

# European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2007 - 2010

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## Executive Summary

The Strategy Paper for the European Instrument for Democracy and Human Rights (EIDHR) identifies distinct objectives forming a response strategy for the period from 2007 to 2010:

- 1) Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk;
- 2) Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation;
- 3) Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict;
- 4) Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy;
- 5) Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation.

The response strategy is designed to complement geographical and thematic programmes, providing support at national, regional and international level. This complementary Community assistance will reinforce action under the related external assistance instruments. The response strategy will be implemented primarily by civil society organisations. The geographical focus will vary: Objective 1 will be focused on country or regional situations, where fundamental freedoms are still to be realised or are at serious risk. Objective 2 will be implemented primarily through country-based support schemes for concerted action on local democracy and human rights issues of particular concern. Objective 3 addressing activities within the framework of EU Guidelines on human rights issues will be applicable around the world. Objectives 4 and 5 will aim at strategic support for international instruments and providing the framework for EU Election Observation Missions.

### 1. Introduction

#### *General objectives and complementarities*

1. The legal basis for the successor programme to the European Initiative for Democracy and Human Rights under the Financial Perspectives 2007-2013 was adopted by the European Parliament and the Council in December 2006<sup>1</sup>. The Regulation, which entered into force on 1 January 2007, establishes a self-standing financing instrument for the promotion of democracy and human rights worldwide entitled European Instrument for Democracy and Human Rights (EIDHR) This instrument reflects the high political profile and specific Treaty mandates relating to the development and consolidation of democracy and the rule of law, and respect for human rights and fundamental freedoms. The present Strategy Paper is based on the new Regulation and the corresponding budget chapter 19.04.

2. The general objectives of the new financing instrument, set out formally in Article 1 of Regulation (EC) No 1889/2006 are to contribute to the development and consolidation of democracy and the rule of law, and respect for all human rights and fundamental freedoms, within the framework of the Community's policy on development cooperation, and economic, financial and technical cooperation with third countries, and consistent with the EU's foreign policy as a whole. As already explained in the Commission Communication of 25 January 2006<sup>2</sup>, the response strategy under the EIDHR builds on the work being done with and through civil society organisations aimed at defending the fundamental freedoms which form the basis for all democratic processes and helping civil society to become an effective force for political reform and defence of human rights. In this way, it will complement the new generation of geographical programmes, which will increasingly mainstream democracy and human rights, though focusing primarily on public institution-building. Similar to the thematic programmes under the Development Cooperation Instrument (DCI), the EIDHR will offer independence of action, allowing for the delivery of assistance in principle without the need for government consent, which is a critical feature of cooperation with civil society organisations at national level, especially in the sensitive areas of democracy and human rights. It also offers more flexibility and capacity to respond to changing

circumstances or to support innovation, contrasting with the long-term programming approach of the geographical programmes.

3. Also to complement geographical programmes, the EIDHR response strategy gives priority to supporting the international framework for the protection of human rights, justice, the rule of law and the promotion of democracy, reflecting the EU's general commitment to multilateralism. Because democracy and human rights are, above all, issues of global concern and constitute "public goods", global campaigns are also envisaged, requiring a transnational approach. Finally, the EIDHR will continue, through the further development of EU Election Observation Missions, to contribute to building confidence in and enhancing the reliability and transparency of democratic electoral processes. This requires a single framework with broad geographical scope, in order to ensure policy coherence, a unified management system and common operating standards.

4. The response strategy under the EIDHR will thus be global in scope, operating at national, regional and international level, supporting actions in third countries around the globe, and also in Member States if relevant to needs in third countries.

### *Consultations*

5. After an initial phase of consultations leading up to the Commission Communication of 25 January 2006 on a Thematic Programme for the promotion of democracy and human rights worldwide under the future Financial Perspectives (2007-2013), the Commission services have continued consultations on the corresponding draft Strategy Paper in various formats. With civil society, three plenary meetings were held with Brussels-based NGO networks in 2006 and 2007, as well as several sector specific meetings. Various seminars, organised by the Commission and others in 2006, provided an opportunity to discuss with representatives of the European Parliament, Member States and civil society organisations the possible directions of the Strategy Paper in relation to civil society support in situations where human rights and basic freedoms are under most pressure.

6. Many aspects of the Strategy Paper have been refined in the light of the consultations, in particular the shaping of thematic criteria, certain types of innovatory action, the priority areas of activity for country-based support schemes etc. The continuing concern about the need to maintain a clear priority for civil society, as compared to support for intergovernmental bodies or EU Election Observation Missions, has led *inter alia* to a Commission Statement on Election Observation Missions entered into the minutes of the Council when adopting the EIDHR Regulation<sup>3</sup>, and the creation of a separate budget article for EU Election Observation Missions. The Commission's respective commitments are reflected in the present Strategy Paper.

## **2. Analysis of the international situation and the European Community policy framework**

### *The international situation*

7. By virtue of the numerous UN instruments and policy declarations as well as other international and regional instruments, human rights and democratic principles are to be considered universal values, inextricably linked and to be pursued in their own right. In addition to the International Bill of Human Rights, all UN Member States have ratified at least one of the core human rights treaties and 80% have ratified four or more. These values are also seen as integral to the process of poverty reduction, alleviation of inequality and achievement of the Millennium Development Goals, as well as vital tools for conflict prevention and resolution, and are indispensable for combating terrorism. Democratic processes of accountability are also crucial to ensuring government transparency and combating corruption and impunity.

8. In recent years many countries have moved towards more open societies, fairer electoral processes, and greater commitment on a range of human rights issues. However, multiple challenges remain: many countries are still autocracies where basic freedoms are systematically repressed; elsewhere, despite an electoral process and some political competition, political elites too often remain unaccountable and unresponsive to citizens' expectations, sometimes reverting to repression of dissent and opposition voices. Moreover, ethnic, religious or class divisions in society may be exacerbated rather than channelled into democratic debate, sowing seeds of conflict and undermining pluralism and

respect for human rights. This also applies to vulnerable groups such as women, children, and persons with disabilities. Trends vary within and between regions, with each country facing its own distinctive challenges; but the challenges for democracy and human rights are worldwide, low income countries do not have a monopoly of the problems that require attention by the international community.

9. Many factors, including the changing international context, the impact of globalisation, and evolving donor policies on empowerment and governance, have led to increasing debate and emphasis on the protection and promotion of human rights and democratic development, at international level as exemplified by recent UN Declarations<sup>4</sup>, at the level of regional organisations such as the African Union, and with the growth of global non-governmental networks. This is also reflected in the donor community and is leading to more systematic mainstreaming of human rights and democratic principles in all areas of development cooperation and in crisis management, and greater attention is being paid to root causes of insecurity and conflict.

10. Comprehensive human rights-based approaches to development are more widespread, as is support for state building, democratic governance and civil society development. Concern with security and the fight against terrorism has tended to dominate international agendas, which at the same time are highlighting root causes of conflict and the importance of ensuring human rights, the rule of law and inclusive democracy to avoid alienating communities and creating conditions of insecurity. Facilitating the peaceful conciliation of group interests has thus added a new dimension to development strategies and work with civil society.

11. There is general acceptance of the need for “local ownership” of the development and democratisation process, engaging governments and all leading local stakeholders, including national parliaments. This is difficult to achieve if relations with partner countries are limited to government-to-government contacts; incentives for governments to devolve and share power, tackle impunity, or strengthen pluralism are not obvious. Hence the continuing importance of support to civil society and human rights defenders to help empower citizens, allow them to claim their rights and build and sustain momentum for change and political reform.

