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*Committee on Development*

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**2011/0412(COD)**

4.6.2012

# **OPINION**

of the Committee on Development

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council  
establishing a financial instrument for the promotion of democracy and human  
rights worldwide  
(COM(2011)0844 – C7-0496/2011 – 2011/0412(COD))

Rapporteur: Filip Kaczmarek

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## AMENDMENTS

The Committee on Development calls on the Committee of the Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

##### Recital 5

*Text proposed by the Commission*

(5) This financing instrument contributes to achieving the objectives of the Union's external action, including those of the European Development Policy.

*Amendment*

(5) This financing instrument contributes to achieving the objectives of the Union's external action, including those of the European Development Policy, ***based on the European Consensus on Development<sup>1</sup>, Policy Coherence for Development and a human rights based approach to development.***

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<sup>1</sup> OJ C 46, 24.2.2006, p. 1.

### Amendment 2

#### Proposal for a regulation

##### Recital 8

*Text proposed by the Commission*

(8) Democracy ***and*** human rights are ***inextricably linked***, as recalled in the Council Conclusions of 18 November 2009, on democracy support in the EU's external relations. The fundamental freedoms of expression and association are the preconditions for political pluralism and democratic processes, whereas democratic control and separation of powers are essential to sustain an independent judiciary and the rule of law which in turn are required for effective

*Amendment*

(8) Democracy, ***democratic governance, development and respect for all*** human rights are ***interdependent and mutually reinforcing***, as recalled in the Council Conclusions of 18 November 2009, on democracy support in the EU's external relations. The fundamental freedoms of expression and association are the preconditions for political pluralism and democratic processes, whereas democratic control and separation of powers are essential to sustain an independent

protection of human rights.

judiciary *and legislature* and the rule of law which in turn are required for effective protection of human rights.

### Amendment 3

#### Proposal for a regulation Recital 9

##### *Text proposed by the Commission*

(9) The task of building and sustaining a culture of human rights and making democracy work for citizens, though especially urgent and difficult in emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country concerned but without diminishing the commitment of the international community. It also requires a range of institutions, in particular national democratic parliaments that should ensure participation, representation, responsiveness and accountability.

##### *Amendment*

(9) The task of building and sustaining a culture of human rights *and good financial, social, administrative and fiscal governance principles*, and making democracy work for citizens, though especially urgent and difficult in emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country concerned but without diminishing the commitment of the international community *to promoting the right to a process of development in which all human rights and fundamental freedoms can be fully realised*. It also requires a range of institutions, in particular national democratic parliaments that should ensure participation, representation, responsiveness and accountability.

### Amendment 4

#### Proposal for a regulation Recital 11

##### *Text proposed by the Commission*

(11) Union assistance under this Regulation is designed to complement the various other tools for implementing of Union policies on democracy and human rights, which range from political dialogue and diplomatic demarches to various instruments for financial and technical cooperation, including both geographic and

##### *Amendment*

(11) Union assistance under this Regulation is designed to complement the various other tools for implementing of Union policies on democracy and human rights, which range from political dialogue and diplomatic demarches to various instruments for financial and technical cooperation, including both geographic and

thematic programmes. It will also **complement** the more crisis-related actions under the Instrument for Stability.

thematic programmes. It will also **be complementary to but separate from** the more crisis-related actions under the Instrument for Stability **and a future European Endowment for Democracy**.

## Amendment 5

### Proposal for a regulation Recital 12

#### *Text proposed by the Commission*

(12) Under this Regulation, the Union will provide assistance to address global, regional, national and local **human rights and democratisation issues** in partnership with civil society understood to span all types of social action by individuals or groups that are independent from the state and active in the field of human rights and democracy support.

#### *Amendment*

(12) Under this Regulation, the Union will provide assistance to address global, regional, national and local **challenges with a view to promoting democracy, democratic governance, development and respect for all human rights** in partnership with civil society understood to span all types of social action by individuals or groups that are independent from the state and active in the field of human rights and democracy support.

## Amendment 6

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) Furthermore, whilst democracy and human rights objectives must be increasingly mainstreamed in all external assistance financing instruments, Union assistance under this Regulation will have a specific complementary and additional role by virtue of its global nature and its independence of action from the consent of third country governments and other public authorities. This will allow for cooperation with civil society on sensitive human rights and democracy issues possible, providing the flexibility to respond to changing circumstances. It should also provide

#### *Amendment*

(13) Furthermore, whilst democracy and human rights objectives must be increasingly mainstreamed in all external assistance financing instruments, Union assistance under this Regulation will have a specific complementary and additional role by virtue of its global nature and its independence of action from the consent of third country governments and other public authorities. This will allow for cooperation with civil society on sensitive human rights and democracy issues possible, **applying good financial, social, administrative and fiscal governance principles, thus**

Union capacity to articulate and support specific objectives and measures at international level which are neither geographically linked nor crisis related and which may require a transnational approach or involve operations both within the Union and in a range of third countries. Moreover, it will provide the necessary framework for operations, such as support for independent European Union election observation missions requiring policy coherence, a unified management system and common operating standards.

providing the flexibility to respond to changing circumstances. It should also provide Union capacity to articulate and support specific objectives and measures at international level which are neither geographically linked nor crisis related and which may require a transnational approach or involve operations both within the Union and in a range of third countries. Moreover, it will provide the necessary framework for operations, such as support for independent European Union election observation missions requiring policy coherence, a unified management system and common operating standards.

