

# PART ONE:

## The European Union

The European Union (EU) is the result of the willingness of European countries to cooperate on economic and political issues, through the adoption of common legislation and policies. The Union has historically contributed to the advancement of peace and reconciliation, democracy and human rights in Europe although it today faces significant challenges of cohesion. In its own words, one of the EU's main goals is to "promote human rights both internally and around the world."<sup>2</sup>

The EU as it exists today has gradually evolved from a loose trade and economic cooperative entity established between six European countries in the 1950s. As the partnership developed into a common market, allowing free movement of people, goods and services, from the 1970s<sup>3</sup> its area began to expand beyond the original founding Member States. Along with increased political cooperation and coordination within what was then called the European Economic Community, its prosperity grew, as did the desire of non-member states to join. By 2013, the organisation, from 1993 called the European Union, expanded to its current total of 28 members<sup>4</sup>. The largest and symbolically most important enlargement took place in 2004, adding ten member states.

Unlike cooperation on economic and trade matters, EU integration in the area of foreign policy has been slow to emerge. While a form of foreign policy coordination started in 1970, a Common Foreign and Security Policy (CFSP) was only adopted in 1993, gradually gaining in importance on the EU agenda. The

2009 Lisbon Treaty introduced the post of High Representative/ Vice-President of the Commission (HR/VP) to lead on foreign policy, replacing the rotating presidency of Member States in that field. However, in spite of this new provision, EU foreign policy decision-making is still primarily dominated by Member State governments.

The European Council, the Council of the European Union (both representing the interests of Member States), the European Commission (representing the interest of the Union as a whole), the European External Action Service (EEAS, the EU diplomatic body) and the European Parliament (representing EU citizens) are the most relevant EU bodies in terms of advocacy on foreign policy and human rights.<sup>5</sup> In this area, as a general principle, the Council of the EU (i.e. ministers representing Member State governments) takes decisions by consensus or unanimity. These decisions are then carried out by the EEAS, led by the HR/VP. The European Parliament has a mainly consultative role.

**This model does not apply to issues of migration (considered part of EU internal policy), where decisions in the Council of the EU are made by majority voting and the European Parliament has a direct negotiating and co-legislative role.**

# The EU Member States

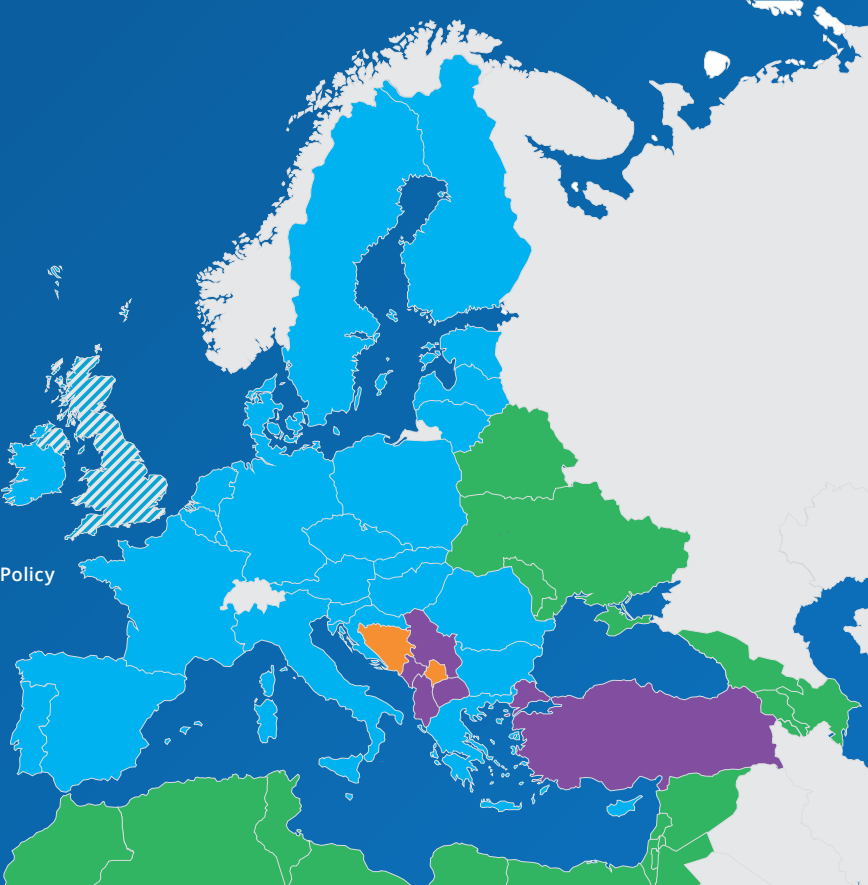
- Member States of the EU
- Leaving the EU

