such as the OSCE. It has led to positive developments in all candidate countries, including problems relating to minorities. Nonetheless, significant and widespread discrimination exists towards the Roma. This continues to require an intensified effort.

The Cotonou Agreement with the ACP States[25] is built on three interrelated components: political dialogue, trade and investment, and development co-operation. It gives high priority to fostering gender equality, supporting institutional development and improving capacity for good governance. Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are explicitly mentioned as integral parts of sustainable development.

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[24] 15 July 1997 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia).

[25] 20-year Agreement between the Community and its Members States and 77 countries of the African, Caribbean and Pacific Group signed on 23 June 2000 - EUR 13.5 billion for the initial five-year period.

Respect for human rights, democratic principles and the rule of law constitute the essential elements of the Agreement. A new procedure has been drawn up for cases of violation of those elements. The new procedure puts more emphasis on the responsibility of the State concerned and allows for greater flexibility in the consultation process. In cases of special urgency - serious violations of one of the essential elements – appropriate measures will be taken immediately.

A major innovation in the Cotonou Agreement lies in a mutual commitment to good governance, defined as the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. The negotiations between the EU and the ACP States on the concept of good governance resulted in a two-pronged approach: on the one hand, a commitment to good governance as a fundamental and positive element of the partnership, a subject for regular dialogue and an area for active Community support; and on the other hand, an agreement to consider that serious cases of corruption, including bribery leading to such corruption, would constitute a violation of that element, and call for measures to remedy the situation. A specific consultation procedure has been adopted to deal with such cases.

Dialogue is intended to play a key role in the new partnership. The Agreement explicitly states that regular joint assessments of developments concerning respect for human rights, democratic principles, the rule of law and good governance will take place at country level.

The opening of the ACP-EC partnership to non State actors is another breakthrough in the Cotonou Agreement. The new approach goes well beyond the experience gained until now as regards decentralised co-operation. It involves encouraging a genuine dialogue both on development policies and on ACP-EU co-operation. Civil society will furthermore be associated to the political dialogue, and to the assessment of policy performance in the context of the reviews of ACP-EC Country Support Strategies.

In its Communication on the Follow up to the Rio Summit[26] which proposed an updated approach to EU-Latin America relations, the Commission identified the promotion and protection of human rights as the main priority in the political field, including the need for new 'positive' measures to strengthen respect for human rights, the rule of law and democratic political systems. These included a proposal for an EU-Latin America/Caribbean discussion forum for the promotion and protection of human rights, based on the good experience gained in Central America where a committee of independent experts was set up under the San José Dialogue to discuss human rights. The group has been tasked to submit a report with conclusions and proposals for action to the 2002 EU-Latin America Summit.

The Commission's recent Communication on 'Reinvigorating the Barcelona Process'[27] also called for greater prominence to be given to human rights, democracy, good governance and the rule of law in Europe's relations with Mediterranean countries. It stated that these issues should be regularly raised by the EU side in political dialogue, and also with partners in Troika meetings, Association Councils and Committees with the intention of identifying measures which governments should take to ensure satisfactory evolution in this area. This dialogue could lead to the establishment of joint working groups on human rights at official level; these groups would aim to agree on a number of concrete benchmarks and objective criteria to be reviewed within the various Association Councils. Where they have not already

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[26] COM(2000) 670 final.
[27] COM(2000) 497 final.

done so, Mediterranean partners are encouraged to accede to the relevant international instruments, conventions etc on human rights.

With regional groupings in Asia, the EU has a political dialogue with the members of Association of South East Asian Nations (ASEAN), including annual Ministerial meetings, and meets with the SAARC at troika level. The political dimension of Asia-Europe Meetings (ASEM) also permits discussions on support for human rights, democracy and the rule of law. There are ad hoc political dialogues on a bilateral basis with individual Asian countries. However, our dialogue on human rights and democracy with Asian countries needs to be further strengthened, and the Communication on EU relations with Asia, to be adopted in 2001, will address this issue.

The European Union has pursued a specific Human Rights Dialogue with the Government of China since 1997 based on the Treaty provisions on human rights and democracy. The EU's evaluation of this was recently made public[28]. Biannual meetings are held at official level, complemented by expert-level seminars and co-operation projects aimed at promoting *inter alia* the rights of women and local democracy. A dialogue between the European Union and the Democratic People's Republic of Korea (DPRK) focussing on human rights is under consideration.

The development of relations between the EU and the Western Balkans, (Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (FRY) and the former Yugoslav Republic of Macedonia (FYRoM), is also subject to political and economic conditions. This conditionality applies to all five countries and is a central element of the EU's Regional Approach, now developed into the Stabilisation and Association Process, which offers the countries of the region the prospect of integration into EU structures. Paramount importance is attached to compliance with conditions related to human rights, minority protection, good governance and democratic principles. To support the participation of these countries in the Stabilisation and Association process, assistance under the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) regulation is aimed at the creation of an institutional and legislative framework to underpin, inter alia, democracy, the rule of law and human and minority rights. Complementary activities are carried out under the EIDHR. On a regional scale, the Community works closely with the Stability Pact for South Eastern Europe. This was set up in 1999 to co-ordinate the efforts of the major donors to the Balkans and has a 'Working Table' devoted to the development of democracy and human rights.

[28] GAC conclusions, 22.1.2001.

The EU has concluded Partnership and Co-operation Agreements (PCA) with most countries in the Tacis region. The PCA with Russia, signed in 1994, provides for increased and institutionalised political dialogue at all levels. This was followed by the EU's Common Strategy on Russia of 1999 that defines certain priority areas such as consolidation of democracy, rule of law and public institutions. On the same occasion a Common Strategy was adopted for Ukraine. This notably states: "The EU will undertake efforts to foster democracy, good governance, human rights and the rule of law"[29]. Progress in development of a PCA with Belarus was stalled in 1997 due to the deteriorating human rights situation, and the EU has adopted a step-by–step approach requiring notably the reestablishment of democratic institutions in Belarus. In the Caucasus and Central Asia, PCAs have been signed with Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Uzbekistan. EC support to promote the development of human rights and democracy in the NIS is provided from Tacis and the EIDHR.

[29] European Council Common Strategy on Ukraine (1999/877/CFSP) of 11.12.99, OJ L 331/1 of 23.12.1999, Part III, Specific Initiatives, Point 50.

ANNEX 2

ACTION POINTS

I. Promote greater consistency and coherence between European Community, other European Union and Member State activities

- Commission to work for a transparent approach to human rights and democratisation which is coherent and consistent between countries and regions and avoids double standards and makes use of all available instruments.
- Commission to promote coherence between Council Working Groups with a policy interest in human rights and democratisation and Committees involved in external assistance.
- Commission to intensify existing dialogue with the Council and the European Parliament to include discussion of both policy and programming priorities relating to human rights and democratisation (including the EIDHR).
- Commission to work with the Human Rights and Democracy Committee and, where appropriate, other Committees to evaluate actions undertaken, and to promote the exchange of best practice and lessons learned.
- Commission delegations in third countries to systematically include EC and bilateral human rights and democratisation assistance in their co-ordination of overall EU assistance, and to promote a two-way exchange of information to maximise coherence and complementarity.
- Commission to promote coherence and highlight inconsistencies where they arise between Council Working Groups with a policy interest in human rights and democratisation and Committees involved in external assistance.
- Commission to ensure that the formulation of all Community policies avoids negative human rights effects and maximise the positive impact. To enable this, the Commission will develop a methodology, drawing on international experience, including that used to promote gender equality.
- Commission to include the human rights dimension in the Green Paper on Corporate Social Responsibility to be adopted in June 2001.

II. Mainstreaming human rights and democratisation through dialogue, assistance and other policies

a) Dialogue

- The Commission's dialogue with third countries will be pursued in a coherent and consistent way and be based on internationally agreed human rights standards and instruments, in particular those of the UN.
- Commission to include human rights and democratisation in its dialogues with third countries where this is not already the case, and to press for inclusion in other political dialogue formats (Troika etc). Dialogue should include thematic issues such as the death penalty, torture and racism and xenophobia, not least in order to build coalitions and support for EU positions in international fora, including the UN.

- Commission to draw on developments in benchmarking and indicators in the field of human rights, democratisation and governance, as appropriate to provide a framework for dialogues with partner countries so as to promote coherence and consistency. The Commission will particularly draw on internationally accepted benchmarks such as those established by the ILO, the UN and the Council of Europe. Commission to use the dialogue to seek the joint establishment of certain goals.

- Commission will use the dialogue with partner countries on CSPs and assistance programmes to identify how human rights and democratisation can be mainstreamed and reinforced through EC programmes, including the ratification of the fundamental Human Rights Instruments and their effective implementation, as well as follow up to UN recommendations.

- Dialogue between Commission and civil society organisations to be widened and deepened, using appropriate tools, including the internet, and to include all actors with an interest, in addition to human rights NGOs. Commission to make greater use of the Internet to promote dialogue with civil society.

- Commission to continue its effort to associate civil society with the political dialogue in all regions, in line with the approach already adopted with ACP countries and Mercosur, including the facilitation of dialogue and exchanges of views on policy and co-operation at local level with civil society and Member States.

- Commission will evaluate the impact of its dialogue and related activities, and how far they have achieved their objectives, and provide an assessment to the European Parliament and Member States.