#### *The European Community policy agenda*

12. The EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. EU policy in support of democracy and human rights in third countries has been articulated and developed in Commission communications, European Parliament resolutions and Council conclusions over the years, including specific EU Guidelines on particular human rights issues<sup>5</sup>. As stipulated in the Treaty mandates<sup>6</sup>, the objective of developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms is now a feature of all forms of EU co-operation with third countries, including in its political dialogue with the latter.

13. The Copenhagen political criteria on “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” shape the enlargement process. These objectives are echoed in the Stabilisation and Association process<sup>7</sup>. The same objectives also guide the European Neighbourhood Policy<sup>8</sup>. The Cotonou Agreement and the EU policy on governance and development<sup>9</sup> include the protection and promotion of human rights and democracy as priority issues to be integrated in country strategies, dialogues and all relevant external assistance instruments. They are acknowledged in the European Consensus on Development<sup>10</sup> as a common value for the EU vision of development. This is echoed in recent EU regional strategies for Africa<sup>11</sup>, Latin America<sup>12</sup>, Caribbean<sup>13</sup> and the Pacific<sup>14</sup>, and regional strategies for Asia<sup>15</sup>. With a developing European Community role in crisis management in recent years, the human rights and democracy dimensions have also been highlighted in conflict prevention, peace building and post-conflict reconstruction.

14. Tools for implementing EU policies on democracy and human rights range from political dialogue, diplomatic démarches and specific human rights dialogues to various instruments of financial and technical cooperation. The specific aim of European Community assistance in the past under the European Initiative for Democracy and Human Rights has been to assist in meeting differentiated human rights and democracy objectives at international and national level, complementing action within the Community’s various national and regional cooperation programmes and the Rapid Reaction Mechanism<sup>16</sup>. In addition to its work in support of civil society, it has a distinguished record of support for international human rights instruments and mechanisms and the international criminal justice system, including the International Criminal Court (ICC) and other ad hoc international criminal tribunals. The available Community assistance has also made possible to develop the EU’s role as one of the leading actors in election observation, based on the principles and procedures outlined in the 2000 Commission

Communication on EU Election Assistance and Observation, endorsed by the Council in 2001<sup>17</sup>. Its main policy framework was set by the 2001 Commission Communication<sup>18</sup> and the related positions of the Council and the European Parliament<sup>19</sup>. Together with the 2006 Commission Communication<sup>20</sup>, this policy framework remains valid for the present Strategy Paper under the EIDHR.

### 3. Operations financed in the past and lessons learned

15. Building on its key strength, which lies in the scope for providing assistance independently of the consent of third-country governments and other public authorities, the main purpose of Community assistance under the financing instrument preceding the present EIDHR has been to support civil society activity in the promotion of human rights and democracy. Partners have primarily been international and local civil society organisations, but have also included international intergovernmental bodies with special expertise. Its budget rose by about 20% over the past five years (from about €100 million to over €120 million), but the demands and expectations also increased. The range of themes covered, the different types of action and implementation instruments, and the regional breakdown of assistance are illustrated in the tables in Annexes IV to VII. The main trends during the period from 2002 to 2006, the results of a number of evaluations within the Initiative, and the lessons learned are presented in Annex III.

16. As regards implementation, the rate of commitments has generally been very high, though the process of project selection and experience of micro project contracting has been less smooth, in part on account of political obstacles. For the implementation of the present Strategy Paper, the Commission is committed to availing itself of all options offered by the Financial Regulation as appropriate, in order to ensure the effective and timely delivery of assistance. Specifically, the Commission will avail itself fully of the flexibility which the Financial Regulation may offer when implementing *ad hoc* measures in situations of crisis or urgency.

### 4. The response strategy from 2007 to 2010

#### *Objectives*

17. In accordance with the objectives of the European Instrument for Democracy and Human Rights and the pertinent EU policies and human rights guidelines, the EIDHR response strategy for 2007-2010 will support an integrated approach to democracy-building and the protection and promotion of human rights, and will seek to make a key contribution to the European Consensus on Development. Work with, for and through civil society organisations<sup>21</sup> will give the response strategy its critical profile. It will, on the one hand, promote the kind of open society, which civil society requires in order to thrive, and on the other hand, will support civil society in becoming an effective force for dialogue and reform relying on the role of men, women and children as individuals with the power, capacity and will to create development.

18. In this sense, objectives of the response strategy are:

- 1) *Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk;***
- 2) *Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation;***
- 3) *Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict;***
- 4) *Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy;***
- 5) *Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation.***

Though the response strategy has wide-ranging priorities, the EIDHR will need to operate as part of a broad set of EU instruments, in partnership with Member States and many other donors, in order to achieve sustainable reforms and improvements in the protection of human rights and democratic development. In this context, it is particularly important that the closest possible coordination between the Commission and Member States takes place at all levels, including on the ground, in order to ensure effectiveness and consistency of their respective assistance measures. The EIDHR remains an instrument of relatively modest size, working in a selective and strategic fashion. It therefore needs to act primarily as a catalyst to assist in bringing about more sustained developments or action by other actors or instruments.

19. Under all the objectives, the response strategy will complement the geographical programmes (Instrument for Pre-Accession Assistance (IPA), European Neighbourhood and Partnership Instrument (ENPI), Development Cooperation Instrument (DCI), Financing Instrument for Cooperation with Industrialised and other High Income Countries (CIC)) and the DCI-based thematic programmes, especially those on Non-state actors and local authorities in development, on Investing in people, and on Cooperation with third countries in the areas of migration and asylum, which integrate the protection of human rights and underpin democratic processes in various ways. Activities planned under these thematic programmes will thus be outside the particular focus of the EIDHR and the response strategy developed by the present Strategy Paper.

20. In complementing geographical and thematic programmes, the EIDHR enjoys considerable independence of action, not requiring the consent of the governments of the countries concerned for its funding activity and not being subject to the long-term programming approach of geographical programmes. This enables the EIDHR and the present Strategy Paper to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations that need to preserve independence from public authorities, as well as to be active in countries that may be described as “difficult partnerships”.

21. The response strategy seeks to be “conflict sensitive” within the meaning of Article 2(1)(a) vii) of Regulation (EC) No 1889/2006, helping to tackle “root causes”, such as measures to combat discrimination, or building consensus in society to pursue reconciliation processes in post-conflict situations. Where necessary, the response strategy is interfaced with crisis response interventions envisaged under the new Instrument for Stability. As regards the fight against impunity for serious international crimes, the EIDHR will maintain its long-term commitment in support of the International Criminal Court. Regarding specific post-conflict criminal justice mechanisms, however, including special tribunals, it is expected that the Instrument for Stability and geographical programmes will share responsibility for any operational support that may be required, though the EIDHR may play a subsidiary role.

22. Throughout the response strategy and in projects under all the objectives, the mainstreaming of gender equality, the rights of the child, the rights of indigenous peoples, and the rights of persons with disabilities will be ensured. All projects will need to show, whenever relevant, how these issues are taken into account in the design, implementation and monitoring of their activities. In many instances, in particular but not only under Objective 2, there is also wide scope for specific activities with and for these target groups. Principles such as empowerment, participation, non-discrimination of vulnerable groups and accountability will be adequately taken into account.

