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EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK

RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME

الشبكة الأوروبية - المتوسطية لحقوق الإنسان

Training Guide

Promoting Human Rights
in North Africa and in the Middle East:
Navigating the EU institutional maze
and its relations with the Southern
neighbourhood

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List of Abbreviations

CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CFSP	Common Foreign and Security Policy
COHOM	Human Rights Working Group
COREPER	Permanent Representatives' Committee
CSDP	Common Security and Defence Policy
DEVCO	Europeaid - Development and Cooperation directorate-general
EEAS	European External Action Service
EIDHR	European Initiative for Democracy and Human Rights
EMHRN	Euro-Mediterranean Human Rights Network
EMP	Euro-Mediterranean Partnership
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EP	European Parliament
EU	European Union
EUSR	European Union Special Representative
FAC	Foreign Affairs Council
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission
HRD	Human Rights Defender

IHL	International Humanitarian Law
MAMA	Maghreb-Mashreq
MEP	Member of the European Parliament
NGO	Non-governmental organisation
OPT	Occupied Palestinian Territories
PSC	Political and Security Committee
UfM	Union for the Mediterranean
UN	United Nations
UNHRC	United Nations Human Rights Council

Legend





	Important issues
	Migration and Asylum-related info
	Gender-related info
	EU Instrument

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Introduction

Violations of human rights were one of the main causes of the ‘Arab Spring’ of 2011. Although it brought about some changes, violence and discrimination against women, torture, lack of freedom of association, expression and assembly, attacks on Human Rights Defenders (HRD), violations of the rights of minorities, migrants and refugees, and violations of international humanitarian law continue to persist widely in North African and Middle Eastern countries.

The publisher of this manual, the Euro-Mediterranean Human Rights Network (EMHRN), is a network of organisations and individual activists in the Euro-Mediterranean region aiming to address these problems. EMHRN was established in 1997, to make use of the human rights commitments embodied in the Barcelona Declaration signed in 1995 by the European Union (EU) and 12 Southern and Eastern Mediterranean partner countries, which formed the basis of the Euro-Mediterranean Partnership¹.

01 See Euro-Mediterranean Human Rights Network (EMHRN) website: <http://www.euomedrights.org/eng>

EMHRN’s main objectives are to :

- *Promote and publicise the universal principles of human rights established by all international instruments on human rights, and as expressed by the Barcelona Declaration, in the partner countries and across the entire Maghreb and Middle East.*
- *Strengthen, assist, and co-ordinate the efforts of its members to monitor compliance by partner countries with the principles of the Barcelona Declaration in the human rights and humanitarian fields.*
- *Support the development of democratic institutions, promote the rule of law, human rights, equality between men and women, human rights education, and generally strengthen civil society in the Euro-Mediterranean region.*

EMHRN believes that EU relations with the Arab world, if implemented efficiently through several instruments, may enhance the promotion and protection of human rights and democratic principles as well as strengthen civil society. The crucial role of these relations between EU and Southern Mediterranean countries is the reason why EMHRN set up an office near to the main EU institutions in Brussels focusing on EU advocacy.

The aim of this manual is to assist members of EMHRN and other human rights NGOs to understand EU policies and its complex mechanisms, taking into account the changes introduced in 2009 by the EU Treaty of Lisbon and new commitments to human rights in response to the Arab Spring of 2011. The manual aims to make clear what can be achieved by advocating in the framework of these policies and mechanisms. It is meant to be a 'hands on' guide, useful in a practical way to NGOs involved in carrying out advocacy activities. Its intention is to help NGOs target the right actors and achieve the right timings to their actions in order to be as effective as possible when advocating towards the EU. It aims to show NGOs what they can ask for or expect from EU institutions, and how these institutions can be approached. It is meant for activists who have little or no practical experience in this area as well as those with some experience.

Since the Barcelona Declaration, the EU has been seeking ever-closer political and economic relations with countries of the region through trade, investment, financial support, political co-operation and other activities. According to the EU's Common Foreign and Security Policy (CFSP), these relations - like all EU relations with non-EU countries - aim to "consolidate and support democracy, the rule of law, human rights and the principles

*of international law"*². The EU's commitment to promoting human rights in the region was recently strengthened as a result of the Arab Spring.

Calling for the proper implementation of the EU's existing commitments to promote human rights in its relations with Mediterranean countries is one way that local human rights organisations can address the issues and cases they are working on. EU action may be one of the few international sources of pressure on foreign governments. Advocacy by NGOs can contribute significantly to the EU imposing punitive measures on countries or individuals that violate human rights, such as recent EU decisions not to upgrade relations with Israel and to subject Syrian officials to sanctions.

In terms of international advocacy, the rationale and instruments of EU action on human rights differ from those of other international mechanisms, such as the United Nations (UN) or the Council of Europe. As opposed to the enforcement of legally binding (multilateral treaties), in the EU's case it's mainly a matter of foreign policy and diplomacy. NGOs should be aware of this difference and adjust their expectations and methods accordingly. Compared to the UN, the EU - and especially its

individual Member States - have greater freedom of action. On the other hand, competing foreign policy objectives and the need for consensus before collective action on foreign policy issues can be taken often limits the forcefulness of EU measures to promote and protect human rights.

Intensification of the EU's relations with its Mediterranean partners, such as through migration or comprehensive trade agreements, may impact directly on the human rights of the population in question. NGOs have a role to play in monitoring and promoting human rights in this context, and in preventing policies adopted by the EU and its Member States from ultimately having a negative impact.

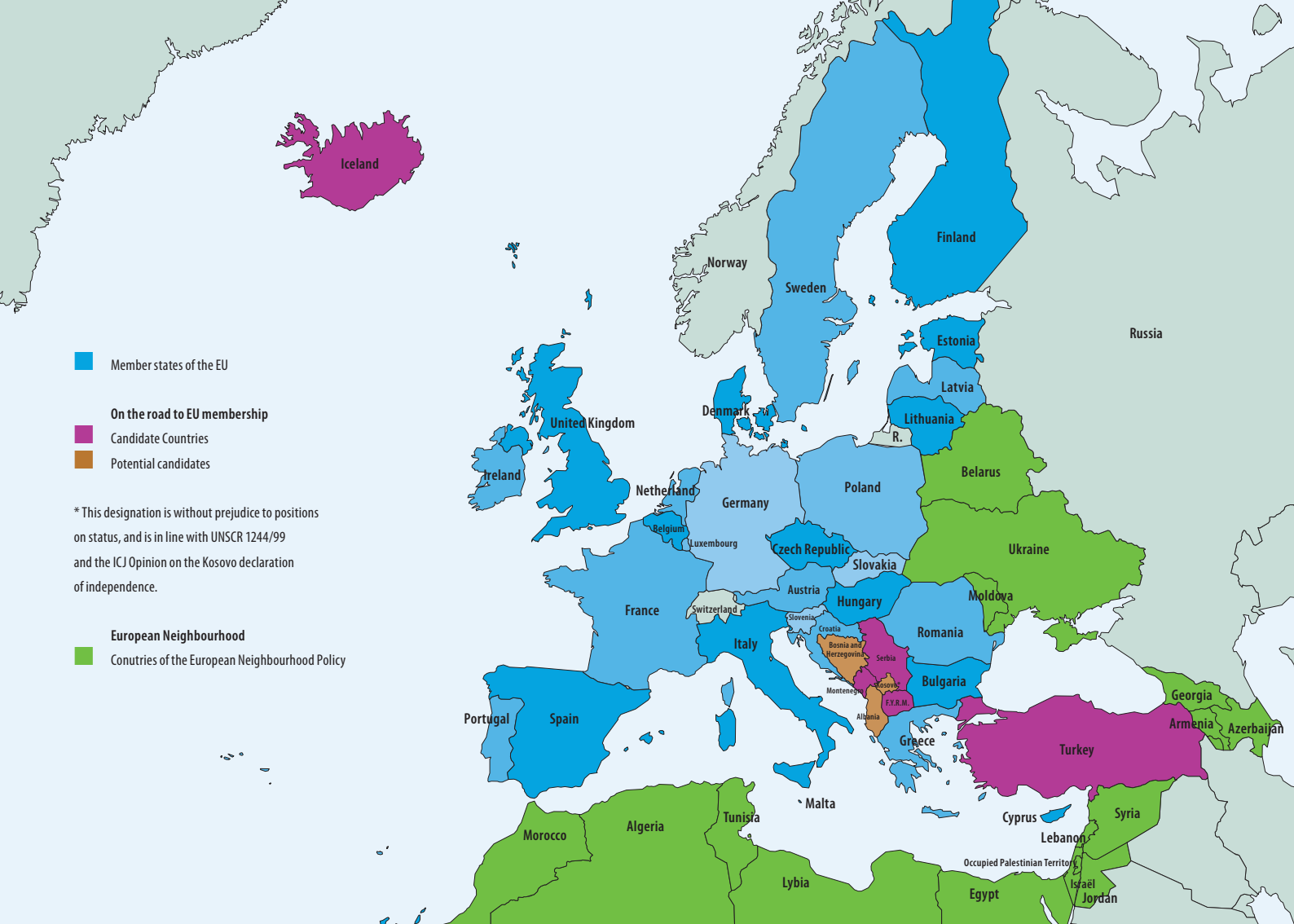
Many local human rights NGOs do not have frequent opportunities to travel to Brussels or to the capitals of EU Member States, if they are able to do so at all. They will only be able to interact with representatives of the EU and its Member States based in their own country. Therefore, this manual emphasises what human rights NGOs can do and achieve at the local level, especially by making use of the presence of EU Missions (EU Delegations and embassies of EU Member States) in their respective countries.

The manual is divided into four parts. The first part describes the EU institutions, their composition, competencies and the actions they can take on human rights. The second part focuses on the policies, agreements and structures, both multilateral and bilateral, in relations between the EU and Southern Mediterranean countries. The third part deals with the EU's global human rights policies and instruments. The final section provides practical tips regarding EU advocacy. Good practices are described in boxes, showing how the EU can be effectively lobbied and the kinds of actions the EU can take.

In addition to this guide, EMRHN has developed a toolkit which aims to assist NGOs to develop and implement an advocacy strategy intended to get the EU to take action in relation to the specific human rights issues they are dealing with³.

02 Lisbon Treaty "Consolidated version of the Treaty on the European Union", Art 21 § 2.

03 This handbook is available online at <http://www.euromedrights.org/eng>



PART ONE

The European Union and its Institutions



← European Union Member States⁴

- 04 Source : http://europa.eu/about-eu/countries/index_en.htm
- 05 Croatia joined the EU as its 28th member on 1 July 2013.
- 06 The EU also comprises other institutions, such as the European Union Court of Justice and other inter-institutional bodies, but since they are less relevant in the field of human rights and foreign affairs they are not described in this guide.

① The European Union

After the Second World War, European countries sought economic recovery and development as well as a way to prevent bloody conflict from emerging again. This was to be achieved through economic and then political co-operation and integration. In 1950, six countries agreed to joint control of the production of coal and steel, two commodities which contributed to the outbreaks of war. A common market was soon agreed in order to gradually allow for the more general free movement of people, goods and services among these six countries. Starting in 1973, the EU slowly expanded, growing to its current total of 28 members⁵. Within the EU, co-operation

or integration in the area of foreign policy has been slower to emerge than economic and political co-operation. Foreign policy co-ordination started in 1970, and in 1993 a Common Foreign and Security Policy was adopted.

The European Council, the Council of the European Union, the European Commission and the European Parliament are the most relevant institutions of the EU in terms of lobbying on human rights⁶. The composition and role of these institutions, as well as specific actions they can take on human rights in non-EU countries, are described below.

The situation is different when it comes to issues of migration and asylum, where decisions are made by voting and the Council of the EU and the Parliament “co-decide”.



Heads of State or Government

Presided over by President of European Council

President of European Commission and HR / VP participate

Council of the EU

Governments : Ministers

Sectoral councils, working group, committees

HR / VP chairs Foreign Affairs Council

European Parliament

Elected directly by EU citizens

751 MEPs, 7 political groups

European Commission

28 Commissioners, initiates and executes

EU laws; HR / VP is Vice-President

European External Action Service

- Executes foreign policy and supports Council of EU and HR / VP

② The European Council

The **European Council** is made up of the heads of state or government of the 28 Member States, the President of the European Council and the President of the European Commission. The High Representative takes part in its meetings. Since the High Representative also chairs the EU Foreign Affairs Council (FAC), her participation in the European Council creates a link between these two EU bodies. **The President** is appointed by the heads of state or government to oversee the European Council's work. He is appointed for a two-and-a-half-year term, with one possibility of renewal. The second President, who took office on 1 December 2014, is the Polish Donald Tusk.

