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**COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

**Reinvigorating EU actions on Human Rights and democratisation
with Mediterranean partners**

Strategic guidelines

1. INTRODUCTION

The Nice Charter on Fundamental Rights of December 2000 establishes that the Union is founded on the principles of freedom, democracy, rule of law and respect of Human Rights and fundamental freedoms. Thus the promotion of democracy, the rule of law and the respect of Human Rights and fundamental freedoms constitutes one of the core objectives of the EU's external policies. The Commission's Communication of 8 May 2001 on the *European Union's Role in Promoting Human Rights and Democratisation in Third Countries*¹ set this objective in the context of the Commission's overall strategic approach in external relations for the coming years. The Communication invites the Union to place a higher priority on Human Rights and democratisation in its relations with third countries and to take a more proactive approach. The Council Conclusions on the European Union's role in promoting Human Rights and Democratisation in third countries of 25 June 2001 welcomed the Commission's Communication and reaffirmed the EU's determination to promote stable, democratic environments, founded on the full enjoyment of Human Rights.

The present Communication sets out working guidelines to achieve this goal in co-operation with the EU's partner countries in the Mediterranean region. The Communication also aims to address some of the challenges raised by the recent UNDP Arab Human Development Report 2002, which pointed to important shortcomings on issues such as governance, Human Rights, democratisation, gender and education in the Arab World.

Human Rights and fundamental freedoms form an integral and essential part of the framework governing relations between the European Union and its Mediterranean partners, both within the regional context of the Barcelona process/Euro-Mediterranean partnership, and through the bilateral Association Agreements concluded or under negotiation with all the Mediterranean partner countries. The Commission's Communications to prepare the meetings of Euro-Mediterranean Foreign Ministers in Marseilles of 15-16 November 2000² and Valencia of 22-23 April 2002³, as well as the resulting Conclusions and the Action Plan⁴ agreed at Valencia by all participants, reaffirm these joint commitments and point to a need and a will to reinforce efforts in the area of promotion of Human Rights. The present Communication also takes into account the results of two seminars organised by the Commission with Euro-Mediterranean civil society held in Amman and Casablanca during 2002. Finally, the Communication follows the new vision on Wider Europe adopted recently by the Commission⁵.

¹ COM(2001) 252 final.

² COM(2000) 497 final "Reinvigorating the Barcelona Process".

³ SEC(2002) 159 final.

⁴ Council Secretariat document EURO-MED 2/02 of 24 April 2002.

⁵ COM(2003) 104 final of 11-3-2003.

Building on joint commitments, the present Communication outlines guidelines for the best use of the instruments that are at the disposal of the EU and its Mediterranean partners to effectively implement their common goal of the promotion of democratisation and the promotion and protection of universal Human Rights and fundamental freedoms. **It proposes 10 concrete recommendations to improve the dialogue between the EU and its Mediterranean partners, as well as EU financial co-operation on Human Rights issues. Its implementation will be enhanced by three levels of complementarity: between the political dialogue and financial assistance, between the MEDA programme and assistance under the European Initiative for Democracy and Human Rights (EIDHR), and finally between the national and regional dimensions.**

The Mediterranean countries covered by this document are those Barcelona partners that are not acceding countries or candidates for EU accession,⁶ that is: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia and the Palestinian Authority.

2. MAIN HUMAN RIGHTS AND DEMOCRATISATION ISSUES FOR THE REGION

The situation with respect to Human Rights and democratisation in the MEDA countries is varied and complex, but it is possible to identify certain broad trends. The UNDP Arab Human Development report of 2002 concluded that, although substantial progress has been made in some areas, further economic and social development is hampered by deeply rooted shortcomings in the structures of governance in the Arab world. The report identifies three "deficits" relating to freedom, empowerment of women and knowledge. It concludes that thorough reform and consolidation of governance, strengthening political and economic freedoms and improving public participation are all essential for achieving lasting economic, social and human development.

The Arab countries fall considerably below world average on all of six variables of governance used in the UNDP report, except for "rule of law" where they slightly exceed the average. In many MEDA countries, a powerful executive branch exerts significant control and is subject to inadequate checks and balances from the legislative and judicial branches. Obsolete norms of legitimacy can prevail. Representative democratic structures are weak and not always genuine. Women remain marginalised in economic and political structures and are broadly discriminated against in law and custom.

The long standing international consensus that Human Rights and fundamental freedoms are universal, indivisible and interrelated is reflected in the fact that most MEDA countries have ratified most major international Human Rights instruments, and universal Human Rights principles are enshrined in constitutions, legal codes and government pronouncements. Some positive steps are being taken in the area of Human Rights, with MEDA partners such as Morocco, Jordan and the Palestinian Authority engaged in a broadly positive process of relevant reforms.

⁶ For Turkey, candidate country for EU accession, Human Rights and democratisation issues are dealt with on the basis of the Copenhagen political criteria in the framework of the pre-accession strategy. Malta and Cyprus are countries in the process of acceding to the EU.