- Commission to evaluate the NGO Human Rights Fora held so far, and consult NGOs, Member States and the European Parliament on the way forward. On the basis of this consultation, the Commission will make recommendations to the Council on the Forum including how it can contribute to the implementation of this Communication.

b) EC Assistance Programmes

- Commission to use the Country Strategy Paper as the basis for its action and its political dialogue, and to implement the guidelines for drawing them up systematically. This includes an analysis of the situation of human rights, democratisation and the rule of law; and of how the EC country assistance programmes and other EC instruments including the EIDHR can contribute to promoting human rights and democratisation.

- When deciding country allocations and in assessing partnership agreements, the Commission will extend the approach under EDF and MEDA to all co-operation programmes to take into account positive performance in implementing reforms in the area of human rights, democracy and the rule of law .

- Commission to develop a methodology of human rights impact assessments for co-operation projects and programmes to monitor and enhance the impact of individual projects and programmes on human rights. This will be done in consultation with other donors, and taking into account the Commission's experience in gender and environmental impact assessments. This assessment will take economic, cultural and social rights into account.

- Commission to adopt a participatory approach in programme design and to assess, monitor and enhance the impact of individual projects and programmes on human rights.

c) Training

- Training to be provided for Commission staff in Headquarters and delegations in human right and democratisation and mainstreaming.

III. A more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR), and to joint co-operation projects with the UN and other international organisations

- Commission to adopt a medium/long-term strategy for the EIDHR which focuses on a limited number of themes and concentrates on certain focus countries. This strategy is to be adopted following consultation with the Council, European Parliament, international and civil society organisations/NGOs, and implemented from 2002 onwards.

- In implementing the EIDHR the Commission will ensure the promotion of gender equality, of children's rights and of the rights of indigenous peoples, through 'mainstreaming' them as cross-cutting issues in all projects.

- A regional dimension to projects, and the use of Information and Communication Technologies will be encouraged wherever appropriate or cost-effective.

- Priority themes will be reviewed each year in the drawing up of an annual programme. Focus countries will be identified annually on the basis of Country Strategy Papers/Accession Partnerships and consultation. Flexibility that allows the EU to respond to urgent and unforeseen needs will also be ensured.

- Commission will consult Member States, the European Parliament and NGOs in drawing up the annual programme.

- Enhanced measures to improve the management of the EIDHR and to make it more transparent, including publication of reports of actions funded, publication of guidelines for the selection of targeted projects, and development of better impact indicators for project evaluation.

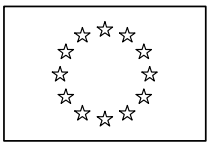
- Commission to evaluate the operations financed by the Community under the Regulations 975 and 976/99, to be completed by 2002 and adoption of any appropriate proposals for the future in good time before the expiry of the Regulations 975/99 and 976/99 on 31 December 2004.

- Commission to explore with key international organisations involved in human rights and democratisation ways of deepening co-operation and making it more effective, including through the agreement of co-operation strategies and goals.
- Commission to examine the possibility of using the EIDHR to support UN mechanisms which fit EC priorities, as well as ad hoc projects.

Annex 3

LIST OF ABBREVIATIONS

ACP Countries	African, Caribbean, Pacific Countries
ASEAN	Association of South East Asian Nations
ASEM	Asia-Europe Meeting
ALA	Asia and Latin America
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CFSP	Common Foreign and Security Policy
CSP	Country Strategy Paper
DPRK	Democratic People's Republic of Korea (North Korea)
EC	European Community
ECHO	European Community Humanitarian Office
EDF	European Development Fund
EP	European Parliament
EU	European Union
GAC	General Affairs Council
GSP	Generalised System of Preferences
ICRC	International Committee for the Red Cross
International IDEA	International Institute for Democracy and Electoral Assistance
ILO	International Labour Organisation
MEDA	Mediterranean Countries
MEP	Member of the European Parliament
NGO	Non Governmental Organisation
NIS	New Independent States
OECD	Organisation for Economic Co-operation and Development
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	(UN) Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PHARE	Action plan for co-ordinated aid to Poland and Hungary
SAARC	South Asia Association for Regional Co-operation
Tacis	Technical Assistance to the Commonwealth of Independent States
TEC	Treaty on the European Community
TEU	Treaty on the European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.1.2006
COM(2006) 23

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Thematic Programme for the promotion of democracy and human rights worldwide under the future Financial Perspectives (2007-2013)

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

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1. INTRODUCTION

With the aim to rationalise and simplify the current legislative framework governing external actions of the Community, the European Commission proposed a new set of six instruments under the Financial Perspectives 2007 to 2013. Three instruments (humanitarian aid, stability and macro-financial assistance) are of horizontal nature in order to respond to particular needs and circumstances. Three instruments (pre-accession assistance, support to the European neighbourhood and development cooperation and economic cooperation) are designed to implement particular policies and have a defined geographical coverage. In future, these instruments will provide the basic legislative acts for Community expenditures in support of external cooperation programmes including thematic programmes and will replace the existing thematic regulations.

According to these proposals, thematic programmes provide a distinctive value added and comprise activities complementing geographical programmes, which remain the privileged framework for Community cooperation with third countries[1].

The Commission has committed itself to enter into discussions with the European Parliament and the Council on the scope, objectives and priorities for each thematic programme on the basis of formal communications to both Institutions. The result of this process will provide the political orientations for the subsequent stages of programming, notably the thematic strategy papers to be drawn up in accordance with the provisions of the above instruments.

The present Communication relates to the thematic programme on the promotion of democracy and human rights worldwide. It draws on comments received in the course of a public consultation, which was organised by the Commission[2]. Consultations will continue for subsequent stages of programming. In cooperation with the European Parliament, the Member states and partner bodies working with the thematic programme, the Commission will also seek to promote wider reflection and debate about the European role in democracy assistance and the promotion of human rights[3].

2. CONTEXT

2.1. Analysis of the theme

Democracy and protection of human rights are universal values to be pursued in their own right; they are also seen as integral to effective work on poverty alleviation and achieving the Millennium Development Goals, as vital tools for conflict prevention and resolution, and as the indispensable framework for combating terrorism[4]. Democratic processes of accountability are also key to ensuring government transparency and combating corruption.

Democracy and the protection of human rights are inextricably linked: the fundamental freedoms of expression and association are the preconditions for political pluralism and democratic process, whereas democratic control and separation of powers are essential to sustain an independent judiciary and the rule of law which in turn are required for effective protection of human rights. Human rights may be considered in the light of universally accepted international norms, but democracy has to be seen as a process, developing from within, involving all sections of society and a range of institutions that should ensure participation, representation, responsiveness and accountability. The task of building and sustaining a culture of human rights and making democracy work for its citizens, though especially urgent and difficult in emerging democracies, is in fact a never-ending challenge, belonging first and foremost to the people of the country concerned.

Recent years have seen an increase in expectations, commitments and open debate about the promotion of democracy and human rights at all levels. Progress has been made, thanks in particular to local civil society mobilisation and international pressure: many countries have moved towards more open societies and fairer electoral processes; there is greater commitment and public awareness as well as more legislation and better enforcement on a range of human rights issues; development strategies give more voice to local communities, helping to empower the weak and excluded. However, multiple challenges remain: political elites too often remain unaccountable and unresponsive to citizens' expectations, sometimes reverting to repression of dissent and opposition voices. Ethnic, religious or class divisions in society may be exacerbated rather than channelled into democratic debate, building seeds of conflict and undermining pluralism and respect for human rights.

Issues of democracy and human rights have become a systematic feature of EU foreign policy and external action through political dialogues and conditionalities, by mainstreaming these issues in cooperation programmes, and with specific projects. Comprehensive human rights-based approaches to development[5] are becoming more widespread, as is support for state building, "good governance" and civil society development. It is a principle of development policy to ensure ownership by the partner country of the development and democratisation process, engaging governments and all leading local stakeholders, including parliaments.

Concerns with security and the fight against terrorism have tended to dominate international agendas, but they have also begun to highlight root causes of violence and the importance of ensuring human rights, rule of law and inclusive democracy to avoid alienating communities and creating conditions of insecurity. Conflict prevention has thus added a new dimension to development strategies and work with civil society.

2.2. Existing policy and cooperation framework

EU policy in support of democracy and human rights in third countries has been articulated and developed in Commission communications, European Parliament resolutions and Council conclusions over the years. As indicated in the Treaty mandates[6], the objective of developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms is now a feature of all forms of co-operation with third countries.

Human rights have a high profile, with an Annual EU Report on Human Rights, specific Commission communications, Parliamentary resolutions and reports and Council positions relating to particular human rights issues[7]. The Council has also emphasized the mainstreaming of human rights and democratisation into external policies and actions and the importance of dialogue with civil society. In the enlargement process, the Copenhagen

political criteria on "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" provide a specific focus for the pre-accession strategy. These objectives are also supported in different ways in the Stabilisation and Association process[8] and in the European Neighbourhood policy[9]. The Cotonou Agreement and the EU policy on governance and development[10] include the protection and promotion of human rights and democracy as issues to be integrated in country strategies, dialogues and all relevant instruments. This is reflected most recently in the European Consensus on Development[11], in the EU Strategy for Africa[12] and in the latest Commission proposal relating to EU relations with Latin America[13].

Tools for implementation of EU policies on democracy and human rights range from political dialogue and diplomatic demarches to various instruments of financial and technical cooperation. The European Initiative for Democracy and Human Rights (EIDHR) has had the specific mission to assist in meeting human rights and democracy objectives at international and national level, complementing action within the Community's various national and regional cooperation programmes. It is currently based on two regulations[14]; its main policy framework is set by the 2001 Commission communication[15] and the related positions by the Council and European Parliament[16] (see 2.3 below).

