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REPORT ON THE IMPLEMENTATION
OF MEASURES INTENDED TO PROMOTE OBSERVANCE OF
HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES
(FOR 1994)

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INTRODUCTION

This report on the use of the European Community's financial resources in the defence of human rights and the promotion of democracy was drawn up by the permanent inter-departmental Human Rights Coordinators Group. It is in response to an interest expressed by the European Parliament concerning the coordination and effectiveness of actions in favour of human rights and democratic principles.

The general layout has remained unchanged since the last report so as to make it easier to read and bring out the changes. Areas where there have been no changes since the 92/93 report¹ are given only brief coverage whilst new areas are discussed in detail.

Descriptions of the principles and commitments underlying the European Community's and Union's activities in the human rights arena have been gathered together in Annex 1 whereas the budget headings of the Chapter entitled European Initiative for Democracy and the Protection of Human Rights, the thematic and geographical priorities governing implementation of these headings and the various factors governing financing decisions are discussed in the section immediately below. Apart from the relevant financial instruments, all the instruments relating to the defence of human rights are described briefly in Annex 2.

Section A **PRINCIPLES AND COMMITMENTS UNDERLYING COMMUNITY ACTION**

Community action to defend and promote respect for human rights is taken in accordance with the United Nations Charter and the universal principles and priorities adopted by the international community at various world conferences. In identifying its thematic and geographical priorities, the Union also takes into account the achievements of other international and regional bodies, the objectives of the European Council, the European Parliament and other European Community institutions and of specific needs more directly arising out of the situation in its partner countries. The international and regional aspects of these activities, and the themes accepted as having priority in the use of the

¹ Report on the use of financial resources for the protection of human rights and support for the democratic process (for the years 1992-1993), 26/11/93, Doc. FR/CM/242/242847.GH, PE 207.805.

1994 financial instruments, are enlarged upon in a section attached to this report (Annex 1).

Section B **INSTRUMENTS FOR USE IN PROMOTING HUMAN RIGHTS**

To fulfil its obligations and commitments with regard to human rights and supporting the democratic process, the European Community has a wide range of instruments at its disposal, including clauses in agreements with various countries and funds with which to support measures intended to promote observance of human rights and democratic principles in those countries. The Community approach is that international cooperation should be mainly in the form of incentives to promote democracy and observance of human rights and that sanctions, applied through appropriate international authorities, should not be considered until all other avenues have been tried.

The use of the various instruments illustrates the role the European Community plays in its relations with partner countries. The instruments are described briefly in Annex 2.

Section C **BUDGET HEADINGS AND OTHER FINANCIAL RESOURCES AVAILABLE TO THE COMMUNITY IN THE DEFENCE OF HUMAN RIGHTS**

Budget appropriations are one of the sources from which the Community incentives referred to above can be financed and they represent a valuable instrument whose use is governed by the principles of transparency, complementarity and cohesion.

Because there was an increase in 1994 in the budget resources for promoting observance of human rights and democratic principles, it will not be possible, in this second report, to go through all the budget headings available for funding the Community's objectives. Only a few major examples of what are known as additional resources will be discussed below.

Some of the funds earmarked specifically for promoting the observance and defence of human rights went to initiatives of an innovative and incentive nature, the thinking being that, if the results were positive, the initiatives could be expanded subsequently under the technical assistance arrangements and given a bigger budget. Examples are some of the activities funded out of Articles B7-522 and B7-523.

The European Community's budget resources subdivide into the following categories:

- Resources earmarked under budget headings. In 1994 for the first time these were gathered together in a single Chapter headed European Initiative for Democracy and the Protection of Human Rights. This change was made at Parliament's request and meets a general wish to ensure that the funding of Community support for measures to promote observance of human rights and democratic processes is consistent and transparent. It also reflects the new responsibilities arising out of the Treaty on European Union and certain structural changes in the various Community institutions. The total of ECU 59.1 million allocated to this Chapter in 1994 (compared with ECU 45.1 million in 1993) confirms the trend towards a constant increase in budget funding for the defence of human rights and democratic principles. The budget headings in question are earmarked specifically for this purpose, particular emphasis being placed on consolidating civil and political rights, and are accordingly given prominence in this report.

- Additional resources. These are taken from the appropriations for financial and technical assistance and cooperation, and from other instruments which may be used to implement measures considered important but not given a specific budget heading to themselves, and are used mainly to promote observance of economic, social and cultural rights.

With the additional resources it is possible to promote respect for of all the rights --civil, political, economic, social and cultural - and thereby uphold the principle of the indivisibility of human rights.

For instance, these resources provide funds for measures intended to benefit particularly vulnerable social groups, such as:

- . children, e.g. the funding of projects for street children in Brazil, Guatemala, Peru and Romania;
- . women, e.g. certain projects funded under the Community's third medium-term action programme to achieve equality between men and women (Item B3-4012), the setting-up of cooperatives and other job creation schemes launched by women (B3-4010, ILE programme), and the New Opportunities for Women (NOW) project (A-2380, A-1178, B3-4012);
- . indigenous peoples, e.g. through Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America under which the Commission finances numerous measures to benefit indigenous people by training their representatives, promoting observance of their rights and supporting their efforts to organize themselves. Such measures also imply improving the living conditions of indigenous people, this being one of the aims of the measures to conserve tropical forests and protect environmental resources.