The European Council was established as an informal body in 1974, acquired formal status in 1992, and finally became an official EU institution in 2009 with the entry into force of the Treaty of Lisbon. It usually meets four times a year in Brussels. **It “defines the general political direction and priorities of the European Union”⁷.** Its positions are usually decided by consensus and made public in **Euro-
pean Council's Conclusions or Declarations.** **The President can make public statements on human rights issues in Southern Mediterranean countries on the EU's behalf⁸.**

- 07** See European Council, Highlights, <http://www.european-council.europa.eu/home-page?lang=en>
For example, on the political direction and priorities set by the European Council in relation to Libya and the Southern Mediterranean region, see the Declaration of the Extraordinary European Council of 11 March 2011:
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf
- 08** For example, see the speech of President Van Rompuy after the first EU-Morocco summit in March 2010:
<http://vloghvr.consilium.europa.eu/?p=803>

③ The Council of the European Union

The **Council of the European Union** is the institution where the governments of the 28 EU Member States are represented. Member States meet in ten different “configurations” of the Council, each of which deal with specific areas and are composed of the relevant Ministers of the 28 EU Member States.

The Council of Europe

The Council of the European Union should not be confused with the Council of Europe. The Council of Europe is composed of 47 European Member Countries, including Russia and Turkey. It was founded in 1949, and promotes common and democratic principles based on the European Convention on Human Rights. It works through human rights mechanisms, which include the European Court of Human Rights based in Strasbourg. It has no direct link with the work of the European Union⁹.

⁰⁹ For more information see: <http://www.coe.int/portal/web/coe-portal>

¹⁰ See for example, the “Council conclusions on Syria” of 14 November 2011: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126046.pdf

One of these configurations is the **Foreign Affairs Council (FAC)**, in which the 28 Foreign Ministers of the EU Member States meet approximately once a month. It is chaired by the High Representative. **The FAC decides on the political orientation of the EU’s Common Foreign and Security Policy.** The FAC takes positions on human rights violations in non-EU countries and makes decisions on the measures that the EU will take to address them. Such measures can include sanctions, such as restricting admission or freezing the funds of the individuals responsible for human rights violations, economic **sanctions**, etc. **The Council’s positions and measures are contained in the Foreign Affairs Council’s Conclusions¹⁰.**

In the area of foreign policy, individual Member States can propose that specific issues be discussed, or that the EU takes specific actions. Any Member State can mobilise other Member States to support its position.

On the other hand, each Member State can block EU action since decisions taken in the FAC are made by consensus or unanimity and not by voting. This means that all 28 Member States have to agree on a course of action. A consequence of requiring consensus or unanimity is that EU positions are often watered down through compromise among Member States. It also means that the EU's positions are difficult to influence since effective advocacy requires intimate knowledge of the positions of individual EU Member States in a negotiation process which takes place behind closed doors.

In the Justice and Home Affairs Council¹³, Ministers of Justice/Home Affairs/Interior meet approximately once every two months. This is the Council configuration that deals with the issues of migration and asylum. Like the FAC, decisions and positions of the Justice and Home Affairs Council are contained in the Council Conclusions it adopts¹⁴. The Council adopts legislation in

GOOD PRACTICE

In November 2011, representatives of three women's rights organisations – the Democratic Association of Moroccan Women (ADFM) (Morocco), the New Women Foundation (Egypt) and the Djazairouna Association (Algeria), in collaboration with the EMHRN Women's Rights and Gender Equality coordinator based in Jordan and the EMHRN Office in Brussels - conducted a three-day advocacy mission to the EU institutions in Brussels. The purpose of the mission was to ensure adequate attention was given to women's rights and gender equality in the "new approach" towards European Neighbourhood Policy (ENP) countries, which was adopted by the EU earlier in the year. As a result of this advocacy, some points on gender equality were added to a resolution adopted by the Parliament in December¹¹. In addition, the Foreign Affairs Council included a specific paragraph on gender in its conclusions on the ENP of 1 December 2011¹².

the area of migration and asylum through "qualified majority voting", practically all of it through the ordinary legislative procedure (formerly known as co-decision), along with the European Parliament which has legally binding competences in this area.

- 11** European Parliament - European Parliament resolution of 14 December 2011 on the review of the European Neighbourhood Policy: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0576+0+DOC+XML+V0//EN>
- 12** Council of the European Union, Council Conclusions on the EU response to the developments in the Southern neighbourhood, 3130th FOREIGN AFFAIRS Council meeting, Brussels, 1 December 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126499.pdf
- 13** Council of the European Union, Justice and Home Affairs, [http://www.consilium.europa.eu/policies/council-configurations/justice-et-affaires-interieures-\(jai\)?lang=en](http://www.consilium.europa.eu/policies/council-configurations/justice-et-affaires-interieures-(jai)?lang=en)
- 14** See for example, Council Conclusions on migration issues related to the Southern Mediterranean of the 11-12 April 2011: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/121483.pdf

The work of the Foreign Affairs Council is prepared by the Political and Security Committee (PSC). The PSC is composed of the 28 PSC Ambassadors of the EU, who are based at Member States' Permanent Representations to the EU in Brussels. The PSC provides co-ordination and expertise in the area of foreign policy and is supported by several working groups.

GOOD PRACTICE

In June 2011, in the context of the repression of peaceful protests in Syria, the EMHRN and its members organised a two-day advocacy visit to Brussels for several prominent Syrian Human Rights Defenders. The main purpose of the visit was to provide EU decision makers with input regarding sanctions to be imposed on the Syrian regime. In May 2011, the EU had started to adopt restrictive measures against Syrian officials involved in the repression, including an arms embargo, an asset freeze and a travel ban on key individuals in the regime, in addition to freezing any co-operation with the Syrian government. During meetings with Member States and EEAS officials, the delegation stressed the importance of targeting both individuals and entities involved in the repression. For instance, the role of private companies was emphasised, such as the role of telecommunications companies that supported the government to monitor communications in the country. As a result, during the meeting of the Foreign Affairs Council on 23 June 2011, the Council of the EU decided to further strengthen sanctions on Syria by including additional persons in the list, including the President Bashar al-Assad. In 2012, further sanctions were imposed by the Council on several entities, notably private phone companies who had been mentioned by members of the delegation. It must be noted that the advocacy visit was organised following a similar visit to the UN Human Rights Council in Geneva, allowing the co-ordination of requests addressed to the EU with those presented to the UNHRC, and the targeting of requests according to each organisation's competencies and agenda.

Council of the European Union

Foreign Affairs Council

28 Foreign Affairs Ministers

Chaired by HR/VP

Assisted by EEAS in Brussels

Permanent Representatives Committee – COREPER

28 Permanent Representatives

Ambassadors of the Member States

Working parties / committees not working on Foreign Affairs issues

e.g. : Strategic Committee on Immigration, Frontiers and Asylum

Staff of the Permanent Representations

of the Member States to the EU in Brussels or from capital cities

Political and Security Committee – PSC

28 Permanent Representatives

Ambassadors to PSC of the Member States

Working parties / committees on Foreign Affairs issues

e.g. : Maghreb-Mashreq Group / COHOM

Staff of the Permanent Representations

of the Member States to the EU in Brussels or from capital cities

GOOD PRACTICE

In March 2011, faced with increased repression and the imminent adoption of restrictive laws in their country, three Israeli NGOs - Adalah, the Public Committee against Torture in Israel (PCATI) and the Physicians for Human Rights-Israel (PHR-I) - appointed a representative to organise an advocacy mission in co-operation with the EMHRN. The representative met in Brussels with the chairperson of the MAMA working group, and proposed to do a briefing to the working group on the situation of Human Rights Defenders in Israel, inviting HRDs from Israel for the occasion. The chairperson responded positively to this idea, and a briefing was made to the working group on 5 May 2011. Two HRDs, one journalist and one expert on law were invited to come from Israel. According to the participants of the mission, this method of advocacy was very effective and EU language on HRDs in Israel improved as a result: an example being the statement of the High Representative concerning the Israeli anti-boycott bill.

The most important working group for EMHRN and its members is the **Maghreb/Mashreq (MAMA) working party**. This working group is made up of representatives based at Member States' Permanent Representations to the EU in Brussels. It is chaired by an EEAS staff member. It normally meets twice a week, sometimes more. As part of its mandate on overall policy towards Southern Mediterranean countries, it discusses the human rights situation as well as action the EU should take. It prepares the **FAC's Conclusions** with respect to countries in the region. These pass through the PSC before being adopted by the Foreign Affairs Council. With the help of the EEAS, the MAMA working group prepares **Association Council** meetings and the EU's **public declarations** concerning the Euro-Mediterranean region. It also discusses and agrees on the agenda, prepared by the EEAS, of the **sub-committees on Human Rights between the EU and Southern Mediterranean countries**. Finally, based on the proposals made by the

EEAS, it is in charge of agreeing on **European Neighbourhood Policy (ENP) Action Plans** before they are submitted to higher levels.

Another relevant working group is **the Working Group on Human Rights (COHOM)**. It is composed of the Heads of the human rights units/departments of the Foreign Affairs Ministries of the 28 Member States. The 2012-2014 EU Strategic Framework and Action Plan on Human Rights and Democracy¹⁵ established a Brussels-based the COHOM consisting of staff from Member States' Permanent Representations. COHOM meets at least once a month and is responsible for shaping the EU's overall positions and policies in the area of human rights in foreign policy and instruments to implement these, like the EU Human Rights Guidelines. It monitors developments, discusses EU action and prepares positions in relation to specific situations. It is responsible for the EU's participation in the UN's Human Rights mechanisms and for agreeing

EU positions at the UN. It is also responsible for the mainstreaming of human rights in EU geographical working groups and for the EU's global human rights strategy. Within the COHOM, individual Member States may take a leading role on specific issues (torture, Human Rights Defenders, etc.). The COHOM may collaborate with other working groups, such as the MAMA working group when it concerns human rights in Northern African and Middle Eastern countries. For example, the Human Rights Country Strategies for these countries should be discussed and agreed in joint MAMA/COHOM meetings.

An important committee in the area of migration is the Strategic Committee on Immigration, Frontiers and Asylum, which consists of senior officials of EU Member States, and which prepares the meetings of the Justice and Home Affairs Council.

¹⁵ Council of the European Union, EU Strategic Framework and Action Plan on Human Rights and Democracy, 25 June 2012 : http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

4 The High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission

16 For one of HR/VP's declarations on behalf of the EU, see Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on EU action following the escalation of violent repression in Syria, 18 August 2011 : http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/cfsp/124393.pdf. See also a statement by her spokesperson on the continued crackdown on civil society organisations in Egypt of the 1 February 2012: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/127777.pdf

17 A démarche is a written or oral expression of the EU's position to the government of a third state or to an inter-governmental organisation. It may contain a request for a specific actions or measures to be taken.

On foreign affairs, the EU is represented by the **High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP)**. The new HR/VP is Federica Mogherini, who took office on the same day as the new European Commission, on 1 November 2014; her appointment runs until the end of the mandate of the current European Commission (2019). She is assisted by her cabinet, which includes a person in charge of relations with civil society and another in charge of the Mediterranean region. Since the entry into force of the Lisbon Treaty, the High Representative permanently chairs the Foreign Affairs Council. **She makes public statements and visits countries where she raises issues during meetings with authorities.** The public statements of the High Representative fall into three categories. **The statements “on behalf**

of the EU” are drafted by the EEAS and discussed in the MAMA working group and thus approved by the 28 Member States. There are also **statements “by the High Representative”** and, at a lower level, **statements “by the spokesperson” of the High Representative**¹⁶ neither of which require prior approval of Member States. **EU démarches**¹⁷ **in the area of CFSP are the formal responsibility of the High Representative.**

In June 2011, the High Representative set up a **Task Force for the Southern Mediterranean**¹⁸. This brings together various EU institutions and other funders to co-ordinate assistance to Arab Spring countries, especially for reforms. In the context of the adoption of the 2012-2014 EU Strategic Framework and Action Plan on Human Rights and Democracy¹⁹, the Foreign Affairs Council decided to appoint an **EU Special Representative for human rights** to raise awareness of EU actions in this area.

- 18 Press release, HR Catherine Ashton sets up Task Force for the Southern Mediterranean, 7 June 2011 : http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122454.pdf
- 19 Meeting of the Tunisia – European Union Task Force, Co-Chairs conclusions, Tunis, 28-29 September 2011: http://eeas.europa.eu/tunisia/docs/20110929_taskforce_en.pdf

⑤ The European External Action Service

The **European External Action Service (EEAS)** was created by the Lisbon Treaty and became operational in 2010. It is based in Brussels and falls under the authority of the High Representative, and means to assist her in her work. The EEAS has Directorates. Some are geographical, such as the one dealing with the Middle East and North Africa (MENA), and one is thematic: the Directorate for global and multilateral issues. The Directorate for MENA has a unit dealing with the Maghreb (Morocco, Algeria, Tunisia and Libya) and one dealing with the Middle East (Egypt, Syria, Lebanon, Israel, Occupied Palestinian Territories, Jordan), with one or more Desk Officers assigned to each country. In the Directorate there is also a unit dedicated to Regional policies, Euromed and UfM. The thematic Directorate is divided into departments, one of which deals with Human Rights and Democracy. It has two units which deal with human rights²⁰ and one which

deals with democracy and electoral observation. There are Desk Officers responsible for specific countries or themes. A specific EEAS division also deals with European Neighbourhood Policy “Strategy and Instruments”. The EEAS is represented in Third Countries by the delegations of the EU.

