



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 December 2004**

**DOCUMENT PARTIALLY  
ACCESSIBLE TO THE PUBLIC**

**15810/04**

**LIMITE**

**COHOM 50  
PESC 1118  
COASI 78  
DEVGEN 256**

**"I/A" ITEM NOTE**

---

From : Working Party on Human Rights  
To :: COREPER/COUNCIL

---

Subject: Implementation of the EU Guidelines on Human Rights Dialogues

---

1. The Council adopted EU Guidelines on Human Rights Dialogues on 10/11 December 2001 (doc. 14469/01). At its meeting on 8 December 2004 COHOM discussed the implementation of these Guidelines and took stock of existing EU dialogues and consultations on human rights with third countries.
2. In this light, and as a complement to the EU Guidelines on Human Rights Dialogues, COHOM agreed on a paper providing an overview of the various types of dialogues and consultations on human rights and specifying the procedure and criteria for engaging in such dialogues (Annex I). COHOM also agreed on a set of standard key areas of concern for EU human rights dialogues to be refined on a case-by-case basis (Annex II). On this basis, COHOM recommends that the EU should not at this stage enter into a structured human rights dialogue with **DELETED** (Annex III).

3. PSC [examined and endorsed] this paper at its meeting on 9 December 2004.

Coreper is invited to approve, with a view to adoption by Council as an “A” item:

- the conclusions of the paper set out in Annex I;
- the key areas of concern for EU human rights dialogues as set out in Annex II;
- **DELETED**

-----

## Introduction

This paper aims at presenting the state of affairs regarding all dialogues on human rights on the basis of the overview, prepared by the Commission. To enhance coherence and consistency of EU human rights policy and to strengthen the EU external performance in the field of human rights a clear overview of all EU human rights dialogues is called for. Given the central role of COHOM in the initiation, monitoring and evaluation of the structured and ad hoc dialogues and consultations on human rights, it is recommended that COHOM maintains the overview of all dialogues on human rights by means of a discussion twice a year in the working group on the basis of an updated overview and a calendar of ongoing dialogues on human rights. The Council will be asked to endorse this paper in order to give further guidance on the implementation to the guidelines on human rights dialogues, adopted in 2001.

## General remarks

The guidelines on human rights dialogues (doc 14469/01), adopted in December 2001, stated that there were at that time no rules to determine at what point the instrument of human rights dialogues should be applied and that there was room for greater consistency in the EU's approach towards dialogues. Three years later the latter is as valid as before. In the meantime various types of dialogues have developed, COHOM's mandate has been extended to include first pillar issues so as to have under purview all human rights aspects of the external relations of the EU and the structured human rights dialogues **DELETED** have been evaluated. It is not the intention of the Presidency to review the guidelines, but to give further guidance on the implementation of the guidelines in the light of the variety of dialogues, the extended mandate of COHOM and the experience gained in the evaluation of the **DELETED** dialogues. In general the following types of dialogues can be distinguished:

- A. Structured Human Rights dialogues, such as with **DELETED**.
- B. Agreement-based dialogues: dialogues based on human rights clauses in trade and cooperation agreements, including Association Agreements. This category can be split in three:
  - a. The Cotonou Agreement
  - b. Association Agreements with Mediterranean partner countries
  - c. Trade and Cooperation Agreements
- C. Ad hoc dialogues: all other dialogues on human rights either set up locally (HOM's dialogue in **DELETED**) or by decision of PSC (**DELETED**) at the recommendation of COHOM.
- D. Troika consultations on human rights issues with like-minded countries (**DELETED**).

Moreover, it should be stressed that also outside the abovementioned types of dialogues, human rights issues should be adequately and systematically addressed within the framework of the general political dialogues at all levels with third countries.

At its meeting on 10 November COHOM welcomed proposals to maintain the overview of all human rights dialogues and consultations as well as to clarify terminology. The need of more sustainable involvement by COHOM was recognised. The Commission and Council Secretariat could prepare an update of the overview (using the existing framework, prepared by the Commission and circulated before COHOM 10 November meeting), and a simple calendar which shows the dialogue meetings that have taken place in the past half year and those that will take place in the coming half year. This could form the basis for discussion in COHOM twice a year, preferably before CHR and Third Committee UNGA (thus in February and September). Since reports of these meetings exist already, it would suffice to include references to all relevant reports, and therefore no new reports would have to be produced.