The additional resources also allow the financing of measures that are particularly ambitious both in their aims and in the funding involved. For instance, they were used to finance the first three joint actions authorized after the entry into force of the Treaty on European Union. These provided assistance in connection with the elections in Russia, South Africa and the former Occupied Territories and were largely financed from development cooperation funds.

Another important example of using funds set aside for aid and cooperation to defend human rights was the sending of human rights observers to Rwanda, an operation directed by the Commission on the basis of a common position adopted in the Council on 4 October 1994.

The above measures are not just examples of the use of the additional resources; they also illustrate the European Union's commitment to human rights since it is actively involved, mounting real action which has a real effect.

I. Budget headings specifically for promoting observance of human rights and democratic principles: Chapter B7-52, European Initiative for Democracy and the Protection of Human Rights

The following section sets out the priorities governing the allocation by Commission departments of funds from eight of the nine Articles in Chapter B7-52 of the budget for

the financial year 1994.² Article B7-525, European Forum for Migrants (administered by DG V), is not included in this report. The figures concerned have been marshalled in the form of tables reproduced in Annex 3.

1. *B7-5200 Phare programme for democracy (former Item B7-5060) allocated ECU 10 000 000 for 1994*
B7-5210 Tacis programme for democracy, allocated ECU 10 000 000 for 1994

.B7-5200: The Phare programme for democracy supports the development of democracy and of the rule of law and the development of civil society in the countries of central and eastern Europe (Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovak Republic, Slovenia).

.B7-5210: This appropriation is intended to cover the implementation of a programme to support democracy and the rule of law and to develop civil society in the Independent States of the former Soviet Union (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan). It comes from the Tacis programme. ECU 100 000 is intended for the Sakharov Human Rights Foundation.

use:

General

The budget items mainly used to fund the Phare and Tacis Democracy Programme are B7-5200 and B7-5210. Their purpose is to help strengthen democracy and the rule of law and enable civil society to establish itself in the countries of central and eastern Europe, the Newly Independent States and Mongolia. The Democracy Programme is implemented mainly by partnerships between non-governmental organizations (NGOs).

The Programme is a European Parliament initiative intended to supplement the Phare technical assistance programmes (in central and eastern European countries) and Tacis (in the Newly Independent States and Mongolia), which the Commission is implementing. Part of the technical assistance appropriations for Phare and Tacis was set aside for strengthening civil society (five national programmes for the development of civil society).

Instruments and eligibility

The Programme provides cofinancing for projects whose aim is to ensure that government, parliamentary and administrative authorities, and all the different groupings within civil society (professional associations, other groupings, the media) adhere to democratic procedures.

Projects have to be executed by partnerships each of which comprises at least one European Union non-governmental organization and one from the benefiting Phare or Tacis countries. However, where the aim of the project is to improve parliamentary techniques and practices, the Phare or Tacis partners of European Union NGOs may be informal groupings of politicians from different parties.

² In what follows, sections in italics are quotations from the budget.

To qualify for cofinancing, projects must have one of the following aims:

1. to enable politicians drawn from different parties (members of parliament, elected representatives in local and regional government), and parliamentary civil servants to acquire and put into practice knowledge of parliamentary procedures and techniques;
2. to strengthen NGOs and other associations whose aims and activities make a lasting contribution towards promoting and consolidating a pluralist democratic society;
3. to transfer specialist skills and knowhow relating to democratic practices and the rule of law to professional associations and other groupings in the countries concerned.

Projects also have to fit in with one of the following areas of activity:

- (a) **parliamentary practice and organization:** i.e. activities which guarantee the equitable treatment of opposition parties, transparency of parliamentary operations, fair electoral laws and the independence of elected representatives;
- (b) **transparency of the administration and of public sector management:** i.e. of local government practice, the development of territorial associations, local democracy, citizen involvement and anti-corruption activities;
- (c) **the development of NGOs and other representative structures:** e.g. democratic practice in grass-roots organizations such as groups monitoring the infringement of human rights, citizens' groups, political parties, trade unions, employers' organizations, consumer associations and chambers of commerce;
- (d) **ensuring the independence, pluralism and responsibility of the media:** (by providing ethical and vocational training for journalists, drawing up laws to govern the press and monitoring the freedom of the press - but not by providing funds for setting up new media);
- (e) **raising public awareness, and education:** by creating a climate of confidence, preventing, mediating in and resolving conflicts, providing courses in civics, promoting mutual tolerance and respect in multicultural societies through the teaching of history and social sciences and by giving courses on other cultures;
- (f) **promoting observance of, and defending, human rights:** which involves civil liberties, the judicial system, the police, the prison system and the protection of privacy;
- (g) **public surveillance of the security forces, i.e. of the armed forces, internal security, police and special forces;**
- (h) **minority rights, equal opportunities and non-discriminatory practices** regarding access to education and the media, equality of opportunity for women and men and the full and equitable participation of all citizens in the running of society.