## On the road to EU membership

- Candidate Countries
- Potential Countries

## European Neighbourhood

- Countries of the European Neighbourhood Policy



## 1. The European Council

The European Council (EUCO) is made up of the Heads of state of the governments of all the Member States, the President of the European Council and the President of the European Commission. The HR/VP takes part in its meetings, creating a link to the EU Foreign Affairs Council (FAC), also chaired by the HR/VP. A president is appointed by the Heads of state or government for a two-and-a-half-year term (with the possibility of a one-time renewal) to coordinate and oversee the work of the EUCO.<sup>6</sup>

The European Council usually meets four times a year in Brussels. Its role is to define 'the general political direction and priorities of the EU'.<sup>7</sup> Its positions are usually decided by consensus and made public as the European Council conclusions or declarations.

## 2. The EU Member States

As Member States decide on EU foreign policy by reaching consensus and seeking unanimity in voting, the political positions of Member States, defined by their governments at the capital level, are crucial to shaping the EU's final policy. This means that advocacy towards individual Member States, both in capitals and in Brussels at the Permanent Representation level, are an indispensable element of advocacy on EU foreign policy.

The individual EU Member States' interest and engagement in the MENA region, as well as their political will and capacity to take action on human rights issues differ widely. The political orientation of the government in power, foreign policy interests (political, economic, migration, etc.), historical relationships with third countries, the activity of the national parliament and civil society, all factor into the calculation. While some EU Member States have strong representation abroad in terms of the number of embassies and staff, others do not prioritise their foreign policy as much. Specific Member States are deeply involved in the MENA region as a result of their historical legacy, geographical proximity, or political, economic and cultural ties. In general, they are Southern European countries: France, Italy, Spain, Greece as well as Cyprus and Malta. The leading role of France in EU relations with Maghreb countries is an example. However, their strong ties often prevent these countries from taking firm positions on human rights. Meanwhile, eastern European countries often lack interest in political engagement with the MENA region. Finally, a number of Northern European countries such as Denmark, Finland, the Netherlands and Sweden have traditionally promoted human rights in their foreign policy.

At the Member State level, foreign policy is developed and implemented at the respective Ministries of Foreign Affairs. Member States are represented at the EU by ambassador-level Permanent Representatives and the staff based at the country's Permanent Representation in Brussels. The latter are responsible for specific regions (such as the Maghreb and Mashreq regions) or themes (such as human rights or migration issues).