The idea of setting up the EEAS was to achieve greater coherence and consistency in the EU’s external action. It was established to “help strengthen the European Union on the global stage, give it more profile, and enable it to project its interests and values more efficiently”²¹. **Through activities such as analysing policies, participating in meetings, planning agendas (e.g. for Association Councils, Association Committee and Sub-committees on Human Rights), drafting reports and statements (Statements of the EU ahead of the Association Council, EU Council**

20 The first one deals with “Human Rights Guidelines and multilateral co-operation” and the other one deals with “Human Rights instruments and bilateral co-operation”.

21 Council of the European Union, *Draft Council decision establishing the organisation and functioning of the European External Action Service*, 25 March 2010, <http://register.consilium.europa.eu/pdf/en/10/st08/st08029.en10.pdf>

Statements, *démarches*), the EEAS supports the work of the High Representative and the Foreign Affairs Council and its working groups. EEAS staff chair the working groups that fall under the Foreign Affairs Council, including the MAMA and COHOM working groups. The EEAS's Strategies and Instruments division is mandated by the Council of the EU to take the lead in negotiating ENP Action Plans and in the drafting of the annual Progress Reports on the implementation of these plans; it collaborates on this with the European Commission.

GOOD PRACTICE

Putting the issue of migrants' and refugees' rights on the agenda of EU-Morocco relations is an important advocacy priority for EMHRN. In view of the EU-Morocco sub-committee on Human Rights on 20 October 2011, Moroccan members and partners of the EMHRN - Moroccan Association of Human Rights (AMDH), Moroccan Organization for Human Rights (OMDH), Democratic Association of Moroccan Women (ADFM), and the Anti-racist Group for Accompaniment and Defense of Foreigners and Migrants (GADEM), - sent concerns and recommendations on this issue to the EMHRN, which the Network raised during the NGOs' consultation organised by the EEAS in Brussels. Members and Moroccan partner NGOs' relevant statements and briefing notes were also distributed to the EEAS. This advocacy work enabled the issue of mass arrests of migrants and violations of their rights to be added to the sub-committee's agenda.

⑥ The European Commission

The European Commission is made up of 28 Commissioners. The European Council appoints the **President** of the European Commission, who in turn appoints other Commissioners. These appointments, all for five-year terms, must be approved by the European Parliament. Commissioners are in charge of the different Directorates-General, or departments, into which the Commission is divided. “The mission of the **European Commission** is to promote the general interest of the European Union. It does so by participating in the decision-making process, in particular by presenting proposals for European law, by overseeing the correct implementation of the Treaties and European law, and by carrying out common policies and managing funds”²².

GOOD PRACTICE

In reaction to the “reviewed ENP” in May 2011, EMHRN pushed for an additional benchmark on women’s rights and non-discrimination as a means for the EU to monitor and assess democratisation in partner countries, and to decide if it will increase its co-operation or not with the country (“more for more” approach). This advocacy objective was pursued through face-to-face meetings with the Commissioner in charge of the ENP and at different levels of staff at the EEAS. Early in 2012, the High Representative and the Commissioner in charge of the ENP sent a joint letter to the Foreign Ministers of all EU Member States on the “implementation of an incentive-based approach in the framework of the ENP”. This document elaborated on the human rights benchmarks to be used to monitor the implementation of the revised ENP. Non-discrimination on the basis of gender was included in this.

The **Commissioner for Enlargement and European Neighbourhood Policy** is responsible for Northern African and Middle Eastern countries on issues within the mandate of the Commission. Johannes Hahn has been appointed Commissioner for Enlargement and European Neighbourhood Policy in the Juncker Commission of 2014-2019. As such, he regularly travels to different countries to meet authorities for exchanges on the development of their relations with the EU. **He can raise human rights concerns and make public statements.**

22 European Commission, *Governance Statement of the European Commission*, 30 May 2007: http://ec.europa.eu/atwork/synthesis/doc/governance_statement_en.pdf

The Directorate-General **Europeaid - Development and Co-operation (DEVCO)**, provides funding to ENP countries through its **European Neighbourhood and Partnership Instrument (ENPI)**²³. It has members of staff responsible for all ENP countries.

There is specific funding from the **European Instrument for Democracy and Human Rights (EIDHR)** for human rights NGOs. The EIDHR provides funding for projects or programmes managed by local or international civil society organisations and small grants to Human Rights Defenders. Eligible activities include enhancing respect for human rights and fundamental freedoms, strengthening the role of civil society in promoting human rights and political reforms, consolidating political participation and representation, monitoring elections and the areas covered by EU Human Rights Guidelines. Generally speaking, obtaining EU funding for a human rights project has the advantage that the EU

is more likely to provide political support to human rights organisations or defenders that it funds than to those it doesn't. Small grants, including funds for NGO's projects, are managed in Southern Mediterranean countries by the Delegations of the EU.

The Commissioner for Home Affairs and the Directorate-General of the same name deal with migration and asylum among other issues. Staff at this Directorate-General's International Affairs Unit are, for instance, in charge of negotiating mobility partnerships, which according to the EU aim to be a comprehensive framework for managing the movement of persons between the EU and individual ENP countries²⁴.

For NGOs concerned about their country's trade relations with the EU or their country's participation in EU programmes and agencies, Directorates-General such as Trade, Taxation and Customs Union, and Research and Innovation may be relevant.

²³ European Commission website, *European Neighbourhood and Partnership Instrument*: http://ec.europa.eu/europeaid/how/finance/enpi_en.htm (and see below under ENP).

²⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *A dialogue for migration, mobility and security with the southern Mediterranean Countries*, 24 May 2011: http://ec.europa.eu/home-affairs/news/intro/docs/110524/292/1_EN_ACT_part1_v12.pdf

⑦ The European Parliament

The European Parliament (EP) represents the population of the European Union. There are 751 **Members of European Parliament** (MEPs), who are directly elected for a five-year term. Each Member State has a certain number of seats, according to the size of its population.

25 An overview of the political groups with links to all their websites can be found on the European Parliament website: <http://www.europarl.europa.eu/aboutparliament/en/007f2537e0/Political-groups.html>

26 See for example, Jerzy Buzek (former President of the EP) statement on the raid on NGO offices in Egypt on 30 December 2011 : http://www.sitepres.europarl.europa.eu/former_ep_presidents/president-buzek/en/press/press_release/2011/2011-December/press_release-2011-December-22.html

The different national political parties are organised into **political groups**, and there are seven in the 2014-2019 legislature²⁵. Each political group appoints its own chairperson and is supported by a secretariat.

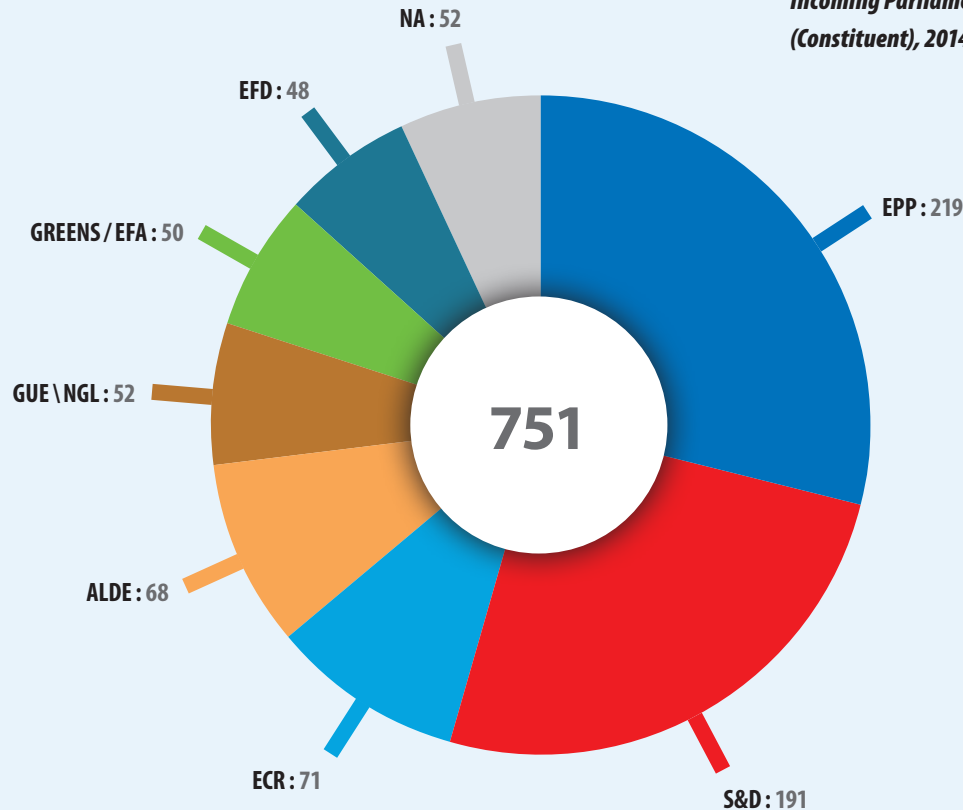
The parliament elects a **President** who represents it *vis-à-vis* the outside world and in its relations with the other EU institutions. During a given five-year legislative term, two Presidents are elected from two different political groups, each for two-and-a-half years. The two Presidents are chosen from the two largest political groups, generally the

centre-right European People's Party (EPP) and the Socialist & Democrat Party (S&D). **The President's activities include conducting visits and meetings, raising human rights issues and cases, and making public statements²⁶.** The President may assign tasks to one of the 14 Vice-Presidents elected by MEPs.

Each MEP is assisted in his/her work by one or more personal assistants. Assistants prepare MEPs' work, represent MEPs at meetings and manage their agendas. Being in charge of the MEPs 'inbox', the assistant is generally the first person with whom contacts are made. As a member of a political group, MEPs are also assisted in preparing their work by the staff of the group. Staff of political groups are important contacts in the parliament, because they work with several MEPs and generally draft proposals for parliamentary resolutions coming from the group.



**Political repartition in
the European Parliament
Incoming Parliament
(Constituent), 2014²⁷**



EPP-ED

Group of the European People's Party
(Christian Democrats) and European Democrats

S&D

Group of the Party of European Socialists

ECR

European Conservatives and Reformists Group

ALDE

Group of the Alliance of Liberals
and Democrats for Europe

GUE \ NGL

Confederal Group of the European United
Left / Nordic Green Left

GREENS/EFA

Group of the Greens/European Free Alliance

EFD

Europe of Freedom and Democracy Group

NA

Non-attached

²⁷ European Parliament/Composition
of Parliament - eight term:
2014-2019, <http://www.europarl.europa.eu/aboutparliament/en/007f2537e0/Political-groups.html>

28 Calendar of the European Parliament meetings for 2015: http://www.europarl.europa.eu/sed/doc/news/lookingaheadagenda/CALENDRIER2015_en.pdf

29 European Parliament/Committees: <http://www.europarl.europa.eu/committees/en/parliamentary-committees.htm>

30 Under its Democracy Directorate the EP created in 2012 a new unit called Human Rights (Actions) Unit. The actions unit is distinguished from the Human Rights Unit which act as the secretariat of the Subcommittee on Human Rights.

The **plenary of the Parliament** meets once a month, in Strasbourg (France). It can also meet in a short supplementary plenary session lasting one or two days in Brussels²⁸. The other meetings of MEPs – in political groups, committees or delegations – are mostly held in Brussels. MEPs divide their time between these two locations. Additionally, they generally spend a week in their constituencies every month.

There are **22 parliamentary Standing Committees**. Each committee appoints a chairperson, who plays an important role by, for example, representing the committee and managing the committee's agenda. Relevant committees are:

▶ The **Foreign Affairs** Committee, which “helps to formulate and monitor a foreign policy that addresses the interests of the Union, the security expectations of its citizens and the stability of its

neighbours, and ensures that it is coherent and effective”²⁹. It is responsible for issues concerning human rights, protection of minorities and promotion of democratic values in Third Countries. In this context the committee is assisted by a subcommittee on human rights.

▶ The Subcommittee on **Human Rights** assists the Foreign Affairs Committee and has its own chair. This subcommittee holds hearings and adopts reports about specific human rights issues or countries. It invites NGOs, experts, academics, EEAS representatives and representatives of non-EU countries to address it. It is supported by the staff of the Parliament's Human Rights Unit, which acts as the subcommittee's secretariat³⁰.