## **OBJECTIVE 1**

### ***Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk***

23. The focus will be on situations where there is a serious lack of fundamental freedoms, where human security is most at risk, where human rights defenders are under most pressure, where civil society operates with difficulty and where there is little room for political pluralism. The gravity of the situation and the effectiveness of the action are to be the two key considerations for assessing and prioritising project proposals.

*Thematic focus*

24. Within the framework of Objective 1, activities are to be supported which contribute directly to ameliorating the situation regarding in particular:

- i) the right to freedom of thought, conscience and religion;
- ii) the right to freedom of opinion and expression, to information and to communicate, including freedom of the media, fight against censorship, and access to the internet;
- iii) the right to freedom of peaceful assembly and association, including the right to form and join a trade union;
- iv) the right to freedom of movement within the borders of a state, and the right to leave any country, including one's own, and to return to one's country;

25. All projects should embody a pluralistic and non-discriminatory view of society and promote a holistic approach to human rights. Provided the focus is on freedoms identified above, projects may be combined with campaigning on particular human rights issues.

26. Projects should be designed to produce specific results and hence include an appropriate mix of activities ranging from monitoring, public information and awareness-raising to capacity building and dialogues with key stakeholders. Where possible, they should aim at building broad coalitions of support among a wide range of local stakeholders and civil society organisations and contribute to empowering local populations to continue claiming their rights beyond the life of the project. Projects may use other "entry points", such as social, economic and cultural rights, though the aim and the intended impact should relate to the fundamental freedoms identified above and keeping in mind the holistic approach to human rights.

27. Projects may include operations "out of country" - in neighbouring countries, with the diaspora or refugee community. They may also include transnational and regional operations with regional networks or organisations, for example to develop peer pressure, provided they are targeted towards specific positive change in a given country situation.

28. New modalities of assistance in line with the revised Financial Regulation may become particularly relevant in the situations targeted under Objective 1. Where specifically justified, the usual practice of publishing information about EU-sponsored activities may be modified.

### *Geographical focus*

29. The situations targeted are those where fundamental freedoms as identified above are the least secure, and where disrespect for these freedoms is particularly pronounced. These situations can be characterised by the following selected indicators relating to violations of basic human rights as contained in the UN Declaration on the Rights of Human Rights Defenders of 9 December 1998<sup>22</sup>:

- i) Limitations on the right to freedom of association (e.g. regular and widespread obstacles to registration of civil society organisations and their independent operation, forced closure of civil society organisations, and physical threats to their members);
- ii) Limitations on the right to freedom of peaceful assembly (e.g. frequent prohibition or violent repression of peaceful protests);
- iii) Limitations on the right to freedom of expression, to information and to communicate (e.g. regular repression of and major reprisals for criticism of public policies, obstacles to collection, publication and dissemination of information on human rights, including access to the internet; general censorship);
- iv) Threatening and insecure environment, which seriously undermines right to life and physical and mental integrity (e.g. extra-judicial killings, death threats, beatings, torture and ill treatment during questioning or detention);
- v) Limitations on the right to a fair trial and due process (e.g. regular occurrences of disregard of due process, arbitrary arrests and detention, lack of impartial tribunal and appropriate jurisdiction, restrictions on the exercise of legal defence, legal harassment on baseless charges);

30. Priority will be given to activities addressing situations where there are widespread problems and systematic violations over an extended period of time on account of one or more of the above indicators. These situations are to be specified by grant applicants, with reference to independent monitoring reports, wherever possible. Such situations may be limited to a particular region or may affect only a particular group in a country, which otherwise is less repressive. The indicators contribute to establishing project relevance: the graver the situation, the higher the priority. Transnational and regional activities may also be supported provided the focus is on situations as described above.

## Actors

31. Actors will be primarily civil society organisations, based in the EU, in the region or in the country itself. Where possible, local partner organisations should be involved, though the particular circumstances of each situation will determine how this may be done without putting them at risk or creating further resistance to democratic reform. International organisations and other actors within the meaning of Article 10(1) of Regulation (EC) No 1889/2006 may also be associated especially where they can offer particular access and means of action. Given the sensitive nature of action under Objective 1, political support and complementary action through other EU tools, such as political dialogue, may be of great importance. Close information links will therefore need to be maintained with Commission Delegations on the spot<sup>23</sup>.

### OBJECTIVE 2

***Strengthening the role of civil society in promoting human rights and democratic reform, in facilitating the peaceful conciliation of group interests and in consolidating political participation and representation***

32. Under Objective 2, all human rights concerns - political, civil, economic, social and cultural – and all aspects of democratisation may be considered. The emphasis will be on assisting civil society to develop greater cohesion in working on human rights, political pluralism and democratic political participation and representation, in contributing to the peaceful conciliation of group interests, combating discrimination on any ground, and in developing equal participation of men and women in social, economic and political life, thus becoming an effective force for positive change, through cooperation among local civil society organisations and stakeholders. There is indeed wide scope for specific activities in the fields of gender equality, the rights of the child, the rights of indigenous peoples, and the rights of persons with disabilities. The focus of Objective 2 will be on those countries where there is both a strong need for more effective action on the part of civil society organisations and sufficient freedom and room for manoeuvre for human rights and democracy advocacy. Specific country priorities will be established on the basis of EU policy considerations. This implies primarily a country approach, with support schemes managed at country level by European Commission Delegations, building on the experience with micro project facilities under the previous European Initiative for Democracy and Human Rights. Transnational and regional activities are also envisaged under Objective 2.

### Country-based support schemes<sup>24</sup>

#### *Thematic focus*

33. Four areas of activity are envisaged:

- i) the *pursuit of common agendas for human rights and democratic reform* based on cooperation among civil society organisations working in mutual support, building coalitions across different regions, communities and identity groups and a range of socio-economic actors, including independent political platforms or foundations. Themes will derive from those local concerns and priorities which are conducive to mobilising broad support and effective outcomes (for instance, action aiming at legislative change to promote women's rights, to protect the rights of indigenous peoples, on a fairer electoral system, on trade union rights, democratic oversight of the security sector, on the abolition of the death penalty, on prevention of torture and ill-treatment, on access to primary education, on the reduction of maternal mortality, or on promoting decent working conditions). Specific support can be provided, where relevant, for concerted civil society monitoring action, for example in the context of the accession process, the European Neighbourhood Partnership action plans, or the African Peer Review Mechanism, as well as in monitoring international commitments. Such common agendas should ensure broad-based participation, with explicit mainstreaming and monitoring of women's and children's' rights, rights of persons with disabilities, and the rights of persons belonging to minorities and indigenous peoples;
- ii) *building towards consensus on disputed or controversial areas of policy* in deeply divided societies, by means of civil society dialogues which seek to bridge societal divides and which bring together a wide range of stakeholders to share experience and analyse common problems. Policy issues may relate, for instance, to peaceful conciliation of group interests, transitional justice and reconciliation,

including the specific role of women in such processes, the rights of persons belonging to minorities and indigenous peoples' rights, religion and the state, land reform, and control of natural resources, in a broader perspective of strengthening democratic institutions and human rights;

- iii) *enhancing political representation and participation*, including the empowerment of women and other underrepresented groups such as indigenous peoples, and *responsiveness and accountability*, by means of initiatives by civil society in dialogue with "political society" (e.g. with political parties, groups of parliamentarians or legislative bodies);
- iv) initiatives to *enhance the inclusiveness and pluralism* of civil society, for example by supporting activities and capacity-building of new or fragile civil society organisations formed by groups whose interests are underrepresented, or otherwise contributing to the empowerment of such groups (e.g. minority groups, indigenous peoples, persons subject to caste-based discrimination, people with disabilities, women workers, rural groups, internally displaced persons etc.), and initiatives to promote independent media excluding hate media.