With a developing EC role in crisis management in recent years, the human rights and democracy dimensions have also been highlighted in conflict prevention, peace building and post conflict reconstruction. The Rapid Reaction Mechanism[17], also working with civil society and other local actors on human rights and democracy building, complements EIDHR by supporting urgent action in response to real or potential conflict situations.

2.3. The EIDHR experience

The EIDHR has evolved considerably since its creation and has been amply documented and evaluated[18]. Building on its key strength, which is its ability to operate without the need for host government consent, the main vocation of EIDHR has been to support civil society activity in the promotion of human rights and democracy. EIDHR partners are primarily international and local civil society organisations (CSOs)[19], but also include international intergovernmental bodies with special expertise.

EIDHR has attempted to encompass a multiplicity of themes echoing EU Guidelines on Human Rights issues[20], as well as other specific objectives, mandates and suggestions from Council and Parliament, primarily concerned with human rights[21]. The emphasis has been on "single issue" projects, assessed on their individual merits. Whilst their collective impact or synergies at national level have not been so evident, most EIDHR projects, taken individually, have been of high quality, achieving positive outcomes often in difficult circumstances.

Quite distinct from its work with civil society, the EIDHR has a distinguished record of support for international human rights instruments and mechanisms and the international criminal justice system, including the International Criminal Court (ICC) and other *ad hoc* international criminal tribunals. This is in accordance with EU policy objectives[22] and reflects the strong EU commitment to multilateralism.

The EIDHR has also been the instrument through which the Commission has developed the EU role as one of the leading actors in election observation, based on the principles and procedures outlined in the 2000 Communication on EU Election Assistance and Observation and endorsed by Council in 2001[23].

The current 2005-6 programme of EIDHR groups these distinct types of action within four global "campaigns" - promoting justice and rule of law; fostering a culture of human rights; promoting the democratic process, and advancing equality tolerance and peace[24]. It covers 68 countries, of which 54 have a micro project facility (favouring participation by local civil society organisations).

Multiple mandates and high levels of expectation have tended towards an ever broader set of objectives, issues and eligible countries for EIDHR, whereas high oversubscription rates[25] have meant pressures to prioritise more severely and enhance complementarity with national programmes. For the new thematic programme, there is an opportunity to review and refine objectives and methods of priority setting.

2.4. Justifications for a thematic programme

The justification for a separate thematic programme common to all four new instruments derives from the fact that the promotion of democracy and human rights figures among the proposed objectives and eligible measures of all three geographic instruments (ENPI, DCECI and IPA) as well as the Instrument for Stability. Opportunities for specific interventions will arise in the context of geographic programmes. However, democracy and human rights are *par excellence* issues of global concern and relevance. Hence the need for an EC capacity to articulate and support specific objectives and measures at international level, which are neither geographically linked nor crisis related.[26] Furthermore, global campaigns relating to human rights and democracy require a transnational approach and may involve operations both within the EU and in a range of partner countries.[27] For operations such as EU election observation, a single thematic programme is required to ensure policy coherence, a unified management system and common operating standards.

In addition, the independence of action offered by a thematic programme is a critical feature of cooperation with civil society organisations at national level, most especially on issues of democracy and human rights. A thematic programme should also have flexibility and the ability to respond to changing circumstances or to support innovation, contrasting with the long term programming approach of the geographic programmes. Being common to all four instruments and thus intercontinental in scope, it may also offer benefits in terms of added credibility for partner organisations and extra visibility for the EU.

3. MAIN FEATURES OF THE THEMATIC PROGRAMME FOR THE PROMOTION OF DEMOCRACY AND HUMAN RIGHTS WORLDWIDE

3.1. Scope and objectives

The general aim of the new thematic programme, providing continuity with and drawing on the experience of EIDHR, would be to contribute to the development and consolidation of democracy and respect for human rights in third countries, in accordance with EU policies and guidelines. It would be global in scope, relating to a similar range of issues and countries as EIDHR, yet more strategic and flexible in its approach. It would continue to complement geographical programmes and, in particular, support an approach which integrates democracy building and the protection of human rights, making also the link with security and development, especially on conflict prevention. It would place emphasis on supporting civil society in becoming an effective force for dialogue and reform, contributing to national ownership of this process. The programme would therefore work primarily with and through civil society. This would, as with EIDHR, give the programme its critical profile.

The two key strategic objectives of the programme would be:

- **To enhance respect for human rights and fundamental freedoms where they are most at risk and provide support and solidarity to victims of repression or abuse**

- **To strengthen the role of civil society in promoting human rights and democratic reform, in supporting conflict prevention and in developing political participation and representation**

The programme, which would not require the formal consent of the governments of the countries concerned, should provide specific financial and technical assistance for operations that cannot be carried out through mainstreaming in an appropriate or effective manner by other EC programmes[28]. It should have the capacity to support activities at international, regional, national and local level. Within the EU, it should also be able to support activities directly related to third country human rights abuses, for example assistance for the rehabilitation of torture victims from third countries.

The programme would have a conflict prevention and resolution dimension, interfacing as appropriate with the crisis response interventions foreseen for the new Stability instrument. It would complement the geographical programmes and the other thematic programmes, especially those on non-state actors, on human and social development and on migration and asylum, which integrate the protection of human rights and underpin democratic processes in various ways[29].

The programme would have a complementary objective to reflect the EU's continuing strong commitment to multilateral cooperation in the field of democracy and human rights:

- **To strengthen the international framework for the protection of human rights, the rule of law and the promotion of democracy**

Finally, the programme as it was the case with EIDHR will cover the work in the field of electoral observation, which will continue to be an essential area of EU activity in support of democracy and human rights. The thematic programme offers the framework for a single unified policy and management of EU electoral observation missions worldwide with the following objective:

- **To build confidence in democratic electoral processes through further development of electoral observation**

3.2. Guidelines and priorities

3.2.1. To enhance respect for human rights and fundamental freedoms where they are most at risk and provide support and solidarity for victims of repression or abuse

The general aim under this strategic objective would be to develop the political space within which civil society may develop, contribute to pluralism in society and promote human rights and democracy. The focus would be on situations where there is a serious lack of fundamental freedoms, where civil society operates with difficulty and where there is little room for political pluralism. Some countries suffer from state repression, in others fundamental freedoms and human rights are endangered as a result of state weakness, collapse or violent conflict. These situations may arise in countries with which the EU may not yet have entered

into a contractual relationship, or partner countries with which general cooperation may have been partly or fully suspended, and in other fragile states and difficult partnerships.[30].

The main emphasis would be on promoting fundamental freedoms of expression and association and the protection of human rights defenders, since these are the preconditions for normal civil society activity and any advance towards democracy[31]. Action should where possible take a holistic approach, insisting on the links between the different freedoms underlying an open society and the basic principle that "all human rights are universal, indivisible and interdependent and interrelated"[32]. All action should be conflict prevention orientated and may, according to the specifics of each country, also refer to particular human rights issues[33].At national level, civil society activity under this objective might range from awareness raising or education and training, to dialogues with key stakeholders in the country concerned or to more specific advocacy related to human rights defenders. The specific aim may be ratification of international conventions and changes in legislation, issues of enforcement and judicial process, electoral integrity or much broader issues of law and order. Such issues may have been the subject of a concerted EU response to a crisis situation (as foreseen under the proposed Instrument for Stability), where the thematic programme might support a more sustained intervention by civil society in the field of conflict prevention and resolution.

Regional projects could be considered where there is potential for effective peer pressure with influential stakeholders from neighbouring countries or through regional bodies.

The particular circumstances of each situation will determine what kinds of action are possible and how far it is feasible to involve local civil society organisations, so as not to put partners at risk and avoid creating further resistance to democratic reform. Non-governmental organisations at international or regional level, or in some cases intergovernmental bodies, may sometimes serve as intermediaries with local civil society actors and human rights defenders.

The programme will require the flexibility to respond to changing circumstances and opportunities for action as they arise.

A separate aim, which comes under this general strategic objective, relates to **solidarity with victims of repression**, in particular support for the rehabilitation of victims of torture and ill treatment. The programme would continue with the same kind of support as provided over the years, for rehabilitation centres, both inside and outside the EU. This demonstrates EU solidarity in a practical way and complements general advocacy and political demarches against torture at national and international level. Recent evaluations of March 2005 and November 2003[34] have proposed a number of measures to enhance the effectiveness of rehabilitation processes.

3.2.2. To strengthen the role of civil society in promoting human rights and democratic reform, in supporting conflict prevention and in developing political participation and representation

The general aim under this strategic objective is to work together with civil society, in those countries where there is sufficient freedom and room for manoeuvre, to assist it in developing cohesion and in becoming an effective force for democratisation, conflict prevention and protection of human rights. This approach is also intended to encourage cooperation among civil society organisations (CSOs), moving beyond single issue campaigning (which tends to

fragment the efforts of civil society). Complementary support for small scale initiatives by local CSOs would also be included under this heading.

There would be three levels of activity under this heading:

At **national level**, the emphasis would be to support civil society dialogue and cooperation, for example:

- cooperation among CSOs to work in mutual support, build broad coalitions across different regions, communities and identity groups and engage socio-economic actors in supporting common agendas for human rights and democratic reform. This may include joint campaigning or education activity, cooperation on monitoring human rights and political reforms, etc. Themes need not be predetermined since they would derive from local priorities but they should seek to include cross cutting issues such as gender equality, core labour standards, rights of indigenous peoples, children and other vulnerable groups.

- civil society dialogue in deeply divided societies, bringing together a wide range of stakeholders[35] to analyse, debate and build consensus on controversial areas of policy (e.g. minorities, amnesty and reconciliation, religion and politics). Conflict prevention and gender dimensions would be very important in this context.