- **The Women's Rights and Gender Equality committee is not only concerned with the promotion of women's right in the EU, but also in Third Countries.**
- **The committee on Civil Liberties, Justice and Home Affairs deals with legislation and democratic accountability in relation to measures concerning the entry and movement of persons, asylum and migration. Parliament co-decides on EU legislation in the areas of migration and asylum.**

There are currently 44 parliamentary **delegations**. The delegations maintain relations and exchange information with parliaments in non-EU countries. Through its delegations, the European Parliament helps to represent the European Union externally, and to promote the values on which the European Union is

founded in Third Countries, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. There are delegations for relations with Israel³¹, with the Palestinian Legislative Council, with the Maghreb countries, with the Mashreq countries, to the EU-Turkey Joint Parliamentary Committee and to the Union for the Mediterranean Parliamentary Assembly. They make visits to countries and meet government officials and local NGOs. **They can raise human rights issues and cases, make public statements, or take other forms of action.** Like committees, delegations appoint chairpersons, who similarly play a leading role in defining the agenda and representing this institutional structure. They are supported by the staff of the European Parliament's secretariat. The parliament also has an informal working group on the Middle East.

³¹ European Parliament/Delegations:
<http://www.europarl.europa.eu/delegations/en/home.html>

GOOD PRACTICE

In October 2010, the Palestinian Human Rights Organisation (PHRO) conducted a mission to Brussels on the issue of Palestinian refugees in Lebanon. This local human rights organisation was assisted by the EMHRN office in Brussels. The organisation met with several EU representatives, including MEPs, who then participated in a visit to Lebanon by a parliamentary delegation the following month. These meetings were an occasion to raise strong concerns about the case of the General Director of the PHRO, to ask MEPs to raise concerns with the Lebanese authorities about Palestinian refugees in Lebanon, and to hold a meeting with civil society organisations in Lebanon. In addition, a briefing note was sent to the MEPs on the general human rights situation in Lebanon. As a result of the mission, the Parliamentary delegation visited the Nahr el bared refugee camp and the office of PHRO located there. The situation of Palestinian refugees was discussed with Lebanese authorities. The delegation also held a meeting with civil society organisations in Beirut, as had been requested during the mission.

32 European Parliament, *The Consent of the European Parliament*: <http://www.europarl.europa.eu/aboutparliament/en/0087a559c8/Consent.html>

The Parliament has legislative, budgetary and supervisory powers, which were increased by the Treaty of Lisbon. Parliament adopts EU legislation in conjunction with the Council through a procedure called co-decision. This is how the vast majority of EU laws are adopted. Parliament has the right to propose amendments to the EU's annual budget and the final budget must get the Parliament's approval. It then supervises expenditure. In the area of general foreign policy, the Parliament has no formal or insitutional power to constrain the Council. However, Parliament must give its consent³² to the signing of Association Agreements and – since the Lisbon Treaty – all trade agreements. The European Parliament is the institution of the EU most active on human rights and most supportive of Human Rights Defenders. As such, it can play an important role in highlighting human rights violations.

As the only democratically elected EU institution, it has an important role to play in monitoring EU policies in this area, and in making recommendations to the Council of the EU and the EEAS.

The plenary of the European Parliament adopts general resolutions pertaining to human rights, the ENP and the Mediterranean region, as well as human rights urgency resolutions³³. Three urgency resolutions are adopted per plenary session. Through resolutions, parliament publicises specific human rights violations and expresses its concerns about them. **Although not binding for other EU institutions, resolutions may call for action by the European Council, the Council of the EU, the Commission, the High Representative, the EEAS, the EU Delegations and EU Member States, as well as by the government of the country concerned.** Topics for resolutions are proposed by individual political groups and agreed amongst the seven

political groups represented in parliament. Resolutions are researched and drafted by the individual political groups, with support from their own staff and the staff of the parliament's secretariat (Human Rights Unit).

Each year, the European Parliament issues a report on the human rights situation in countries outside the European Union, and another report on respect for fundamental rights within the Union³⁴. The High Representative has to ensure that the “views of the European Parliament are duly taken into consideration” in the CFSP³⁵. A twice-yearly debate with the High Representative on the progress in implementing the CFSP is organised in the EP.

³³ See for example, the “European Parliament resolution of 17 November 2011 on Egypt, in particular the case of blogger Alaa Abd El-Fattah”: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-518>

³⁴ European Parliament functions, *Defending Human Rights*, <http://www.europarl.europa.eu/aboutparliament/en/00a25cf207/Defending-human-rights.html>

³⁵ Lisbon Treaty “Consolidated version of the Treaty on the European Union”, Article 36.

GOOD PRACTICE

Ahead of the the EU-Egypt sub-committee on political dialogue in 2008, the EMHRN and its Egyptian member, the Cairo Institute for Human Rights Studies (CIHRS), seized the opportunity to raise awareness on the overall human rights situation in Egypt. A briefing note was sent to the EU institutions about deterioration of the human rights situation since the adoption of the EU-Egypt ENP Action Plan in March 2007. It stressed the fact that the Egyptian government had not shown political will to implement its commitments and had actually adopted tough new measures which contradicted the human rights chapter in the Action plan. It included recommendations for the EU to discuss with the Egyptian authorities in the area of torture, justice, freedom of association, expression and media, and women's rights. The document was co-signed with other international NGOs, the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT). This advocacy led to a strong EP resolution on Egypt, referring to many human rights issues which were taken very seriously by the Egyptian authorities. In 2011 and 2012, the EMHRN and its Egyptian members, the CIHRS and the Andalus institute for tolerance and anti-violence studies, addressed the European Parliament on many occasions in hearings of the subcommittee on human rights and the Mashreq delegation, focussing their speeches on the campaign against human rights NGOs and increased threats to freedom of association. This issue was then raised strongly in EP resolutions on Egypt, thanks to continuous EMHRN contacts with the European Parliament.

Through written or oral parliamentary questions to the Council, Commission or EEAS, individual MEPs publicise and express concern about human rights issues and ask the Council, Commission or EEAS about what they are doing, or what they will do, to address the situation, and recommend specific actions³⁶. An individual MEP or groups of MEPs can also write letters to the High Representative, requesting her to take action such as making a public statement. These actions by MEPs are particularly useful for raising awareness and, when questions are answered, getting more information on a given topic.

36 See for example, one MEP's written question to the Commission on 21 December 2011 regarding human rights violations in Egypt, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2011-012222+0+DOC+XML+V0//EN>

37 European Parliament, Parliamentary Questions, Subject: Tunisia - Article 61a of the Penal Code, 12 October 2010: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+QQ+O-2010-0151+0+DOC+XML+V0//EN>.

GOOD PRACTICE

In 2010, representatives of Tunisian NGOs, from the Committee for the Respect of Freedom and Human Rights in Tunisia (CRLDHT), the Tunisian League of Human Rights (LTDH) and the Tunisian Association of Democrate Women (ATFD), with the support of the EMHRN, developed targeted advocacy towards the European Parliament regarding Article 61 bis of the Tunisian former penal code, which criminalised contacts between Tunisian Human Rights Defenders and European officials/diplomats. A letter was written to MEPs calling on them to adopt an urgency resolution. In addition, a meeting was organised between Tunisian NGOs and MEPs so that they could discuss the issue. As a result, a political party asked a written question to the European Commission concerning the EU's strategy for developing relations with Tunisia, particularly as regards this Article³⁷. A few months later, in January 2011, a plenary debate took place in the EP on the human rights situation in Tunisia, a few days before the departure of Ben Ali.

The European Parliament also has the capacity to observe elections in Third Countries when the EU is invited³⁸. If an EU observer's mission has been agreed by the High Representative, the EU will send on-the-ground observers. The European Parliament will elect a Chair of the mission from among the members of the Election Co-ordination Group. The EP can also send a delegation of MEPs to do

on-the-ground observation around the days of the election. The EP may then adopt a resolution on the situation of the country where the observation has taken place.

In the framework of the advanced status of EU-Morocco relations, an EU-Morocco mixed parliamentary assembly was set up, consisting of members of the Moroccan and European parliaments. It now monitors and plays a role in the development of the relationship between the EU and Morocco. Its objective is to evaluate all domains of EU-Morocco co-operation. It can address its recommendations to the EU-Morocco Association Council³⁹.

38 European Parliament functions, Elections Observations, <http://www.europarl.europa.eu/aboutparliament/en/0090a5008e/Election-observation.html>

39 Press release of EU Morocco Mixed Parliamentary Commission http://eeas.europa.eu/delegations/morocco/documents/news/20110517_fr.pdf

⑧ The EU Member States

Each EU Member State has its own **Minister for Foreign Affairs** who leads a **Ministry of Foreign Affairs** in the country's capital. At the ministry there are staff who deal with specific countries and staff who deal with human rights issues. In Brussels, Member States are represented by an **Ambassador** or Permanent Representative to the EU and his/her staff based at the country's **Permanent Representation to the EU**. Specific staff at the permanent representations are responsible for specific regions (such as the Maghreb and Mashreq regions) or themes (such as human rights or migration issues). In Third Countries, EU Member States are usually represented by their embassies.

When it comes to foreign policy, the EU takes decisions by unanimity: all Member States must agree. The political positions of Member States are defined in their capitals and

co-ordinated in Brussels to become positions of the EU. For this reason, it is important to do advocacy in the capitals of Member States and to take different positions and interests into account when advocating on human rights issues.

The characteristics of EU countries vary. Sizes range from Germany, with over 82 million inhabitants, to Malta, with less than half a million. The political will and capacity to take action on human rights issues also differ. This depends on the makeup of the government in power, on other foreign policy interests (political, economic, migration, etc.), historical relationships to different countries, the activity of the national parliament, and other factors. Some EU Member States have strong representation abroad in terms of the number of embassies and number of staff working at these embassies while others are represented weakly. Some Member States are well informed

and involved in the international scene and specifically in the Arab world. In some cases, this may be a legacy of historical, political, economic and cultural ties. Others members are less informed and involved. In general, Southern European countries such as France, Italy, Spain and Portugal are more interested and involved in policy-making with North Africa and the Middle East, with Southern Mediterranean countries playing a key role in defining EU policies in the region. The leading role of France in EU relations with the countries of Maghreb is an example. However, strong political, economic and historical ties often prevent these countries from taking firm positions on human rights. Eastern European countries often have a lack of knowledge or interest when it comes to human rights in the Mediterranean region. On the other hand, Nordic countries traditionally push for human rights.

In parallel with EU policies, each Member State has its own human rights foreign policy and migration (visa) and asylum/refugee policies. **Member States have almost all the same tools available as the EU, such as *démarches* and public statements.** Ambassadors and visiting ministers for Foreign Affairs can raise issues and human rights cases in meetings with local authorities on an *ad hoc* basis, or as part of regular meetings or bilateral dialogues they have with the government in question.

Following the Treaty of Lisbon, EU embassies should act in accordance with EU positions⁴⁰. EU embassies are therefore expected to implement EU policies, such as EU Human Rights Guidelines.

⁴⁰ Lisbon Treaty “Consolidated version of the Treaty on the European Union”, Article 35.

National parliaments of Member States can play an important role in foreign policy. Parliamentarians monitor the implementation of foreign policy, including in the area of human rights, both by their own government and by the EU. Some parliaments have standing committees on foreign affairs which can launch inquiries, issue reports, organise hearings, and make recommendations to the foreign ministry. They may even have a “European committee” or a human rights committee. Individual parliamentarians address oral and written questions to their Minister for Foreign Affairs.

Individual parliamentarians can propose (and vote to adopt) resolutions which criticise policy or its implementation, or request action from the government. In contrast to resolutions of the European Parliament, these resolutions are often binding on the government. The Minister for Foreign Affairs may be summoned to parliament in order to respond to oral questions in a debate on a specific human rights issue. EU Member States’ parliamentarians make visits to foreign countries, where they meet Human Rights Defenders and can raise issues and cases with counterparts and local authorities.

⑨ Local Level: The EU Missions

For local NGOs, EU Missions – consisting of the EU Delegation and the embassies of EU Member States – are the most accessible point of contact with the EU. For some NGOs this may be the only accessible level, since they may not be able to visit Brussels or European capital cities. It is the level where they can arrange and conduct face-to-face meetings with representatives of the EU and its Member States.

The EU Delegation, which is an extension of the EEAS, is headed by the EU Ambassador. The Delegation is usually divided into a Political Section and an Operational Section. At the EU Delegation, there is a **focal point on human rights issues**, usually the Head of the Political Affairs Section. For the implementation of the EU Guidelines on Human Rights Defenders, in each country an **EU Liaison Officer on Human Rights Defenders** has been appointed. This is often the same person – a staff member of the

EU Delegation – although in some cases it is a member of staff of the embassy of one of the EU Member States. **The EU Delegation takes action on behalf of the EU, such as conducting political dialogue and démarches.** The Operational Section is in charge of managing EU funding and programmes on the ground.

