



**Brussels, 10 September 2009**

**HRDN<sup>1</sup>'s comments and recommendations in view of the adoption of the European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2011-2013**

**General comments**

Active and meaningful participation

The HRDN welcomed the opportunity to participate in the consultation meeting held in Brussels on 9 July and is grateful to have a chance to submit preliminary observations prior to the adoption of the new Strategy Paper (SP) by the European Commission.

We would like to stress once again the importance of a structured and genuine consultation on the EIDHR, both in the field and at Brussels level.

As regards consultation at the local level, the HRDN acknowledges that the participation of local Civil Society Organisations (CSOs) in the EIDHR process is more consistent now than ever before and is aware of the Commission Delegations' efforts to improve consultations with a wide range of CSOs world-wide. Nevertheless, on the basis of the feedback received from our field colleagues and partners, we observe that consultation processes at local level remains insufficient and should continue being enhanced throughout the cycle of operations and from the programming phase.

Also, the HRDN looks forward to receiving a copy of the draft Strategy Paper, once available, as to ensure further discussion and exchange with civil society before final adoption of the text.

At the July consultation meeting, the Commission has indicated that due to the short period of implementation and lack of evaluation of the EIDHR, it is not yet appropriate to undertake a deep revision of the SP structure. We acknowledge the Commission's views; we would like, however, to highlight the below points, in a bid to contribute to the constant EC efforts to improve the effectiveness of its human rights and democratisation policy

Effective inclusion of vulnerable groups

Paragraph 22 of the current SP, refers to mainstreaming of gender equality, the rights of the child, the rights of indigenous peoples, and the rights of persons with disabilities, and also mentions a set of principles which need to be adequately taken into account, such as empowerment, participation, non-discrimination of vulnerable groups and accountability. Furthermore, the SP includes specific activities aimed at these vulnerable groups, mainly in the areas covered by Objective 2.

---

<sup>1</sup> **About the HRDN.** The Human Rights and Democracy Network (HRDN) is an informal grouping of NGOs operating at EU level in the broader areas of human rights, democracy and conflict prevention, currently comprised of: AEDH; Amnesty International; Aim for Human Rights; CBM EU Liaison Office; Church and Society Commission; CICC; Coalition to stop the use of child soldiers; Christian Solidarity Worldwide; Club of Madrid; December 18; Danish Institute for Human Rights; Euro-Mediterranean Human Rights Network; European Peacebuilding Liaison Office; FIACAT; FIDH; Front Line; Human Rights Watch; Human Rights Without Frontiers; ICTJ; International Dalit Solidarity Network; ILGA; International Rescue Committee; International Rehabilitation Centre for Torture Victims; ISCOS; La Strada International; Light for the World; Minority Rights Group International; OMCT; OSI; Peace Brigades International Colombia; Partners for Democratic Change International; Penal Reform International; Plan; Protection International; Quaker Council for European Affairs; REDRESS; Reporters sans Frontieres; Save the Children; Search for Common Ground; International Federation Terre des Hommes; World Vision.

In addition to adopting a mainstreaming approach and establishing principles, fight against discrimination and promotion of vulnerable groups requires a well defined strategy, consisting of specific activities integrated in all objectives and defining concrete indicators from the programming phase in order to assure its translation into practice. Also, as a way of protecting women and children rights, we strongly recommend to include and accordingly fund the new sets of EU Guidelines “for the Promotion and Protection of the Rights of the Child” and “on violence against women and girls and combating all forms of discrimination against them” under Objective 3.

### Peacebuilding and Conflict Prevention

Given that the EIDHR is meant to be implemented in countries affected by or prone to violent conflicts, and given the inextricable link between human rights, democracy and peace, HRDN backs EPLO's position in strongly supporting the continued inclusion of "peaceful conciliation of group interests" and of “transitional justice mechanisms” within the EIDHR objectives, as well as the references to the strategy's aim to be "conflict sensitive" and to tackling the “root causes” of conflict.

Also we agree on the importance of assuring a complementary approach with the crisis response activities foreseen under the Instrument for Stability. In this context the emergence of transitional justice should be noted as a useful approach in anchoring the rule of law and fostering reconciliation. In line with EPLO's proposals we encourage the Commission to continue mainstreaming and enhancing implementation of conflict sensitivity into all activities.<sup>2</sup>

### Scope and general objectives of the EIDHR

As a network of human rights and democracy NGOs, we strongly support the existence of an instrument with the ability to operate without third country government's consent. This feature makes of the EIDHR a unique instrument, suitable for supporting civil society in difficult situations and for allowing CSOs to keep their independence. It also permits focusing on sensitive issues which host governments wouldn't necessarily agree with.