Appropriations and commitments since the Programme began

Phare Democracy

* 1992

The Democracy Programme was launched as a pilot programme under Phare only. Following calls for proposals, 345 applications were received and 52 projects were selected.

1992 allocation: ECU 5 000 000

*1993

Most of the 1993 appropriations went to projects accounting for between ECU 10 000 and 200 000, the so-called macro-projects. The appropriations were awarded following calls for proposals published in January 1994 inviting non-governmental organizations to apply. The actual contracts were then signed, beginning in April 1994. There were 394 applications and 125 projects were selected (Phare and Tacis).

Part of the appropriations were used to finance projects accounting for between ECU 3 000 and 10 000 each, the so-called micro-projects. These were carried out by organizations based in countries benefiting from Phare, were not subject to the requirement of partnership and were selected by a simpler procedure. They were managed locally by European Union Delegations or by local foundations. All the appropriations were committed.

Since 1993 the Programme has been managed under specialist technical assistance arrangements by the European Foundation for Human Rights, which the Commission recruited for the purpose.

Appropriations for 1993 (Budget Article B7-600)

Allocation:

Total: ECU 10 000 000

(ECU 9 000 000 thereof from funds set aside for cofinancing) of which:

- . ECU 8 000 000 for macro-projects
- . ECU 1 000 000 for micro-projects
- . ECU 1 000 000 for administration

Commitments

- . ECU 8 569 795 for project cofinancing
- . ECU 1 000 000 for administration

* 1994

In the 1994 budget, the appropriations were divided between macro-projects, micro-projects and ad hoc projects.

The macro-project appropriations were allocated on the basis of responses to calls for proposals published in July 1994. There were 573 applications and, by the date of this report, the Commission had adopted 74 projects and was negotiating the corresponding contracts. Further projects were still being examined.

There were no results yet for the tendering procedure for micro-projects.

Under the new "ad hoc" procedure (used for financing projects involving an average ECU 250 000, and selected by the Commission in accordance with priorities defined by the European Union) six projects had been adopted and work was due to start as soon as the contracts were signed in January 1995.

It was expected that this year, too, all the appropriations would be committed.

Appropriations for 1994 (Budget Item B7-5200)

Allocation:

Total: ECU 10 000 000, in two instalments of ECU 5 000 000 each [ECU 9 000 000 thereof from funds set aside for cofinancing (1st instalment: ECU 3 000 000)],

of which:

- . ECU 6 000 000 for macro-projects (1st instalment: ECU 3 000 000)
- . ECU 1 500 000 for micro-projects (1st instalment ECU 750 000)
- . ECU 1 500 000 for ad hoc projects (1st instalment: ECU 500 000)
- . ECU 1 000 000 for administration

Commitments: Final figures not yet available

Tacis Democracy Programme

*1993

The Democracy Programme was extended on a pilot basis to the countries covered by Tacis. The first call for proposals under the 1993 appropriations was published in parallel with that for the Phare programme; 42 projects were approved and contracts involving a total of ECU 3.15 million were signed. Most of the projects were aimed at strengthening NGOs. Projects undertaken at the initiative of the Commission or its partners also received support to the tune of ECU 1 326 248.

*1994

The second call for proposals was published in July 1994 and covered the countries eligible for Tacis funds. The Advisory Committee on Democracy adopted 37 projects, accounting for ECU 4.1 million, and submitted them to the Commission for approval. Most of these projects should start in the second half of 1995. Some of those initiated by the Commission or its partners and approved in 1993 were financed from the 1994 budget.

The programme is in two parts:

- (1) projects undertaken at the initiative of the European Commission, and
- (2) projects proposed and cofinanced by NGOs.

- (1) These projects always relate directly to specific aspects of the political situation in the country concerned, e.g. the electoral process, freedom of the press and other media and support for democratic institutions. Particular mention should be made of the Commission's support for the electoral process in Russia (December 1993) and Ukraine (March 1994) and of the specific support for the media with a view to obtaining an analysis of media coverage of the parliamentary and presidential elections in Russia, (December 1993) and Ukraine, Moldova and Belarus (1994). These activities culminated in the publication of a booklet giving practical information on the subject of the media and elections. Financial support was also given to a project to provide training in parliamentary practice for newly elected Ukrainian members of parliament, one of the national parliaments of the European Union being used as a reference base.

A Task Force (Democracy Programme Management Unit) was set up in Moscow to coordinate the Commission's various initiatives. Projects may also be carried out at the request of Tacis countries.

- (2) This part of the Tacis Programme is managed jointly with the Phare Democracy Programme and, therefore, by the European Human Rights Foundation.

Tacis Democracy

| | |
|-------------------------|------------------------|
| Appropriation for 1993: | ECU 4 000 000 |
| Committed in 1993: | ECU 4 000 000 |
| Appropriation for 1994: | ECU 10 000 000 |
| Committed in 1994: | ECU 1 923 898 (so far) |

2. **B7-5201 Community measures to help democracy and support the peace process for the Republics formerly part of Yugoslavia** (new Item) allocated ECU 4 000 000 (+ 1 000 000 by transfer) for 1994

This item is intended to cover the financing of measures to support the peace process, calm tensions and develop democracy in the Republics formerly part of Yugoslavia (Slovenia, Croatia, Serbia, Montenegro, the former Yugoslav Republic of Macedonia, Bosnia-Herzegovina).