The role of the EU Liaison Officer on Human Rights Defenders is twofold: firstly, he/she has the role of first 'entry point to the EU', and is able to discuss the issues raised by HRDs with all concerned EU colleagues, trying to find a common EU stance or promote individual actions (deciding to observe a trial, facilitating the provision of a visa to a HRD in danger, etc.). Secondly, he/she has to co-ordinate the work on HRDs within the EU. In practice, this means facilitating organisation of the EU's annual meeting with HRDs to ensure that issues concerning HRDs are raised in the appropriate EU meetings, etc. The fact that there is an EU Liaison Officer does not mean that Member States are no longer responsible for the implementation of EU Guidelines on HRDs. On the contrary, the role of the Liaison Officer is to promote a more coherent EU policy on this issue.

EU Member States are represented by Ambassadors and his/her staff based at the country's **embassy**. At the embassies, it is usually the Deputy Head of Mission who is responsible for human rights issues.

The EU Ambassador and Ambassadors of EU Member States, collectively known as the **Heads of Mission**, meet regularly as a group. Another group, the **Human Rights Working Group**, brings together the EU Delegation and Embassy staff who specialise on human rights issues. At either of these meetings, human rights issues and EU action are discussed and decisions made. The EU Human Rights Working Group should deal explicitly with the situation of HRDs. In some countries there is “task-sharing” among EU Missions, in which different Missions take the lead on different human rights issues. Local EU statements are approved by Heads of Mission of EU Member States.



Sometimes the EU and its Missions are seen mainly as a source of funding. This is important, but it should be clear that EU Missions are also mandated to take political action and play a key role in the implementation of the EU's external and human rights policies. The EU's Human Rights Guidelines describe the tasks of the EU Missions.

In relation to the ENP and Association Agreements, EU Missions also play a key role. They participate in the drafting of ENP Action Plans and of Annual Progress Reports on the implementation of these Plans. They also provide input to higher levels ahead of meetings of the Association Council, Association Committee and sub-committee. Although they don't always do so, **they should gather input from local NGOs, such as for drafting Action Plans and Progress Reports, and should organise consultations with NGOs ahead of human rights sub-committee meetings and debrief them after these meetings.**

EU Missions play a key role in planning the programmes of visits of EU representatives to Mediterranean countries. The EU Delegation arranges visits by the High Representative, European Commissioners, staff of the EEAS or European Commission and EU Special Representatives, like the Special Representative for Human Rights. The EU Delegation also assists in visits of Delegations and Committees of the European Parliament. It sometimes sets up a meeting between visiting EU representatives and local civil society organisations; NGOs can push for such meetings.

Embassies of EU Member States arrange the visits of their Foreign Ministers, staff of their Foreign Ministries, and members of national parliament. As noted above, EU Member States' policies are key in defining the global EU foreign policy. That is why it is relevant to take advantage of such visits to influence Member States' policies.



PART TWO

Human Rights Instruments in the framework of the Union for the Mediterranean and the European Neighbourhood Policy



① Multilateral Level: The Euro-Mediterranean Partnership / Union for the Mediterranean

41 European Commission, *Barcelona declaration adopted at the Euro-Mediterranean Conference*, 27-28 November 1995: http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf

In November 1995, in adopting the Barcelona Declaration, 15 EU and 12 Southern and Eastern Mediterranean countries launched the **Euro-Mediterranean Partnership**. This multilateral partnership was also known as

the **Barcelona Process**. The Barcelona Declaration included commitments to act in accordance with the Universal Declaration of Human Rights and to respect human rights and fundamental freedoms⁴¹.

In 2008, the Euro-Mediterranean Partnership evolved into the **Union for the Mediterranean** (UfM), still based on the Barcelona Declaration. As of September 2010, the UfM has a Secretariat, established in Barcelona, and a shared (EU-Mediterranean) presidency. However, this multilateral partnership has run into difficulties due to conflicts among non-EU members in relation to the Middle East peace process and is for the time being not functioning well at the political level. The secretariat deals mainly with projects, and these do not prioritise human rights.

In spite of this stagnation, the UfM Parliamentary Assembly, first established as the Euro-Mediterranean Parliamentary Assembly by the Euro-Mediterranean Partnership, has continued to meet regularly. The UfM Parliamentary Assembly includes 240 members, half of which represent the parliaments of EU Members States and the European Parliament, and half of which represent the sixteen

Mediterranean partners. It aims to provide input to the UfM. Other institutions or bodies exist at the multilateral level, such as the Euro-mediterranean Foreign Ministers Conference (giving a certain impulse to the process, the possibility of follow-up or adopt of work programmes) and the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures (an inter-governmental structure, which aims to enhance cultural dialogue and civil society exchanges in the Euro-Mediterranean area).

Also relevant for EMHRN and its members are the Euro-Mediterranean Partnership's Ministerial Conferences on strengthening the role of women in society. The first conference was held in Istanbul in November 2006. Here, in what is commonly known as the Istanbul Plan of Action⁴², Foreign Ministers of all participating countries made commitments to working towards ensuring gender equality. At the Second Ministerial Conference on Strengthening the Role of

⁴² European External Action Service, *Ministerial Conclusions on Strengthening the Role of Women in Society*, 14-15 November 2006: http://eeas.europa.eu/euromed/women/docs/conclusions_1106.pdf

Women in Society held in Marrakesh in November 2009, the 43 members of the UfM reiterated “their commitment to promote de jure and de facto equality between women and men” in what is known as the Marrakesh Conclusions⁴³. A third ministerial conference took place in Paris on 12 September 2013.

EURO-MEDITERRANEAN PARTNERSHIP (EMP)/UNION FOR THE MEDITERRANEAN (UFM)	EUROPEAN NEIGHBOURHOOD POLICY
A multilateral partnership	A bilateral EU foreign policy
EU and 16 Mediterranean countries ⁴⁴	10 Mediterranean and 6 Eastern (non-Mediterranean) neighbouring countries ⁴⁵
Launched in 1995: Barcelona Declaration	Launched in 2003
Multilateral Ministerial Conferences (gathering all the partners)	ENP bilateral ministerial meetings (EU/one Mediterranean country)
Bilateral legally-binding Association Agreements and institutions	Bilateral non-binding Action Plans

43 European External Action Service, *Conclusions Union for the Mediterranean, Second Ministerial Conference on Strengthening the Role of Women in Society*, 11-12 November 2009: http://eeas.europa.eu/euromed/women/docs/2009_11_conference_en.pdf

44 Albania, Algeria, Bosnia and Herzegovina, Croatia, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey.

45 Mediterranean countries: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Occupied Palestinian Territory, Syria and Tunisia; Eastern countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

② Bilateral Level: The Association Agreements

46 Texts of Association Agreements can be found on the websites of the EU Delegations on the “country” pages of the EEAS.

47 Euro-Mediterranean Agreement, Establishing an Association between the European Community and its Member States, of the one part, and the People’s Democratic Republic of Algeria, of the other part, 10 October 2005 : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:265:0002:0228:EN:PDF>

48 See for example, European Parliament Resolution on the Middle East of 10 April 2002: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P5-TA-2002-0173&language=MT>

In the overall framework of the Euro-Mediterranean Partnership, the EU and individual Mediterranean countries began signing bilateral **Association Agreements**⁴⁶. They are legally binding on both the EU and its partners. They are mainly economic in nature, aiming to liberalise trade and investment. However, they also commit the EU and its partners to respecting democratic principles and fundamental human rights and establishing enhanced political dialogue, including on human rights issues.

Article 2 of the agreements generally states that “Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and international policies of the Parties and shall constitute an essential element of this Agreement”⁴⁷.

A non-execution clause complements Article 2 of the Association Agreements, and in case of violation of democratic principles or human rights, provides legal means for the parties to take ‘appropriate measures’ (i.e. sanctions or suspension of the agreement).

The human rights clause is the basis for political dialogue on human rights issues and is currently interpreted by the EU as a means for the ‘positive’ promotion of human rights. Although, it can also be used in a ‘negative’ approach to justify penalties in cases of human rights violations, calls by the European Parliament and civil society representatives for the suspension of, for example, Israel’s association agreement due to violations of human rights⁴⁸, have not been heeded thus far.

COUNTRY	ASSOCIATION AGREEMENT (ENTERED INTO FORCE)	FIRST ENP ACTION PLAN (AGREED ON)	SECOND ENP ACTION PLAN (AGREED ON)
Algeria	1 September 2005	Started negotiations in 2012	
Egypt	1 June 2004	March 2007 (3-5 years)	Negotiations on hold
Israel	1 June 2000	April 2005 (3 years)	On hold
Jordan	1 May 2002	January 2005 (3-5 years)	October 2012 (3-5 years)
Lebanon	1 April 2006	January 2007 (5 years)	December 2013 (Action Plan 2013-2017)
Libya			
Morocco	1 March 2000	July 2005 (5 years)	December 2013 (Action Plan 2013-2017)
Occupied Palestinian Territory	1 July 1997 (interim)	May 2005 (3-5 years)	January 2013 (3-5 years)
Syria	Signed by EU 26 October 2009. Not ratified, so it did not enter into force		
Tunisia	1 March 1998	July 2005 (5 years)	December 2012 (Action Plan 2013-2017)
Turkey	1 December 1964	EU Accession negotiations started in October 2005	

Joint structures between the EU and its partners are established to implement the Association Agreements:

- ▶ **Association Council.** Normally meets once a year at ministerial level. The EU is represented by the High Representative or the ENP Commissioner, and the Southern partner by its Minister of Foreign Affairs. The meeting consists of a general political discussion covering the broad priorities of the relationship. This ministerial meeting is generally followed by a press conference which can attract media attention. On the occasion of these meetings, the EU issues a public statement by the European Union, which should include human rights issues. Human rights issues can also be raised formally and informally by the EU during the meeting.
- ▶ **Association Committee.** An annual meeting of high-level public servants/senior officials. Prepares the Association Council and mainly discusses technical co-operation.
- ▶ **Sub-committees.** Technical sub-committees are set up in the various areas of co-operation. These meetings happen once a year at the civil servant level of the EEAS and the relevant Ministries of the partner country depending on the focus of the sub-committee. **Specific discussion of human rights issues takes place in human rights sub-committee meetings.** For almost all Mediterranean countries there are sub-committees specifically on human rights; in the case of Israel, there is so far only an informal working group. When there is no such specific structure, human rights issues are discussed in the sub-committee on Political Dialogue. **Other relevant sub-committees are on Migration and Social affairs and on Justice and Security.** Human rights should also be mainstreamed into other sub-committees such as those addressing issues like Education and Social Affairs.

Example of Sub-committees

- *Human rights*
- *Political dialogue and co-operation*
- *Economic and financial matters*
- *Social and immigration affairs*
- *Customs co-operation and taxation*
- *Agriculture and fisheries*
- *Internal market*
- *Industry, trade and services*
- *Justice and legal matters*
- *Transport, energy and environment*
- *Research, innovation, information society, education and culture*

Sub-committee meetings are organised by the EEAS in co-operation with the partner government. The agenda of the human rights sub-committee is approved by the MAMA working group, meaning that Member States can ask for specific issues to be raised and can in some cases attend the sub-committee meetings if they wish to do so. The agenda mainly follows the priorities agreed in the ENP Action Plan but partners can agree to add items to the agenda. The EEAS usually organises meetings with NGOs before sub-committee meetings, in order to discuss and get recommendations for the agenda from them. After the meetings, the EEAS should also debrief NGOs, although this sometimes is only done if NGOs request it. Meetings with NGOs should be organised both in Brussels (by the EEAS) and in the capital city of the partner country (by the EU Delegation).