### *Geographical focus*

34. The geographical focus will be on countries where:

- i) there is a certain context within civil society allowing for the development and activities of civil society organisations (including human rights and democracy advocacy bodies), but where the latter may be without much organisational capacity, influence or cohesion; **and**
- ii) there is a well-founded need for more effective action by civil society organisations in the field of human rights and democratisation whereby civil society can become a sustainable force for positive change and reform.

Specific priorities will be established on the basis of EU policy considerations. An indicative list of countries qualifying for country-based support schemes in 2007 and 2008 is provided in Annex II. The list will be reviewed thereafter.

### *Actors*

35. Actors will be primarily civil society organisations with no *a priori* geographical restrictions. Given the nature of the objectives, however, it is expected that the focus will be on in-country civil society organisations, which may wish to cooperate with regional, European-based or other organisations and national public-sector institutions<sup>1</sup>. Projects will preferably be based on partnerships of civil society organisations or, where justified, may require the close involvement of a range of in-country organisations and stakeholders. In order to reach out to under-represented groups, civil society organisations will be encouraged to team up with community-based organisations and other representative structures of such groups. Civil society organisations include independent political foundations. National parliamentary bodies are included as eligible partners when this is necessary to achieve the objectives of the EIDHR<sup>25</sup>.

## **Transnational and regional activities**

### *Thematic focus*

36. There are two potential areas of transnational and regional activity:

- i) dialogue and practical cooperation activities aimed at assisting the peaceful management, mediation or resolution of conflicting interests or sources of deep-seated conflict or potential violent conflict. The focus will be on regions which are plagued by conflicts with transnational implications (e.g. the Caucasus, the Near East, the Manu River region, the Great Lakes region, the Horn of Africa, the Andean region and South Asia). Activities may seek to strengthen transnational networks for child protection, promote solutions on divisive matters (e.g. of citizenship, migration, refugees and asylum), support reconciliation among leading stakeholders and civil society organisations from neighbouring countries, and to develop civil society based early warning systems;
- ii) capacity-building and practical cooperation through transnational civil society organisation networks in third countries. Specific themes can be wide-ranging and may include for example women in

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<sup>1</sup> National public-sector institutions include National Human Rights Institutions

politics, domestic violence, female genital mutilation and all forms of cultural and traditional coercions, trafficking in human beings and all forms of modern slavery, rights of indigenous peoples and persons belonging to minorities, and abolition of the death penalty, democratisation of political parties and local civil society organisations.

### *Geographical focus*

37. Conciliation and mediation activities will be supported in specific “sub-regions” plagued by conflicts with transnational implications. For capacity-building through civil society organisations, priority regions may be defined with a view to ensuring complementarity with regional activities with civil society in the context of geographical and thematic programmes. Activities involving more than one region may be eligible if duly justified.

### *Actors*

38. Civil society organisations will be both the main implementing bodies and the target. Given the nature of the objectives, it is expected that the focus will be on regional civil society organisations and their networks, as well as regional public-sector institutions, with support from European-based or other organisations. Regional and international parliamentary bodies are included as eligible partners when this is necessary to achieve the objectives of the EIDHR.

## **OBJECTIVE 3**

***Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict***

### *Thematic focus*

39. The thematic focus under this objective is on providing support to activities focusing on issues covered by the EU Guidelines on Human Rights Dialogues, on Human Rights Defenders, on the Death Penalty, on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, on Children and Armed Conflict, and possible future guidelines.

40. As for the **EU Guidelines on Human Rights Dialogues**, EIDHR support will focus on strengthening the involvement of civil society at local level in the dialogue process and thus enhancing genuine transparency vis-à-vis civil society. This will, in particular, take the form of seminars and conferences at local level organised in preparation for and follow-up of the formal dialogue.

41. The **EU Guidelines on Human Rights Defenders** underpin the assistance given under Objective 3 to human rights defenders. The focus will be on human rights defenders as defined by Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Human rights defenders are considered not only as natural persons but also as groups of natural persons without a legal personality and civil society organisations.

42. Assistance to human rights defenders under the EIDHR will aim at strengthening the status of human rights defenders and their fundamental rights, in particular the right to a fair trial and due process of law according to international standards, and supporting their activities such as documenting violations, seeking remedies for victims of such violations, or combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

43. The assistance to be provided on the basis of Article 9(1) of Regulation (EC) No 1889/2006 aims at a timely reaction to situations of urgency<sup>26</sup> for protection of and support to human rights defenders as defined above. A broad range of assistance measures is envisaged ranging from securing physical integrity of a human rights defender and her/his immediate family to accompanying registration procedures of civil society organisations.

44. The **EU Guidelines on the Death Penalty** provide the general framework for EIDHR assistance in this area. EIDHR support under this Objective will aim at promoting the restrictive use of, the establishment of a moratorium on, and the abolition of the death penalty. Activities may include:

- i) monitoring conditions of the use of the death penalty and the application of international minimum standards;
- ii) provision of legal aid and assistance to persons at risk of or prisoners awaiting execution;
- iii) support for legal and constitutional reform to restrict or abolish the death penalty;
- iv) promotion of the signature, ratification and implementation of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

EIDHR support may also aim at the development of national, regional or global abolitionist coalitions, and at advocacy, lobbying and raising awareness among the public and key decision-makers on the principal arguments against the death penalty. However, such projects must be focused, strategic and combined with other activities as mentioned above. In certain cases, projects which use scientific approaches to expose miscarriages of justice or contribute to a reduction in the use of the death penalty, such as studies of forensic evidence or DNA techniques, may also be supported.

45. The **Guidelines to EU policy towards third countries on torture** constitute the background for action under Objective 3. In this context, particular attention will be paid to the ratification and effective implementation of all aspects of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol to the CAT, which concern the prevention of torture and other forms of ill-treatment in all circumstances and the provision of comprehensive rehabilitation services for torture victims.

46. EIDHR will support actions based on an integrated approach to the fight against torture and other forms of ill-treatment, which contribute directly to preventing or reducing its prevalence. All projects should refer to the CAT and be placed in the broader context of the fight against impunity and support for the rule of law for all. They should give particular attention to the situation of women and children, persons belonging to minorities, and indigenous peoples.

47. Where relevant, activities may be linked to a post-conflict agenda of justice and reconciliation or campaigning against a culture of violence in society, including the phenomena of rape, domestic violence and trafficking in human beings. Rather than diluting the focus on torture, these broader dimensions should serve to reinforce the effectiveness of action against torture, building up a broader coalition of civil society actors.

48. Projects should be designed to produce specific results and hence include, where possible, an appropriate mix of activities, e.g. campaigns addressing the normative framework and enforcement provisions with a specific focus on the promotion and implementation of the Optional Protocol to the CAT, training<sup>27</sup> and education, monitoring and information activities.

49. EIDHR will also support rehabilitation activities which aim at restoring the victim's right to remedy and reparation, and which takes an integrated approach encompassing elements of medical and social rehabilitation as well as of legal redress. Attention should be paid to the special needs of women and children. Activities should also contribute to strengthening the monitoring of the prevalence of torture, for example through providing data that can be used in prevention activities.