However, generally speaking, the implementation of Human Rights standards in the region falls short of compliance with international norms. Promotion of democracy and Human Rights is complicated by the fact that religious extremism has emerged as a powerful political alternative. A tension between internal security concerns and the promotion and protection of Human Rights can result in negative consequences in human rights terms, particularly apparent under the umbrella of the "war on terror" in the wake of September 11th 2001. Freedoms of expression and association are frequently curtailed, mainly by resorting to emergency legislation. Human Rights defenders and NGO's practising advocacy in the human rights field face legal and administrative constraints, are frequently marginalised and sometimes repressed.

A quick analysis country by country would confirm insufficient progress as regards regulatory frameworks (and their application), institutional capacity, educational activity, and levels of participation of civil society in the promotion and protection of Human Rights.

The situation could be summarised as follows:

- Deficits in governance hamper the development of democratic values, and the promotion and protection of Human Rights;
- Marginalisation of women undermine political representation and hamper economic and social development;
- Implementation of international Human Rights conventions is poor;
- Legal and judicial systems lack sufficient independence;
- NGOs working in the civil and political spheres are weak, severely circumscribed in their action and cut off from international networking;
- Education, though relatively better funded than in many other developing countries, is unevenly dispensed, does not serve to overcome traditional discriminatory patterns and is ill adapted to the requirements of the modern economy⁷;
- Authoritarianism and poor economic and social performance favour political marginalisation and provide fuel for radical movements and violence;
- Some political interpretations of Islam exploit cultural differences to question the universality of Human Rights.

⁷ UNDP recommendations on education are of crucial importance for the region. The Commission will address these recommendations within the framework of the MEDA Regional and National Indicative Programmes.

Compared to the other MEDA partners, Israel presents distinct characteristics. It functions as a well established parliamentary democracy, with an effective separation of powers, a functioning system of governance, and active participation of NGOs and civil society in all internal aspects of political and social life. However, Israel’s compliance with internationally accepted standards of Human Rights is not satisfactory. Two important specific areas need to be tackled. Firstly, the issue of reconciling the declared Jewish nature of the State of Israel with the rights of Israel’s non-Jewish minorities. Secondly, the violation of Human Rights in the context of the occupation of Palestinian territories.⁸ There is an urgent need to place compliance with universal human rights standards and humanitarian law by all parties involved in the Israeli/Palestinian conflict as a central factor in the efforts to put the Middle East peace process back on track. This will require a special effort by the EU and the setting up of an appropriate strategy.

Fig. 1: Summary of UNDP report

The UNDP Arab Human Development report 2002 concludes that Arab countries⁹ suffer from a freedom deficit. This is characterised by a poor record in terms of governance and fundamental freedoms.

Political participation is less advanced in the Arab world than in any other region. Representative democracy is not always genuine and sometimes absent. Obsolete norms of legitimacy prevail. Political systems have begun to open up but the process remains heavily regulated and partial. Mass mobilisation type of regimes still exist, freedom of association is restricted and the ballot box is not a common means of transfer of power.

The Arab countries fall considerably below world average on all of six variables of governance used in report (quality of institutions, graft, rule of law, regulatory burden, government effectiveness, political instability), except for the “rule of law” where they manage to slightly exceed the average.

Freedoms of expression and association are frequently curtailed. NGO’s and civil society actors face numerous constraints. Public authorities’ attitudes range from opposition to manipulation to freedom under surveillance. The laws governing NGO’s have become an important issue. While social assistance oriented organisations tend to be better accepted, advocacy oriented organisations are mistrusted by the authorities and shunned by private donors, forcing them to turn to international financing which deepens the hostility of the authorities and widens the communication gap with society. *(Summary prepared by Commission’s services)*

3. FRAMEWORK FOR E.U. ACTION

3.1. General Context

The EU is committed to the promotion of democracy, good governance and the rule of law as well as the promotion and protection of all Human Rights: civil, political, economic, social and cultural. The Council has approved a number of important documents which guide EU action in specific thematic areas in the Human Rights field¹⁰. In particular, the EU places great importance on: the abolition of the death penalty, the fight against torture and inhuman treatment, combating racism, xenophobia and discrimination against minorities, the promotion and protection of

⁸ In this context, the European Union has repeatedly drawn attention to the human rights obligations of all parties to the conflict, inter alia through its resolutions and statements at the UN Commission of Human Rights in Geneva and at the IIIrd Committee of the UN General Assembly.

⁹ Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, UAE, Yemen.

¹⁰ Guidelines EU policy towards third countries on the death penalty, General Affairs Council, Luxembourg, 29 June 1998; Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, General Affairs Council, Luxembourg, 9 April 2001; EU Guidelines on Human Rights Dialogues, Council of the EU, 13 December 2001.

the rights of women and of the child and the protection of Human Rights defenders. The EU fully recognises the crucial role played by civil society in the promotion of Human Rights and democratisation.

