Human rights and democracy

PE 600.413

1. Human rights
2. Promoting democracy and observing elections
ABOUT THE PUBLICATION

This leaflet contains a compilation of Fact Sheets provided by Parliament’s Policy Departments and Economic Governance Support Unit on the relevant policy area.


ABOUT THE PUBLISHER

Author of the publication: European Parliament

Department responsible: Unit for Coordination of Editorial and Communication Activities

E-mail: editorial-secretariat@europarl.europa.eu

Manuscript completed in April, 2018

© European Union, 2018

DISCLAIMER

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the publisher is given prior notice and sent a copy.
The European Union is committed to supporting democracy and human rights in its external relations, in accordance with its founding principles of liberty, democracy and respect for human rights, fundamental freedoms and the rule of law. The EU seeks to mainstream human rights concerns in all its policies and programmes, and it has different human rights policy instruments for specific actions — including financing specific projects through the EU financing instruments.

**LEGAL BASIS**

- Article 2 of the Treaty on European Union (TEU): EU values. The EU’s founding values are ‘human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’;

- Article 3 of the TEU: EU objectives. In ‘its relations with the wider world’, the EU contributes to the ‘eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter’;

- Article 6 of the TEU: the Charter of Fundamental Rights and the European Convention on Human Rights. Although the Charter of Fundamental Rights of the European Union (Article 6(1)) only explicitly refers to the implementing of Union law, the EU’s institutions and bodies and its Member States must also respect the Charter in the EU’s external relations. Countries joining the EU must also comply with the Charter. Article 6(2) requires the EU to accede to the European Convention on Human Rights (for more information, please refer to fact sheet 4.1.2 on the Charter of Fundamental Rights);

- Article 21 of the TEU: principles inspiring the Union’s external action. These principles are democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and respect for the principles of the United Nations Charter of 1945 and international law. In Article 21, the EU endorses the principle of the ‘indivisibility of human rights and fundamental freedoms’, committing itself to considering economic and social rights to be as important as civil and political rights;

- Article 205 of the Treaty on the Functioning of the European Union (TFEU): general provisions on the Union’s external action. This article determines that the EU’s international actions are to be guided by the principles laid down in Article 21 of the TEU.

**EU HUMAN RIGHTS POLICY**

In 2012, the European Council adopted a Strategic Framework on Human Rights and Democracy, accompanied by an action plan to implement the framework. The framework defines the principles, objectives and priorities for improving the effectiveness and consistency of EU policy over the next 10 years. These principles include mainstreaming human rights in all EU policies (as a ‘silver thread’), including
when internal and external policies overlap, and adopting a more tailored approach. The action plan set out specific steps for the period up to 31 December 2014. A new action plan for the 2015-2019 period, based on the assessment of the first plan and on the political guidance of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), was adopted in July 2015. 

While not legally binding, the EU guidelines on human rights adopted by the Council of the EU provide practical instructions on:

— Action against the death penalty,
— Dialogues on human rights,
— The rights of the child,
— Action against torture and other cruel treatment,
— Protecting children in armed conflicts,
— Protecting human rights defenders,
— Complying with international humanitarian law,
— Combating violence against women and girls,
— Promoting freedom of religion and belief,
— Protecting the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people,
— Promoting freedom of expression both online and offline.

The EU regularly includes human rights in the political dialogues conducted with third countries or regional organisations. It also conducts human rights dialogues and consultations dedicated to human rights with more than 40 countries. In addition, nearly all of the 79 African, Caribbean and Pacific (ACP) states have a dialogue with the EU based on Article 8 of the Cotonou Agreement, which states that political dialogue should include ‘the regular assessment of the developments concerning the respect for human rights’.

Diplomatic démarches (which are confidential) and declarations (which are public) concerning third-country authorities are also significant means of exercising diplomatic pressure in international relations.

Bilateral trade agreements and the various association and cooperation agreements between the EU and third countries or regional organisations include a human rights clause as an ‘essential element’. Different measures — such as reducing or suspending cooperation — are used to address cases of non-compliance. A strong conditionality mechanism has been established for the enlargement countries. A ‘more-for-more’ approach (more integration and money in exchange for more reforms) has been integrated into the renewed European neighbourhood policy. Incentives for reforms are provided in the preferential trade schemes granted by the EU to developing countries (GSP+).