On the procedure and criteria for taking decisions on embarking in human rights dialogues the importance of flexibility and a case-by-case approach was underlined. When deciding on new dialogues, the general EU political strategy vis-à-vis the country concerned as well as the institutional capacity of the EU for holding these dialogues should be taken into account. At the same time it was underlined that dialogues should not be engaged in for an indefinite period, but rather for a certain timeframe while also an exit-strategy should be kept in mind.

### **General conclusions**

1. COHOM should discuss e.g. twice a year the overview of all dialogues and consultations on human rights (category A, B, C, D) on the basis of information to be provided by the Commission, Council Secretariat and Presidency. All relevant working groups should be involved in the process.
2. Decisions on engaging in structured human rights dialogues (category A) have to be approved by the Council after preparation by COHOM and consultation of other relevant working groups, while decisions on engaging in ad hoc human rights dialogues (category C) have to be taken by PSC after preparation by COHOM and examination by other relevant working groups. Preferably, these decisions should include a time-frame for the dialogue and a possible exit-strategy. These decisions will be taken case-by-case on the basis of the criteria of art 6.1 of the guidelines on human rights dialogues, extended as follows on the basis of the experience gained in the process of evaluating the EU human rights dialogues with

**DELETED:**

3. **DELETED**

**A. Structured human rights dialogues, such as with DELETED.**

The two structured human rights dialogues with **DELETED** have been evaluated thoroughly during the Netherlands' Presidency in line with para 10 of the guidelines on human rights dialogues. An important conclusion in this respect was that the political commitment by the country concerned is crucial for the success of the dialogue. As to engaging in new human rights dialogues, the guidelines stress the central role of COHOM in this respect and state explicitly that any decision to initiate a new human rights dialogue will require an assessment of the human rights situation in the country concerned and the crucial political commitment to a possible dialogue. The decision to embark on such an assessment will have to be prepared by COHOM, together with geographical working groups. The guidelines also state that "the fact that such dialogues exists does not preclude discussion of the human rights issue at any level of the political dialogue" and that "dialogues and resolutions submitted by the EU to the UNGA or CHR ... are two entirely separate forms of action. The **DELETED** represents a test-case in this respect (Annex III).

## Conclusions on structured human rights dialogues

4. (referring to general conclusion 2) Decisions on engaging in structured human rights dialogues have to be approved by the Council after agreement by COHOM and consultation of relevant working groups. Preferably, these decisions should include a time-frame for the dialogue and a possible exit-strategy. These decisions will be taken case-by-case on the basis of the criteria of art 6.1 of the guidelines on human rights dialogues, extended on the basis of the experience gained in the process of evaluating the EU human rights dialogues with

**DELETED**:

**DELETED**

5. The practical arrangements for each dialogue can be determined on a case-by-case basis and be as much as possible tailor-made in order to enhance its effectiveness. Its arrangements will be jointly laid out in writing with the country concerned according to the guidelines.

## **B. Agreement-based dialogues**

This category contains the largest potential number of dialogues on human rights by the EU with third countries. These dialogues deal with political and other aspects of human rights including those of technical cooperation. The guidelines on human rights dialogues stated already that for consistency's sake, exchanges of news and information on the dialogues under the Cotonou agreement will have to be held on a regular basis in the COHOM framework. Under the extended mandate a central role of COHOM appears only more expedient, in particular to maintain an overview of EU/EC engagements on human rights.

### **a. Cotonou Agreement:**

Under Article 96 in combination with the human rights essential elements clause of Article 9 of this common agreement consultations must be held in case of human rights violations which can lead to appropriate measures.

### **Conclusion on agreement-based dialogues (Cotonou)**

6. In order to maintain the overview of all dialogues on human rights, COHOM should be informed every time Article 96 of the Cotonou Agreement is invoked due to violations of essential elements as set out in Article 9 (Article 96 was invoked inter alia with regard to **DELETED**).