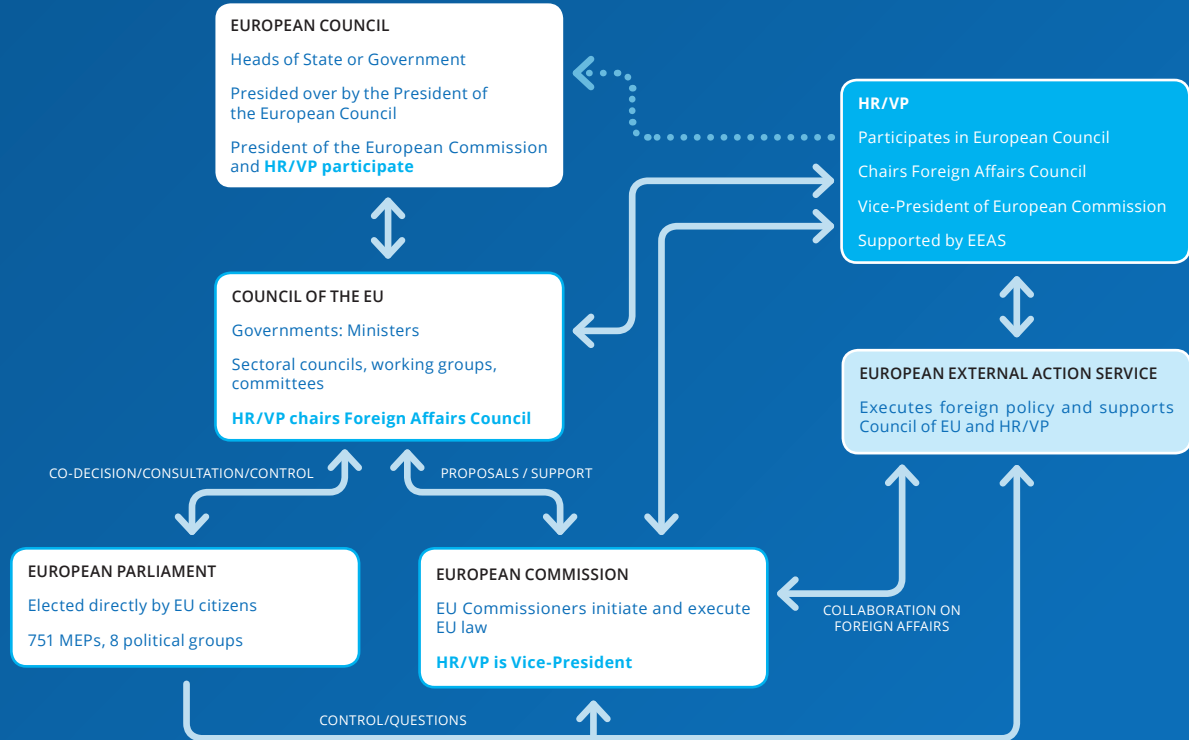
The national parliaments of Member States can play an important role in foreign policy. Parliamentarians monitor implementation of foreign policy decisions, including in the area of human rights, both by their own government and by the EU. Some parliaments have standing committees on foreign affairs, EU affairs or human rights which can launch inquiries, issue reports, organise hearings, and make recommendations to the foreign ministry. Within some parliaments, MPs establish friendship or solidarity groups with countries in the MENA region, which demonstrates an existing interest in these states.<sup>8</sup> Individual parliamentarians can address questions to their Ministry of Foreign Affairs and propose resolutions criticising policies or their implementation, or request action from the government. As opposed to those of the European Parliament, these resolutions are often binding for the government. The minister of foreign affairs may be summoned to parliament in order to respond to questions in a debate on a specific human rights issue. National parliamentarians may visit third countries, where they can meet with civil society and raise human rights issues and individual cases with local counterparts and authorities.

## IN THE FIELD:

**In third countries, EU Member State embassies and consulates represent and advance the interests of their country, providing assistance to their nationals and delivering visas to foreign citizens.**

**EU embassies are obliged to act in accordance with (binding) common positions of the EU and expected to implement its (non-binding) policies, such as the EU Human Rights Guidelines or the EU Action Plan on Human Rights and Democracy<sup>9</sup>. In addition to EU policies however, each Member State has its own foreign, human rights and migration policy, with similar tools available as those of the EU: demarches<sup>10</sup>, public statements and the provision of funding. Ambassadors, visiting government representatives or national parliamentarians can raise human rights issues and individual cases in meetings with local authorities on an ad hoc basis, or as part of regular meetings or bilateral dialogues set up with the government. Such visits are arranged by embassies and are key opportunities to influence Member State policies.**

## The institutional 'triangle' and related bodies



### 3. The Council of the European Union

The Council of the European Union is the institution where the governments of all EU Member States are represented. Member State ministers meet in ten different configurations of the Council, each of which deal with specific policy areas.