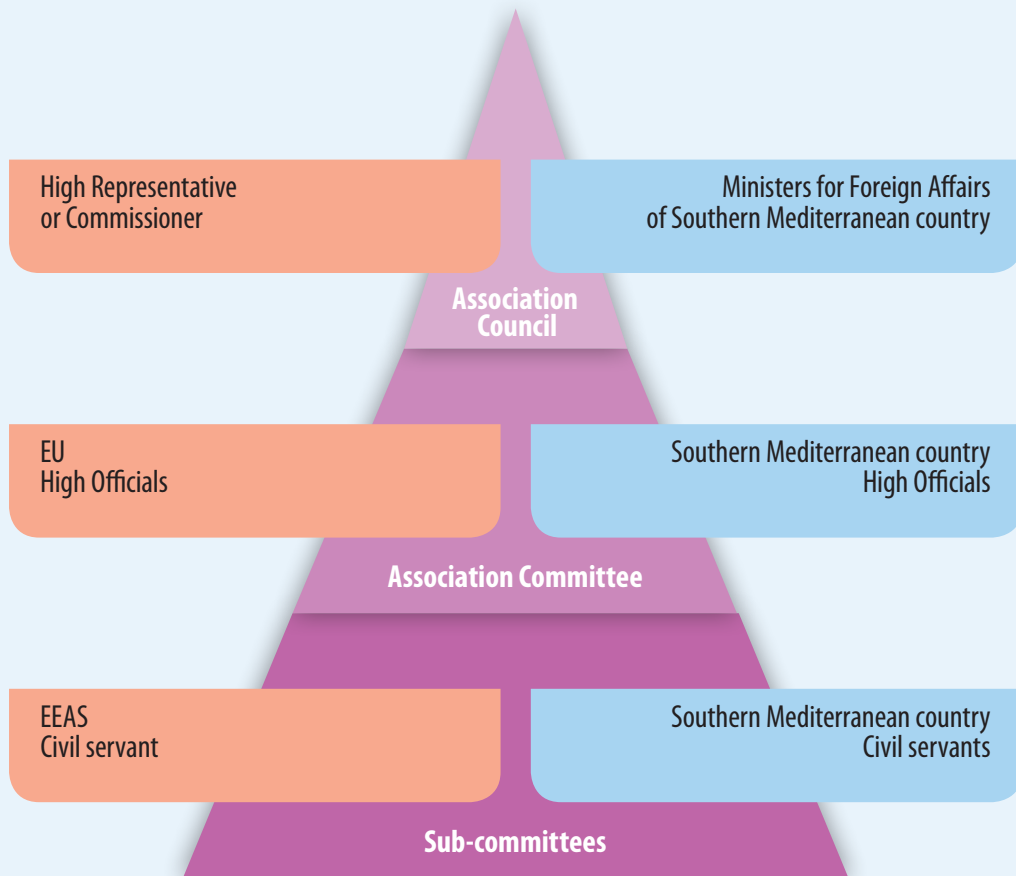
GOOD PRACTICE

Ahead of a meeting of the EU-Algeria sub-committee on political dialogue, security and human rights, three Algerian organisations – the Families of the Disappeared in Algeria Collective (CFDA), the Algerian League for the Defense of Human Rights (LADDH) and the National Autonomous Union of the Public Administration Staff (SNAPAP) – with the support of the EMHRN, addressed a letter to the EU Ambassador in Algiers, copying the letter to the Executive Director of the EEAS in Brussels⁴⁹. The letter was sent on 1 September 2011, more than a month before the meeting. The EU was requested to put four specific human rights concerns on the agenda of the meeting with the Algerian government: public freedoms, harassment of Human Rights Defenders and trade union activists, the right to truth and justice and access of international observers to the country. A detailed memorandum of these issues with recommendations to the Algerian authorities was annexed to the letter. The letter also requested that the EU Delegation meet with local NGOs in order to consult them on the human rights situation in the country and the issues to be discussed at the sub-committee meeting. A list of these organisations was provided. The letter requested the commitment of all EU Member States on human rights issues in Algeria, and referred to the EU Guidelines on Human Rights Defenders. As a result, an informal consultation meeting took place with Algerian NGOs organised by the EU delegation in Algiers. Notably, during the meeting of the sub-committee, the EU raised concerns in Algeria regarding freedom of association and assembly, the right to truth and justice of the disappeared, access to the country of INGOs, and individual cases based on the joint contribution of Algerian organisations members of the EMHRN.

Although sub-committee meetings present an opportunity for more in-depth discussion of human rights issues between the EU and its partners, these structures have a number of limitations in terms of their effectiveness. In most cases, the EU and its partners have agreed that individual cases either won't be raised or can only be raised as 'illustrations' of wider issues. As the agenda and minutes of the meetings are not made public, it is difficult for NGOs to know the results of the meetings and the commitments made so as to ensure proper monitoring of the implementation of these commitments.

⁴⁹ Réseau Euro-Méditerranéen des Droits de l'Homme, *Lettre à l'occasion du sous comite UE-Algérie « Dialogue politique, sécurité et droits de l'Homme », à l'attention de : Madame l'Ambassadeur Laura Baeza, Chef de la Délégation de L'Union Européenne en Algérie*, 1 September 2011 (only available in French): http://www.algerie-disparus.org/cfda1/index.php?option=com_content&view=article&id=485:1ere-reunion-du-sous-comite-droits-de-lhomme-note-sur-la-situation-des-droits-de-lhomme-en-algerie-2011&catid=94:rapports-du-cfda&Itemid=269





③ The European Neighbourhood Policy

50 European Commission, *The Policy: What is the European Neighbourhood Policy?*, http://ec.europa.eu/world/enp/policy_en.htm

51 European Commission, *Communication from the Commission "European Neighbourhood Policy-Strategy Paper"*, 12 May 2004, http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf, p.3.

52 European Commission, *A new response to a changing Neighbourhood; a review of the European Neighbourhood Policy*, Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, 25 May 2011 : http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf, p. 2.

53 Ibid.

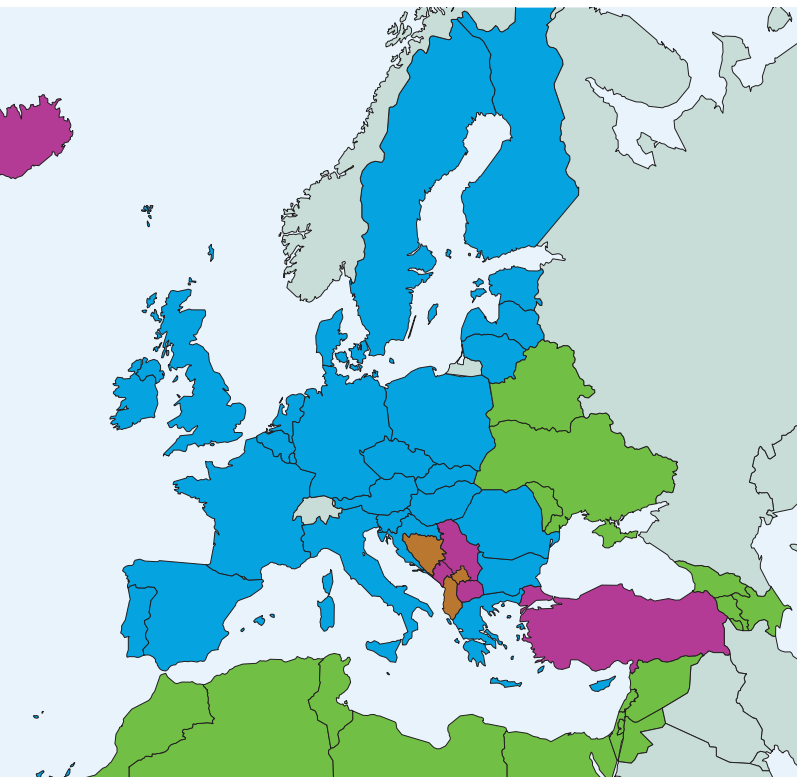
The **European Neighbourhood Policy (ENP)** is an EU external policy which was launched in 2004. The ENP “offers a privileged relationship”⁵⁰ to 16 EU neighbours⁵¹. The ENP should be built on mutual commitment to the **common values** of democracy and human rights, the rule of law, good governance, market economy principles and sustainable development. The ENP builds on the Association Agreements and makes use of the structures set up to oversee the implementation of these agreements. The Southern Mediterranean countries to which the ENP applies are involved in the Union for the Mediterranean. However, the ENP is the EU’s own policy towards its neighbours, worked out into a bilateral Action Plan with each country, while the Union for the Mediterranean is a multilateral partnership

Among the main features of this co-operation are liberalisation of trade, promotion of political reforms, the managed movement of people and financial assistance. Participation in the ENP can offer strengthened political co-operation, access to the EU’s internal market as well as to EU programmes and agencies. The EU’s approach should be **differentiated**, its partnership with each country based on that country’s needs, capacities and reform objectives⁵².

EU support should also be **conditional**, depending on progress in building and consolidating democracy and respect for the rule of law, though this is not always applied.



Countries of the European Neighbourhood Policy⁵⁴



A co-operation and financial incentive is linked to the effective implementation of the Plans. Reforms defined in Action Plans are supported financially through the funds of the European Neighbourhood Instrument (ENI)⁵³. This funding is mainly provided to governments to support reforms in the ENP countries. For this purpose, the Commission allocated a budget of almost €15 billion for the period 2014-2020.

-  Member states of the EU
- On the road to EU membership**
 -  Candidate Countries
 -  Potential candidates
- European Neighbourhood**
 -  Countries of the European Neighbourhood Policy

⁵⁴ European External Action Service, *EU relations with neighbouring countries stronger*: http://eeas.europa.eu/top_stories/120510_en.htm

In March 2011, in response to the Arab Spring, the EU adopted a “new approach” to the Southern Mediterranean region⁵⁵. Among the priorities of this approach are “reinforced partnership” with civil society and enhanced political dialogue with a strong focus on human rights and political accountability.

55 European External Action Service, *Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, 8 March 2011 : http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf

56 Joint Communication by the High Representative of the Union for Foreign Affairs And Security Policy and the European Commission, *A New Response to a Changing Neighbourhood – A review of European Neighbourhood Policy*, 25 May 2011 : http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf, page 3, section 1.1.

The EU then published a revised ENP in May 2011, in which it stated that it will support partner countries in accordance with their progress towards achieving “deep democracy” (the “more for more” approach), the main benchmarks of this progress being:

- ▶ Free and fair elections;
- ▶ Freedom of association, expression and assembly and a free press and media;
- ▶ The rule of law administered by an independent judiciary and the right to a fair trial;
- ▶ The fight against corruption;
- ▶ Security and law enforcement reform (including the police) and establishment of democratic control over armed and security forces⁵⁶.

It should be noted that gender equality was not included in this list of benchmarks, and neither was ratification of the main international Human Rights conventions and the implementation of International Humanitarian Law⁵⁷. However, in February 2012 the High Representative and the Commissioner in charge of the ENP sent a letter to EU Foreign Affairs Ministers where they underlined that women's rights, gender equality and women's participation in the political process are essential components of a democratic society.

In its revised ENP, the EU says it will reinforce human rights dialogues with partner countries, monitor its human rights commitments better, and address cases of human rights violations. In 2015, the European Commission and the EEAS will prepare a revision of the 2011 ENP.

To implement the ENP, the EU negotiated and signed a joint Action Plan with each partner country. These Action Plans are political documents (not legally binding) and are based on the Association Agreement (legally binding), which identifies specific actions to be taken in the different sectors of co-operation including human rights. Action Plans started being adopted in 2005 and were made for periods of three to five years. **Their implementation is monitored by the joint bilateral structures set up under the Association Agreements. Therefore, objectives in the area of human rights are monitored by the sub-committee on Human Rights or sub-committee on political dialogue.**

The content of the human rights chapter of the Action Plans varies greatly from country to country. The current Action Plans lack clear, concrete and time-bound commitments, which would make them effective operational plans of action. Under the revised ENP, new or "second generation" Action Plans identify

⁵⁷ See EMHRN Statement on ENP, October 2011.

58 European Commission, *A new response to a changing Neighbourhood; a review of the European Neighbourhood Policy*, section 4.1, p. 18.

short and medium-term priorities, “incorporating more precise benchmarks and a clearer sequencing of actions”, thereby helping the EU and partner countries “to produce key deliverables, within a mutually agreed timeframe”⁵⁸.

GOOD PRACTICE

In view of the negotiation of a second EU-Morocco ENP Action Plan in 2009, the Moroccan Association of Human Rights (AMDH), the Moroccan Organization for Human Rights (OMDH) and the Democratic Association of Moroccan Women (ADFM), in collaboration with the EMHRN’s office in Brussels, developed a set of general recommendations on monitoring mechanisms and the role of civil society in the context of EU-Morocco relations, as well as thematic recommendations focused on democratic reforms and fundamental freedoms, justice, women’s rights and gender equality, migrant and refugee rights, and economic, social and cultural rights⁵⁹. With the support of the EMHRN, the Moroccan organisations organised an advocacy mission in Brussels. They presented recommendations and discussed the promotion and the protection of human rights in the context of Morocco’s advanced status with the EU and negotiation of a new Action Plan with EU representatives. As a result of these meetings, in a letter to the EMHRN, the High Representative stated that Moroccan NGOs’ recommendations were “very useful and have inspired the drafting of a first version of the new Action Plan”.

59 EMHRN, *Human Rights in the EU-Morocco Action Plan under the European Neighborhood Policy*.

60 See a brief memorandum on the observations of human rights organisations regarding the European Commission report on the implementation of the EU-Egypt Action Plan, 30 April 2008: <http://www.cihrs.org/English/NewsSystem/Articles/333>

The benchmarks relate to progress on “deep democracy” and human rights in general, including equality and minorities. For each partner country, the EU makes its own annual assessment of the implementation of the ENP Action Plan. The writing of these annual ENP **Progress Reports** – usually around March each year – is led by the EEAS’ ENP Strategy and Instruments Division, with the help of EU Delegations and EEAS Desk Officers for each country. The Commission participates when it comes to sectoral co-operation (on trade, etc.). **The EEAS usually sets up an internet consultation and meetings in Brussels and sometimes in the capitals of the ENP countries to enable civil society to have a say in this process**⁶⁰. Following the revised ENP, the format of the Annual Progress Reports has been revised to make them more precise, track advances, setbacks, and make concrete recommendations for priority actions in the coming year.