The programme outlined by the current 2007-2010 SP is significantly wider than its predecessor, in terms of eligible actors, and also when it comes to its thematic and geographic scope. However, despite its ambitious scope, the budgetary size of the EIDHR is, in the Commission's own words, “relatively modest.”<sup>3</sup>

For such an indispensable instrument to be able to fulfil its objectives, it is necessary that the budget be increased accordingly. In addition to that, complementarity with thematic and geographic programmes should be enhanced in order to assure a comprehensive response to human rights and democracy promotion needs, while allowing the EIDHR to foster its unique capacity to assist most needed CSOs and less supported causes.

### **Comments by objective**

#### Objective 1 – Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk

Unlike the current SP, which focuses on the gravity of the situation and the effectiveness of the action as key considerations for choosing project proposals, the Commission has expressed its intention of “focusing more on difficult countries rather than on difficult situations”<sup>4</sup> when drafting the new SP.

HRDN acknowledges that defining difficult situations, even if using indicators relating to basic human rights violations, might result extremely difficult in practice. However, the EIDHR's responsiveness through Objective 1 shouldn't be undermined by excessively narrowing its geographical scope.

---

<sup>2</sup>EPLO Funding for Peace Working Group, (2009), Response to the presentation by the European Commission of its priorities for the revision of the European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper (2007-2010), p. 1

<sup>3</sup>See paragraph 18 of the Strategy Paper 2007-2010

<sup>4</sup>See minutes of the 9 July 2009 meeting with CSOs

In order to guarantee transparency and predictability, non-exhaustive criteria for selecting countries should be listed. This could avoid receiving a disproportionate number of proposals. It is important that human rights standards be used in selecting this criteria (i.e. violations of basic human rights also occur in countries with good economic or political contexts) and special attention should be paid to not excluding difficult situations affecting a particular group within a country, or resulting from a regional or cross-border conflict.

Considering the often volatile context in countries and regions susceptible to fall within the scope of this objective, it is important to guarantee a flexible approach which would allow reacting to drastic changes in the situation. This will be especially relevant when defining project selection procedures and timings.

### 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

HRDN welcomes the Commission's intention to increasingly use Country Based Support Schemes (CBSS) as project selection procedures under Objective 2. Yet, it is crucial that EC Delegations be provided with the necessary support from headquarters in order to increase their capacity to enhance the efficiency and focus of their Guidelines and also to be able to carry out transparent and genuine consultations with potential beneficiaries and stakeholders at local level. Ideally, the choice of CBSS should be based on the ability of this mechanism to better supporting local civil society rather than on the Delegation's capacity.

We also support that the transnational and regional component of Objective 2 be kept, and we highlight the special relevance of improving complementarity with geographic and thematic instruments, especially since EU Delegations can better contribute to designing a coherent approach to the countries needs. Ensuring a Human Rights focal point and expert in the EC Delegations, involved in the negotiations of the CSP, is crucial in order to effectively integrate democracy and human rights into geographical programmes and thus enhance complementarity.

We would like to encourage a clear inclusion of the International Criminal Court (ICC) among the thematic focus priorities identified under the transnational and regional activities, in line with the EIDHR evaluators' recommendation to ensure specific focus – including through micro-projects at Delegation level – on ICC actual or potential situation countries. This would also be key to allow small and medium local NGOs to get further involved in the ICC process.

During the above-mentioned 9 July consultation meeting, the Commission expressed its intention to simplify the current formulation of the areas of activity. We acknowledge that an improvement in the clarity of the areas of activity will facilitate the Delegations work and will lead to clearer Guidelines. However, we strongly recommend that simplification does not result in a reduction of activities funded.

### 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 an armed conflict

As already mentioned in paragraph 39 of the 2007-2010 SP, this objective should also cover “possible future guidelines” as equally important tools for the promotion of the EU's human rights policy in its external relations. Consequently, all issues addressed by the different sets of Guidelines should be integrated in the new SP. As highlighted by the Working Group on Violence against Women in Conflict<sup>5</sup> this is particularly relevant for the latest guidelines adopted in December 2008 on “Violence against women and girls and combating all forms of discrimination against them.” Moreover, the EIDHR should act as a catalyst for programming by other instruments.