One of these configurations is the **Foreign Affairs Council (FAC)**, in which the foreign ministers of the EU Member States meet approximately once a month. It is chaired by the EU High Representative on Foreign Affairs (HR/VP, see below). The FAC decides on the political orientation of the EU's Common Foreign and Security Policy (CFSP). It can further take positions on human rights violations in non-EU countries and make decisions on measures taken by the EU to address them. Such measures can include sanctions targeting policies or individuals, for example restricting admission to EU territory or freezing the funds of persons responsible for human rights violations.<sup>11</sup> The Council's positions and measures to be implemented are contained in the Foreign Affairs Council Conclusions.<sup>12</sup>

Member States set the FAC agenda by proposing specific issues to be discussed, or specific EU actions, and mobilising others to support their position. Member States can also block EU action as decisions taken in the FAC are made by consensus or unanimity and not by majority vote. This means that all Member States have to agree on a course of action. As a consequence, EU positions are often 'watered down' in closed-door discussions among Member States. This makes the EU positions difficult to influence due to, on the one hand, a lack of transparency regarding each Member State's position, and on the other hand, the ability of more powerful Member States to sway the decisions of the collective in line with their own interests.

The work of the FAC is prepared by the [Political and Security Committee \(PSC\)](#), composed of ambassadors of Member States to the EU and chaired by the EEAS. The PSC provides coordination and expertise in the area of foreign

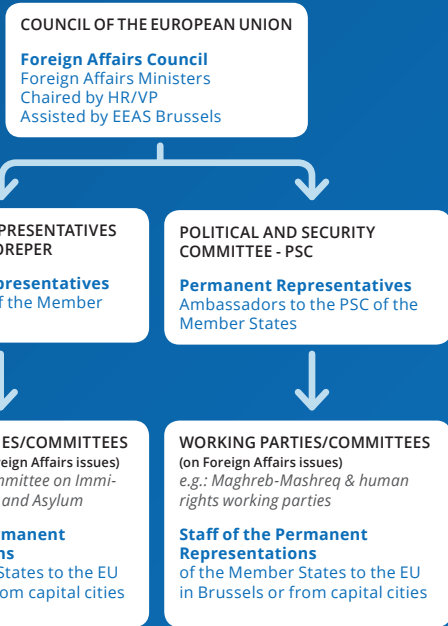
#### THE COUNCIL OF EUROPE:

**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 is not institutionally linked with the work of the European Union.**

policy and is supported by several geographic and thematic working groups, the most relevant of which for EuroMed Rights members is the Maghreb/Mashreq Working Party (MAMA). The working party, made up of EU Member State representatives and chaired by the EEAS, meets around twice a week. As part of its mandate to oversee and formulate EU policy towards Southern Mediterranean countries, it can discuss the human rights situation, as well as actions the EU should take. Crucially, the working party prepares the FAC Conclusions on the region, which pass through the PSC before being adopted. With the help of the EEAS, the MAMA working party prepares Association Council<sup>13</sup> meetings and the EU's public declarations concerning the Southern 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) partnership priorities (known as Action Plans before the 2015 review of the ENP) before they are submitted to a higher level.

Another relevant working party is the Working Party on Human Rights (COHOM), responsible for shaping the EU's positions and policies in the area of human rights in foreign policy and monitoring the implementation of related

# The Council of the European Union



instruments, such as the EU Human Rights Guidelines.<sup>15</sup> COHOM oversees EU participation and coordinates EU positions within United Nations (UN) institutions. It is also responsible for the EU's global human rights strategy and for mainstreaming human rights in geographical working parties, such as MAMA. Consequently, documents such as the Human Rights and Democracy Country Strategies for MENA countries are discussed and agreed in joint MAMA/COHOM meetings.

**Migration issues are dealt with in the Justice and Home Affairs Council configuration, where Ministers of Justice, Home Affairs or the Interior meet approximately once every two months.<sup>16</sup> Unlike in the FAC, the Conclusions adopted by this Council configuration are agreed upon by means of 'qualified majority' voting and must furthermore be approved by the European Parliament under a procedure known as the 'ordinary legislative procedure'.**

**The working party in charge 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.**

## 4. The High Representative of the Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission (HR/VP)

The EU is represented externally by the HR/VP, who chairs the Foreign Affairs Council. The High Representative coordinates and carries out the EU foreign and security policy. In this context the mandate holder regularly visits third countries to discuss their relationship with the EU. The HR/VP's cabinet includes a member of staff in charge of relations with civil society and another in charge of the MENA region.