Human rights country strategies are based on a bottom-up approach, with the aim of integrating EU human rights guidelines or action plans into a single, coherent policy document adapted to a specific country, with concrete goals established over a period of three years.
EU election observation missions are also intended to improve human rights by discouraging intimidation and violence during elections and strengthening democratic institutions.

The EU also promotes human rights through its participation in multilateral forums such as the UN General Assembly’s Third Committee, the UN Human Rights Council, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe. The Union also actively promotes international justice, for example through the International Criminal Court.

With a budget of EUR 1.3 billion allocated between 2014 and 2020, the European Instrument for Democracy and Human Rights (EIDHR) supports (mainly) civil society actors promoting human rights and democracy. An important feature of this instrument is that the consent of the relevant government is not necessary. Other financing instruments dealing with human rights include the Development Cooperation Instrument (DCI), the Instrument contributing to Stability and Peace (IcSP), the European Neighbourhood Instrument (ENI) and the European Development Fund (EDF). The European Endowment for Democracy is a private law foundation supported by the EU and its Member States. The 2014-2020 budget of EUR 2.3 billion for the Union's common foreign and security policy (CFSP) covers different activities, particularly crisis management.

An annual report on human rights, prepared by the VP/HR and adopted by the Council, provides an overview of the human rights situation in the world, as well as of the EU's actions during the year.

**ACTORS**

The European Council defines the EU’s strategic interests and the general guidelines of the CFSP.

EU foreign affairs ministers in the Foreign Affairs Council, which meets every month, generally deal with human rights issues arising in the CFSP or through the EU’s trade or development policies. The Council’s Human Rights Working Group (COHOM), which carries out preparatory work for high-level discussions and decisions on human rights issues, is composed of human rights experts from the Member States and representatives from the European External Action Service (EEAS) and the Commission.

The Foreign Affairs Council is chaired by the VP/HR — currently Federica Mogherini — who contributes to the development of the Union’s CFSP and ensures that decisions are implemented. The VP/HR also represents the EU on CFSP matters and oversees the EEAS and the EU delegations in third countries. A directorate for human rights, global and multilateral issues exists within the EEAS, and every EU delegation has a human rights ‘focal point’.

The Commission negotiates international agreements, oversees the enlargement process and neighbourhood policy, and manages development programmes and financing instruments (in close cooperation with the EEAS).

The role of the EU Special Representative for Human Rights is to enhance the effectiveness and visibility of EU human rights policy. The Special Representative has a broad, flexible mandate and works closely with the EEAS. The position is currently held
by Stavros Lambrinidis, appointed in July 2012, who is the EU’s first thematic special representative.

**ROLE OF THE EUROPEAN PARLIAMENT**

Parliament contributes to the EU’s policies and monitors the work of the other EU institutions.

Under Articles 207 and 218 of the TFEU, most international agreements need Parliament’s consent to enter into force. For example, in 2011, Parliament blocked the textile protocol to the Partnership and Cooperation Agreement (PCA) between the EU and Uzbekistan, mainly on grounds of child labour issues. It only gave its consent in 2016 following significant improvements regarding the use of child and forced labour.

Article 36 of the TEU obliges the VP/HR to consult Parliament on the main aspects and basic choices of the CFSP, and to inform it on the evolution of those policies. Parliament may ask questions or make recommendations to the Council or the VP/HR.

Parliament’s resolutions help to raise awareness about human rights abuses. Resolutions may be a part of the legislative process, an outcome of parliamentary committees’ own-initiative reports, or the result of the urgency debates that usually take place on the Thursday morning of each Strasbourg plenary session to highlight flagrant violations of human rights across the world (Rule 135 of Parliament’s Rules of Procedure).

Parliament’s Subcommittee on Human Rights, attached to the Committee on Foreign Affairs, has 30 members and 26 substitutes. It organises hearings on a wide range of human rights issues, with the participation of stakeholders, to provide input for resolutions. The subcommittee also handles the day-to-day management of human rights dossiers, while its delegations regularly visit relevant countries. Human rights issues in the EU’s external relations are also dealt with by the following committees: the Committee on Foreign Affairs (AFET), the Committee on International Trade (INTA), the Committee on Development (DEVE) and the Committee on Women’s Rights and Gender Equality (FEMM).

Human rights are an essential element of meetings with non-EU parliaments and in regional parliamentary assemblies. To ensure the consistency and credibility of Parliament’s activities, the ‘Guidelines for EP Interparliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries’ were approved in 2011 and updated in 2016.