- initiatives by civil society to develop dialogue with political parties, elected representatives and institutions, e.g. with the view to enhancing political representation and participation (including the empowerment of women and other underrepresented groups), responsiveness and accountability. A multiparty approach, including all major parties professing a democratic commitment, would need to be the norm. Direct support for party development would not be envisaged.

At **regional or transnational level,** the emphasis would be on cooperation to add value and improve effectiveness to action at national level. This might be focused on issues such as:

- cooperation among CSOs from specific regions plagued by conflicts with transnational implications (e.g. Great Lakes, Manu river region, Western Balkans)

- cooperation and dialogue on deeply divisive political issues that may be best opened up for discussion at transnational level (e.g. religious minorities and secularism, reconciliation and justice).

- capacity building support which can provide distinct added value and effectiveness for transnational CSO networks (e.g. working together to produce materials in common regional languages).

At **local level**, there would be a grant facility for small scale initiatives by local CSOs, as with the current provisions for micro projects, though more accessible to small CSOs[36]. This could contribute to strengthening the representivity of civil society, for example by supporting activities of new CSOs formed by groups whose interests were hitherto underrepresented, or otherwise contributing to the empowerment of such groups (whether from remote areas, minority or disadvantaged groups etc). The particular needs and priorities for civil society dialogue could be defined more precisely in consultation with civil society representatives on the ground. This could also facilitate complementarity with geographical programming as well as enhance local ownership of the democratization process[37].

As regards geographical priorities for this strategic objective, it is clear that the interventions foreseen could benefit a large number of countries. The programme also needs the flexibility to respond to "windows of opportunity".Rather than spread resources more thinly than at present, however, the intention for the first phase of activity would be to maintain some continuity, for example by including those countries that already have a successful experience of an EIDHR micro-project facility, that have a relatively open society and where EC support for civil society can be effective. It should also be feasible to move on from certain countries, for example by fixing a 5-7 year time horizon to achieve some targets for sustainability and consolidation of local civil society activity. This might be done in discussion and preparation with the major stakeholders in the country concerned.

3.2.3. To strengthen the international framework for the protection of human rights, the rule of law and the promotion of democracy

The general aim under this heading is to continue to contribute, as EIDHR has done, to the effectiveness of international instruments in accordance with EU policy priorities. In so far as not covered by other financial instruments and programmes, this new programme may assist the functioning of:

- core human rights instruments, through the appropriate UN agencies, bodies and mechanisms such as OHCHR, CEDAW, ILO etc.
- international criminal justice mechanisms such as the International Criminal Court.[38]
- regional human rights instruments.
- regional networks for the training of specialists from developing countries in the application of international human rights instruments.
- specific international instruments designed to support democracy building initiatives[39]. This may extend to joint initiatives with regional organisations such as the Council of Europe.
- civil society campaigns on specific human rights issues, especially in so far as they relate to UN initiatives (e.g. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance).

Priorities under this heading would be decided in the light of EU objectives and in dialogue with relevant organisations. Civil society organisations and networks may also act as implementing partners in this context.

3.2.4. To build confidence in democratic electoral processes through further development of electoral observation

Electoral observation is a highly sensitive area, which has given the EU a high profile and authority, strengthening its position in political dialogues, and contributing to the promotion of human rights and democracy. It has helped to encourage professionalism and transparency in electoral management, discourage irregularities and abuse and inspire confidence in the electoral process. The coordinating and management role of the European Commission has ensured a high level of consistency across various EU Election Observation Missions (EU EOMs) thanks to unified methodology and programming, as well as political independence and visibility. The main aim under this heading is to continue, as EIDHR has done, to use the

thematic programme as the vehicle for support for EU electoral observation capacity. It may also contribute to building electoral observation capacity at regional and national level.

It is foreseen that EU EOMs can be further consolidated in terms of programming and implementation. The Commission has endorsed the newly agreed global principles for international election observation[40] and will continue to cooperate with other bodies experienced in electoral observation such as the OSCE. The new programme should continue to focus on a limited number of polls, which fulfil the criteria of usefulness, advisability and viability, while improving quality and gradually increasing quantity. Priorities for election observation missions will continue to be decided in a flexible way in the light of the calendar of elections and political developments, and considerations set out in the Communication on EU Election Assistance and Observation and endorsed by Council in 2001[41].

Observation of upstream issues (e.g. voter and candidate registration) and monitoring media may be developed, reports made more precise and assistance in follow-up made more systematic with the aim to further support democratisation and human rights related issues. Observation missions adapted to conflict situations and post conflict elections are also due to be further developed.

If not otherwise covered by geographical programmes, this thematic programme would also contribute to electoral observation capacity building at regional level, as now through regional organisations, such as the African Union (AU), or in future with other regions, e.g. the Arab world. The programme would, similarly, contribute to supporting local observer and monitoring capacity as well as wider initiatives to enhance participation and trust in the electoral process.[42]

3.3. Programming principles

Four-year (2007-2010) and subsequently three year (2011-2013) Thematic Strategy Papers (programming documents) will be decided by the Commission following Comitology procedures. On the basis of this multi annual programming, the Commission shall adopt annual action programmes which establish specific objectives, priority actions to be supported, anticipated results as well as indicative amounts, taking into account relevant initiatives funded under other programmes. The programme will be managed by the Commission, using all available tools in compliance with the Financial Regulation and its implementing rules[43].

As for the mid-term review, an external evaluation of the operations during the first 3 years (2007-2009) will be carried out to provide input to the preparations for the second Thematic Strategy Paper (2011-2013). The reports will be transmitted to and discussed with Council and the European Parliament.

ANNEX: Footnotes

1 See Communication from the Commission to the Council and the European Parliament on "External Actions through Thematic Programmes under the Future Financial Perspectives 2007 – 2013" COM(2005) 324 final of 3 August 2005.
2 For feedback, see http://europa.eu.int/comm/external_relations/consultations/er.htm
3 The Annual NGO Forum on Human Rights may be further developed in this perspective and other complementary initiatives considered.
4 See for instance the most eloquent exposition in "In Larger Freedom" UN 2005.
5 See UN Programme for Reform 1997 and the inter-agency "Common Understanding" on a human rights-based approach to development cooperation of May 2003.
6 Article 11(1) TEU; Articles 177(2), 181a(1) TEC.
7 Guidelines to EU policy towards third countries on the death penalty, June 1998; Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, April 2001; EU Guidelines on children and armed conflict, December 2003; EU Guidelines on human rights defenders, June 2004.
8 Cf. Zagreb summit in November 2000 http://europa.eu.int/comm/enlargement/intro/sap/summit_zagreb.htm
9 Cf. Strategy paper COM(2004) 373 of 12.5.2004, Council conclusions of 14.7.2004.
10 Cf. Commission Communication COM(2003) 615 final of 20 October 2003, Council conclusions of 17.11.2003.
11 Cf. Communication on the European Development Policy "The European Consensus", COM(2005) 311 final of 13 July 2005; Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission 'The European Consensus on Development adopted on 22 November 2005.
12 "The EU and Africa: towards a strategic partnership" adopted by the European Council, 15-16 December 2005.
13 Commission Communication to the European Parliament and the Council "A stronger partnership between the EU and Latin America" (COM(2005) 1950 of 9.12.2005).
14 Council Regulation (EC) No 975/1999, as amended by Regulation (EC) No 1882/2003, and Regulation (EC) No 2240/2004; Council Regulation (EC) No 976/1999, as amended by Regulation (EC) No 907/2003, and Regulation (EC) No 2242/2004.
15 The EU's Role in Promoting Human Rights and Democratisation in Third Countries, COM(2001) 252 final of 8 May 2001; Commission Staff Working Document SEC(2004) 1041 of 30 July 2004.
16 Cf. Council conclusions on the European Union's role in promoting Human rights and Democratisation in third countries of 25 June 2001; Resolution of the European Parliament of 25 April 2002; Council conclusions of 23 February 2004.
17 Council Regulation (EC) No 381/2001 of 26 February 2001 creating a rapid-reaction mechanism.
18 Cf. the most recent thematic evaluation relating to EIDHR support to racism, xenophobia and minorities projects http://europa.eu.int/comm/europeaid/projects/eidhr/documents_en.htm#eidhr; cf. also the most recent general evaluation of EIDHR "No lasting peace and prosperity without democracy and human rights" (July 2005) commissioned by the European Parliament's AFET Sub-committee for Human Rights and carried out under the auspices of the Netherlands Institute for Multiparty Democracy (NIMD) http://www.nimd.org/upload/publications/2005/epfinal.doc
19 The term "civil society organisation" is intended to include a broad range of partners in civil society, including trade unions, employers' associations, faith based groups, think tanks etc.
20 See footnote 9.
21 EIDHR has given high priority and visibility over the years to the abolition of the death penalty, the fight against torture and campaigns against racism and discrimination of minorities. It has also put a focus on the rights of women, children and indigenous peoples. It supports freedom of expression and association and pluralism in the media, and promotes the rights of human rights defenders. It has a special mandate to support the protection and rehabilitation of victims of torture, assisting projects both inside and outside the EU. It has also been a prime source of support for the launching of specialised higher education in human rights. In addition, EIDHR has to a certain extent also given support for civil society development, democratic culture and pluralism and democratic institution building.
22 Cf. Revised Action plan to follow-up on the common position on the International Criminal Court, Council Common Position of 16 June 2003 on the International Criminal Court; Resolution of the European Parliament on the General Affairs Council's position concerning the International Criminal Court of 24 October 2002.