## **Amendment 7**

### **Proposal for a regulation**

#### **Article 1 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) enhancing the respect for and observance of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human Rights and other international and regional human rights instruments, and strengthening their protection, promotion and monitoring, mainly through support to relevant civil society organisations, human rights defenders and victims of repression and abuse;

*Amendment*

(a) enhancing the respect for and observance of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human Rights and other international and regional human rights instruments, and strengthening their protection, promotion and monitoring, mainly through support to relevant civil society organisations, human rights defenders and victims of repression and abuse, ***with the aim of improving and catching up with democratic standards of living and consolidating human dignity and democratisation;***

## **Amendment 8**

### **Proposal for a regulation**

#### **Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) supporting and consolidating

*Amendment*

(b) supporting and consolidating

democratic reforms in third countries, by enhancing participatory and representative democracy, strengthening the overall democratic cycle, and improving the reliability of electoral processes, in particular by means of election observation missions.

democratic reforms **and governance** in third countries, by enhancing participatory and representative democracy, **in particular through the key role played by national parliaments, local authorities and civil society, and applying good financial, social, administrative and fiscal governance principles, thus** strengthening the overall democratic cycle, and improving the reliability of electoral processes, in particular by means of election observation missions **and local civil society election observation activities**.

## Amendment 9

### Proposal for a regulation

#### Article 2 – paragraph 1 – point a – point i

*Text proposed by the Commission*

(i) promoting freedom of association and assembly, unhindered movement of persons, freedom of opinion and expression, including artistic and cultural expression, free press and independent pluralistic media, both traditional and ICT based, internet freedom and measures to combat administrative obstacles to the exercise of these freedoms, including the fight against censorship;

*Amendment*

(i) promoting **and enshrining in law** freedom of association and assembly, unhindered movement of persons, freedom of opinion and expression, including artistic and cultural expression, free press and independent pluralistic media, both traditional and ICT based, internet freedom and measures to combat administrative obstacles to the exercise of these freedoms, including the fight against censorship;

## Amendment 10

### Proposal for a regulation

#### Article 2 – paragraph 1 – point a – point ii

*Text proposed by the Commission*

(ii) strengthening the rule of law, promoting the independence of the judiciary, encouraging and evaluating legal and institutional reforms, and promoting access to justice;

*Amendment*

(ii) strengthening the rule of law, promoting the independence of the judiciary **and of the legislature – in particular national parliaments**, encouraging and evaluating legal and institutional reforms, and promoting access to justice; **promoting civil society's role in**

*monitoring the performance of the public sector;*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point a – point iv**

*Text proposed by the Commission*

(iv) supporting reforms to achieve effective and transparent democratic accountability and oversight, including that of the security and justice sectors, and encouraging measures against corruption;

*Amendment*

(iv) supporting reforms to achieve effective and transparent democratic accountability and oversight, including that of the security and justice sectors, and encouraging measures against corruption, *in particular good financial and fiscal governance;*

## **Amendment 12**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point a – point v**

*Text proposed by the Commission*

(v) promoting political pluralism and democratic political representation, and encouraging political participation by citizens, in particular marginalised groups, in democratic reform processes at local, regional and national level;

*Amendment*

(v) promoting political pluralism and democratic political representation, and encouraging political participation by citizens, in particular *women and* marginalised groups, in democratic reform processes at local, regional and national level;

## **Amendment 13**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point b – point iii**

*Text proposed by the Commission*

(iii) the fight against racism and xenophobia and discrimination based on any ground, including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national

*Amendment*

(iii) the fight against racism and xenophobia and discrimination based on any ground, including sex, race, colour, *caste*, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership



minority, property, birth, disability, age or sexual orientation;

of a national minority, property, birth, disability, age or sexual orientation;

#### **Amendment 14**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point b – point v**

*Text proposed by the Commission*

(v) the rights of indigenous peoples and the rights of persons belonging to minorities and ethnic groups;

*Amendment*

(v) the rights of indigenous peoples, ***the rights of persons affected by caste-based discrimination*** and the rights of persons belonging to minorities and ethnic groups;

#### **Amendment 15**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point b – point vi**

*Text proposed by the Commission*

(vi) the rights of women as proclaimed in the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols, including measures to combat female genital mutilation, forced marriages, crimes of honour, trafficking, and any other form of violence against women;

*Amendment*

(vi) the rights of women as proclaimed in the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols, ***particularly access to education and healthcare and the right to decide freely and independently about their bodies,*** including measures to combat female genital mutilation, forced marriages, crimes of honour, trafficking, and any other form of violence against women;

#### **Amendment 16**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point b – point x**

*Text proposed by the Commission*

(x) education, training and monitoring in the area of human rights and democracy, ***and in the area covered by point (vii);***

*Amendment*

(x) education, training and monitoring in the area of human rights and democracy;