<sup>5</sup> Members of the Brussels ad hoc Working Group on Violence against Women in Conflict (VAWIC): Amnesty International, Amnesty International EU Office, Amnesty International Belgium, Amnesty International Ireland, Care International (UK Office), Care International Brussels Office, Cordaid, Crisis Management, EU-Cord Network, Eurac Network, Euro-mediterranean Human Rights Network, European Peacebuilding Liaison Office (EPLI), Fédération Internationale des Droits de l'Homme (FIDH), Gent University, GTZ BE, Human Rights Watch, International Alert, Plan International, International Rescue Committee (IRC), International Security Information, Service (ISIS Europe), Justitia et Pax Netherlands, Light for the World, Marie Stopes International, Medica Mondial Deuchland, Medica Mondial Koln, MSF, Norwegian Refugee Council (NRC), Organisation Mondiale Contre la Torture (OMCT), Oxfam, Pax Christi Vlaanderen– Broederlijke Delen, PDCI, Save the Children, School of Law KUL Leuven, UN Refugee Agency (UNHCR), UNFPA, UNICEF, United Nation Development Fund for Women (UNIFEM), World Vision Deutschland.

Nevertheless, this doesn't exclude enhancing rationalisation of the way different areas are covered, especially when it comes to the selection of projects, for instance, by launching a comprehensive call on the protection of the rights of the child instead of launching two different ones under the two sets of Guidelines that concern children. All rights are universal, and should be treated as equally important, without any hierarchy.

Funding for protection of Human Rights Defenders is one of the main innovations introduced by the EIDHR. Despite the fact that it's too early to evaluate its impact, we welcome the Commission's commitment to assuring effective coordination amongst beneficiaries and to guarantee and increase flexibility and reactivity to urgent situations.

Regarding EU Guidelines on torture, the phasing out of financial support to EU based centres working on the rehabilitation of torture survivors, whose overwhelming majority are refugees and asylum seekers having been tortured in their country of origin should take place only when alternative mechanisms are put in place, in particular a financial support from the Member States. Otherwise, these would leave hundreds if not thousands of torture survivors unattended.

Due to the small percentage of projects submitted which are finally funded, for instance on the 2007-2008 call on torture it was less than 10 %, an increase of the budget line for Objective 3 should be considered.

#### 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

We welcome the complementary approach integrated in this objective when expressing that EIDHR assistance will be applicable when “not covered by other financing instruments and thematic programmes.”

We understand from the Commission its intention to continue supporting the International Criminal Court (ICC), including civil society campaigns at the global level under objective 4. We welcome this decision but would like to recommend ensuring a greater focus on civil society activities, as NGOs should remain the primary implementation partners supporting and strengthening the international criminal justice system and justice mechanisms such as the ICC.

In a recent “EIDHR evaluation on its support to the establishment and functioning of the ICC”, the evaluators identified a series of ICC challenges and emerging issues that are key to enhance the effectiveness of EU support to the ICC. We thus recommend the EC to ensure enough resources are there to also cover the range of challenges and issues as indicated by the evaluators

As regards to point iv) of the current SP, we would like to highlight the importance that the grant provided to the Venice-based European Inter-University Centre for Human Rights and Democratisation (EUIC) be effectively used to support students and universities from difficult countries, such as the ones covered by Objectives 1 and 2.

#### Objective 5 – Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation

The HRDN recognises the importance of supporting democratic electoral processes, and stresses the key role of a strong and independent civil society in promoting pluralism, democratic culture, non-discrimination, transparency, as well as other basic conditions for fair and genuine democratic elections.

Nevertheless, this objective focuses exclusively on EU Election Observation Missions (EOMs) and only mentions CSOs as possible beneficiaries under Objective 5 when assisting in the implementation of EOMs recommendations.

Considering the small budgetary size of the EIDHR and the important amount of resources required by EOMs, we recommend the Commission to fund EOMs through geographical programmes, which have a more adequate financial size, and use EIDHR to support CSOs in strengthening democratic processes and in monitoring EOMs recommendations. Also, it could be a way of assuring coherence with Electoral Assistance projects, already funded by geographical programmes.