The HR/VP can make public statements on those topics that are covered by EU foreign policy, including human rights. The public statements of the HR/VP are either made 'on behalf of the EU' – drafted by the EEAS and approved by all Member States, or are made 'by the High Representative' and, at a lower level, 'by the spokesperson',<sup>17</sup> not requiring prior approval of Member States. EU demarches<sup>18</sup> in the area of foreign policy are the formal responsibility of the High Representative.

Following the adoption of the 2012-2014 [EU Strategic Framework](#) and Action Plan on Human Rights and Democracy,<sup>19</sup> the Foreign Affairs Council appointed an [EU Special Representative \(EUSR\) for Human Rights](#) to support the HR/VP's work in this area and enhance the effectiveness and visibility of EU human rights policy. There is also an **EUSR for the Middle East Peace Process**, mandated to work towards the resumption of meaningful negotiations on the process with the aim of achieving a comprehensive peace agreement based on a two-state solution. The EUSRs can meet and consult with civil society organisations, NGOs and individual rights defenders to inform their work and can raise individual cases as well as systemic violations in dialogue with third country governments.

## 5. The European External Action Service

The European External Action Service (EEAS), established in 2010, is the diplomatic service of the EU. Based in Brussels and falling under the authority of the HR/VP, it helps the High Representative carry out their work.

The EEAS is divided into a number of geographical directorates, including on the Middle East and North Africa (MENA), and a thematic directorate on human rights, global and multilateral issues. The directorate for MENA has geographical units dealing with Egypt, Syria, Lebanon and Jordan; Israel, the occupied Palestinian territories, the Middle East Peace Process (MEPP), and the Maghreb (Morocco, Algeria, Tunisia and Libya). Staff within these units are allocated as geographical desk officers to individual countries. There are further thematic units covering the regional policies for the Southern Mediterranean, as well as the strategy and instruments of the European Neighbourhood Policy. The staff monitoring and developing policy within the directorate for human rights, global and multilateral issues are allocated to specific countries or regions as well as themes, such as the fight against torture, human rights defenders, international humanitarian law (IHL), etc.

The EEAS prepares policy positions and drafts agendas ahead of bilateral and multilateral meetings (e.g. Association Councils, Association Committees and Sub-committees on Human Rights), and drafts reports and statements (e.g. ahead of Association Councils, demarches), thus supporting the work of the HR/VP and the FAC and its working parties. EEAS staff chair the working parties that fall under the FAC, including MAMA and COHOM. The EEAS strategies and instruments division is mandated by the Council of the EU to take the lead in negotiating ENP Action Plans (now Partnership Priorities) and reporting on their implementation, collaborating on this with the European Commission.



## IN THE FIELD:

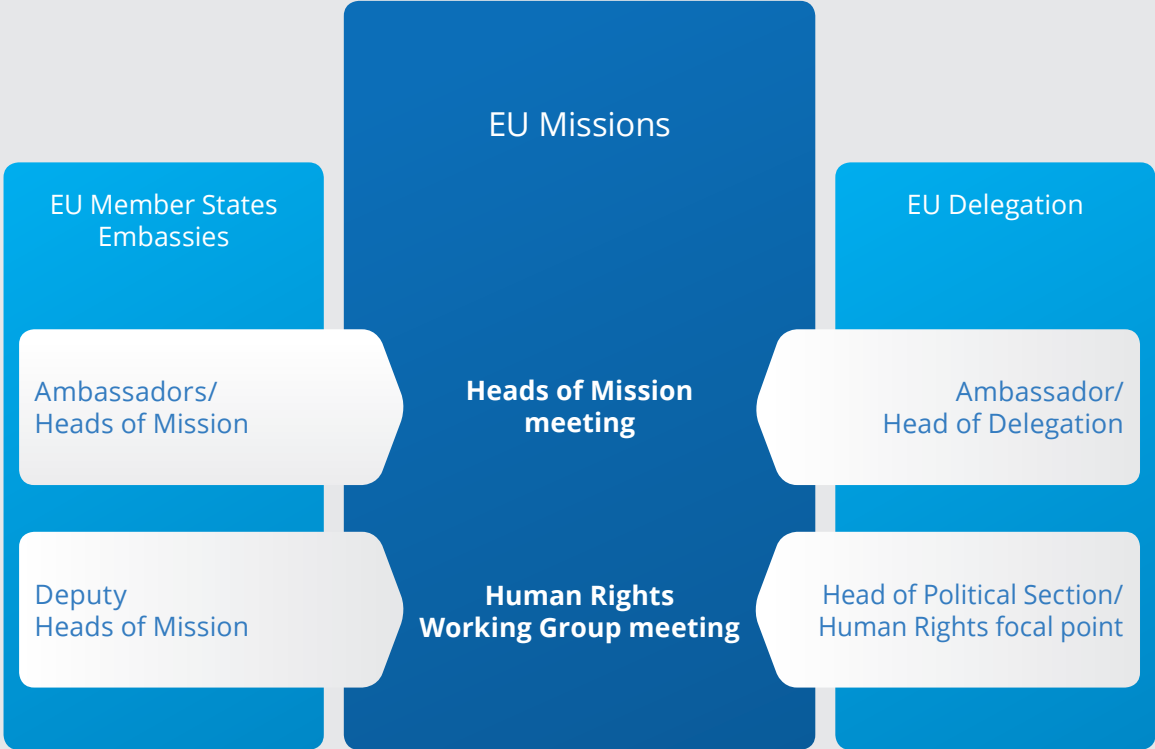
In third countries, the EU is represented by EU delegations. While Heads of Delegation are formally part of the EEAS structure, many of the delegation staff (especially in the operations section) report directly to the European Commission. For local NGOs, the delegations are the first point of contact with the EU and are valuable advocacy targets beyond their role as donors, as they play a key role in the development and implementation of EU human rights policies.