**b. Association Agreements with Mediterranean partner countries:**

Under all these bilateral agreements a Sub-committee for human rights, democratisation and governance will be established as well as an Action Plan in the framework of the European Neighbourhood Policy. These Action Plans contain political aims and benchmarks. Action Plans are currently being finalised with **DELETED** and these will be reviewed in three years time.

**Conclusion on agreement-based dialogues (Euromed/ENP)**

7. Progress with regard to human rights and democratisation issues in the framework of the reviews of the Action Plans under the European Neighbourhood Policy and with regard to sub-committees on human rights, democratisation and governance with Mediterranean partners will be explicitly addressed in the overview of dialogues on human rights.

**c. Trade and Cooperation Agreements:**

EU Trade and Cooperation Agreements with third countries provide that implementation should be monitored regularly by joint Committees. Such Committees meet regularly at various levels, including at experts' level, within different working groups (or sub-groups). In 2003, on an experimental basis, specific Joint committee working groups on 'Human Rights, Good Governance, the Rule of Law and Administrative Reform' were set up with **DELETED**. These groups provide for an opportunity to exchange views on issues of concern with a view to identifying potential cooperation projects likely to improve the situation. Reports of the meetings (so far held only with **DELETED**) will continue to be shared with COHOM and relevant regional working groups as part of the overview of dialogues on human rights. The following criteria constitute the basis for setting up such groups:

**DELETED**

### **Conclusion on agreement-based dialogues (TCA's)**

8. The Commission should inform COHOM well in advance about decisions to set up Joint Committee Working Groups on Human Rights, Good Governance, Administrative Reform and the Rule of Law with new partner countries, and debrief COHOM and relevant working groups on the outcome of meetings of these working groups in the framework of the discussion of the overview of COHOM of all dialogues on human rights which will take place twice a year.

### **C. Ad hoc dialogues on human rights.**

With several third countries so-called ad hoc dialogues on human rights have been established at different levels, sometimes on the basis of PSC decisions (e.g. **DELETED**), sometimes by Ministers through a joint declaration (**DELETED**). In general, the flexibility of this instrument is considered to be useful, but the importance of overview by COHOM is underlined. PSC should take decisions on engaging in new ad hoc dialogues and COHOM should be involved and informed regularly of their contents and outcome.

In one particular country (**DELETED**), a half-yearly "dialogue on human rights" on the basis of an agreement between local EU HOM's and **DELETED** MFA was set up while recently a sub-group on human rights on the basis of the human rights clause in a Cooperation Agreement was established. Participants in these different dialogues/sub-groups should be mutually informed of these meetings to avoid unnecessary overlap and the EU should use these different channels in such a way they are mutually reinforcing.

### **Conclusion on ad hoc dialogues**

9. (referring to general conclusion 2) Decisions on engaging in ad hoc human rights dialogues have to be taken by PSC after preparation by COHOM and examination by other regional working groups. Preferably, these decisions should include a time-frame for the dialogue and a possible exit-strategy. These decisions will be taken case-by-case on the basis of the criteria of art 6.1 of the guidelines on human rights dialogues, extended on the basis of the experience gained in the process of evaluating the EU human rights dialogues with **DELETED**:

**DELETED**

10. In those countries where the EU maintains a so-called "ad hoc dialogue on human rights" (e.g. local human rights dialogue with **DELETED** and in future **DELETED** at HOMs level) COHOM should be informed on a half-yearly basis on the content and outcome of such a dialogue in order to have the overview of all dialogues on human rights and to be able to discuss these dialogues twice a year.

**D. Troika consultations with certain third countries on the basis of broadly converging views.**

Regular troika consultations on human rights by experts from capitals with "like-minded" countries like the **DELETED** (half-yearly) and **DELETED** (yearly) have been established. At the same time, it should be underlined that in Geneva and New York regular consultations by experts already take place in the framework of the WEOG or Western Human Rights Group and increasingly with other regional groups (eg GRULAC). **DELETED**

**Conclusion on troika consultations**

11. Any requests by like-minded countries for consultations will have to be discussed by COHOM, and if necessary relevant regional groups on the basis of the political expediency and the expected results of such consultations in a pragmatic way, with a view to finding the most appropriate format and venue for any such consultations.

-----

**DELETED FROM THIS PAGE TO THE END OF THE DOCUMENT (Page 19)**

-----