The Commission Communication on "*the EU's role in promoting Human Rights and Democratisation in third countries*"¹¹ set policy on Human Rights and democratisation in the context of the Commission's overall strategic approach in external relations for the coming years and recommended:

- promoting coherent and consistent policies in support of Human Rights and democratisation, notably between European Community policies and other EU actions, especially the CFSP;
- taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance;
- 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 Council's Conclusions of 25 June 2001 welcomed the Communication and further reaffirmed its commitment to ensuring, inter alia, coherence and consistency between Community action and CFSP as well as development policy through close co-operation and co-ordination between its competent bodies and with the Commission; and to "mainstreaming" of Human Rights and democratisation into EU policies and actions. The Council also emphasised the need for open dialogue, with the European Parliament and with civil society, as an element in the establishment and regular review of priorities on Human Rights and democratisation policy. In its Conclusions of 10 December 2002, the Council further welcomed the practical measures for achieving these objectives proposed by the Working Party on Human Rights (COHOM) in its report of 25 November 2002. These practical measures and the EC Communication of 7.11.2002 on Non-State Actors¹² (NSAs) have been fully taken into account in the elaboration of the present Communication.

3.2. Regional context: The Barcelona process (Euro-Mediterranean Partnership)

High among the objectives of the Euro-Mediterranean partnership (Barcelona process) are the creation of an area of peace and stability based on the principles of Human Rights and democracy, and the development of a free and flourishing civil society. The Barcelona Declaration of 28th November 1995, which initiated the Euro-Mediterranean partnership is underpinned by the principles of representative democracy, human rights and fundamental freedoms (fig.1). The Common strategy of the EU on the Mediterranean Region adopted by the European Council at Santa Maria da Feira in June 2000¹³ reaffirms these principles.

¹¹ COM(2001) 252 final.

¹² COM(2002) 598.

¹³ OJ L 183 of 22.7.2000

Fig 2: Human Rights and Democracy in the Barcelona Declaration (1995).

The major objective of the creation within the Euro-Mediterranean region of “an area of dialogue, exchange and co-operation guaranteeing peace, stability and prosperity requires a **strengthening of democracy and respect for Human Rights**, sustainable and **balanced** economic and social development, measures to combat poverty and promotion of greater understanding between cultures, which are all essential aspects of partnership”.

The participants undertake to:

- act in accordance with the UN Charter and the Universal Declaration of Human Rights;
- develop the rule of law and democracy within their political systems;
- respect Human Rights and fundamental freedoms, including freedom of expression, association, thought, conscience and religion;
- give favourable consideration, through dialogue between the parties, to exchanges of information on matters relating to Human Rights, fundamental freedoms, racism and xenophobia;
- respect and ensure respect for diversity and pluralism in their societies and combat manifestations of intolerance, racism and xenophobia;
- The participants stress the importance of proper education in the matter of Human Rights and fundamental freedoms.

Under the social, cultural and human “chapter”, participants:

- attach particular importance to fundamental social rights, including the right to development;
- recognise the essential contribution civil society can make in the process of development of the Euro-Mediterranean Partnership;
- will encourage actions of support for democratic institutions and for the strengthening of the rule of law and civil society [...];
- undertake to guarantee protection of all the rights recognised under existing legislation of migrants legally resident in their respective territories;
- underline the importance of waging a determined campaign against racism, xenophobia and intolerance and agree to co-operate to that end.

The *Commission’s Communications* to prepare for the 4th and 5th Euro-Mediterranean Conferences of Ministers in Marseilles (15-16 November 2000)¹⁴ and Valencia (22-23 April 2002)¹⁵, as well as the recent communication on “Wider Europe”, call for greater prominence to be given to Human Rights, democracy, good governance and the rule of law in the EU’s relations with its Mediterranean partners, and made a number of concrete proposals to this end. These covered in particular systematic discussion of Human Rights and democracy in all contacts between the EU and the partners with a view to promoting a structural approach to progress; closer linkage of MEDA allocations to progress in these fields; setting up joint working groups of officials between the EU and the partners; encouraging the signature, ratification and implementation of relevant international instruments; and recognition of the role of civil society.

¹⁴ "Reinvigorating the Barcelona process" 6/09/00, COM(2000) 497 final; 13.2.2002.

¹⁵ SEC(2002) 159 final.

In the **Action Plan** resulting from the Valencia conference Ministers reiterated their firm political commitment to democracy, Human Rights and rule of law in the region and agreed, under the political and security chapter, to reinforce political dialogue. They asked Senior Officials to study setting up a more structured dialogue in order to increase effectiveness.