50. These actions should seek to strengthen local professional capacity and networking and enhance the sustainability of local services' capacity. A local organisation should therefore figure as project partner.

51. The **EU Guidelines on Children and Armed Conflict** provide the background for EIDHR assistance to civil society activities under Objective 3 contributing to the establishment of effective measures to protect children from the effects of armed conflict, to end the use of children in armies and armed groups in any capacity, ensuring the effective incorporation and implementation into national legislations of the international legal provisions on protection of children in conflict and post conflict situation, and to end impunity.

52. The EIDHR will, *inter alia*, support actions which aim at preventing child recruitment or promoting their early release, enhancing children's participation in disarmament, demobilisation and reintegration (DDR) programmes and transitional justice frameworks, tracing family members, promoting redress and social reintegration, supporting psycho-social and rehabilitation programmes focused on children, and monitoring and assessing the situation in different countries or regions. Acknowledging the particular vulnerability of girls, specific attention should be paid to them. The activities should be in line

with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups of February 2007.

### *Geographical Focus and Actors*

53. EIDHR support to strengthening the involvement of civil society in **human rights dialogues** will focus on those countries which are engaged in human rights dialogues with the European Union. Actors will be civil society organisations based in the EU and/or the country concerned.

54. Intimidation, harassment and persecution of **human rights defenders**, in particular of those engaging in promoting fundamental freedoms targeted under Objective 1, are spread around the globe. No specific geographical focus or limitations on eligibility are therefore foreseen under Objective 3. Actors will be primarily civil society organisations, based in the EU, in the region or in the country itself. *Ad hoc* measures under Article 9(1) of Regulation (EC) No 1889/2006, will directly involve human rights defenders in need of urgent protection, as well as civil society organisations whose primary statutory objective is to provide support and protection to human rights defenders. These organisations will provide the necessary support to individual human rights defenders within the framework of a project funded under the EIDHR.

55. Support for activities promoting the abolition of the **death penalty** will be global, including industrialised and other high-income countries. Particular attention should be paid to countries where the death penalty situation is in flux, i.e. where capital punishment is on the verge of being either re-introduced (for example through the lifting of a long-standing moratorium) or abolished, and to countries where the death penalty is most in use. Actors will be primarily civil society organisations based in the EU, in the region or in the country concerned.

56. **Torture** and other forms of ill-treatment are widespread, a systematic practice in some countries, especially prevalent in conflict zones, but also common in countries with an otherwise reasonable record of respect for human rights. The victims of torture, who may be survivors of civil conflict, former detainees, refugees, asylum seekers or displaced persons etc, are spread around the globe, facing difficulties which may be medical and psychosocial, but also legal, social and economic. No specific geographical focus or limitations on eligibility are therefore foreseen under Objective 3. Activities in all third countries and in EU Member States may be eligible. However, EIDHR funding for rehabilitation and support activities in the EU should act as a catalyst to develop a greater financial commitment by Member States and candidate countries, in accordance with the provisions of the CAT and relevant EC legislation<sup>28</sup>, and should in principle be phased out gradually after 2010. This means that a decision will have to be taken within the Council in order to ensure the sustainable financing of EU-based rehabilitation centres; this will not be at the cost of torture victims. Actors will be civil society organisations based in the EU, the region or the country concerned. Close links and information exchange with Commission Delegations will be important, not least since torture prevention should normally figure in political dialogue, especially with reference to ratification and enforcement of the CAT. Contacts with EU Member States and other donors may also be useful in order to widen the funding base for local rehabilitation centres.

57. Assistance for measures in favour of **children affected by armed conflict** is a global issue. A particular focus has to be given to countries where this situation is particularly urgent and that have been identified as focus countries for the relevant Guidelines. Actors are primarily civil society organisations, based in the EU the region or the country concerned.

## **OBJECTIVE 4**

***Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy***

58. The general aim is to strengthen the international frameworks for the protection of human rights, justice and the rule of law, and the promotion of democracy in accordance with EU policy priorities. In so

far as not covered by other financing instruments and thematic programmes, EIDHR may assist in particular:

- i) core human rights instruments, through the appropriate UN agencies, bodies and mechanisms, the Council of Europe and the Organisation for Security and Cooperation in Europe. This includes an annual contribution to support operations of the Office of the UN High Commissioner for Human Rights. Specific regional human rights instruments, other than European, may be supported to the extent that they are not benefiting from corresponding regional geographical programmes;
- ii) international criminal justice mechanisms, such as the ICC and the ICTY. This includes civil society campaigns at a global level and coalition-building on international justice issues. National tribunals set up under internationally mediated peace agreements in post-conflict situations will in principle be supported through the Instrument for Stability and relevant geographical programmes;
- iii) specific international instruments designed to support democracy-building initiatives, including promoting cooperation with the UN Democracy Fund;
- iv) regional networks for the training of specialists in the application of international human rights instruments. This includes grants to support operating costs of the European Inter-University Centre for Human Rights and Democratisation (EIUC);

59. EIDHR support under i) – iii) above will be of a strategic nature designed to contribute to the overall development of partner organisations or the sustainability of particular programmes, where there is a particular justification for EU financial support. It will be based on agreements indicating shared objectives and medium-term development plans. Support may be designed to provide seed funding, to leverage or complement funding from other sources (including from EU Member States,) and to support specific innovations. The EIDHR will on the basis of calls for proposals maintain support for global civil society campaigns designed to ensure the effective functioning of the International Criminal Court in its formative years.

60. In the case of iv), an annual grant to support the operating costs of the Venice-based European Inter-University Centre for Human Rights and Democratisation (EIUC) is provided for. This covers the European Master's Degree Programme in Human Rights and Democratisation, the EIUC EU-UN Fellowship Programme, and a range of other training, research and promotional activities in the field of human rights and democratisation. The intention will be over time to increase the number of non-European students, to strengthen the support from the EIUC to the other university networks running Masters' programmes in Human Rights and Democratisation, and to help mobilise funding from Member States and other sources. Also, support to Master's Degree Programmes in Human Rights and Democratisation outside the European Union may continue on the basis of calls for proposals.

## OBJECTIVE 5

### ***Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation.***

61. The aim is to develop electoral observation with a view to encouraging professionalism and transparency in electoral management, discouraging irregularities and abuse, and inspiring confidence in the electoral process<sup>29</sup>. Though elections do not make a democracy, they represent a critical period in the democratic process, which puts to the test the quality of civil and political rights, the design of the political system, notably the electoral system, the functioning of public institutions (such as the election management authority, the police and the judiciary), the pluralism in the media, as well as the more general resilience and depth of the democratic culture.

62. The EIDHR will continue to provide EU Election Observation Missions (EU EOMs) for selected polls, further develop cooperation with other bodies with specialised capacity for electoral observation and contribute to building electoral observation capacity at regional level.

63. EU EOMs will continue to focus on a limited number of polls, which fulfil the criteria of usefulness, advisability and feasibility, as set out in the Communication on EU Election Assistance and Observation and endorsed by the Council in 2001<sup>30</sup>. Priorities will be decided in the light of the calendar of elections, political developments and resources available taking into account the Commission's commitment in principle to keep EOM expenditure within 25% of the total EIDHR budget over the seven-year period<sup>31</sup>. In this context, observation missions adapted to conflict situations and post conflict elections may be further

developed. To enhance the effectiveness and impact of EU EOMs, the observation of upstream issues (e.g. voter and candidate registration) and monitoring media will be strengthened. Emphasis will also be placed on acting on early findings (e.g. during the exploratory phase) and on final reports, to ensure that issues are raised as appropriate in political dialogue and that relevant assistance is available as required from geographical programmes<sup>32</sup> or other donors.