Thanks to its budgetary powers (under Article 14 of the TEU and Article 310(1) of the TFEU), Parliament has a say in the allocation of funds to the EIDHR and other financial instruments used in the promotion of human rights. It also approves the budget, thus ensuring full accountability.

Furthermore, Parliament is co-legislator for the external financing instruments. It can thus influence the objectives and priorities of these instruments in order to ensure the effective and complementary use of EU aid for the promotion and protection of human rights in third countries.

Every year, the European Parliament awards the Sakharov Prize for Freedom of Thought to human rights activists around the world. Previous laureates include Nelson Mandela, Aung San Suu Kyi, Malala Yousafzai and Raif Badawi. The 2016 laureates, Nadia Murad and Lamiya Haji Bashar, are survivors of sexual enslavement by the so-
called Islamic State (IS) group and have become spokespersons for women afflicted by IS's campaign of sexual violence. They are public advocates for the Yazidi community in Iraq, a religious minority that has been the subject of a genocidal campaign by IS militants. In 2017, Parliament awarded the Sakharov Prize to Venezuela's democratic opposition, including the country's national assembly (represented by Julio Borges) and all political prisoners as listed by Foro Penal Venezolano (represented by Leopoldo López, Antonio Ledezma, Daniel Ceballos, Yon Goicoechea, Lorent Saleh, Alfredo Ramos and Andrea González). Parliament has also created the Sakharov Prize Network to support Sakharov laureates, develop contacts between them and encourage joint activities.

Launched by the Sakharov Prize Network in 2013, the Sakharov fellowship programme for human rights defenders from third countries aims to expand the fellows' knowledge of the European Parliament's human rights engagement, helping them develop their capacities and improve their work, while also raising awareness of the Sakharov Prize and its values.

The chief observer of the EU's election observation missions is usually an MEP. European Parliament election observation delegations are integrated into EU or international missions and use their facilities and infrastructure (for more information, please refer to fact sheet 5.4.2 on promoting democracy and observing elections).

The President of the European Parliament actively supports human rights through statements and letters and by discussing human rights issues when meeting important actors.

Parliament's own-initiative annual report includes reflections on the EU's human rights policy and the EU annual report, reviews Parliament's own activities, and sets priorities for the future.

Marika Lerch
01/2018
2 - PROMOTING DEMOCRACY AND OBSERVING ELECTIONS - [5.4.2.]

Supporting democracy worldwide is a priority for the European Union. Democracy remains the only system of governance where people can fully realise their human rights and it is a determining factor for development and long-term stability. As the only directly elected EU institution, the European Parliament is particularly committed to promoting democracy.

LEGAL BASIS

— Articles 2 and 21 of the Treaty on European Union (TEU);
— Article 205 of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND

The EU's approach to democracy complements its work on human rights.

In 2009, the Council adopted conclusions on Democracy Support in EU External Relations and the related EU Agenda for Action, which outlined a new strategy for supporting democracy by means of a country-specific approach, greater coherence and the involvement of all stakeholders. Democracy and human rights were mainstreamed across all policy areas. The Commission's 2011 Agenda for Change subsequently highlighted the importance of supporting human rights, democracy and good governance within the EU's development policy.

Following the Arab Uprising events of 2011, the EU updated its European Neighbourhood Policy to adopt a ‘more for more’ approach, with support being linked to democratic transition and ‘deep democracy’. Incentives — including deeper economic integration, greater financial assistance, enhanced mobility of people, and access to the EU's internal market — were offered to those countries willing to undertake political reforms.

The EU’s commitment to stepping up its efforts to promote democracy was reiterated in the Strategic Framework and Action Plan on Human Rights and Democracy adopted by the Foreign Affairs Council in 2012. The Action Plan included a plan for more systematic follow-up to the reports of EU election observation missions (EOMs), so as to support the full electoral cycle. The new Action Plan for the 2015-2019 period, adopted in July 2015, is aimed at mainstreaming democracy support across several objectives.

The Council emphasised the role of civil society in its 2012 conclusions entitled ‘The roots of democracy and sustainable development: Europe’s engagement with civil society in external relations’.

FINANCING INSTRUMENTS

Supporting human rights, democratic reform and political participation and representation is the main task of the European Instrument for Democracy and Human Rights (EIDHR). Specifically designed for these goals, the EIDHR finances projects,
programmes and EU EOMs, and awards grants to civil society organisations, non-governmental organisations and human rights defenders.