23 Commission communication EU Election Assistance and Observation COM(2000) 191final of 11 April 2000; Council conclusions of 31 May 2001; Resolution of the European Parliament of 15 March 2001.
24 European Initiative for Democracy and Human Rights Programming for 2005 and 2006 C(2004) 4475 of 6 December 2004. The four campaigns break down into 17 types of action, with 3 further cross cutting themes (children and women, indigenous peoples, conflict prevention).
25 The ratio of project applications to successful projects was 10:1 for the calls for proposals in 2004.
26 This would, for instance, cover support for UN initiatives, global advocacy and multilateral cooperation on democracy and human rights that have a global perspective. Examples drawn from EIDHR's current experience would also include support for the establishment and functioning of international instruments of human rights and criminal justice.
27 Such is the case for instance for the protection and rehabilitation of victims of ill treatment and torture. Few other instruments exist to respond to the continuing need for support in this area.
28 Subsidiarity in this sense would mean that training and technical assistance for capacity building of national public institutions, such as the judiciary, election management bodies, or parliaments, which are essential aspects of cooperation on democracy and human rights, would normally form part of the larger geographical programmes agreed with the governments concerned. The same would usually apply in the case of assistance to regional intergovernmental bodies.
29 Activities foreseen in these thematic programmes such as the participation of non-state actors in development strategies, promotion of social rights, the protection of migrants from exploitation and exclusion would thus be outside the particular focus of the thematic programme on democracy and human rights.
30 The countries that may be targeted will undoubtedly change over time, as some countries experience a change of regime, moving onward with democratization, and as others - previously more free - may revert to greater repression and restrictions on human rights and freedoms or descend into public disorder.
31 Action through civil society would complement other EU tools, such as political dialogue, demarches, sanctions, etc, that bring pressure on governments to take action to enlarge basic freedoms of expression and association and establish or restore the rule of law.
32 Vienna Declaration and Programme of Action as adopted by the World Conference on Human Rights on 25 June 1993 (Vienna Consensus) UNGA document A/CONF.157/23 of 12 July 1993, notably paragraph 5 and paragraph 8.
33 Particular issues may include those human rights covered by EU Guidelines such as torture, death penalty, children in armed conflict and human rights defenders other vulnerable groups. They may also cover media freedom, trade union freedoms, forced labour, women's' rights and gender equality, trafficking in human beings, stigma and discrimination (on grounds of race, religious, ethnic and caste origin, sexual orientation, disease, disability etc).
34 Cf. europa.eu.int/comm/europeaid/projects/eidhr/documents_en.htm#evaluations
35 Social dialogue may have a particular role in this context
36 The assumption here is that, in accordance with the Commission proposal to amend article 164 of the Regulation for the implementation of the Financial Regulation, simplified procedures will be agreed for grants under €25.000, making it feasible for small CSOs to participate in calls for micro projects, SEC(2005) 1240 final of 12 October 2005.
37 Situations vary so consultations of this kind could be piloted and developed gradually in conjunction with the new round of programming 2007-10 and 2011-13.
38 This may extend to international and national tribunals set up under an international mediated peace agreement, if not otherwise supported through the Stability instrument.
39 Such as the newly established UN Democracy Fund.
40 The Declaration of Principles for International Election Observation and a Code of Conduct for International Observers endorsed under UN auspices on 27.10.2005.
41 COM(2000) 191 of 11 April 2000, Council conclusions of 31 May 2001.
42 Parallel initiatives in election assistance to develop local capacity for sustainable and professional election management and infrastructure should normally be supported in a timely manner through geographic programmes.
43 The amendments to the Financial Regulation and the implementing rules, as proposed in COM(2005) 181 final of 3 May 2005 and SEC(2005) 1240 final of 12 October 2005, could enhance the efficiency of the thematic programme.

DAC ACTION-ORIENTED POLICY PAPER ON HUMAN RIGHTS AND DEVELOPMENT

2007

A decade ago, the OECD's Development Assistance Committee (DAC) affirmed that human rights are an essential part of development co-operation. Human rights and development have increasingly converged ever since. Many DAC members and multilateral donors are now seeking to promote human rights more comprehensively as a means to improve the quality of development co-operation. They have adopted policies incorporating human rights and put these into practice.

Recently, the experience emerging from this practice, along with changes in the international development context and an agenda of ambitious reforms in the international aid system, have prompted the DAC to review links between human rights and development with a view to fostering consensus among donors on how to address human rights more strategically in development policy and practice – recognising that there is a wide range of practice among DAC members. This paper, approved by the Committee in February 2007, outlines the review's findings. It details the DAC's position on human rights and development and highlights new challenges in promoting and protecting human rights and integrating human rights in development.

The DAC has identified **10 principles** intended to serve as basic orientations in key areas and activities where harmonised donor action is of particular importance:

1. Build a shared understanding of the links between human rights obligations and development priorities through dialogue.
2. Identify areas of support to partner governments on human rights.
3. Safeguard human rights in processes of state-building.
4. Support the demand side of human rights.
5. Promote non-discrimination as a basis for more inclusive and stable societies.
6. Consider human rights in decisions on alignment and aid instruments.
7. Consider mutual reinforcement between human rights and aid effectiveness principles.
8. Do no harm.
9. Take a harmonised and graduated approach to deteriorating human rights situations.
10. Ensure that the scaling-up of aid is conducive to human rights.

Setting the stage

Since the mid-1990s, human rights and development have been converging. Not only is there growing recognition of the crucial links between human rights violations, poverty, exclusion, vulnerability and conflict, there is also increasing acknowledgement of the vital role human rights play in mobilising social change; transforming state-society relations; removing the barriers faced by the poor in accessing services; and providing the basis for the integrity of information services and justice systems needed for the emergence of dynamic market-based economies. This has led to more effective promotion and protection of human rights as part of a broader governance agenda and the integration of human rights principles into development processes in a more systematic way.

This paper[1] is divided into five sections. The first section provides some background on the emerging consensus on the relationship between human rights and development. The second section outlines previous DAC commitments on human rights and describes recent changes to the international context and donor practices which have prompted the development of this paper. The third section sets forth aid effectiveness and state fragility as new focus areas and shows how these relate to human rights. The fourth section recommends ten principles for effective engagement on human rights, and the fifth and last section outlines three priority action areas where enhanced efforts of DAC Members and new initiatives can have a significant impact.

Human rights and development: an emerging consensus

International consensus on human rights

Human rights constitute a unique, internationally shared and accepted normative framework, reflecting global moral and political values. International human rights law has evolved to protect and safeguard the integrity and dignity of the person, by establishing legal obligations on states. Civil, political, economic, social and cultural rights refer to different but indivisible aspects of human dignity and security. Human rights themselves are universal: they are the same for everyone everywhere, although the ways in which they are implemented vary between regions and countries.

Box 1: **The seven "core" international human rights treaties**

Treaty	Adopted	States parties
International Covenant on Civil and Political Rights	1966	156
International Covenant on Economic, Social and Cultural Rights	1966	153
International Convention on the Elimination of All Forms of Racial Discrimination	1965	170
Convention on the Elimination of All Forms of Discrimination against Women	1979	183
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	141
Convention on the Rights of the Child	1989	192
International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	1990	34

Source: United Nations Treaties Database

The Universal Declaration on Human Rights provides the basis for the international human rights treaties developed over the last 50 years. Today, all UN member states have ratified at least one of the seven core human rights treaties, and 80% have ratified four or more (Box 1). At the national level, human rights are guaranteed in national constitutions, committing state authorities to respect, protect and fulfil them in their policies and decision-making. National

institutions such as parliaments, national human rights commissions, ombudspersons as well as civil society organisations play a vital role in monitoring the implementation of human rights and holding governments to account.

Emerging understanding of the linkages between human rights and development

The importance of human rights for development is widely recognised. Human rights and equitable, sustainable development are mutually reinforcing. Human rights have intrinsic value, and achieving them is seen as an objective in its own right. But human rights are also a critical factor for the long-term sustainability of development.

Discrimination and exclusion, lack of accountability and abuse of state power are widely recognised as structural causes of poverty. By establishing basic rights and corresponding duties, human rights underpin the relationship between citizens and the state. Human rights add a qualitative dimension to national development strategies, by ensuring a consistent focus on equitable outcomes and the poorest. A human rights perspective on the MDGs (Box 2) is consistent with the Millennium Declaration, which emphasises the promotion of human rights, democracy and good governance as the basis for development and security.

Box 2: **Human rights, equity and the MDGs**

As donor organizations work together with developing countries to meet the MDGs, it is becoming obvious that in many situations the real barriers to progress are social and political. As stated in the World Development Report 2006, these challenges are "rooted in unequal access to resources and distribution of power within and among countries". The report goes on to say that "unless these inequalities are corrected, the first principles of the Millennium Declaration from which the MDGs are derived – commitment to social justice, equity and human rights – will not be translated into progress in human development at the required rate." Realisation of human rights is therefore brought squarely into the development dialogue and is a pre-condition for development.

Source: World Bank (2005), Equity and Development. World Development Report 2006, Washington, DC

Human rights are at the heart of effective states, democratic governance and empowered citizens. Effective states are those that control their territories, have open, transparent, accountable and inclusive political institutions, thriving economies, low levels of corruption, and are built on the principles of the rule of law. They have the commitment and ability to tackle poverty and discrimination, and protect the human rights of people under their jurisdiction. Human rights empower citizens and strengthen and underpin accountability mechanisms: people can hold their governments to account through appropriate mechanisms for redress. They are a vital means to curb abuses of power and elite capture.