Following a desire expressed by Mediterranean countries to strengthen links with the EU, the EU is now considering reinforcing bilateral relations with its Mediterranean neighbours by granting ENP partner countries “advanced status” or a “privileged partnership”. This entails closer political relations, accelerated political reforms, integration into the EU’s single market (increased trade relations, participation in EU programmes and agencies), and increased EU financial support/aid.

The revised ENP addresses the issue of migration and mobility⁶¹. The EU states that promotion and respect of migrants’ rights are an integral part of its approach⁶². The EU has published a more detailed policy regarding Southern Mediterranean countries called “A dialogue for migration, mobility and security with the Southern Mediterranean countries”⁶³. This dialogue should take place in the framework of the revised ENP. In 2012, negotiations on Mobility Partnerships started with Tunisia and Morocco. The Mobility Partnership between the EU and Morocco was adopted in 2013; that with Tunisia in 2014. According to the EU, these “Mobility Partnerships” will serve as a framework for managing the movement of persons between the EU and individual ENP countries. Among the areas covered are “visa and legal migration arrangements”, “preventing and fighting against irregular migration”, and “the return of irregular migrants (return arrangements and

61 Position du Réseau Euro-Méditerranéen des Droits de l’Homme en vue du Conseil Européen du 24 juin 2011, *Droits des migrants: les grands perdants de la nouvelle stratégie européenne à l’égard des pays du sud de la Méditerranée qui tentent la démocratie?*, 22 June 2011, and EMHRN Statement of 4 July 2012, *EU Mobility Partnerships with Tunisia and Morocco Guarantees for the respect of rights must be a prerequisite to any agreement*.

62 European Commission, *A new response to a changing Neighbourhood; a review of the European Neighbourhood Policy*, section 2.4, p. 11.

63 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *A dialogue for migration, mobility and security with the southern Mediterranean Countries*.

64 European External Action Service, *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, p. 7.

65 Communication from the Commission, *A dialogue for migration, mobility and security with the southern Mediterranean Countries*, section 6, p. 8.

66 Press Release, *EU response to the Arab Spring: the Civil Society Facility*, 27 September 2011 : <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/638>

67 www.democracyendowment.eu

re-admission agreements)”⁶⁴. These partnerships should ensure “the promotion and respect of migrants’ rights, both nationals of the partner countries and of third-country nationals transiting through their territories”⁶⁵. In the short term, the mobility of students, researchers and business persons should be enhanced.

A **Civil Society Facility**, under the ENPI, was created in 2011 in the framework of the revised ENP⁶⁶. This facility aims to support civil society organisations to develop their advocacy capacity, their ability to monitor reform and their role in implementing and evaluating EU programmes. In addition, a **European Endowment for Democracy**, which provides support to political actors such as political parties, non-registered NGOs or trade unions and other social partners, has been operational since November 2012⁶⁷.

PART THREE

EU Global Human Rights Policies and Instruments



PART 01

PART 02

PART 03

PART 04

68 Council of the European Union, *The Common Foreign and Security Policy*: <http://www.consilium.europa.eu/policies/foreign-policy?lang=en>
The Common Security and Defence Policy (CSDP), formerly known as the European Security and Defence Policy, is a component of the EU's Common Foreign and Security Policy. Under the CSDP, the EU deploys peace keeping, policing and judicial missions worldwide. For instance, this includes the EU Police Mission for the Palestinian Territories, which among other tasks provides human rights training for Palestinian police. In line with the Common Foreign and Security Policy, these missions should contribute to the promotion and protection of human rights.

When approaching the EU, it is important to know about the EU's own commitments regarding human rights in foreign policy. NGOs can then refer to these in the contacts they make.

According to the EU's Common Foreign and Security Policy (CFSP), all the EU's relations with non-EU countries, aim "to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms" ⁶⁸.

Art 21 § 1 from Treaty of EU: "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law".

① The EU Human Rights Guidelines

Since 1998, the EU elaborated several **Human Rights Guidelines**, indicating how it aims to address foreign policy and specific human rights issues in practical ways. EU guidelines are not legally binding, but because they have been adopted at ministerial level, they represent a strong political signal that they are priorities for the Union⁶⁹ and its Member States.

The EU's Human Rights Guidelines describe the tasks of EU Missions (EU Delegations and EU Member States embassies) in non-EU countries:

- ▶ Monitoring, analysing and reporting to higher structures (such as COHOM, MAMA working group, Foreign Ministries) on the human rights situation;
- ▶ Researching or investigating specific cases, including making enquiries to local government, on an *ad hoc* basis;
- ▶ Giving advice or making recommendations for action to higher levels (Brussels, capitals);
- ▶ Observing trials;
- ▶ Carrying out *démarches*;
- ▶ Making local public statements⁷⁰;
- ▶ Raising human rights issues/cases in meetings with local authorities;
- ▶ Defining priorities and mechanisms for funding;
- ▶ Facilitating European Instrument for Democracy and Human Rights (EIDHR) funding;
- ▶ Providing small grants to human rights NGOs;
- ▶ Conducting urgent local actions to support Human Rights Defenders who are at immediate or serious risk;
- ▶ Drafting local human rights strategies (general human rights strategies, as well as country strategies for specific issues like torture, Human Rights Defenders and children's rights, etc.);
- ▶ Maintaining contacts with Human Rights Defenders, inviting them, visiting them, giving them publicity;
- ▶ Visiting Human Rights Defenders in custody or under house arrest;
- ▶ Issuing emergency visas and facilitating temporary shelter for Human Rights Defenders at immediate/serious risk.

⁶⁹ European External Action Service,
Human Rights Guidelines : [http://
eeas.europa.eu/human_rights/
guidelines/index_en.htm](http://eeas.europa.eu/human_rights/guidelines/index_en.htm)

The EU has adopted Guidelines on the following themes as priorities for the EU human rights policy:

- ▶ 1. Human rights dialogues with Third Countries;
- ▶ 2. Human Rights Defenders
- ▶ 3. Violence against women and girls and combating all forms of discrimination against them;
- ▶ 4. The death penalty;
- ▶ 5. Torture;
- ▶ 6. Children and armed conflict;
- ▶ 7. International humanitarian law;
- ▶ 8. Rights of the child;
- ▶ 9. Freedom of religion or belief;
- ▶ 10. Enjoyment of all Human Rights by LGBTI persons;
- ▶ 11. Freedom of expression Online and Offline.

In its Guidelines on **Human Rights Dialogues with Third Countries**, the EU says it will ensure human rights “will be included in all future meetings and discussions with Third Countries and at all levels, whether ministerial talks, joint committee meetings or formal dialogues”⁷¹. Priority issues include the death penalty, torture, discrimination, children’s rights (especially children in armed conflict), women’s rights, freedom of expression, the role of civil society and the protection of Human Rights Defenders⁷².

According to the Guidelines on **Human Rights Defenders** (HRDs), the EU’s objective is to influence Third Countries to carry out their obligation to respect the rights of Human Rights Defenders and to protect them from attacks and threats from non-state actors. EU Heads of Mission will report on the situation of HRDs, including threats and attacks against them. Local working groups on human rights should deal with the situation of HRDs.

⁷⁰ See for example, the public statement by EU Missions in Jerusalem and Ramallah, 28 January 2012: http://eeas.europa.eu/delegations/westbank/documents/news/20120128_palestinianlawmakersarrests_en.pdf, or the statement by EU Missions on Syria, 14 December 2011: http://eeas.europa.eu/delegations/syria/documents/content/news/localstatement_hronsyria_en.pdf. All local EU public statements can be found at: http://eeas.europa.eu/statements/local/index_en.htm#top

⁷¹ European Union, *European Union Guidelines on Human Rights Dialogues*, section 3.1.

⁷² *Ibid.*, section 5.

73 European Union, *Ensuring protection – European Union Guidelines on Human Rights Defenders*, section 5.

74 *Ibid.*, section 12.

75 European Union, *EU guidelines on violence against women and girls and combating all forms of discrimination against them*, http://eeas.europa.eu/human_rights/guidelines/women/docs/16173_08_en.pdf

76 See EU's "Strategy for equality between women and men – 2010-2015" of September 2010: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0491:FIN:EN:PDF>, p. 9.

EU Missions should make recommendations to the COHOM or MAMA for possible EU action, including condemnation of threats and attacks against Human Rights Defenders, as well as for *démarches* and public statements where Human Rights Defenders are at immediate or serious risk. Heads of Mission may decide to conduct an urgent local action to support Human Rights Defenders who are at immediate or serious risk. The EU considers **applying a gender perspective important: "Missions should pay particular attention to the specific risks faced by women Human Rights Defenders"** ⁷³.

The Guidelines on HRDs elaborate on the role of EU Missions. They have an important, pro-active role to play. HRDs should be involved in drafting and monitoring local strategies. At least once a year, EU Missions should organise a meeting between HRDs and diplomats to discuss the human rights situation and implementation of the local strategy.

EU Missions should receive HRDs, visit their areas of work and provide them with visible recognition through use of media, publicity, visits and invitations. The High Representative, EU Special Representatives/Envoys and representatives of Member States or the European Commission should meet HRDs as an integral part of their visits, addressing individual cases and the issues raised by the HRDs' work. The situation of HRDs and individual cases should be included in the human rights component of political dialogues, and HRDs should be involved "in the preparation, follow-up and assessment of the dialogue in accordance with the EU Guidelines on human rights dialogues" ⁷⁴.

According to the EU, the adoption of Guidelines on violence against women and girls and combating all forms of discrimination against them ⁷⁵ "is a mark of the EU's clear political will to treat the subject of women's rights as a priority and to take

long-term action in that field”. The EU also states that these Guidelines “provide guidance for conducting political dialogue and for taking action, where appropriate, in individual cases of women’s rights violations”⁷⁶. The objectives of these Guidelines are to :

- ◉ Promote gender equality and combat discrimination against women;
- ◉ Collect data on violence against women and develop indicators;
- ◉ Devise effective, co-ordinated strategies;
- ◉ Combat the impunity of perpetrators of violence against women and access to justice for victims.

In these Guidelines, the EU states that it will encourage partner countries to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and withdraw reservations to articles in the CEDAW.

In order to achieve these objectives, the EU says it will study, assess and report on the situation (forms of violence against women, discriminatory laws and practices, etc.), raise the issue with authorities, raise the subject in specific human rights dialogues and in other EU policy dialogues, maintain dialogue and regular consultations with women HRDs and women’s organisations, monitor legal proceedings, support female HRDs at risk, take specific measures on individual cases and prioritise funding for activities to combat violence against women and girls.

Embassies of EU Member States, EU Delegations and the EEAS should all play an active role. EU Missions should assess and report on the situation, raise the issue with local authorities, maintain contact with women HRDs, support women HRDs at risk, monitor legal proceedings and take other specific measures.

EU commitments towards Third Countries in the area of women's rights and gender equality are also contained in different EU policy documents. "We reaffirm our commitment to the vigorous pursuit of gender equality in our relations with Third Countries, raise awareness of the rights of women, and push for the implementation of existing international instruments", declared the Commission in March 2010⁷⁷. In September 2010, the Commission adopted a Strategy for equality between women and men – 2010-2015 which pointed out the importance it attaches to the implementation of agreements made in each country's Action Plan as a means of promoting gender equality in ENP countries⁷⁸. In its 2010 Plan of Action on Gender Equality and Women's Empowerment in Development, the EU commits, amongst other things, to systematically place gender equality on the agenda of the political dialogue with partner countries⁷⁹.

78 Communication from the Commission, A Strengthened Commitment to Equality between Women and Men, A Women's Charter Declaration by the European Commission on the occasion of the 2010 International Women's Day in commemoration of the 15th anniversary of the adoption of a Declaration and Platform for Action at the Beijing UN World Conference on Women and of the 30th anniversary of the UN Convention on the Elimination of All Forms of Discrimination against Women, March 2010, http://ec.europa.eu/commission_2010-2014/president/news/documents/pdf/20100305_1_en.pdf

77 See EU's Strategy for equality between women and men – 2010-2015 of September 2010: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0491:FIN:EN:PDF>, p. 28.

79 Commission Staff Working Document, EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, 8 March 2010, http://ec.europa.eu/development/icenter/repository/SEC_2010_265_gender_action_plan_EN.pdf

EU Guidelines on the **death penalty**⁸⁰ state that the EU's objective is to work towards universal abolition of the death penalty.