Fig. 3: Extract from the Valencia Communication (SEC (2002) 159 final, 13/2/02)

The situation in the region with regard to respect for **Human Rights and democracy** continues to give cause for concern. With the exception of Cyprus and Malta, none of the Mediterranean partners has an entirely satisfactory record in this respect. While the situation varies from one partner to another, in some of them matters have actually deteriorated since the Ministerial meeting in Marseilles. The EU has expressed its concern to individual partners on matters such as arrests and imprisonment without due process, unsatisfactory treatment of prisoners, failure to control violence by extremist groups, extra-judicial killings by the authorities, application of the death penalty, restrictions on freedom of expression and association as well as issues relating to the rule of law and gender.

3.3. Bilateral legal framework – Association Agreements

The multilateral approach in the Barcelona Declaration has its counterpart in the bilateral approach to Human Rights and democratic principles expressed in the Association Agreements already concluded or in the process of being negotiated between the EU and its Member States on the one hand, and each of the Mediterranean partners on the other¹⁶.

The main objectives of the Association Agreements are to strengthen the links between the EU and Mediterranean partners in order to establish long-lasting relationships, based on *reciprocity, solidarity, partnership and co-development*. The agreements also provide a structured framework for regular political dialogue on bilateral and international issues of mutual interest. This political dialogue should cover in particular the conditions to ensure peace, security, democracy and regional development and should be used as a lever for reforms.

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 relationship. The “essential element” clause stipulates that relations between the parties, as well as all the provisions of the Agreement itself, shall be based on respect for Human Rights and democratic principles, which guide the parties’ domestic and international policies and constitute an essential element of the Agreement. This clause confirms and develops the objectives of the Barcelona Declaration. It provides a basis for developing dialogue and co-operation with the Mediterranean partners in the areas of good governance, Human Rights and fundamental freedoms and the rule of law.

¹⁶ Association Agreements have entered into force with Tunisia, Israel, Morocco, Jordan and the Palestinian Authority (interim agreement). Agreements have been signed with Egypt (June 2001), Algeria (April 2002) and Lebanon (June 2002).

3.4. Instruments for co-operation

3.4.1. MEDA

The MEDA programme¹⁷ is the principal financial instrument of the European Union to support the implementation of the Euro-Mediterranean Partnership. MEDA offers technical and financial support measures to accompany the reform of economic and social structures in the Mediterranean partners. Most MEDA resources are channelled bilaterally to partners¹⁸, the balance being devoted to regional activities, in which all the partners are eligible to participate.

MEDA's main objectives are directly derived from the 1995 Barcelona Declaration, i.e. to accompany political, economic and social reforms in the partners and to support the implementation of the Association Agreements. Like these Agreements, MEDA co-operation is based "*on respect for democratic principles and the rule of law and also for Human Rights and fundamental freedoms, the violation of which element will justify the adoption of appropriate measures*"¹⁹.

Fig. 4: Human Rights and Democracy in the MEDA regulation

Objectives and rules for the implementation of Article 2 of the MEDA regulation (Measures of support) include:

- Strengthening democracy, respect for, and defence of, Human Rights, in particular through non-governmental organisations in the European Community and the Mediterranean partners;
- The development of co-operation in areas relating to the rule of law, such as co-operation in judicial and criminal matters, the strengthening of institutions which guarantee the independence and effectiveness of the judicial system, the training of national security services and civil protection.;
- Good governance (...) by supporting key institutions and key protagonists in civil society such as local authorities, rural and village groups, mutual-aid associations, trade unions, the media and organisations supporting business, and by assisting in the improvement of the capacity of the public administration to develop policies and manage their implementation.

In addition the Regulation specifies that gender aspects shall be included in the programming and implementation of development co-operation, and that support for sustainable economic and social development shall include in particular the participation of civil society and populations in the planning and implementation of development measures. See annex II, EC 2698/2000

MEDA has not only financed economic and social programmes. MEDA is also the basis for important ongoing or planned programmes on Human Rights and democracy included in the National Indicative Programmes 2002-2004 (NIPs) notably with Algeria, Tunisia, Jordan and Egypt.

¹⁷ Council Regulation No 1488/96 as amended by Reg. (CE) N° 2698 (2000) of 27 November 2000.

¹⁸ This relates to Algeria, Egypt, Jordan, Lebanon, Morocco, Syria, Tunisia, Turkey and the Palestinian Authority.

¹⁹ Article 16 MEDA regulation amended by Council Regulation No 780/1998 stipulates that "when an essential element for the continuation of support measures to a Mediterranean partner is missing, the Council may, acting by a qualified majority on a proposal from the Commission, decide upon appropriate measures."

Regarding MEDA regional programmes, the Regional Indicative Programme (RIP) 2002-2004 contains a number of actions in support of the strengthening of Human Rights and democracy. These are in particular the programmes on justice, combating drugs, organised crime and terrorism, as well as co-operation in the treatment of issues relating to the social integration of migrants, migration and movement of people (launched in 2002), training of public administrations (2003), and Equal Opportunities for Women (2004). Regional activities tend in general to associate civil society in the implementation of the programmes, for example activities on cultural heritage, audio-visual co-operation and youth exchanges.