Violent conflict often leads to human rights violations, and a sustained denial of rights and discriminatory policies can also ignite violence and be among the root causes of conflict. Proactive and integrated approaches to conflict prevention and reduction therefore take into account and address the human rights concerns of populations and specific groups.

In addition, human rights can strengthen efforts towards equitable, pro-poor economic growth. Where human rights are protected, they support the development of a safe and predictable enabling environment for investment and growth, and help to ensure that the benefits of growth reach all groups in society. Correspondingly, while growth alone is not enough, and while not all rights are resource-dependent, a good growth performance increases the resources needed for the progressive realisation of social and economic rights.

There is growing consensus on the value of human rights principles[2] – such as participation, non-discrimination and accountability – for good and sustainable development practice. The application of these principles builds on and strengthens good and sustainable development practice, with equal attention to process and outcomes.

Why it is time to revisit human rights and development

In the 1990s, the DAC set out – with High Level Meeting endorsement – key principles and priorities for action in the promotion of human rights as an essential part of development co-operation (Box 3): first in the DAC Orientations on Participatory Development and Good Governance (1993), then in the Final Report of the DAC ad hoc Working Group on Participatory Development and Good Governance (1997).[3] References to human rights were later included in key DAC Guidelines, such as those on Gender Equality and Women's Empowerment in Development Co-operation (1999), Poverty Reduction (2001) and Helping Prevent Violent Conflict (2001).[4]

The commitments and recommendations set out in these documents are still valid. However, the international context is evolving, and so are donor policies and practices. A growing body of evidence emerging from this practice and from policy research and empirical analysis, and some new challenges and opportunities all suggest the time is right for the DAC to revisit this issue.

Box 3: **Human rights in previous DAC documents**

"DAC members reiterate their adherence to the internationally defined principles and standards contained in the UN Charter, in the International Bill of Human Rights and other instruments, notably the various UN Conventions which target particular human rights abuses." (1993)

"A number of DAC members have developed specific policies to guide their development co-operation with reference to human rights. Those that have not yet done so, will endeavour to develop clear and credible policies." (1993)

"Civil and political rights and economic, social and cultural rights are interlinked and mutually reinforcing and are to be equally enjoyed by men and women." (1997)

"Support for human rights should evolve towards strategic approaches enabling opportunities to be exploited more systematically within a framework of longer term objectives." (1997)

"Powerlessness, injustice and exclusion perpetuate poverty—and make it worse. The poor need to be able to exercise their human rights and to influence state institutions and social processes that affect their lives." (2001)

"Rights-based approaches to poverty reduction are increasingly in focus, linking empowerment of poor women and men and the rights of children to the framework of norms, standards and principles of the international agreements on human rights. They address the causes of poverty by identifying rights-holders and duty-bearers for the realisation of all human rights—civil, cultural, political, social and economic. The emphasis on human rights shows that justice is a matter of rights, not charity. Recognising this, and being aware of how to claim rights may increase confidence among poor and socially excluded groups and facilitate greater participation in development." (2001)

Sources: DAC Orientations on Participatory Development and Good Governance (1993); Final Report of the DAC ad hoc Working Group on Participatory Development and Good Governance (1997); DAC Guidelines on Poverty Reduction (2001).

Changing international context

The international context for development co-operation and human rights has changed. Globalisation is driving the search for principles to address global socio-economic inequities and risks, and is increasing the interest in human rights as a tool for the empowerment of people. Moreover, powerful new frameworks for development co-operation have enhanced the role of human rights in development (Box 4):

- The Millennium Declaration clearly calls for the protection and promotion of human rights.
- The report of the UN Secretary-General submitted in advance of the Millennium Review Summit ("In Larger

Freedom") notes that development, security and human rights are all imperative and reinforce each other, and the 2005 World Summit Outcome Document echoes this message.

- The OECD DAC's 2005 Paris Declaration on Aid Effectiveness marks an unprecedented level of consensus and resolve to reform aid and to make it more effective in combating global poverty, and creates – *inter alia* – stronger mechanisms for accountability and harmonised approaches.

Donor policies and practices

Accompanying these important new international commitments, the late 1990s and early 2000s witnessed a range of policies on human rights adopted in many donor agencies. Many of these responses can be viewed as the implementation of a commitment made by DAC members in 1993: "to develop clear and credible policies to guide their development co-operation with reference to human rights".[5] Some donors have recently revised their policies, drawing on practical experiences. Donor approaches to implementing human rights policies range from implicit human rights work to human rights-based approaches. Donor agencies have adopted different approaches to implementing policies, reflecting their mandates, policy frameworks and principal modes of engagement.

Box 4: **International political commitments of the new millennium**

"We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognised human rights and fundamental freedoms, including the right to development. We resolve therefore: to fully respect and uphold the Universal Declaration of Human Rights; to strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all; (…)."

UN Millennium Declaration (2000)

"We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed. (…) It would be a mistake to treat human rights as though there were a trade-off to be made between human rights and such goals as security or development."

In Larger Freedom: Towards Development, Security and Human Rights for All Report of the UN Secretary-General (2005)

"We recognise that development, peace and security and human rights are interlinked and mutually reinforcing."

World Summit Outcome Document (2005)

"We are encouraged that many donors and partner countries are making aid effectiveness a high priority, and we reaffirm our commitment to accelerate progress in implementation, especially in the following areas: (…) Enhancing donors' and partner countries' respective accountability to their citizens and parliaments for their development policies, strategies and performance."

Paris Declaration on Aid Effectiveness (2005)

The UN system has been leading the way with a process of human rights mainstreaming since 1997. In 2003, agreement was reached on a "UN Inter-agency Common Understanding on a Human Rights-based Approach to Development Programming", which is facilitating UN-wide collaboration on human rights (Box 5). At the 2005 World Summit leaders undertook to integrate the promotion and protection of human rights into their national policies.

An increased number of donor agencies support human rights as part of a broader governance agenda. Governance has become a priority in donor policies and programmes because it lies at the heart of national development strategies in partner countries. Donor funded governance portfolios often contain a cluster of components like human rights, democratisation, the rule of law and access to justice, public sector reform, public financial management, decentralisation and anti-corruption. There is a growing consensus on the relevance of such a broad approach to governance in development co-operation.

Some agencies are not explicitly using a human rights framework at a policy level, but aspects of their policies and programming are consistent with what human rights approaches would call for, such as a focus on empowerment

and inclusion. For example, development programmers have examined ways to ensure that persons belonging to national or ethnic, religious and linguistic minorities and indigenous peoples are specifically included in development efforts. There may also be strong congruencies at the sector level, for example with gender equality.

Many donor agencies have adopted gender equality policies that call for both gender mainstreaming and interventions specifically targeted at gender equality. Non-discrimination, including gender equality, is a fundamental human rights principle. In some donor agencies there are opportunities for greater collaboration between human rights and gender equality work.

Many donors support human rights by funding human rights projects. Projects may aim to build the capacity of human rights organisations, provide human rights training or support the ratification of treaties and legal reform, in order to improve specific human rights outcomes. Sector programmes may also have civil society components that address the "demand side" of reform.

Box 5: **UN Inter-agency Common Understanding**

1. All [UN] programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.

2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

3. Development co-operation contributes to the development of the capacities of "duty-bearers" to meet their obligations and/or of "rights-holders" to claim their rights.

Source: "The Human Rights-Based Approach to Development Cooperation. Towards a Common Understanding among the United Nations Agencies". Statement agreed at the Interagency Workshop on a Human Rights-Based Approach, 3-5 May 2003, Stamford.

There is also a trend across a number of donor agencies to promote human rights through access to justice initiatives. Access to justice interventions institutionalise the human rights principles of accountability and the rule of law. Interventions under this heading also focus on the ability of poor and marginalised people to claim rights through the formal and informal justice systems respecting the principles of human rights, and of these systems to deliver appropriate services to meet users' needs.

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Many agencies seek to mainstream human rights as a cross-cutting issue in development assistance, beyond the direct support to human rights programmes and stand-alone projects that support human rights organisations. Human rights are being integrated into sectors such as health (including HIV-AIDS), education and sustainable livelihoods and natural resource management. Agencies have made significant progress on issues of children's rights and women's rights, linked to MDGs such as gender equality, child mortality and maternal health.

Some agencies are implementing a form of "human rights-based approach". These approaches vary, but usually feature the integration of human rights principles – such as participation, inclusion and accountability – into policies and programmes. They also draw on specific human rights standards – such as freedom of expression or assembly – to help define development objectives and focus programmatic action.

The boundaries between types of donor approaches are not watertight, however. Human rights projects, for example, can

also be components of mainstreaming and human rights-based approaches. Furthermore, including human rights issues in the political dialogue with partner countries is a well-established practice which can be pursued independently from the approaches to human rights mentioned above. Political dialogue can also be used to facilitate the gradual introduction of human rights projects in partner countries.

Human rights are used strategically to inform the design of country programmes and global initiatives. They strengthen the analysis of conflict and exclusion, and help to identify and tackle the root causes of poverty and insecurity. New innovative tools support human rights analysis and assessment, and help promote culturally-sensitive approaches.

In much of this, donors are increasingly influenced by civil society organisations that are focusing their attention on human rights and by private sector actors that are assuming responsibilities in promoting and protecting human rights.[6] Many civil society organisations are moving away from the direct provision of services, towards supporting governments and national and local service providers to fulfil their obligations. They are also supporting people to claim their rights, thereby increasing their access to services and decision-making processes.

Donors have also promoted consideration of human rights within development beyond country programmes and direct interventions by funding international events, research and networking at a regional or global level.