64. The Commission has endorsed the new global principles for international election observation<sup>33</sup>. It will work in support of these principles, continuing to cooperate with other bodies experienced in electoral observation, such as the OSCE, with a view to maintaining standards, promoting observation capacity development and making best use of resources. EIDHR will contribute to capacity-building, in particular by further support for training and networking at regional level<sup>34</sup>. EIDHR may also contribute more directly to capacity-building of local civil society organisations and, as appropriate, of regional organisations.

65. Measures of local civil society organisations aimed at supporting implementation of recommendations of EU Election Observation Missions may receive assistance under Objective 5 unless these measures can be supported within the framework of country-based support schemes under Objective 2 of the present Strategy Paper.

## 5. Multi-annual programming from 2007 to 2010

66. Assistance in building democracy and promoting human rights working by, through and for civil society is central to the EIDHR and represented by Objectives 1 to 3. These will be allocated almost 62 % of the operational budget available for the period covered by the present Strategy Paper. Objectives 4 and 5, supporting the international framework and the funding of EU Election Observation Missions, will between them be allocated some 34 % of the operational budget for the period 2007-2010. This will leave a little more than 4 % for Special Measures over the same period. These budgetary proportions provide continuity with the programming under the European Initiative for Democracy and Human Rights in 2005-2006, and set a framework for a balanced development in future. If the worldwide human rights situation deteriorates markedly and there is clear capacity for action on fundamental freedoms, a shift towards Objective 1 could be envisaged. If on the contrary, there is less response than hoped for under Objective 1, possibly because of insurmountable obstacles to civil society organisations' activity in markedly difficult situations, there could be a shift towards Objective 2, 3 or 4. All EIDHR financial allocations 2007-2010 are indicative and are summarised in the table of Annex I. The framework for the size of grants under each objective will be identified by the Annual Action Programme and the guidelines for the respective calls for proposals.

### OBJECTIVE 1

67. For Objective 1, the **indicative financial allocation** for the period covered by the present Strategy Paper is €56 million, which represents some 10 % of the total available operational budget from 2007 to 2010. Throughout the four years covered by the present Strategy Paper, the annual indicative allocation will amount to €14 million.

68. As regards **geographical prioritisation** under Objective 1, the EIDHR seeks to give priority to activities, if they can be effective, where there is a serious lack of fundamental freedoms, where human rights defenders are most under pressure, where civil society operates with difficulty and where there is little room for political pluralism. The gravity of the situation and the effectiveness of the action are to be the two key considerations for assessing and prioritising project proposals. Therefore, projects will be assessed on the basis of indicators as identified in point 29. Nevertheless, a fair balance of activity between regions needs to be ensured. The following indicative percentages serve as a guideline:

ENPI and Middle East	35%
Central and Latin America	15%
ACP	25%
Asia and Central Asia	25%

If take-up in a region is less than optimal, a reallocation of funds may be considered in favour of regions with an overdraft of grant applications.

69. As regards **expected results and performance indicators** for Objective 1, projects will be selected in the light of their expected results and likely effectiveness. Each project will contain expected results, which cannot be anticipated in advance. The kind of medium-term outcomes that may be anticipated include :

- i) legislation governing NGOs (or trade unions, political parties, youth movements etc.) changed or commitment made to change in a more liberal direction, e.g. removing obstacles to registration, reducing right of interference or oversight by the state;
- ii) laws governing the press or freedom of expression changed, or commitments made to change in a more liberal direction, (e.g. reducing abusive fines for libel, reducing prohibitions related to "insult" of public officials); reduced threats and violence towards those investigating corruption;
- iii) improved freedom to access information including the internet, or enhanced public awareness and use of methods to bypass restrictions;
- iv) persons at risk, including human rights defenders and journalists brought to trial, receive fair trial and due process; intimidation and harassment of persons at risk and their families diminished; human rights defenders and journalists allowed to continue professional activity and travel; improved access to and information about those held in detention;
- v) strengthening of human rights defenders, e.g. by improved knowledge and resources in matters of legal defence, public mobilisation, monitoring of abuses, access to international support;

70. It should be emphasised that the activities envisaged under Objective 1 are about bringing positive change (or preventing negative change) in some of the most difficult, dangerous and unpredictable political situations that exist in the world. Any lasting impact is difficult to achieve. Despite the best planning and precautions, risk of "project failure", including premature closure of projects, will always be present and should be considered as characteristic of EIDHR assistance in this context.

71. Over four years the critical mass of funding of € 56 million for Objective 1 should make possible some 70 sizeable projects with results beginning to come through as from 2009-2010. This should offer reasonable coverage, with a possibility of two or three EIDHR supported projects in almost all of the most serious situations where fundamental freedoms are at risk, assuming that civil society organisations identify ways and means to operate. A review based on trends in project supply and project quality can be carried out towards end 2008 to assess the need for adjustment. If necessary, a shift of resources towards Objective 2,3 or 4 may also be considered during the period of the present Strategy Paper.

72. Apart from the expected results of individual projects, according to benchmarks accompanying each project, the overall purpose and impact of projects funded is greater than a simple aggregation of results of individual projects. A critical mass of EU sponsorship is itself an important indicator of the seriousness with which the EU deals with fundamental freedoms. It is an essential complement to action in the context of the CFSP and by the European Parliament in the field of human rights and democracy-building, in demonstrating financial as well as diplomatic commitment. It can be argued that the public image of EIDHR interventions is just as important as the actual achievements. A strategic indicator for this part of EIDHR is thus the degree of public knowledge about EU action in favour of human rights generally, as well as about EIDHR sponsorship specifically. An increased effort in terms of public information is therefore required in order for EIDHR action under Objective 1 to achieve full potential.

## OBJECTIVE 2

73. Under Objective 2, the **indicative financial allocations** for the period covered by the present Strategy Paper are some €161 million for country-based support schemes, and €47 million for transnational and regional activities. This funding represents a little less than 38 % of the total available operational budget for the period of the present Strategy Paper. Starting in 2007 with €30 million, country-based support schemes are to be endowed with €37 million in 2008, a little more than €44 million in 2009, and almost €50 million in 2010. Commission Delegations managing country-based support schemes will be able to spend up to 3% of the respective annual country allocation for support measures accompanying the implementation of country-based support schemes.

74. Transnational and regional civil society action under Objective 2 will be supported in 2007 with € 15.5 million, while decreasing in 2008 to € 12.5 million, in 2009 to € 10.5, and in 2010 to € 8.5 million.

75. **Geographical priorities** for country-based support schemes are explained in point 34 above. The following indicative percentages of share in available assistance by countries of an identified region serve as a guideline:

Western Balkans, Candidate countries	25%
ENPI and Middle East countries	30%
Central and Latin American countries	15%
ACP countries	15%
Asian and Central Asian countries	15%

For transnational and regional civil society activities under Objective 2, including transregional and exceptionally global activities, assistance should be guided by the following indicative percentages:

Western Balkans and Candidate countries	10%
ENPI and Middle East	20%
Central and Latin America	20%
ACP	25%
Asia and Central Asia	25%

In each of these regions, projects should involve at least two, preferably three countries (or distinct minorities or communities<sup>35</sup>). If take-up in a region is less than optimal, a reallocation of funds may be considered in favour of regions with an overdraft of grant applications.