3.4.2. *The European Initiative for Democracy and Human Rights (EIDHR)*

Established at the initiative of the European Parliament in 1994, the main aim of the European Initiative for Democracy and Human Rights (EIDHR)²⁰ is to promote Human Rights and democratisation in third countries, in particular through the funding of the activities of **non-governmental** and **international** organisations. The Initiative benefits from an annual sum of around € 100 million for activities world-wide.

With NGOs as its principal beneficiaries, the EIDHR is intended to work **in complementarity with** the bilateral assistance programmes of the Commission, such as MEDA. Activities under the MEDA programme are negotiated with the partner government, and institutional aspects of this co-operation are mainly channelled through governmental and state institutions. The EIDHR allows funds to be channelled directly to civil society actors and activities funded under EIDHR are not subject to prior negotiation with third country governments. Thus, for example, where bilateral funds are targeted towards judicial reform, the EIDHR can strengthen the capacity of civil society to lobby and engage in this process.

4. **GUIDELINES FOR THE PROMOTION OF DEMOCRACY AND HUMAN RIGHTS IN EU RELATIONS WITH MEDITERRANEAN PARTNERS**

4.1. **Dialogue between the EU and its Mediterranean partners**

4.1.1. *Bilateral Dialogues*

The EU engages in a political dialogue of varying degrees of formality with all countries with which it has relations. A dialogue on Human Rights and democratisation should be pursued in a coherent and consistent way, based on internationally agreed standards and instruments, and in particular those of the UN. It should aim inter alia at examining the respect of international conventions and treaties to which partners have agreed and the pertinence of current reservations to these treaties and conventions. The EU reserves the right to raise individual cases of concern. At the request of the partners the EU should equally be ready to discuss Human Rights issues within the European Union, for example the situation of immigrants in the EU.

²⁰ EIDHR is based on Council Regulations EC No. 975/1999 and EC No. 976/1999 of 29 April 1999 – OJ L 120/8 of 8th May 1999. The funds available for the Initiative are contained in Chapter B7-7 of the EU budget.

The “essential element” clause in the Association Agreements gives an additional basis for structured bilateral dialogue on Human Rights and democracy for those countries where Association Agreements are in force. This “essential element” clause, along with an additional Article on action to be taken in the event of non-compliance with the obligation of the Agreement²¹ and a joint Declaration on this subject, allows for either Party to take measures in response to a failure on the part of the other to respect democratic principles and Human Rights. However, “essential element” clauses do not necessarily suggest a negative or punitive approach – they can be used to promote dialogue and co-operation between partners through encouraging joint actions for democratisation and Human Rights, including the effective implementation of international Human Rights instruments and the prevention of crises through the establishment of a consistent and long-term co-operative relationship.

In addition, Article 3 of the Association Agreements provide the legal basis for the establishment of regular institutionalised political dialogue between the EU and the partner countries. The EU should continue efforts to deepen the substance of this dialogue on Human Rights and democratisation issues, not only in general terms or related to individual cases, but by focusing on specific operational issues. One way to achieve this improved focus could be to establish a technical level of dialogue below the political level. This could seek to develop a common agenda with clear targets and mutual commitments to co-operation. Appropriate subjects for systematic discussion could be freedom of expression and association, including the legal framework governing the status of civil society, NGOs, other Non-State actors and the situation and rights of women.

The Commission should aim to ensure coherence and consistency between Community action and the CFSP as well as development policy, both at Headquarters through programming of relevant assistance programmes, in Council working parties, and in third countries. It should work to further integrate Human Rights into dialogue and co-operation, and promote the best use of all available instruments²². Against this background, the Commission proposes the following:

Recommendation N° 1

The Union should ensure systematic inclusion of Human Rights and democracy issues in all dialogues taking place on an institutionalised basis: within the format of the Association Councils (Ministerial level) and Association Committees (Senior Official level) that monitor the implementation of the Agreements, and in other political dialogue formats such as the Troika. It should explore with partners the possibility of establishing technical sub-groups to address issues related to Human

²¹ The non-compliance clause is generally worded as follows: “If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Association Council with all the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. In the selection of measures, priority must be given to those which least disturb the functioning of this Agreement, These measures shall be notified immediately to the Association Council and shall be the subject of consultations within the Association Council if the other party so requests”.

²² Commission Communication on “the EU's role in promoting Human Rights and Democratisation in third countries”, May 2001, Council Conclusions on the EU's role in promoting Human Rights and democratisation in third countries, 25 June 2001.

Rights and democratisation. A better operational focus should be sought including co-operation on issues such as legal reforms and the legal frameworks governing the operation of NGOs and other Non-State actors.

Recommendation N° 2

In order to be able to develop and deepen a regular, in depth dialogue on Human Rights and democratisation, increased institutional knowledge and documentation on the situation and key issues in each partner country is needed. Commission Delegations in close co-ordination with Member States' embassies should draw up an "état des lieux" in each country, on the basis of a standard grid of analysis, and provide regular updates through periodical reports.