*Commitment appropriation authorized for 1994: p.m.
ECU 4 000 000 + 1 000 000 (transfer)*

In compliance with declarations made at the European Council meetings of Lisbon (July 1992) and Edinburgh (December 1992), specific measures in respect of the former Yugoslavia had already been introduced under Item A-3030 in 1993. The fact that this Item was included in the budget illustrates Parliament's lively interest in the matter of human rights in the former Yugoslavia, and particularly in providing support for the victims of rape and torture (Warburton Report).

Use:

As the 1994 appropriation was entered in Reserves, it had to be released by an ad hoc procedure in which the priorities were laid down. It was then split as follows:

- support for peace-making efforts agreed by the international community (to step up control of sanctions against Serbia and Montenegro and for measures relating to the International War Crimes Tribunal for the former Yugoslavia);
- defence of human rights, promotion of democratic principles and consolidation of civil society, in particular by supporting local NGOs;
- support for the independent media (press, television and radio) particularly by enabling them to purchase equipment.

| | |
|-------------------------|---|
| Appropriation for 1994: | ECU 4 000 000 + ECU 1 000 000 (by transfer) |
| Committed in 1994: | ECU 4 811 500 |

3(a) B7-522 Human rights and democracy in the developing countries (former Item B7-5053) allocated ECU 14 000 000 for 1994

3(b) B7-523 Democratization process in Latin America (former Item B7-5078) allocated ECU 13 000 000 for 1994

(a) This appropriation is intended to cover support for operations promoting human rights and democracy in strict association with the development policies of the Community, including certain countries on the southern shore of the Mediterranean.

(b) This appropriation is intended to cover the financing of special activities to contribute to the process of democratization in Latin America, including Haiti and Cuba, particularly in assisting the reintegration into civilian life of those who have fought in civil wars in Central America

Appropriations may also be used to support democratically elected authorities who have been the victims of coup attempts, and who retain the confidence of the European Community.

This article also covers expenditure on studies, meetings of experts, conferences, congresses, information and publications directly linked with the achievement of the objective of the measure of which they form an integral part; this excludes expenditure involved in the management of these measures or in general administration (Commission Communication of 22 April 1992).

Use:

The Commission reports annually on the use of these Articles, as required under the Council resolution of 28 November 1991 on human rights and democracy in developing countries. The appropriations in question are used to implement the priorities defined in the resolution. So far two reports have been published, one for the financial year 1992 (SEC(92)1915 final of 21 October 1992) and one for the 1993 financial year (COM(94)42 final of 23 February 1994).

(a) Many of the measures financed out of Article B7-522 in 1994 concerned electoral processes, consolidating the rule of law, promoting the independence of the judiciary, setting up free and independent media, providing support for vulnerable groups and educating the public on human rights issues. Most of these projects were implemented in Africa. A particularly important group of projects was mounted in the Occupied Territories and involved drawing up basic texts to ensure observance of the fundamental rights of Palestinian citizens and guarantee a balance of power.

A great deal of attention (and more than one third of the appropriations for 1994) went on electoral processes and public consultation - the aim being to allow, or foster, public participation in decision-making processes - and on measures to promote observance, and greater public awareness, of human rights. To consolidate civil society, Community action focused on literacy and strengthening the social fabric by supporting local associations and improving the means of communication.

A large part of the appropriation was used for measures to promote freedom of the press.

Priority was given to consolidating the rule of law particularly in countries in the process of democratization. Here the aim was to promote the independence of the judiciary, provide help in drawing up constitutions, support parliamentary activities and foster democratic institutions in general.

The principles of good governance and transparency in the management of public affairs was also given priority.

Where fostering and defending human rights was concerned, particular emphasis was laid on the rights of society's most vulnerable groups such as women, children and indigenous peoples.

Victims of violence and armed conflict were given particular help.

The prevention and settling of conflicts was added to the Community's activities under this heading in 1994.

The financing of conferences and seminars was reduced to a strict minimum, a rule which also applied to all the other headings in the Chapter.

All appropriations were committed in 1994

(b) Article B7-523 was introduced in 1990 to provide support for the democratization process in Central America and Chile but, the following year, it was extended to cover all Latin American countries. The main purpose of these funds is to support democratization throughout Latin America and promote peace-making, particularly in Central America.

Priority themes were therefore decided in accordance with the guidelines of the Council resolution of 28 November 1991, the specific requirements of Regulation No 443/92 and those of the Cooperation Agreements with the countries concerned. The priorities are:

- * *support for the electoral process (and post-electoral measures);*
- * *consolidation of the rule of law*
 - . by supporting the activities of parliaments and other democratically elected institutions,
 - . providing support to ensure greater independence of the judiciary and, more generally, for the various forms of legal defence,
 - . providing support for legal and constitutional reform and
 - . providing support for reform of the prison system;
- * *strengthening of civil society*
 - . by raising awareness of, and giving training relating to, the rights and obligations of a citizen,
 - . fostering freedom of expression and trade union rights and
 - . strengthening non-governmental organizations and informal networks;
- * *specific support for lawyers (like Spanish procuradores) specializing in human rights issues;*

- * *support for vulnerable groups such as children, women, indigenous peoples and victims of violence;*
- * *support for projects to raise the awareness of, and provide education and training in, human rights issues for personnel in police forces, armed forces and security forces.*

In connection with these priorities, the multiannual programme for promoting observance of human rights in Central America, initiated in 1992, deserves special mention because it exemplifies the need for close cooperation in analysing the human rights situation and mounting specific projects to provide assistance to the judiciary, support its authority and provide training for target groups such as police and armed forces personnel who are particularly involved in the effort to consolidate democracy.