EU Guidelines on **torture**⁸¹ state that EU Missions will analyse the occurrence of torture, report on it, request information on allegations of torture and send representatives to observe trials.

In its Guidelines on **children and armed conflict**⁸², the EU states that its “objective is to influence Third Countries and non-state actors [...] to take effective measures to protect children from the effects of armed conflict, to end the use of children in armed forces and armed groups, and to end impunity for crimes against children”.

The Guidelines on **international humanitarian law**⁸³ describe how the EU will promote compliance with international humanitarian law in its external policy, in situations of both

international and non-international armed conflict, and occupation arising from an armed conflict.

In the EU Guidelines on the **Rights of the Child**⁸⁴, the EU states that in its relations with Third Countries it will “actively promote its objectives regarding the promotion and protection of the rights of the child as an integral part of the EU's external human rights policy”.

⁸² European Union, *EU Guidelines on children and Armed Conflict*, section 7. <http://www.consilium.europa.eu/uedocs/cmsUpload/10019.en08.pdf>

⁸³ European Union, *EU Guidelines on promoting compliance with International Humanitarian Law (IHL)*, <http://register.consilium.europa.eu/pdf/en/09/st16/st16841.en09.pdf>

⁸⁴ European Union, *EU Guidelines for the Promotion and Protection of the Rights of the Child*, http://eeas.europa.eu/human_rights/guidelines/child/docs/16031_07_en.pdf

⁸⁰ European Union, *EU Guidelines on the Death Penalty: revised and updated version*, http://eeas.europa.eu/human_rights/guidelines/death_penalty/docs/10015_08_en.pdf

⁸¹ European Union, *Guidelines to EU Policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment*, http://eeas.europa.eu/human_rights/guidelines/torture/docs/20120626_guidelines_en.pdf

② The EU Human Rights Country Strategies

Implementation strategies for Human Rights Guidelines should be integrated in **human rights country strategies** which the EU began drafting in 2011. Based on an analysis of the human rights situation in the country, their purpose is to identify EU priorities for human rights and democracy. For each issue, short-, medium- and long- term objectives are defined, with a focus on concrete actions that need to be taken by the EU to achieve these objectives. The strategies are drawn up for a three-year period but should be updated yearly. Local civil society organisations (NGOs, trade unions, business representatives, etc.) should be consulted. However the human rights country strategies are confidential.

Staff at EU Missions draft these strategies, in collaboration with the EEAS. Member States contribute through the local EU Missions. Foreign Affairs Ministries and the MAMA in Brussels are also consulted on the draft. The final text should be adopted by the 27 Member States in a joint COHOM and MAMA meeting in Brussels.

The final text has been adopted by the 28 Member States in a joint COHOM and MAMA meeting in Brussels. In 2015, EU delegations in all countries will conduct an evaluation of their human rights strategy and draft an update of this document, which will then be approved by the competent EU Council working groups.

PART FOUR

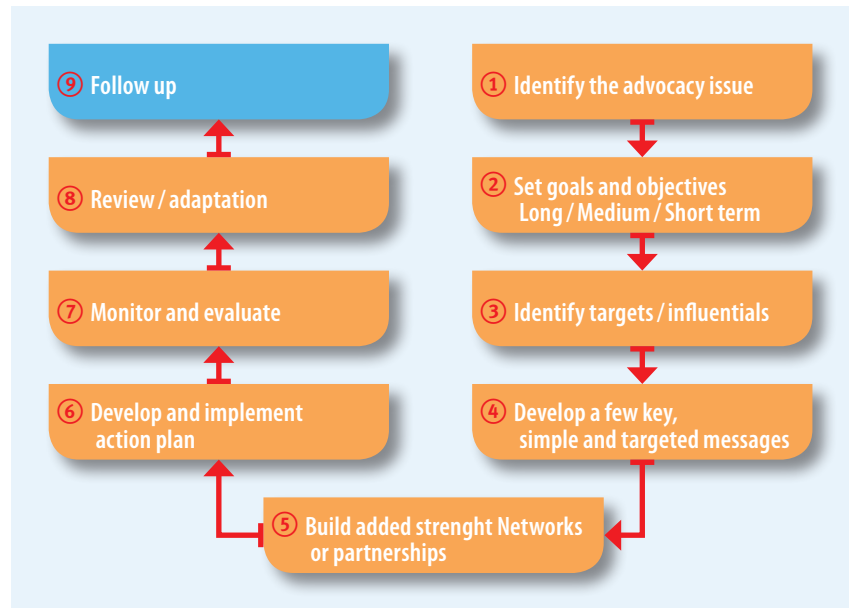
Practical Tips for Effective EU Advocacy



Advocacy can be defined as a deliberate, planned and sustained effort to advance an agenda for change. Advocacy consists of organised efforts and actions that use the tools of democracy to establish and implement laws and policies, so as to create a just and equitable society.

The following diagram illustrates the steps involved in planning advocacy. It is an essential tool to bear in mind when preparing and implementing effective advocacy work.

Steps in planning advocacy →



The following “tips” are not related to any specific issue, and aim to provide you with practical tools for a more efficient advocacy:

1 Identify and be in **regular contact** (preferably through face-to-face meetings) with EU officials in Brussels or in the relevant country. This may include the Head of the Political Section/focal point on human rights at the EU Delegation, the EU Liaison Officer on HRDs, and Deputy Heads of Mission at embassies of Member States. Also **maintain contact** in Brussels with the EEAS Desk Officers responsible for that country, especially in the geographic division (Geographic Desk Officer), but also in the EEAS Human Rights Unit. Do this through telephone, email, visits to Brussels, and in meetings when the Desk Officer visits your country.

2 Identify allies within the EU (MEPs, some targeted Member State representatives, Desk Officers, etc.) as well as those that are less sympathetic in relation to the issue. Advocate towards allies to get them to propose/support action on the issue/case as well as towards the less active actors to convince them not to block or water down EU positions or measures.

3 Target advocacy at local authorities. Be pro-active, describe the work done, and the authority’s response in the information you provide to the EU.

4 Be timely. This is crucial for achieving results. For example, the agenda of a human rights sub-committee meeting is discussed six weeks in advance of the meeting, and negotiations on EU positions for an Association Council start among Member States several weeks in

advance of the meeting. It is also crucial to get timing right to provide input when Action Plans are being negotiated or to get included on the itinerary of a visiting delegation of the European Parliament.

5 In the advocacy work, **refer to relevant EU positions/policies/agreements:** EU Human Rights Guidelines, the revised ENP, Action Plans, Council Conclusions, public statements, Association Agreements (Article 2), and even good practices in other countries.

6 Be specific. Make clear requests/recommendations for a limited number of key concrete actions to achieve specific, concrete and realistic objectives. Prioritising is key when addressing high political level. Use political arguments when addressing political bodies, whereas technical and legal arguments are more appropriate when dealing

with civil servants. When addressing the EU, requests should also be precise and targeted, depending on the interlocutors, the institution you address and what kind of actions requested.

7 Tailor information (briefing materials, etc.) to the target audience and situation, depending on the level of knowledge the actor already has, what action the actor can take, etc. In general, briefing materials should be **short**: for advocacy purposes, always try to gather the information in a one or two-page document with two or three clear and targeted requests since diplomats usually do not have the time to read long reports. Plan different kinds of input in a briefing for a human rights meeting (e.g. a detailed note) or a general political meeting (e.g. a short letter). Adapt information for EU officials based in Brussels who will not have the same level of expertise as

an official based in the relevant country. Be ready to provide relevant documents such as a draft law.

8 Form coalitions with other local and international civil society organisations to make a more effective request towards the EU. Co-operate with EMHRN members/civil society organisations in European countries to do advocacy towards Ministries of Foreign Affairs/members of national parliaments. Co-operate with the EMHRN office in Brussels/other NGOs in Brussels in order to visit and do advocacy at EU institutions/Permanent Missions of EU Member States in Brussels.

9 Follow up. Has the EU done what it has been asked? If not, find out why. What are the bottlenecks and blockages? Again, personal contacts can sometimes be the only way to obtain

such information, which is otherwise confidential. Adapt the advocacy strategy accordingly. Go to higher levels or find ways of applying pressure or removing blockages. If you don't have success with one person, go to another. If you're blocked one way, try another. Try advocating at different levels, using different entry points: local, Brussels, EU Member States capitals. For instance, use national parliaments to put pressure on EU Member States, the European Parliament to put pressure on the EEAS, Council, Commission, and the High Representative.

Annex 1

How to Find EU Contacts

In general, EU contacts can be found on:

<http://europa.eu/whoiswho/public/index.cfm?lang=en>

(research possible by person, by entity or by hierarchy)

EEAS contacts can be found:

1. On the organigram of the EEAS:

http://eeas.europa.eu/background/docs/organisation_en.pdf

2. By contacting the general EEAS phone number: +32 2 584 11 11

EEAS email address are written in a way responding to a simple rule:

firstname.lastname@eeas.europa.eu

European Parliament contacts can be found on:

<http://www.europarl.europa.eu/meps/en/search.html>

1. President of the European Parliament:

<http://www.europarl.europa.eu/the-president/en/cabinet.html>

2. Delegations:

<http://www.europarl.europa.eu/delegations/en/home.html>

3. Committees:

<http://www.europarl.europa.eu/committees/en/parliamentary-committees.html>

4. Political groups: an overview of the political groups with links to all their websites can be found at:

<http://www.europarl.europa.eu/aboutparliament/en/007f2537e0/Political-groups.html>

European Parliament email address are written in a way responding to a simple rule:

firstname.lastname@europarl.europa.eu

European Commission contacts can be found on:

http://ec.europa.eu/staffdir/plsql/gsys_page.display_index?plang=en

(research possible by name, by organisation chart or keyword)

European Commission email address are written in a way responding to a simple rule:

firstname.lastname@ec.europa.eu

EU Member States contacts can be found:

1. Permanent Representations of EU Member States in Brussels:

An overview of all permanent representations is available at:

<http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeid=3780&lang=en>

2. List of EU Embassies of EU Member States in the Region:

Algeria: http://eeas.europa.eu/delegations/algeria/travel_eu/embassies/index_fr.htm

Egypt: http://eeas.europa.eu/delegations/egypt/travel_to_eu/embassies/index_en.htm

Israel: http://eeas.europa.eu/delegations/israel/travel_eu/embassies/index_en.htm

Jordan: http://eeas.europa.eu/delegations/jordan/travel_eu/embassies/index_en.htm

Lebanon: http://eeas.europa.eu/delegations/lebanon/travel_to_eu/embassies/index_en.htm

Morocco: http://eeas.europa.eu/delegations/morocco/travel_to_eu/embassies/index_fr.htm

OPT: http://eeas.europa.eu/delegations/westbank/travel_eu/consulates/index_en.htm

Syria: http://eeas.europa.eu/delegations/syria/travel_eu/embassies/index_en.htm

Tunisia: http://eeas.europa.eu/delegations/tunisia/eu_travel/embassies/index_fr.htm

Websites of EU Delegations can be found on:

http://eeas.europa.eu/delegations/web_en.htm

or on the European External Action Service Directory:

http://ec.europa.eu/external_relations/repdel/edelhmr/index.cfm?lang=en

Annex 2

Useful Websites / Resources

Euro-Mediterranean Human Rights Network (EMHRN)

<http://www.euromedrights.org/eng>

A good source of basic information about the EU is the general website of the European Union “Europa”:

http://europa.eu/index_en.htm

EU Treaties:

<http://eur-lex.europa.eu/en/treaties/index.htm>

Lisbon Treaty:

Consolidated Version of the Treaty on European Union:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF>

Consolidated Version of the Treaty on the Functioning of the European Union:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:en:PDF>

European Council

<http://www.european-council.europa.eu>

Council of the European Union

<http://www.consilium.europa.eu>

European Parliament

<http://www.europarl.europa.eu>

European Commission

<http://ec.europa.eu>

European External Action Service

<http://eeas.europa.eu>

High Representative of the Union for Foreign Affairs and Security Policy

http://eeas.europa.eu/ashton/index_en.htm

Euro-Mediterranean Partnership/Union for the Mediterranean

http://eeas.europa.eu/euromed/index_en.htm

<http://www.ufmsecretariat.org/en>

<http://www.enpi-info.eu/medportal/content/341/Union%20for%20the%20Mediterranea>

European Neighbourhood Policy

http://ec.europa.eu/world/enp/index_en.htm

http://eeas.europa.eu/enp/index_en.htm

European Neighbourhood and Partnership Instrument

http://ec.europa.eu/world/enp/funding_en.htm

http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm

<http://www.enpi-info.eu>

European Initiative for Democracy and Human Rights

http://ec.europa.eu/europeaid/what/human-rights/index_en.htm

http://ec.europa.eu/europeaid/where/neighbourhood/overview/index_en.htm