Evidence from policy research and empirical analysis

Photographer: Scott Wallace

In parallel with this wide variety of practice is an emerging body of policy research and empirical analysis exploring the relationships between different kind of rights, and between human rights and specific development issues. Recent World Bank[7] and UNDP[8] publications show how entrenched inequities can frustrate the prospects for economic growth and the achievement of the MDGs. Other analyses on the growth/poverty/rights nexus have shown that substantial violations of political and civil rights are related to lower economic growth[9] and also how subsistence, indeed survival, often depends on the existence of civil and political rights, especially those related to democratic accountability. Research has demonstrated that human rights underpin access to the justice system and are hence essential to the enforcement of contracts needed for a market economy to function.[10] Another body of research bears out the functional importance of people being empowered to claim their rights to basic social services such as health and education.[11]

The links between civil and political rights, economic, social and cultural rights and development are the focus of extensive research by the World Bank Institute.[12] Preliminary findings based on the assessment of large sets of cross-country empirical data suggest that civil and political rights may causally affect a country's socio-economic outcomes and performance. However, there are no signs for the existence of the reverse causality. The explanation for this absence of a positive feedback mechanism points, in particular, at the phenomenon of state capture and at corruption more broadly. Corruption therefore seems to play an important mediating role between salient civil and political rights, on the one hand, and economic, social and cultural rights, on the other. This, in

turn, underlines the importance of civil and political rights and human rights principles, such as participation and accountability, in efforts to address corruption.

Photographer: Shehzad Noorani

A more mature area of research is the focus on links between women's rights (such as those related to education and economic activities) and overall economic development. There is ample evidence that as long as half of the population is not in a position – due to gender discrimination – to develop and use its capacities and participate in social, economic and political life, both society as a whole and economic development suffer from the resulting inefficiency. New tools such as the OECD's Gender, Institutions and Development Database[13] which uses a number of innovative indicators, including informal social institutions and cultural and traditional practices, ownership rights and civil liberties, allow for more sophisticated measurements of gender (in)equality. They help identify policies that address the roots rather than the symptoms of women's rights violations.

Finally, new research suggests that a more nuanced view of the relationship between poverty and conflict might be needed. The critical dimension of the poverty/conflict nexus appears to be inequality and discrimination rather than absolute levels of poverty. Therefore, a poverty reduction agenda that does not adequately reflect an understanding of, and response to, discrimination may not have the anticipated effects on conflict prevention. This underscores the importance of understanding and exploring human rights approaches to development in which equality and non-discrimination figure prominently.[14]

New focus areas

Changes to the international development context, and an agenda of ambitious reforms in the international aid system, present new challenges and opportunities for addressing human rights. Donors and partner governments alike are increasingly focused on improving aid effectiveness, including in fragile states. This opens up opportunities for protecting and promoting human rights and integrating key human rights principles – such as participation, inclusion and accountability – into development processes in a more effective way. It also presents donors with significant challenges when delivering aid in countries that are characterised by human rights abuses.

Aid effectiveness

The Paris Declaration on Aid Effectiveness has laid down a practical, action-oriented framework to improve the quality of aid and the impact aid has in reducing poverty and inequality, increasing growth, developing capacity and accelerating achievement of the MDGs. The way in which the Declaration's key principles – ownership, alignment, harmonisation, managing for results and mutual accountability – will be put into practice over the coming years and change the ways in which aid is delivered and managed, will have implications for the whole spectrum of substantive development co-operation policy areas, including human rights.

There is much potential for the international human rights framework and the Paris Declaration to reinforce and benefit from each other. The application of the partnership commitments of the Paris Declaration can help advance human rights – and ways of working with human rights – in a changing context of more aligned and harmonised aid and new aid modalities. At the same time, experience and approaches from human rights practice may be useful in achieving the Paris Declaration's partnership commitments – which is most obvious with respect to ownership and mutual accountability.[15]

Fragile states and situations

In an increasingly integrated and inter-dependent world, the consequences of state fragility permeate national borders. Weak governance institutions, poor regulations and enforcement mechanisms, unaccountable and non-functioning judiciary and law enforcement capability, among others, have proven to be a recipe for instability and chronic under-development with far reaching implications. State fragility is evident when governments have limited or no political commitment or capacity to deliver security and basic services, and to implement pro-poor policies. Fragile states offer specific challenges from a human rights perspective. Human rights violations and systematic discrimination are common characteristics of many fragile states – indeed these can be key drivers of instability and insecurity.

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Human rights failures therefore seriously undermine prospects for development progress in fragile states. At the same time, weak capacity, competing demands and lack of political will also make it particularly difficult for donors to engage with partner governments on human rights issues. Concern for alignment with the partner government's approach needs to be balanced with the need to recognise the potential for harm and to avoid the perception of complicity with human rights violations. There are trade-offs: delivering aid through non-state channels may be preferable in some contexts, but may undermine long-term state capacity and effectiveness.

It is important to recognise that establishing a minimum level of respect for human rights and international humanitarian law by the state is possible in fragile states. Yet in finding a way forward, donors need to reconcile the search for an approach to human rights with the need to focus on a limited range of objectives in fragile states which are prioritised and sequenced.

As the DAC Principles for Good International Engagement in Fragile States and Situations are applied at the country level, it is vital to ensure that an enabling environment for the realisation of human rights is maintained and enhanced. Experiences to date with human rights practice can provide invaluable assistance in this regard.

Principles for promoting and integrating human rights in development

The DAC will further seek to foster the international consensus on how to promote and protect human rights and integrate them more systematically into development. The following principles constitute basic orientations for key areas and activities where harmonised donor action is of particular importance. Donor agencies are invited to use the principles to inform the design of human rights policies and programming. It is expected that the principles will be used as a basis for dialogue with other stakeholders, national governments and non-state partners.

1. Build a shared understanding of the links between human rights obligations and development priorities through dialogue.

The links between human rights obligations and development priorities should be a regular feature of dialogue with partner governments at the political level as well as the development level. Donor countries should work with partner governments on ways to fulfil their obligations under international human rights law. Each country context will differ, and dialogue will need to take the partner government's existing obligations as its starting point. A shared understanding of human rights issues between donors and partner countries is essential for the durability of aid partnerships and for the predictability and effectiveness of aid.

2. Identify areas of support to partner governments on human rights.

Donors have an important role to play in supporting partner governments' actions to implement human rights obligations in practice. On the basis of shared assessments and analysis, they should seek to identify the priority areas and resources needed for partner governments to better respect, protect and fulfil human rights. Donors should encourage partner governments to build the results of these assessments into their development strategies. Donors can also help strengthen analytical capacity to identify structural causes of human rights problems, and to develop practical solutions.

3. Safeguard human rights in processes of state-building.

Safeguarding the human rights of those under its jurisdiction is one of the most essential functions of the state. It determines – in part – the level of state legitimacy in the eyes of its population. State-building includes not only the building of state capacity to deliver its core functions, but also the strengthening of state-society relations based on the rule of law and a framework of rights and responsibilities. Supporting these processes will require donors to work with a range of accountability mechanisms such as national human rights institutions, ombudsmen, courts, parliaments, civil society, media and other bodies, including more informal political platforms and arenas such as local public hearings.

4. Support the demand side of human rights.

Experience shows that support to governments needs to be complemented with support to civil society and other actors to ensure accountability and respect for human rights. Support for the "demand side" of rights will help strengthen the voice of the most vulnerable and excluded and enlarge the political space for the participation of all members of society in exercising and defending their rights. Through alliances with civil society networks, donors can help raise awareness, and support people living in poverty to claim and enforce their rights, as part of strategies to reduce poverty and implement the Millennium Declaration.

5. Promote non-discrimination as a basis for more inclusive and stable societies.

Discrimination and exclusion are among the key causes of conflict and instability. At a minimum, states must ensure that their actions do not discriminate against particular groups, even where capacity and resources are limited. Non-discrimination and tackling inclusion provide a suitable entry point for dialogue and engagement between donors and partner governments.

6. Consider human rights in decisions on alignment and aid instruments.

It is important to take the inclusiveness of government strategies, and their responsiveness to the perspectives of different interest groups and actors in a country – including the marginalised and most vulnerable – into consideration when assessing ownership and making decisions on alignment behind government strategies. The human rights context should also inform – in part – donors' choice of aid instruments and the appropriate balance of support to state and non-state actors. A range of instruments that can help strengthen accountability, and ensure that resources reach those who have difficulty in accessing services and exercising their rights, should be considered.

7. Consider mutual reinforcement between human rights and aid effectiveness principles.

DAC members should consider human rights principles, analysis and practice in the roll-out of the Paris Declaration's partnership commitments. The Paris Declaration principles should be followed when designing and implementing human rights programmes.

8. Do no harm.

Donors' actions may affect human rights outcomes in developing countries in positive and negative ways. They can inadvertently reinforce societal divisions, worsen corruption, exacerbate violent conflict, and damage fragile political coalitions if issues of faith, ethnicity and gender are not taken fully into consideration. Donors should promote fundamental human rights, equity and social inclusion, respect human rights principles in their policies and programming, identify potentially harmful practices and develop short, medium and long-term strategies for mitigating the potential for harm.

9. Take a harmonised and graduated approach to deteriorating human rights situations.

In responding to serious human rights situations, the focus should be on harmonised, clear signals and targeted actions that do not penalise the most vulnerable in society. Rather than reducing aid in response to human rights concerns as a first resort, donors should seek to deliver aid through a range of aid instruments and channels to continue supporting poverty reduction, and where possible, targeting their assistance to achieve progress on human rights. Establishing human rights as part of the development partnership will help enhance predictability, and provide a basis for open and transparent dialogue where needed.