A working party on human rights in Latin America (comprising, in particular, representatives of DG I, DG VIII, DG X and DG IA) was set up in January 1994 and has met nine times. The working party has analysed the projects individually and discussed the priorities that should be applied to ensure optimum use of the resources available under this Article.

B7-522

| | |
|-------------------------|----------------|
| Appropriation for 1994: | ECU 14 000 000 |
| Committed in 1994: | ECU 14 000 000 |

B7-523

| | |
|-------------------------|----------------|
| Appropriation for 1994: | ECU 13 000 000 |
| Committed in 1994: | ECU 12 999 978 |

4. B7-5240 Subsidies for certain activities of organizations pursuing human rights objectives (former Items A-3030 and B7-5067) allocated ECU 5 000 000 for 1994

This appropriation is intended to cover the grant of aid to organizations pursuing humanitarian aims and promoting human rights, such as the European Human Rights Foundation and the European Foundation for Freedom of Expression.

It also covers the administrative costs resulting from the administration of the item and for the inspection of projects which have received grants.

This aid is allocated for projects to be undertaken in non-Community states (developing countries, central and eastern European countries and others), as well as in the Community in the form of grants to:

- *support rehabilitation centres for torture victims and other organizations offering concrete help to victims of human rights abuses which should continue to receive the same proportion of funding from the item as has been the case in the past,*
- *train people who are called upon to teach others about human rights (judges, lawyers, civil servants, those responsible for the training of police and security forces, professors of education, etc.),*
- *reinforce respect for the rights of the child and bring assistance to children who are victims of human rights violations,*
- *promote training with organizations specializing in the defense of human rights,*
- *support the observation of prisons at international level and the publication of the reports produced.*

Priority is accorded to projects offering concrete and direct aid. Projects concerning research and academic seminars of particular merit are taken into consideration in so far as is possible.

ECU 200 000 is introduced to support the activities of the International Prison Observatory.

Use:

There is no geographical restriction on the use of this appropriation so that any priority not covered by other budget headings may be financed under this one. The new measures covered by Item B7-5240 put into practice some new, "pioneering" ideas. For instance, one of the first measures to provide help for torture victims was financed from this Item but now, at Parliament's initiative, has a specific heading to itself. In view of the heavy calls on the above Item, very strict selection criteria had to be applied, and many projects rejected, since the entire appropriation had been allocated, and 88% committed, by the end of the first half of the financial year. Nevertheless; the Item still provided funds to make up for the shortfall in the one specifically for torture victims. It also provided ECU 530 000 for projects specifically relating to the setting-up and activities of the International Tribunal (to provide support for victims coming forward to give evidence, make young lawyers available and make the public aware of the role of the Tribunal). To ensure that the Warburton Report recommendations were followed up, ECU 734 000 was allocated to eight projects providing psychological and social support for victims of serious human rights abuses, in particular women and children. Finally, this Item also provided the means for dealing in greater depth with the human rights aspects of support for elections.

The entire appropriation was committed in 1994 (88% by the end of the first half of the financial year).

| | |
|-------------------------|---------------|
| Appropriation for 1994: | ECU 5 000 000 |
| Committed in 1994: | ECU 5 000 000 |

5. B7-5241 Aid by the European Union for non-governmental organizations working to defend and promote human rights in Turkey
(former Item B7-5079) allocated ECU 500 000 for 1994

This appropriation is intended to cover Community aid to non-governmental organizations working for the defence and promotion of human rights in Turkey.

The commitment appropriation authorized for 1994 is ECU 500 000

Use:

The use of this appropriation is decided in close collaboration with the Commission Delegation in Ankara. The funds are used to expand activities in Turkey aimed at providing education, training and information on human rights issues. Projects receiving support are mainly intended to benefit torture victims, women, civil society and legal, school and university circles. One of the aims of the programme is to make local

organizations involved in defending human rights and promoting democratic values more professional and thereby to increase their influence. In particular, this Item has provided support for the work done by the Turkish Foundation for Human Rights through its three centres for the rehabilitation of torture victims (in Ankara, Istanbul and Izmir) and its Ankara documentation centre.