The delegations, headed by an ambassador-level diplomat, are usually divided into a political and an operations section. The EU delegations take action on behalf of the EU like conducting political dialogue and issuing demarches. The operations section is in charge of managing EU funding and programmes on the ground. Each delegation must have an appointed focal point on human rights issues, whose contact details should be mentioned clearly on the delegation's website. In line with the EU Guidelines on Human Rights Defenders,<sup>20</sup> each delegation must also have a liaison officer for human rights defenders who coordinates EU work and support to HRDs in the country. These are often the same person, although in some cases a member of staff of the embassy of one of the EU Member States takes on the second function.

The EU delegations participate in the drafting of ENP Partnership Priorities (previously Action Plans) and of the reports on their implementation (these used to be known as annual progress reports before the review of the ENP in 2015). They also provide input to higher levels ahead of meetings of the Association Council, Association Committee and sub-committees. Although this is not always the case, they are expected to regularly consult and gather input from local NGOs, including ahead of human rights sub-committee meetings, as well as debrief civil society after these meetings.

EU delegations play a key role in planning the programmes of visits of EU representatives to MENA countries, such as the HR/VP, European Commissioners, the EUSR for Human Rights, delegations or committees of the European Parliament, or other EEAS or Commission staff. The EU delegation can therefore propose meetings between visiting EU representatives and local civil society organisations. NGOs can push for such meetings to take place. The EU delegation is also involved in the bilateral programming, and manages funding specifically dedicated to support capacity development and civil society.

The Head of the EU Delegation and the Ambassadors of EU Member States, collectively known as the Heads of Mission, meet regularly to coordinate policy. In addition, human rights working groups are often established to bring together EU delegation and embassy staff working on human rights. At both levels, human rights issues and EU actions are discussed and decided upon. Local EU statements are approved collectively by the Heads of Mission.



## 6. The European Commission

The European Commission is the executive body of the EU, consisting of a college of commissioners (currently one from each Member State) as well as a bureaucratic structure supporting their work. The European Commissioners are not meant to represent the interests of their Member States but rather the interests of the EU as a whole.

The European Council appoints the President of the European Commission, who in turn appoints other Commissioners. These five-year appointments must be approved by the European Parliament. Commissioners are in charge of the different Directorates-General, into which the Commission is divided. The European Commission's main roles are to propose new legislation, enforce European law, set objectives and priorities for EU action and work towards delivering them, manage and implement EU policies and the budget, and represent the EU externally regarding certain policy areas, such as migration and trade.