The analysis of the situation thus obtained should be systematically discussed between Heads of Missions, used to make an input into "EU Human Rights fact sheets" to be elaborated by HoMs and regularly revised in the relevant Council Working Groups. The conclusions reached therein should be translated into concrete proposals in the various formats of the dialogue, as outlined above.

The Commission will also systematically include Human Rights and democratisation in the dialogue conducted locally by its Delegations with Mediterranean partners.

Recommendation N°3

The Commission should aim to ensure coherence and consistency inter alia through strengthening co-ordination between Commission Delegations and Member States' embassies. This should take the form in particular of:

- the convening of EU expert meetings at country level on the implementation of EIDHR and Human Rights related aspects of the MEDA programme;*
- enhanced input into HoMs meetings on Human Rights and democracy issues;*
- working to ensure a more active role in the implementation of UN Resolutions and recommendations in the area of Human Rights, including through appropriate follow-up by its Delegations of the recommendations made by UN treaty bodies and in connection with visits by UN Special Rapporteurs and Working Groups to the countries concerned.*

The Commission should also take a more proactive role in the initiation of discussion within geographic Council working groups on Human Rights issues, including when issues of a political nature arise which are linked to the implementation of co-operation in the area of Human Rights and democratisation.

4.1.2. *Regional Political Dialogue*

The regional political dialogue (Senior Officials Meetings of the Barcelona Process) already includes Human Rights and democratisation as a regular agenda item. However, this tends to consist mainly of general presentations by Member States or Mediterranean partners of their national Human Rights policies and does not lead to a discussion of substance. On the contrary, it can serve as a pretext to avoid serious discussion. Thus, while it is not proposed to discontinue this part of the regional dialogue, it has to be recognised that, in its current form, the potential for effective content is limited. The EU should seek to make this dialogue more relevant and policy oriented, eg. by taking a thematic approach (situation of women, civil society, etc.), highlighting the status of different issues across the region.

4.1.3. *Dialogue with civil society*

Civil society plays an essential role in the implementation and monitoring of any Human Rights and democratisation policy. Within the Barcelona process and through the European Initiative for Democracy and Human Rights the Commission has supported the efforts of NGOs and other Non-State Actors, both those of the region and those working from Europe, to improve their effectiveness in identifying problems and lobbying for improvements. Actions have focussed on training and sharing of best practice in this field. The issues have been addressed in all the meetings of the Civil Forum (bringing together NGOs and other representatives of civil society from the EU and the Mediterranean partners) which have preceded the Euro-Mediterranean Foreign Ministers' Meetings.

Recommendation N°4

At national level, the Commission Delegations should organise with Member States regular workshops with civil society, seeking as conditions allow a constructive involvement of national authorities. As much as possible, efforts should be made for this dialogue not to be limited to the national civil society but to reach out to civil society organisations working at the regional level. The agenda would be discussed between Commission Delegations and Member States.

These workshops would serve to:

- contribute to overall EU knowledge of local conditions, thus providing valuable input to the formulation of EU policy, including in the establishment of National and Regional Indicative Programmes;*
- generate recommendations to assist with the programming of EIDHR and the identification of projects;*
- contribute to structuring the debate at the regional level through the civil fora held in the framework of the Barcelona process;*
- promote EU policies in the area of Human Rights, democratisation and rule of law including gender, as cross-cutting issues;*
- in addition, these meetings will help associations, foundations and NGOs working in the region to better structure and co-ordinate their work.*

4.2. National and Regional Action Plans

Under MEDA a number of programmes and projects in support of Human Rights and democracy have been financed. However, in order to improve the efficiency of these activities, it is desirable to integrate them into more detailed national or regional strategies agreed with the national authorities.

Such national or regional strategies on Human Rights and democracy should identify relevant issues and priorities, also taking into account not only the conclusions of national or regional workshops with non-governmental institutions (cf. Recommendation n°4), but also those contained in the UNDP report, notably good governance and gender issues.

4.2.1. National Action Plans

The Commission should aim to develop National Action Plans on the basis of a harmonised approach for the respect of Human Rights and democracy with those partners which are willing to engage in this exercise.

Recommendation N°5

National Action Plans would serve three purposes:

- *analysis of the context and situation particularly as regards legislation related to Human Rights and the identification of common overall objectives;*
- *drawing up a list of specific action points accompanied by measurable benchmarks of performance with clear timelines;*
- *identification of the technical and financial assistance needed to achieve the objectives and specific targets.*

National Action Plans should be complementary and related to other economic and social development plans (eg under MEDA co-operation) and could be financed through MEDA, supplemented as appropriate by other budget lines. These plans could serve to:

- *analyse constitutional and other legal rights and propose reforms to legal and regulatory frameworks;*
- *support the implementation of Human Rights treaties to which each State is a party and promote the adherence to those international instruments to which the given State is not yet a party; support the development of national legislative frameworks, where necessary;*
- *Analyse the position and rights of women in their respective societies and propose how best to involve them in the development of their countries;*
- *support the development of appropriate legislative and administrative structures;*
- *support the integration of a national dialogue with civil society into national actions;*

- *promote the exchange of information on best practices and encourage their integration into national action;*
- *promote adoption and implementation of international standards and adherence to international instruments;*

As regards the status and activities of NGOs and other Non-State Actors, National Action Plans should:

- *identify modifications to the legal or administrative frameworks necessary to implement international commitments concerning the status and activities of NGOs and other NSAs ;*
- *strengthen the capacity of NGOs and other NSAs through practical training;*
- *promote networking between local and European NGOs and other NSAs;*
- *link local NGOs and other NSAs to international networks;*
- *develop co-ordination amongst NGOs and international organisations.*

The Community would participate in the financing of those national or regional (see below) Action Plans that fulfil agreed minimum requirements. Since not every partner will be ready immediately to participate in such an exercise, in the short term the objectives will be to establish National Action Plans with, at first, two or three partner countries. As these plans are implemented, others can be drawn into the process.

4.2.2. *Regional Plans*

Recommendation N° 6

Regional or sub-Regional Action Plans should be established whenever two or more partners want to develop further co-operation on concrete activities linked to bilateral activities on Human Rights as indicated in the road map of the Valencia Action Plan. Such Action Plans could focus on issues addressed in future regional programmes under MEDA such as those on women's rights or co-operation in the field of justice. They should also provide a bridge to other multilateral activities, i.a., in the follow-up to be given to the UNDP Arab Human Development Report. Regional Action Plans could also reinforce the scope for co-operation with regional bodies like the Arab League.

4.3. Mainstreaming the promotion of Human Rights and democracy in MEDA programmes

4.3.1. *National Indicative Programmes*

The finalisation in 2001 of Country Strategy Papers (2002-2006) for most MEDA partner countries has been a major step forward in integrating a Human Rights and democracy dimension in the overall Commission's approach to its assistance to the Mediterranean partners.

The analysis of the political and security situation included in the Country Strategy papers provides a starting point to focus on sectors or crosscutting interventions that would improve the overall governance situation through MEDA assistance and EIDHR. As a result, most MEDA country allocations include support to good governance programmes, and in some cases to civil society (regarding bilateral programmes, see point 3.4.1).

Recommendation N° 7

*The elaboration of future **National Indicative Programmes**, beginning with the 2005-2006 exercise, will be used to further mainstream the promotion of good governance, Human Rights and democracy in the MEDA programme. In line with the Marseilles Communication referred to earlier, co-operation under MEDA should better reflect the progress of partner countries in the Human Rights and democratisation areas. Going beyond the specific support that may be mobilised for measures under the national or regional action plans, an additional substantial allocation will be set aside within MEDA to be made available to those partners who are working to develop and implement National Action Plans. It will be allocated within their NIPs to finance actions not necessarily directly related to Human Rights and democratisation.*

*The Human Rights dimension of **Country Strategy Papers** will be further enhanced. In this work, due account will also be taken of the conclusions of the UNDP Arab Human Development Report 2002, especially those regarding good governance and gender issues.*

4.3.2. *MEDA Regional Programme*

Regional programmes have proved to be useful for addressing issues that often are too sensitive to be dealt with at the national level, at least at an early stage. Furthermore, regional programmes can allow for fruitful exchanges of experience and best practices between countries sharing similar cultural values, background and experiences (regarding Regional programmes, see last paragraph of point 3.4.1).

Recommendation N°8

*In the elaboration of the **Regional Indicative Programme (RIP)** for 2005-6 the Commission will give full consideration to the ways in which to include support for the strengthening of Human Rights and democracy as well as the involvement of civil society. In addition, the Commission will prepare an evaluation of the impact of the various meetings of the Civil Forum which have taken place prior to Euro-Mediterranean meetings of Foreign Ministers; in that context it will consider ways in which the Civil Forum could develop a structure such that the outcomes of its meetings have a more operational impact on the activities of the partnership and the involvement of civil society in them. The RIP (2005-2006) will also take into account the conclusions of the 2002 UNDP Arab Human Development Report.*

4.3.3. *The European Initiative for Democracy and Human Rights (EIDHR)*

As recommended in the May 2001 *Communication on The EU's Role in Promoting Human Rights and Democratisation in Third Countries* a more strategic use of resources has been designed for EIDHR. During 2002/2004 EIDHR concentrates on a limited number of thematic priorities. These are:

- Strengthening democratisation, good governance and the rule of law;
- Activities in support of the abolition of the death penalty;
- Combating torture and impunity and support for international tribunals and criminal courts;
- Combating racism and xenophobia and discrimination against minorities and indigenous people.