The entire appropriation was committed in 1994.

| | |
|-------------------------|-------------|
| Appropriation for 1994: | ECU 500 000 |
| Committed in 1994: | ECU 500 000 |

6. **B7-527 Support for rehabilitation centres for torture victims and for organizations offering concrete help to victims of human rights abuses (new Article), allocated ECU 2 000 000 for 1994**

Use:

Community activities to provide help for torture victims have constantly expanded in the last few years. As a result, at the initiative of the European Parliament, a special Article with an allocation of ECU 2 million was included in 1994 to finance one of the priorities of the Programme of Action of the World Conference on Human Rights. The initiative was a response to an urgent need but the funding proved insufficient. Requests for funding totalled more than ECU 5 million in September but the available funds had been exhausted by July. As in earlier years, some projects to provide assistance to torture victims had to be funded out of Item B7-5240. For instance, in 1994 the Community committed a total of ECU 2 551 000 to 39 projects, compared with ECU 1 015 000 for 13 projects in 1993.

The entire appropriation was committed in 1994 (by July).

| | |
|-------------------------|---------------|
| Appropriation for 1994: | ECU 2 000 000 |
| Committed in 1994: | ECU 2 000 000 |

Section D **ASPECTS OF THE PROCEDURE FOR FINANCING ACTIVITIES RELATING TO THE DEFENCE OF HUMAN RIGHTS AND THE PROMOTION OF DEMOCRATIC PRINCIPLES**

The growing importance of the human rights dimension and the substantial budget funding available to the various Commission departments involved are making it increasingly difficult to ensure consistency. From its very first meetings, the inter-departmental Human Rights Coordinators Group has been consulting on the issues and has now identified common points of reference and criteria for granting funds from the financial instruments earmarked for human rights. These are now being applied by the ad hoc working parties for each budget heading.

The Coordinators Group was set up in 1991 and has held 22 meetings so far.

Thanks to the hard work of all its members, procedures at all levels have been appreciably harmonized and the result brought some improvement in 1994, particularly as regards deciding guidelines and criteria. Thus the budget implementing Regulation for

1994 actually specifies that "proposals shall be drawn up on the basis of guidelines and criteria defined by the permanent inter-departmental Human Rights Coordination Group (No 52)" (COM(94) Min 722).

(i) Identification of beneficiaries

(a) Procedure

In the previous report two approaches were identified, namely:

- calls for proposals (Phare and Tacis Democracy) and
- requests from potential beneficiaries.

Both continued to be used this year, but with changes to remedy the lack of flexibility which was a major disadvantage of the calls for proposals procedure. Part of the appropriations are now reserved for ad hoc projects, whose aims are defined by the Commission's departments on the basis of European Union policy priorities, and part for projects involving less than ECU 10 000 each. These are known as micro-projects and are carried out under the supervision of Commission Delegations by Phare country NGOs, which are not, in this instance, subject to the requirement of being partnered by a European Union NGO.

In the case of individual requests, detailed discussions were held to identify projects which took account of both the applicant's aims and the Community's priorities.

(b) Forms

The application forms represent a major aspect of the effort to introduce consistency. Applicants were originally faced with procedures that varied with the department involved, a situation which meant a lot of extra work and time for the applicants. A first effort to standardize the forms has now reduced the problem.

And the working party on human rights and democracy is moving towards standardization of all application forms for all budget headings relating to human rights and democracy.

(c) Type of beneficiary

Public sector bodies, international organizations, NGOs or other bodies with a civil status are all eligible.

NGOs and similar bodies have expertise and local knowledge which they can use to help define projects that are in line with the published regional and international priorities whilst also providing a direct response to the concerns and aspirations of the target groups.

The manner of the NGOs' involvement in implementing the Community's priorities is therefore original and one that has grown gradually. The formula is one of a flexible partnership which, unlike partnerships with the United Nations and the Council of Europe, does not include the NGOs' own statutes.

Few budget headings exclude other categories of beneficiary but those covering Tacis and Phare Democracy give priority to cooperation between Member State NGOs and local

NGOs, and the one for democratization in Latin America is reserved entirely for local institutions.

(ii) Project size

This varies a great deal. Projects may involve anything between ECU 5 000 and ECU 1 million. However, for Phare and Tacis Democracy, calls for proposals fix a ceiling of ECU 200 000 per project. In the case of ad hoc projects, there is a trend towards supporting those which will have an appreciable effect and, there, the amount tends to be around ECU 250 000. Many managers agree that the problem with small projects with a modest impact is that management costs are no lower than those for more ambitious projects.

(iii) Examination

In 1994 for the first time, the inter-departmental Human Rights Coordinators Group laid down common criteria and priorities to be applied when examining projects. These are based, in turn, on agreed principles and priorities which are set out in Annex I.

(iv) Consultation and decision

Each project is discussed with the various departments whose thematic and geographical responsibilities are involved. Financial Control, the financial departments and the Legal Service are also systematically consulted, and the use of the appropriations is always checked by the Court of Auditors.

Following a suggestion in the conclusions of the 92/93 report, the decision-making procedure has been harmonized and, consequently, in 1994 all Commission decisions were taken by written procedure.

The European Parliament is informed at various stages, either specifically or more generally. MEPs obtain information on particular points through parliamentary questions. Also, each year, a report is published on the implementation of the resolution of 28 November 1991 on human rights, democracy and development, which is covered, inter alia, by budget headings B7-522 (formerly B7-5053) and B7-523 (formerly B7-5078). More generally, this report - requested by Parliament - covers all human rights measures (except the Article for the European Forum for Migrants) included in the budget Chapter entitled European Initiative for Democracy and the Protection of Human Rights.