The **Commissioner for European Neighbourhood Policy and Enlargement Negotiations** is responsible, among other things, for MENA countries on issues within the mandate of the Commission, assisted by the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR). The Commissioner regularly travels to different countries to meet authorities for exchanges on the development of their relations with the EU, raising human rights concerns and making public statements.

**The Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) manages the funding provided to ENP countries through its European Neighbourhood Instrument (ENI), the successor of the 2007-13 European Neighbourhood and Partnership Instrument (ENPI). It also manages the ENI Civil Society Facility.<sup>21</sup>**

**The Directorate-General for International Cooperation and Development (DG DEVCO) administers the European Instrument for Democracy and Human Rights (EIDHR), a fund specifically directed toward human rights NGOs and civil society, as well as other thematic funds.**

EU trade relations with external actors are managed by the Directorate-General for Trade (DG TRADE). In the MENA region, the EU's key objective is the creation of a deep [Euro-Mediterranean Free Trade Area](#), removing barriers to trade and investment between both the EU and the Southern Mediterranean countries and between the Southern Mediterranean countries themselves. Trade objectives account for a number of provisions with the Euro-Mediterranean Association Agreements.<sup>22</sup> DG TRADE also coordinates the negotiations on bilateral Deep and Comprehensive Free Trade Agreements (DCFTAs), which it has been conducting with Morocco since 2013, and with Tunisia since 2015. The preparatory process for launching negotiations with Jordan is ongoing.

**The Commissioner for Migration, Home Affairs and Citizenship, and the Directorate-General for Migration and Home Affairs (DG HOME) deals with migration among other issues. For instance, staff within DG HOME are in charge of negotiating bilateral [Mobility Partnerships](#) between the EU and Southern Mediterranean states, which aim to enhance cooperation on migration management in the region.**

## 7. The European Parliament

The European Parliament (EP) is the only directly elected governance body of the EU and represents the voice of the citizens of the EU. As such, it has an important role to play in monitoring EU policies and in making recommendations to the Council of the EU and the EEAS. The EP is the institution that is most active on human rights and supportive of civil society. As such it can play an important role in highlighting human rights violations. However, unlike national parliaments, it has little formal power or influence over EU foreign policy and cannot hold politicians and policy-makers to account to the same extent.

On other policy areas, the EP has legislative, budgetary and supervisory powers and adopts EU legislation in conjunction with the Council. It must approve the EU's annual budget and can propose amendments to it, supervising expenditure. The EP has therefore the right to amend the draft foreign policy budget and adopts, as co-legislator, the EU's financial instruments for external action. It must give its consent to the signing of Association Agreements and trade agreements. Furthermore, the appointee for the post of HR/VP must be approved by the EP, and in fulfilling their role must ensure that the views of the EP are duly taken into consideration. This provision is solidified through a twice-yearly debate with the HR/VP on the progress on implementing the EU foreign policy held in the EP.<sup>23</sup>

There are 751 **Members of the European Parliament (MEPs)**<sup>24</sup>, who serve five-year terms. Each Member State is allocated a certain number of seats to fill, according to the size of its population. The different national political parties are organised into political groups according to their programmes and values – the group names and composition can change between and also during EP terms.<sup>25</sup>

The parliament elects a **President** to represent it externally as well as vis-à-vis other EU institutions. The President's activities include conducting visits and meetings (also in third countries), raising human rights issues and individual cases, and making public statements.

Through **parliamentary questions** to the Council, Commission or EEAS, individual MEPs can publicise and express concern about human rights issues and ask other institutions about what they are doing, or what they will do, to address the situation. MEPs can also recommend specific actions.<sup>26</sup> An individual MEP or groups of MEPs can also write letters to the HR/VP, requesting action such as making a public statement.

The **EP plenary** adopts general resolutions pertaining to human rights, the ENP and the Mediterranean region, as well as human rights urgency resolutions,<sup>27</sup> that highlight specific and urgent human rights violations in third countries and express concern. Although not binding for other EU institutions, resolutions may call for action by the European Council, the Council of the EU, the European Commission, the HR/VP, the EEAS, the EU delegations, EU Member States and third countries. They may have an impact on the country concerned, as in the case of Algeria, where an urgency resolution sparked a government reaction and attracted a lot of media attention in the country itself, providing visibility to the issues raised. Topics for resolutions are proposed by individual political groups and agreed upon through consensus. In addition, the EP issues an annual report on the human rights situation in countries outside of the EU, and another on respect for fundamental rights within it.