In addition, in order to maximise the impact of assistance and improve sustainability with limited funds, EIDHR support under priority 1 (strengthening democratisation, good governance and the rule of law) is currently concentrated on 31 “focus countries” worldwide. The inclusion of a gender perspective is an overarching characteristic for all projects and programmes.

In the South Mediterranean and Middle East the focus countries are Algeria, Tunisia and Israel and the West Bank/Gaza. Detailed sub-priorities have been elaborated for funding projects in these countries in 2002/4. An innovation is the "micro-projects" facility envisaged in these countries which will furnish small grants managed by Commission Delegations to projects presented by local civil society.

Projects under the other EIDHR global priorities of abolition of the death penalty, combating torture and impunity and fighting racism are open to applications from all third countries, and projects also target Human Rights issues at the regional level. Further, as part of the EU's regional Master's programmes in this field, The Mediterranean Master's Degree in Human Rights and Democratisation is engaged in operational training to form a cadre of professionals from all over the region with the skills to contribute effectively, in the national and regional contexts, to further democratisation and the promotion and protection of Human Rights.

The EIDHR's strategy as regards the Mediterranean partners should be revised in 2003 in line with the conclusions of EIDHR regional conferences held in mid-2002 in Amman and Casablanca with representatives of civil society from the Mashrek and Maghreb. These seminars highlighted democratisation and rule of law as priorities for the region, and recommended that increased support should be allocated to local civil societies.

The EIDHR has also been used to provide election support either through the deployment of EU Election Observation Missions or through funding to NGOs for election related projects. Activities in the election field should be considered in a more systematic and global manner in Mediterranean countries. In particular, it is fundamental that election support is not perceived as a “one off” action, mainly linked to election observation (an activity with high political consequences), but rather as a continuous and global effort to improve election frameworks in partner countries. Actions should focus not only on the administrative and legal aspects of an election process, but also on the effective enjoyment of Human Rights and fundamental freedoms closely linked to elections. In this context, election observation should also represent an important tool to assess progress achieved and recommend further improvements.

Recommendation N° 9

The EIDHR’s strategy as regards the Mediterranean partners should be revised with a view to strengthening the capacity of civil society on a regional basis. This will be done through the creation or consolidation of regional networks of non-governmental operators that might include European NGOs. These strengthened, long-term networking and linkages will allow for exchanges of information and best practices as well as capacity building and will be based on concrete, result oriented activities in one or more of the following fields:

- *freedom of association and expression (including monitoring/advocacy around legislative frameworks governing NGOs and other NSAs, Human Rights defenders);*
- *protection/advocacy on the rights of specific groups;*
- *good governance and the fight against corruption.*

In addition EIDHR post-2004 should pay particular attention to further enhancing the complementarity between EIDHR and MEDA programmes, particularly as regards the funding of activities that will be identified in the National Action Plans.

Recommendation N° 10

All the available instruments for election support (political dialogue, MEDA and EIDHR) should be used in a coherent and complementary manner to seek the improvement of the overall election framework through co-operation with both public authorities and civil society. The observation of elections should be considered when, given the specific situation, it has a real added value to offer.

5. CONCLUSION

The EU and its Mediterranean partners have an impressive array of instruments at their disposal to allow them to pursue their shared, core objectives of promotion of the rule of law, democratisation and the respect of Human Rights and fundamental freedoms. This Communication has identified ten areas where these existing instruments can be more effectively put to use:

- a deeper and more operational focus for **political dialogue** on Human Rights and democratisation at all levels with MEDA partners;
- upgrading of shared **knowledge and expertise** on Human Rights and democratisation issues in the region;
- **better coordination** between Commission Delegations and Member States' Embassies on Human Rights and democratisation issues and related cooperation;
- regular contacts between Commission Delegations and **civil society**, in close coordination with EU Member States' Embassies;
- the development of MEDA **National Action Plans** on Human Rights and democracy with those partners willing to engage in such an exercise;
- the establishment of **Regional Action Plans** on Human Rights and democracy issues with MEDA partners willing to develop further cooperation on concrete issues;
- Increased attention to Human Rights and democratisation issues in the Commission's **Country Strategy Papers** and greater account taken of progress made in these areas in the **National Indicative Programmes**, including through a special additional facility;
- improved focus on Human Rights and democratisation issues in the Commission's **Regional Strategy and Regional Indicative Programme**;
- enhanced complementarity between the MEDA programme and the **European Initiative for Democracy and Human Rights**;
- enhanced efforts at all levels in the area of improvement of **electoral frameworks**.

The practical measures proposed in this Communication will achieve greater coherence and consistency between Community actions and CFSP, and allow synergies to be realised on all levels of action: at the level of political dialogue, by bringing a greater Human Rights and democratisation dimension to co-operation programmes, and by enhancing complementarity between the different co-operation instruments at the disposal of the European Union.

The Council, the European Parliament, our partners in the Mediterranean and the other partners with whom the Commission co-operates to promote respect for Human Rights and democratisation are invited to support the measures outlined in this Communication, and to work with the Commission to implement it.