(v) Evaluation

Various methods were used.

Before the file on a project can be closed, the beneficiary has to submit a report on the activities relating to, and expenditure incurred on, the project.

Independent experts and bodies were hired to evaluate some groups of projects covered by the budget headings relating to "Human rights and Democracy in the developing countries" and "Democratization process in Latin America" whilst, for completed projects, Delegations were asked to carry out on-site verifications and check the documentation.

(vi) Management

The trend which began in 1993, namely to recruit specialist external bodies to manage some of the "human rights" appropriations, is hardening to the extent of becoming irreversible due to the increase in appropriations and the concurrent shortage of personnel at the Commission.

CONCLUSIONS

Since last year there have been marked improvements in the consistency and transparency of the use of the budget resources earmarked for human rights and fundamental freedoms. Changes have been made in both structure and content. Instruments based on new, improved guidelines have been made available and will permit new initiatives and more intensive dialogue with beneficiaries, whilst beneficiaries have agreed that they will take into account certain regionally and internationally approved principles and priorities, thereby ensuring that there will be synergy between the efforts of the European Community and those of its international partners.

ANNEX 1

PRINCIPLES AND COMMITMENTS UNDERLYING COMMUNITY ACTION

Community action to defend and promote respect for human rights is taken in accordance with the United Nations Charter and the universal principles and priorities adopted by the international community at various world conferences. In deciding its thematic and geographical priorities, the Community also takes into account the achievements of other international and regional bodies, the objectives of the European Council, the European Parliament and other European Community institutions and of specific needs more directly arising out of the situation in its partner countries.

(a) Universal principles

The fundamental principles governing human rights and democratic values are set out in the 1948 Universal Declaration of Human Rights and the two additional International Covenants, the one on Civil and Political Rights and the other on Economic, Social and Cultural Rights.

In defining its short- and medium-term priorities, the European Community must take account of the conclusions of high-level international conferences adopted by the United Nations General Assembly. For instance, the Community's priorities for 1994 particularly take into account the Programme of Action adopted with the final Declaration of the World Conference on Human Rights held in Vienna in June 1993. There the international community solemnly reaffirmed the principle that human rights are universal, indivisible, interdependent and interrelated and went on to draw up the Programme of Action listing those human rights problems which would have to be tackled as a priority in order to remove the main obstacles to the full realization of all human rights and put a stop to the continuing violation of human rights.

This Conference also reiterated the principle underlying all efforts to promote observance of human rights, namely that the human person is at one and the same time the central subject of human rights, the principal beneficiary and an active participant in the realization of these rights.

Among the main priorities arising out of these principles is the obligation to **promote equality of opportunity, the dignity of the human being and tolerance**. This includes combating racism, xenophobia and other forms of intolerance, protecting national, ethnic, religious and linguistic minorities, promoting observance of the rights and freedoms of indigenous peoples, guaranteeing the rights of migrant workers and members of their families, ensuring equal dignity and equal rights for men and women, promoting respect for the rights of children and combating the practices of torture and enforced disappearance.

Under its arrangements for cooperation, **development and the strengthening of human rights**, the international community gives priority to supporting national and regional institutions active in promoting the observance of human rights, the consolidation of a

civil, pluralist society and the protection of society's vulnerable groups. It agrees on the importance of supporting the democratization process, that it is therefore essential to provide support for holding free elections at regular intervals, providing the public with information during election campaigns, promoting freedom of expression and encouraging people to participate without fear of discrimination in the decision-making process and that, in all these areas, education, training and providing information on human rights issues are essential to promoting observance of human rights and democratic principles.

Similarly, for the first time, there is consensus in the international community on **the principle of the right to development**. Since the 1986 Declaration on the Right to Development, much work has been done to give substance to this concept and, more specifically, to identify what can be done to make this right a universal reality. The Working Group on the Right to Development regularly sends recommendations to the Commission on Human Rights. And a draft resolution of 2 December 1994, shortly to be submitted to the United Nations General Assembly, takes note of the work of the various United Nations bodies and provides a new impetus by emphasizing the need for an integrated, coordinated approach.

Further indications on how to implement these priorities are provided in more specific international instruments such as the Convention on the Rights of the Child, which entered into force in 1990, and the International Convention on the Elimination of All Forms of Racial Discrimination.

To strengthen the international mechanisms for monitoring and promoting the observance of human rights, the World Conference also submitted a proposal to the General Assembly for the creation of a new post, that of **High Commissioner for Human Rights**. The proposal was adopted in December 1993 and Mr Ayala Lasso was appointed to the post in February 1994. The European Union actively supported the creation of the post and the nomination of Mr Lasso and therefore owes it to the international community to help realize the priorities defined in the Vienna Conference's Programme of Action.