The EP organises its work through 20 parliamentary [committees](#). The committees make legislative proposals, adopt reports and conduct negotiations with the Council of the EU on legislation. They also adopt reports, organise hearings with experts and scrutinise other EU bodies and institutions. Each committee has a secretariat of administrative staff to support its work.<sup>28</sup>

#### The committees relevant to human rights in the MENA region are:

- » [the Foreign Affairs Committee \(AFET\)](#) aims to help formulate a coherent and effective foreign policy serving the interests of the EU, the security expectations of its citizens and the stability of its neighbours; it further monitors its implementation. It is responsible for issues concerning human rights, protection of minorities and promotion of democratic values in third countries. However, this committee does not usually issue invites to NGO or civil society organisation (CSO) representatives to speak at its hearings.
- » [the Sub-committee on Human Rights \(DROI\)](#) assists the Foreign Affairs Committee and has its own chairperson. This sub-committee holds hearings, frequently including NGO experts or representatives of civil society, and adopts reports about country-specific or thematic human rights issues.
- » [the Women's Rights and Gender Equality Committee \(FEMM\)](#) is charged with the promotion of women's rights both inside the EU and in third countries.
- » [the Committee on Civil Liberties, Justice and Home Affairs \(LIBE\)](#) deals with legislation and democratic accountability in relation to asylum and migration, an area in which the EP co-decides on EU legislation.

There are currently 41 parliamentary [delegations](#). The delegations maintain relations and exchange information with parliaments in non-EU countries. Through its delegations, the EP helps to represent the EU externally, including by promoting democracy, respect for human rights and the rule of law. Delegation members attend joint parliamentary committees with their counterparts at the national level (a JPC with Morocco has been in

place since 2010, and one with Tunisia was launched in 2016) and can make visits to third countries to meet government officials and local civil society. They can raise human rights issues and individual cases, and make public statements. Like committees, delegations appoint chairpersons, who similarly play a leading role in defining the agenda and representing the institutional structure. The EP has delegations for relations with: [Israel, Maghreb countries and the Arab Maghreb Union, Mashreq countries](#), and [Palestine](#). It has an [EU-Turkey](#) Joint Parliamentary Committee and MEPs take part in the [Union for the Mediterranean Parliamentary Assembly](#).

**Committee and delegation chairs** play a key role in setting the agenda and raising specific issues at meetings.

The EP also has the capacity to send [election observation missions](#) to third countries when the EU is invited to do so. The EP then sends a delegation of MEPs to do on-the-ground observation around the days of the election and may adopt a resolution on the situation of the country where the observation has taken place.<sup>29</sup>

## 8. The European Economic and Social Committee

The European Economic and Social Committee (EESC) is a consultative body that gathers representatives of EU-based employers' organisations, trade unions and civil society organisations. It adopts (non-binding) opinions on EU policies and addresses them to the Council, the European Commission and the European Parliament.

The EESC monitors the EU's external relations, e.g. trade and development policies, and develops partnerships with civil society organisations in other countries. Its Euromed follow-up committee<sup>30</sup> focuses on the European Neighbourhood Policy,<sup>31</sup> organises an annual Euromed Summit of Economic and Social Committees, which civil society organisations are invited to.

### We are a small organisation... Where to start?

Before seeking to develop contacts with EU institutions in Brussels or Member States at capital level, field organisations should first get in touch with the EU representatives that are the closest to them: the EU delegation and Member State embassies, collectively known as 'EU missions'.

For an organisation with limited capacities, these interlocutors are their primary interface with the EU. The EU delegation plays a key role in implementing EU external policies and managing EU funding programmes. It has also an increasing coordination role to promote human rights and support civil society. There is an EU delegation in each country of the region, however the EU has scaled down its activities in Syria and its delegation to Libya is temporarily relocated in Tunis. Member State embassies are also an important target for field organisations as they actively cooperate with the EU delegation on a large range of issues, including on human rights, and they are in charge of implementing their country's policies towards the host country.