10. Ensure that the scaling-up of aid is conducive to human rights.

In an era of scaled-up aid, it is important to avoid the perception that the provision of additional resources is an endorsement of poor human rights performance. Moreover, it is vital to avert the risk of negative effects on accountability and governments' willingness to tackle deep-rooted problems. Efforts to increase aid should therefore move in tandem with the strengthening of human rights institutions, accountability mechanisms and related capacities.

Priority actions for the DAC

The next step is to deepen a shared understanding of how to promote and protect human rights and integrate them more systematically into development processes. The DAC and its subsidiary bodies are uniquely suited to progress some actions in view of their specific responsibilities and comparative advantages. The following priority action points are limited in number, and focus on actions where enhanced efforts and new initiatives can make a significant difference. They fall into three categories: (i) the use of this document's principles as common guidance that supports the DAC's current policy concerns and medium-term work; (ii) specific initiatives that are part of the DAC's Programme of Work and Budget (PWB) 2007-2008; (iii) activities which are responses to requests for human rights expertise from the DAC or its subsidiary bodies or other parts of the OECD.

Action 1: Make use of the principles.

The principles for promoting and integrating human rights in development listed above should serve as common guidance. Donor agencies are invited to use them to inform the design of their policies and as a basis for dialogue with other stakeholders. In addition, the principles may be useful when donors' country assistance plans are being designed. The GOVNET will ensure the dissemination of the principles, and the main messages from this paper more broadly, to staff in donor HQ and donor offices in partner countries.

Furthermore, the DAC will actively promote the usage of the principles in two specific areas:

- When human rights are part of the DAC Peer Review process the principles may be a useful reference document.
- The principles – which are complementary to the DAC Principles on Good International Engagement in Fragile States and Situations – will act as a useful reference document for the acute challenges in fragile states.

It is proposed that the DAC Network on Governance (GOVNET) reports progress to the DAC in 2008.

Action 2: Promote dialogue and collaboration between human rights practitioners and other development practitioners.

Human rights practitioners and other development practitioners have made progress in exchanging good practice and ideas. Efforts to build bridges are gaining momentum but more dialogue is needed between human rights specialists and other policy communities and aid managers to tap more systematically into one another's strengths, to learn the language and concepts of each other and to understand the complementarity of methods and points of connection.

The DAC and its subsidiary bodies are uniquely placed to enhance such synergies. As part of its PWB 2007-2008[16], the DAC will develop guidance on how to integrate human rights more consistently into donor policies and practice in the areas of aid effectiveness, peace and security and growth strategies.

Action 3: Act as a resource to others by strengthening human rights assessments and indicators, including through horizontal work across the OECD.

The starting point for enabling a more harmonised approach to human rights measurement in different agencies, as well as the development of joint approaches, is to map existing tools and resources. The human rights expertise based in GOVNET and its Human Rights Task Team can be made available as a resource to others. This could

include, for example, contributing to projects across the OECD such as the Metagora Project (and PARIS21 more broadly), work undertaken by the Development Centre and the OECD's global project on Measuring the Progress of Societies[17].

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1 This paper, approved by the DAC in February 2007 [DCD/DAC(2007)15/FINAL], benefited greatly from work undertaken by the DAC Governance Network's Task Team on Human Rights and Development. Considerable input stemmed from the workshop "Integrating Human Rights into Development" held in October 2005 and a study commissioned in 2005 which explored a wide range of donor poli cies and experiences on human rights and identified key challenges. See OECD, *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges,* The Development Dimension Series, OECD, Paris (2006).

2 UN agencies have agreed on the following catalogue of principles: universality and inalienability; indivisibility; interdependence and inter-relatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law.

3 See DCD/DAC(93)20/REV3 and DCD/DAC/PDGG(96)4/REV2.

4 The importance of human rights in development contexts is also addressed in OECD work outside the DAC, most notably in the area of investment. See the "OECD Guidelines for Multinational Enterprises" (revised in 2000) and the newly developed "OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones" (adopted by the OECD Council in June 2006).

5 "DAC Orientations on Participatory Development and Good Governance" (1993).

6 Over 3000 companies from over 90 countries have voluntarily signed the United Nations Global Compact, thereby undertaking to support and respect human rights and ensure that they are not complicit in human rights abuses. Moreover, the International Finance Corporation has been paying increasing attention to human rights in its programming and policies. The IFC recently adopted stronger human rights-related requirements in its Performance Standards and is co-sponsoring an initiative to development human rights impact assessments for companies.

7 World Bank (2005), *Equity and Development. World Development Report 2006*, Washington, DC.

8 UNDP (2005), *Human Development Report 2005 – International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*, New York.

9 Robert J. Barro (1997), *Determinants of Economic Growth: A Cross-Country Empirical Study*, MIT Press, Cambridge, Mass.

10 Mancur Olson (2000), *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships*, Oxford University Press, Oxford.

11 Varun Gauri and Daniel Brinks (forthcoming), *The Impact of Legal Strategies for Social and Economic Rights in Developing Countries*.

12 Daniel Kaufmann (2005), "Human Rights and Governance: The Empirical Challenge", in Philip Alston and Mary Robinson (eds.), *Human Rights and Development: Towards Mutual Reinforcement*, Oxford University Press, Oxford, pp. 352-402 (also available at http://www.world*bank.org/wbi/governance/pdf/humanrights.pdf).*

13 The Gender, Institutions and Development Database, *http://www.oecd.org/dev/institutions/GIDdatabase*.

14 Oskar N. T. Thoms and James Ron (2006), "Do Human Rights Violations Cause Internal Conflict?". Paper commissioned by CIDA.

15 Marta Foresti, David Booth and Tammie O'Neil, "Aid effectiveness and human rights – strengthening the implementation of the Paris Declaration". Paper commissioned by the GOVNET. Overseas Development Institute, London (September 2006); Paolo de Renzio, Verena Fritz and Zainab Kizilbash with Marta Foresti and Tammie O'Neil, "Illustration papers on human rights and the partnership commitments of the Paris Declaration". Papers commissioned by the GOVNET, Overseas Development Institute, London (September 2006).

16 DCD/DAC(2006)30/REV1.

17 STD/CSTAT(2006)10.

More information on the DAC's work on human rights

The **Human Rights Task Team** of the DAC GOVNET is the international network on human rights within bilateral and multilateral development agencies. It is working to enhance understanding and consensus on why and how donors should work more strategically and coherently on the integration of human rights and development. In pursuing this objective, the Task Team:

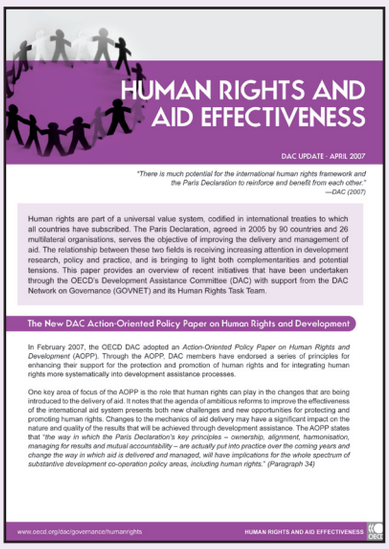
- Provides a framework for sharing of information and experience and for collective learning
- Promotes dialogue and collaboration between human rights practitioners and other development practitioners
- Develops policy guidance on how to integrate human rights more consistently into donor policies and practice
- Acts as a resource to the DAC and its subsidiary bodies on human rights and development

In its **2007-08 work programme**, the Human Rights Task Team puts special emphasis on building bridges between human rights specialists and other development policy communities and aid managers. This includes first and foremost:

- **Human rights and aid effectiveness**: realising the potential for the international human rights framework and the Paris Declaration to reinforce and benefit from each other
- **Human rights, conflict prevention and peacebuilding**: identifying ways of reconciling and integrating human rights and peace and security strategies
- **Human rights and poverty**: establishing more common ground between human rights and pro-poor economic agendas

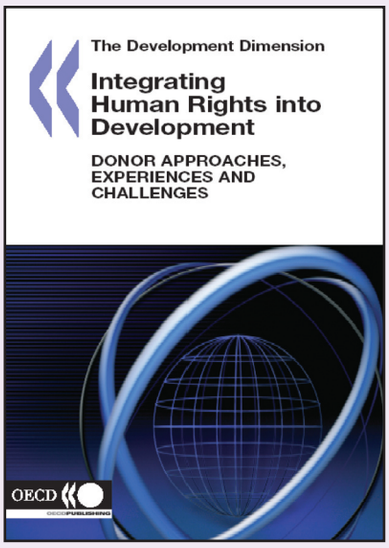
Publications

DAC Update "Human Rights and Aid Effectiveness" (2007)



The relationship between human rights and the Paris Declaration is receiving increasing attention in development research, policy and practice. This paper provides an overview of recent initiatives that have been undertaken through the DAC with the support from the GOVNET and its Human Rights Task Team.

OECD book "Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges" (2006)



This publication which is the most comprehensive and up-to-date of its kind is the result of a collaborative effort led by the GOVNET's Human Rights Task Team. It reviews the approaches of different donor agencies and their rationales for working on human rights; identifies the current practice in this field; draws together lessons that form the core of the current evidence around the added value of human rights for development; and addresses both opportunities and conceptual and practical challenges to human rights within the evolving development partnerships between donors and partner countries.

These publications and more information on the DAC's work on human rights and development can be found on the website:

www.oecd.org/dac/governance/humanrights

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