76. As regards **expected results and performance indicators**, over four years the critical mass of funding of €161 million for civil society strengthening and cohesion under Objective 2 should make possible a series of achievements at national and transnational level with results beginning to come through as from 2009-2010. The general indicators of the increased impact of civil society action on decision-making and political life in the countries covered will be found in media coverage, political discourse, quality of decisions and responsiveness of government to the concerns of civil society organisations. Within the four issues earmarked for Objective 2 country-based support schemes, specific outcomes could cover a very wide range of topics, such as :

- i) parliamentary agreement, after concerted CSO campaign, to legislate on gender equality, on the rights for indigenous people, on the abolition of the death penalty, on prevention of torture, on new constitutional provisions for oversight of the military, on the enforcement of provisions on child labour, or on the independent composition of the electoral commission;
- ii) regular reports by a consortia of civil society bodies on the implementation of an European Neighbourhood Policy action plan; an independent detailed diagnosis of challenges to human rights and democracy, endorsed by leading civil society stakeholders (e.g. produced in advance of an African Peer Review Mechanism (APRM) mission);
- iii) broad consensus between groups with opposing interests on directions for legislation on land reform and compensation, on the terms of reference and resources for an truth and reconciliation commission; regular dialogues established between CSOs divided on religious or ethnic grounds and some common activities launched;
- iv) multiparty agreement and draft legislation formulated, after CSO dialogues, for women quotas on party lists; party platforms include commitments to make changes in the penal code; creation of an ombudsman; combating discrimination on any grounds; greater decentralisation;
- v) New CSOs formed, membership developed and activities begun by persons with disabilities; AIDS orphans organise and play an active role in CSO umbrella body; special women's officer and women's section created within main trade union, liaising with women NGOs and the media; campaigns for promotion of anti-discrimination legislation launched.

### OBJECTIVE 3

77. For Objective 3, **indicative financial allocations** are made according to activities relating to the respective EU Guidelines on human rights issues. The annual allocation for each theme will remain constant during the period covered by the present Strategy Paper. **Human Rights Dialogues** will receive a total of € 2 million over four years. Support to **human rights defenders**, including *ad hoc* measures on the basis of Article 9 of EIDHR Regulation (EC) No 1889/2006, will amount to €16 million. The indicative allocation for activities focusing on the abolition of the **death penalty** will amount to € 8 million. For prevention of **torture** and rehabilitation of victims of human rights abuses the indicative financial allocation from 2007 to 2010 is set at €44 million. This balance of funding corresponds roughly to that under the preceding programming. **Children and armed conflict** activities will be supported by € 6.8 million over the period of four years.

78. No specific **geographical prioritisation** for assistance under Objective 3 is envisaged. Assistance for **rehabilitation of torture victims** may take place in any third country covered by the EIDHR and also in the EU. A balance of activity between regions should nevertheless be sought, reflecting the gravity of situations as well as the size and number of countries per region. Activities in all third countries and in EU Member States may be eligible. Assistance for measures in favour of **children in armed conflict** should have a particular focus on countries where this situation is particularly relevant and needs to be addressed.

79. As regards **expected results and performance indicators**, specific funding directed towards **human rights defenders** should improve the level of protection of human rights defenders at risk and reinforce recognition of their activities.

80. As regards activities focusing on the abolition of the **death penalty, expected results and performance indicators** could include:

- i) increase in government commitments on ending or restricting the use of the death penalty (laws, ratification of international standards, moratoria, etc);
- ii) legal changes (number of capital offences, exclusion of the mentally ill, right of appeal, etc);
- iii) improvement in conditions of detention for people at risk of, or awaiting, execution;
- iv) implementation of criminal procedures and trial practice which enhance the right to a fair trial;
- v) enhanced availability of public information about the death penalty, death sentences, executions, conditions of detention, etc.;
- vi) attitudinal surveys of public opinion, judicial practitioners, and media attention.

81. As regards **expected results and performance indicators** for activities focusing on **torture prevention and rehabilitation of torture victims**, projects will be selected in the light of their expected results and likely effectiveness. Each project will have specific indicators of success, which cannot be anticipated in advance. The kind of outcomes that may be anticipated include :

- i) reduced prevalence of torture, increased reporting of torture, better conditions for proving incidence of torture;
- ii) clearer guidelines for security forces, increased investigations or cases of perpetrators brought to court and sentenced;
- iii) more effective monitoring of torture, ratification and implementation of the CAT and the Optional Protocol to the CAT;
- iv) increase in level of effective rehabilitation, more sustainable funding of rehabilitation, including by Member States.

82. As regards **expected results and performance indicators** for activities focusing on **children and armed conflict**, projects will be selected in the light of their expected results and likely effectiveness. Each project will have expected results , which cannot be anticipated in advance. The kind of outcomes that may be anticipated include :

- i) reduced number of children in armed forces and groups;
- ii) Increased number of children who have been successfully reintegrated in the society after the conflict;
- iii) more effective coverage of crimes related to children's rights, such as child recruitment, by the transitional and regular judicial systems (fighting impunity);
- iv) increased societal awareness, including among children themselves, on children's rights in armed conflict.

#### OBJECTIVE 4

83. Under Objective 4, the **indicative financial allocation** is a little more than €58 million for the period covered by the present Strategy Paper. This represents more than 10% of the overall available operational budget for four years. For 2007 the annual allocation amounts to a little more than €16 million, decreasing in 2008 to €15 million and further to €13 million annually in 2009 and 2010.

84. **Geographical priorities** are not strictly relevant, since the nature of Objective 4 is global. In so far as certain international organisations or instruments to be supported may have a regional membership and purpose, the EIDHR will seek to maintain a general geographical balance in its operations under Objective 4 over the period of the present Strategy Paper, whilst taking account of EU policy priorities in this field.

85. Under this objective, specific **contributions based on Article 13(1) of EIDHR Regulation (EC) No. 1889/2006** to the UN High Commissioner for Human Rights of up to €4 million annually and grants to the European Inter-University Centre for Human Rights and Democratisation (EIUC) of up to € 1.9 million annually will be implemented.,

86. The **general outcomes** of this component should take the form of reinforced international frameworks for the protection of human rights, the rule of law and the promotion of democracy, to be measured through a rise in ratification and implementation of instruments, greater skills amongst professionals working on human rights issues, and greater public awareness and appreciation. Specific indicators will be detailed in each individual project or programme.

## OBJECTIVE 5

87. Under Objective 5, the **indicative financial allocation** in 2007 will amount to €35.1 million which corresponds to the endowment of budget article 19.04.03 in the 2007 budget, in addition to €5 million from budget article 19.04.02. The annual amount is scheduled at € 31 million in 2008, at € 32 million in 2009, and at €33 million in 2010. The total funding of € 131.1 million for the period covered by the present Strategy Paper remains well within the Commission's commitments regarding expenditure for EU Election Observation Missions in the framework of EIDHR Regulation (EC) No 1889/2006<sup>36</sup>. Any additional expenditure needed for EU EOMs may be financed from the contingency. The Commission's commitment to keep EU EOM related expenditure in principle within 25% of the EIDHR budget over the seven year period of the Financial Perspectives 2007-2010 is determined with reference to the financial envelope of Article 19 of Regulation (EC) No 1889/2006. Accordingly, the annual amount for EU EOMs averages out at €39.4 million.