## Amendment 17

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c – introductory wording

*Text proposed by the Commission*

(c) strengthening of the international framework for the protection of human rights, justice, the rule of law and democracy, and for the promotion of international humanitarian law, in particular by:

*Amendment*

(c) strengthening of the international framework for the protection of human rights, justice, the rule of law and democracy, and for the promotion of international humanitarian law ***and the right to a process of development in which all human rights and fundamental freedoms can be fully realised***, in particular by:

## Amendment 18

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c – point ii a (new)

*Text proposed by the Commission*

*Amendment*

***(ii) providing legal and tax-related training for local stakeholders with a view to establishing good-governance mechanisms that prevent corruption.***

## Amendment 19

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d – introductory wording

*Text proposed by the Commission*

(d) building confidence in and ***enhancing*** the reliability and transparency of democratic electoral processes, while contributing to the efficiency and consistency of the whole electoral cycle, in particular,

*Amendment*

(d) building confidence in and ***encouraging countries where elections are to take place to provide protection of political candidates as well as to guarantee their relevant human and political rights and enhance*** the reliability and transparency of democratic electoral processes, while contributing to the efficiency and consistency of the whole electoral cycle, in particular,

## Amendment 20

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d – point i

*Text proposed by the Commission*

(i) through deployment of Union Election Observation Missions;

*Amendment*

(i) through deployment of Union Election Observation Missions, ***on the basis that such missions shall not be granted more than 25 % of the total budget of the Instrument hereby created;***

## Amendment 21

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d – point iii

*Text proposed by the Commission*

(iii) by contributing to the development of the electoral observation capacity of civil society organisations ***at regional and local levels***, and supporting their initiatives to enhance participation in, and the follow-up to, the electoral process;

*Amendment*

(iii) by contributing to the development of the electoral observation capacity of civil society organisations and supporting their initiatives to enhance participation in, and the follow-up to, the electoral process, ***and by channelling part of democracy assistance through civil society organisations at regional and local levels;***

## Amendment 22

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d – point iv

*Text proposed by the Commission*

(iv) by supporting measures aimed at the consistent integration of electoral processes into the democratic cycle and at implementing recommendations made by Union Election Observation Missions;

*Amendment*

(iv) by supporting measures aimed at the consistent integration of electoral processes into the democratic cycle and at implementing recommendations made by Union Election Observation Missions ***and by the European Parliament election observation delegations;***

## Amendment 23

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d – point iv a (new)

*Text proposed by the Commission*

*Amendment*

*(iva) by supporting the efforts of the partner country concerned in building and developing the framework and the institutional capacity required in order to uphold democracy and human rights after the democratic elections have taken place;*

## Amendment 24

### Proposal for a regulation

#### Article 2 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The promotion and protection of gender equality, the rights of the child, rights of indigenous peoples, rights of persons with disabilities, and principles such as empowerment, participation, non-discrimination of vulnerable groups and accountability shall be taken into account **whenever relevant** for all assistance measures referred to in this Regulation.

2. ***In the framework of a human rights-based approach to development***, the promotion and protection of gender equality, the rights of the child, rights of indigenous peoples, rights of persons with disabilities, ***rights of minorities, LGBT rights***, and principles such as empowerment, participation, non-discrimination of vulnerable groups and accountability shall be taken into account for all assistance measures referred to in this Regulation.

## Amendment 25

### Proposal for a regulation

#### Article 2 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The assistance measures shall take into account the specific features of crisis or urgency situations and countries or situations where there is a serious lack of fundamental freedoms, where human security is most at risk or where human

4. The assistance measures shall take into account the specific features of crisis or urgency situations and countries or situations where there is a serious lack of fundamental freedoms, where human security is most at risk or where human

rights organisations and defenders operate under the most difficult conditions.

rights organisations and defenders operate under the most difficult conditions, *or where there is a serious threat to an environment allowing citizen participation.*

## PROCEDURE

<b>Title</b>	Establishing a financing instrument for the promotion of democracy and human rights worldwide
<b>References</b>	COM(2011)0844 – C7-0496/2011 – 2011/0412(COD)
<b>Committee responsible</b> Date announced in plenary	AFET 17.1.2012
<b>Opinion by</b> Date announced in plenary	DEVE 17.1.2012
<b>Rapporteur</b> Date appointed	Filip Kaczmarek 14.2.2012
<b>Discussed in committee</b>	14.5.2012
<b>Date adopted</b>	4.6.2012
<b>Result of final vote</b>	+: 23 -: 0 0: 2
<b>Members present for the final vote</b>	Thijs Berman, Ricardo Cortés Lastra, Corina Crețu, Véronique De Keyser, Nirj Deva, Leonidas Donskis, Charles Goerens, Eva Joly, Filip Kaczmarek, Gay Mitchell, Norbert Neuser, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Keith Taylor, Ivo Vajgl, Iva Zanicchi
<b>Substitute(s) present for the final vote</b>	Emer Costello, Enrique Guerrero Salom, Fiona Hall, Edvard Kožušník, Judith Sargentini, Horst Schnellhardt, Patrizia Toia
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Marisa Matias