The European Neighbourhood Instrument (ENI) provides financial assistance for the promotion of the rule of law, political dialogue and reforms, democratisation, media pluralism and election observation.

Civil society actors in the countries of the EU’s southern and eastern neighbourhood are also eligible for funding from the Neighbourhood Civil Society Facility for plans, networks, training and exchanges of best practices.

The Development Cooperation Instrument (DCI) also provides financial backing. Although its primary objective is to eradicate poverty, it also aims to consolidate and support democracy in developing countries.

The EU's Instrument contributing to Stability and Peace (IcSP) can be used in some circumstances to support democratic institutions.

The European Development Fund (EDF) – which operates outside the EU budget, but is managed by the EU Commission – finances cooperation with countries in Africa, the Caribbean and the Pacific. Like the DCI, it focuses on poverty eradication, but also contributes to consolidating and supporting democracy, the rule of law and good governance.

In 2012, the European Endowment for Democracy (EED) was established. Operating autonomously as a private law foundation, it aims to support political and civil society actors striving for democratic change by providing tailored financial assistance in a quick, flexible and non-bureaucratic way, with a focus on the EU’s eastern and southern neighbourhoods. Its governing board and executive committee are chaired by MEPs. The board includes representatives of the EU Member States and institutions, including nine MEPs.

**ROLE OF THE EUROPEAN PARLIAMENT**

The European Parliament, the only EU institution elected directly by the citizens of the Union, is strongly committed to promoting sustainable democracies in the world and has highlighted this commitment in a number of resolutions.

Parliament is continuously engaged in election observation activities, working to strengthen the legitimacy of national electoral processes and to increase public confidence in the protection of elections and human rights. Each year it sends several parliamentary delegations to observe elections or referendums in third countries. Parliament may decide to send such delegations of MEPs on condition that the elections are held at national level, that the national authorities have invited the EU or the European Parliament, and that a long-term mission is present. Parliament delegations are always integrated into EU EOMs or the long-term missions of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE). The European Parliament is consulted on the identification and planning of EU EOMs and on the subsequent follow-up.

Long-term EOMs assess not only events on election day but also the whole electoral process, in order to gauge the state of democratic development in a given country at a particular time. Long-term observers usually begin operating two months before the elections and follow the entire electoral process through to the announcement of the official results and the appeals procedure. Short-term observers (STOs) monitor polling
day and the tallying of votes. The chief observer leading an EU EOM is, as a rule, an MEP.

In order to ensure a comprehensive approach to democracy support, election observation is linked to complementary activities including electoral follow-up, human rights actions and initiatives to support parliamentary work. The European Parliament provides assistance to help parliaments beyond the EU’s borders strengthen their institutional capacity. Activities include joint training programmes and study visits for members and officials, as well as fellowships for staff of third-country parliaments.

The Democracy Support and Election Coordination Group (DEG), established within Parliament, gives political guidance for activities supporting democracy, including the promotion of parliamentary democracy and election observation. It consists of 15 MEPs and is co-chaired by the chairs of Parliament’s Committee on Foreign Affairs and Committee on Development.

Marika Lerch
02/2018
THE EUROPEAN UNION AT A GLANCE

The aim of the Fact Sheets is to provide an overview of European integration and of the European Parliament’s contribution to that process.

Created in 1979 for Parliament’s first direct elections, the Fact Sheets are intended to provide non specialists with a straightforward and concise – but also accurate – overview of the European Union’s institutions and policies, and of the role that Parliament plays in their development.

The Fact Sheets are grouped into six chapters:

• How the European Union works, which addresses the EU’s historical development, legal system, institutions and bodies, decision-making procedures and financing;

• Citizens’ Europe, which describes individual and collective rights;

• The internal market, which explains the principles and implementation of the internal market;

• Economic and Monetary Union, which outlines the context of EMU and explains the coordination and surveillance of economic policies;

• Sectoral policies, which describes how the EU addresses its various internal policies;

• The EU’s external relations, which covers foreign policy, security and defence, trade, development, human rights and democracy, enlargement and relations beyond the EU’s neighbourhood.

Drafted by the Policy Departments and the Economic Governance Support Unit, the Fact Sheets are reviewed and updated at regular intervals throughout the year, as soon as Parliament adopts any important positions or policies.


The Fact Sheets are updated regularly and published on the website of the European Parliament in 23 languages.