88. The EIDHR will seek to maintain a general **geographical balance** in its operations under Objective 5 over the four years 2007-2010, whilst taking account of the calendar of elections, political developments and EU policy priorities in this field.

89. The **implementation** of Objective 5 will follow current practice in line with the Commission Communication on the implementation of EU Election Observation Missions. For capacity building in local observation, selection of providers will be required.

90. As regards **indicators**, the general outcomes of strengthened electoral observation should be reflected in relatively transparent and well managed elections, prompt investigation of any alleged irregularities, and improved public confidence in the electoral process.

## CONTINGENCY

91. An annual **indicative financial allocation** of € 8 million for 2008 and each of the following years is foreseen as a contingency amount covering Objectives 1 to 5 of the present Strategy Paper. The three-year reserve amounts to €24 million, representing some 4% of the total available budget for this period.

92. The contingency enables **implementation of Special Measures** based on Article 7 of EIDHR Regulation (EC) No 1889/2006, regarding unforeseen and duly justified needs and exceptional circumstances not covered by the Strategy Paper. These may occur in relation to all Objectives of the present Strategy Paper. Moreover, the contingency will serve as a reserve for additional financing of EU EOM expenditure within the limits of the Commission commitment.

93. As regards expected results and performance indicators, implementation of Special Measures will be subject to the respective stipulations for the particular Objective under which the Special Measure is taken.

## NOTES

1 OJ L 386, 29.12.2006, p. 1

2 Commission Communication on a Thematic Programme for the promotion of democracy and human rights worldwide under the future Financial Perspectives (2007-2013), COM(2006)23 of 25.1.2006

3 Cf. point 62 below

4 The Millennium Declaration, the report of the Secretary General "In Larger Freedom" submitted in advance of the Millennium Review summit, the 2005 World Summit declaration, etc

- 5 Guidelines to EU policy towards third countries on the death penalty, June 1998; Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, April 2001; EU Guidelines on children and armed conflict, December 2003; EU Guidelines on human rights defenders, June 2004; EU Guidelines on promoting compliance with international humanitarian law (IHL), December 2005
- 6 Article 11(1) TEU; Articles 177(2), 181a(1) TEC
- 7 Cf. Zagreb summit in November 2000 [http://europa.eu.int/comm/enlargement/intro/sap/summit\\_zagreb.htm](http://europa.eu.int/comm/enlargement/intro/sap/summit_zagreb.htm)
- 8 Cf. Strategy Paper COM(2004) 373 final of 12.5.2004, Council conclusions of 14.7.2004
- 9 Cf. Commission Communication COM(2003)615 final of 20 October 2003, Council conclusions of 17.11.2003
- 10 Cf. Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission 'The European Consensus on Development'
- 11 "The EU and Africa: towards a strategic partnership" adopted by the European Council, 15-16 December 2005
- 12 Commission Communication to the European Parliament and the Council "A stronger partnership between the EU and Latin America" COM(2005) 636 final of 8.12.2005
- 13 COM(2006) 86 final of 2.3.2006
- 14 COM(2006) 248 final of 29.5.2006
- 15 COM(2001) 469 final of 4.9.2001, COM(2003) 399/4 of 9.7.2003, COM(2004) 430 final of 16.6.2004
- 16 Council Regulation (EC) No 381/2001 of 26 February 2001 creating a rapid-reaction mechanism
- 17 Commission Communication EU Election Assistance and Observation COM(2000) 191 final of 11 April 2000; Council conclusions of 31 May 2001; Resolution of the European Parliament of 15 March 2001
- 18 The EU's Role in Promoting Human Rights and Democratisation in Third Countries, COM(2001) 252 final of 8.5.2001; Commission Staff Working Document SEC(2004) 1041 of 30 July 2004
- 19 Cf. Council conclusions on the European Union's role in promoting Human rights and Democratisation in third countries of 25 June 2001; Resolution of the European Parliament of 25 April 2002; Council conclusions of 23 February 2004
- 20 Commission Communication on a Thematic Programme for the promotion of democracy and human rights worldwide under the future Financial Perspectives (2007-2013), COM(2006) 23 of 25.1.2006
- 21 The term "civil society organisation" includes a broad range of partners in civil society, including non-governmental non-profit organisations and independent political foundations, community-based organisations, and private-sector non-profit agencies, institutions and organisations, and networks thereof at local, national, regional and international level (Article 10(1) a) Regulation (EC) No 1889/2006).
- 22 With reference also to the work of the Observatory for the Protection of Human Rights Defenders
- 23 Or the local Presidency mission in cases where there is no Commission Delegation.
- 24 The country-based support schemes represent a revised version of the micro project facilities, but without any explicit limitation to local civil society applicants. Resources will, in principle, be made available for information and training activities to support the implementation of the grant scheme.
- 25 Article 10(1) c) of Regulation (EC) No 1889/2006
- 26 In terms of Article 110(1) of Regulation (EC, Euratom) No 1605/2002 (Financial Regulation) and Article 168(1) b) of Regulation (EC, Euratom) No 2342/2002 (Commission Implementation Regulation)
- 27 EIDHR is not an instrument to cater for large-scale training programmes for judicial, police or medical personnel. These should be normally be mainstreamed as part of « governance » support in geographical programmes agreed with governments or otherwise handled by other donors. Civil society action may nevertheless pilot such action and help create an environment in which public authorities are more ready to engage in policy changes and appropriate capacity-building activities.
- 28 including Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers
- 29 Though elections do not make a democracy, they represent a critical period in the democratic process, which puts to the test the quality of civil and political rights, the design of the political system, notably the electoral system, the functioning of public institutions (such as the election management authority, the police, and the judiciary), the pluralism in the media, as well as the more general resilience and depth of the democratic culture
- 30 COM(2000) 191 final of 11.4.2000, Council conclusions of 31.5.2001
- 31 "The Commission notes the increase of expenditures for EU Election Observation Missions (EU EOM) under the EIDHR in recent years, which is the result of several factors: (i) greater demand for EU EOM deployment from third countries, the Council and the European Parliament, reflecting the recognised quality and professionalism of the missions and their significance as an important external policy tool; (ii) more frequent EU EOM deployment to countries characterized by post-conflict environment, serious security challenges and difficult logistical challenges; (iii) increase in the length of the observation periods and of the numbers of observers deployed.  
The Commission takes note of the concern that EU EOM funding under the future EIDHR should not take up a disproportionate share of the total available funds under the financing instrument, by comparison to the support for other priority objectives. Therefore, the Commission confirms its intention to keep EU EOM-related expenditure under the future EIDHR within 25% of the EIDHR budget over the seven-year period of the Financial Perspectives 2007-2013. However, for a given year, this percentage may be increased by a maximum of 5 percentage points in duly justified cases."
- 32 Election assistance to develop local capacity for sustainable and professional election management and infrastructure should normally be supported in a timely manner through geographical programmes
- 33 The Declaration of Principles for International Election Observation and a Code of Conduct for International Observers endorsed under UN auspices on 27.10.05
- 34 Cf. NEEDS network
- 35 For example, Moslems in Sri Lanka, Sahraoui in Algeria, Christians in the Near East
- 36 See point 63 and FN 31