Another major instrument is **the International War Crimes Tribunal for the former Yugoslavia**. It was established in May 1993 and is an important precedent in the canon of international law on human rights. The European Union supported the move from the outset. In particular, the European Commission committed itself to providing support for specific aspects of the Tribunal's activities such as protecting victims who come forward to give evidence, making available young lawyers, educating the public about the Tribunal's role and a measure aimed at gathering further evidence. This move to extend the jurisdiction of the international community has since acted as a precedent, as can be seen from the Resolution of 8 November 1994 establishing an International War Crimes Tribunal for Rwanda. The two Tribunals have similar terms of reference and they are structurally linked, particularly in that the same person has been appointed as Prosecutor for both. Finally, the Vienna Declaration also served as a reference base for the International Conference on Population and Development (Cairo, September 1994) and as a pointer in preparations for the World Summit for Social Development (Copenhagen, March 1995) and the IVth World Conference on Women (Beijing, September 1995). The European Union has given priority to these preparations.

(b) **Regional commitments**

The Community's measures to promote the observance and defence of human rights also have to fit in with the regional framework. At European level, the commitments entered into reflect priorities calling for closer cooperation between, and alignment of, the efforts of the various European organizations active in the human rights arena.

In relations with other countries, the European Community also takes into consideration the regional commitments of its various partners, in particular those entered into under the Human Rights American Convention (1969) and the African Charter of Human Rights (1981).

In partnership with the Council of Europe

The Council of Europe's normative instruments are the European Community's preferred reference base. The Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, is the foundation on which Europe's laws on the protection of the individual's human rights are based. Other particularly important instruments are the European Social Charter, the European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (which entered into force in February 1989) and, more recently, the Convention on the Protection of National Minorities (opened for signing on 31 January 1995³).

The new lease of life the Council of Europe was given in 1989 is well illustrated by the summit it held in October 1993 in Vienna which, for the first time ever, was attended by all the Heads of State and Government of its member countries. The summit provided a forum in which some of the Member States' common concerns were highlighted, such as the need to combat racism and xenophobia and protect national minorities by tackling problems jointly and ensuring complementarity between the objectives and resources of the various European bodies active in these areas.

The Plan of Action for combating racism and xenophobia drawn up at this summit highlights particularly well the kind of complementarity that is required. It is echoed by the work plan adopted by the European Union's Heads of State and Government at the Corfu summit in June 1994. This covers the same ideas and reflects the priorities defined at the Vienna Conference. Thus, from the basis of a common concern, it has been possible to establish a framework of priorities and, as a consequence, the European Commission is currently participating in the work of the Committee of Experts set up by the Council of Europe to implement the Vienna Plan of Action. The Council of Europe has also been instrumental in bringing about synergy by launching a youth campaign against racism, xenophobia, anti-Semitism and intolerance, on 10 December 1994.

In this area, the European Commission's role is that to form a link between the Council of Europe and the European Union, a role fulfilled by passing on information (essential for smooth cooperation) and, as far as possible, preventing duplication of work already done or being done in Brussels or Strasbourg.

³ So far, 22 member countries of the Council of Europe have signed this Convention.

In partnership with the OSCE (formerly the CSCE)

The concept of the human dimension, introduced in 1989 and developed since within the CSCE, now encompasses an ambitious strategy linking conflict prevention with the defence of human rights. At the implementation meeting held in Budapest from 10 October to 4 December 1994, the European Union laid particular emphasis on the need to integrate the human dimension more closely with the various CSCE activities, particularly those aimed at conflict prevention. Decisions were therefore adopted to strengthen and rationalize the various structures of the CSCE which, on 1 January 1995, became the Organization for Security and Cooperation in Europe (OSCE).

This strategy, which is a response to the new dangers threatening to undermine security, fundamental freedoms, the rule of law and democracy, has the support of the European Union. The problems referred to are among the Union's major concerns and the need to resolve them is at the heart of the common foreign and security policy as established in the Treaty on European Union. The signature of the Commission's President at the foot of the Charter of Paris (November 1990), where it has equal status with those of the Heads of State and Government, is visible evidence of the Union's involvement.

Similarly, the European Union has made a substantial contribution to the process of considering how the human dimension principles can be put into practice and how to monitor actual implementation of any commitments made. Promotion of the rule of law, support for the role of NGOs, protection of national minorities and combating racism and xenophobia are areas in which the Union has become especially involved. For instance, it contributed actively to various seminars on specific topics, such as democratic institutions (4-15 November 1991), tolerance (16-20 November 1992), case studies on national minorities (24-28 May 1993), freedom of the media (2-5 November 1993), local democracy (16-20 May 1994) and gypsies (20-23 September 1994). In future, such seminars will be more widely spaced (at the rate of two a year) and the topics covered will be less general and will relate more specifically to regional concerns. This decision emerged from the conclusions of the meeting in Budapest at which a list of topics was adopted, including the rule of law, aggressive nationalism, freedom of the media, handicapped persons, religious freedom, citizenship, capital punishment, racism and tolerance. The last of these is the subject of a seminar to be held in March 1995 in Bucharest under the joint auspices of the Office for Democratic Institutions and Human Rights and UNESCO. In holding these seminars, the intention is to provide an opportunity to go into greater detail on commitments made earlier and work out specific lines of action for the future.

The Office for Democratic Institutions and Human Rights, the main OSCE body concerned with the human dimension, was established with the support of the Union. In the last few years the Office's activities have expanded considerably. In line with the general philosophy underlying the human dimension concept, its role has already expanded to include closer involvement in conflict prevention, and the conclusions of the Budapest meeting provide for its responsibilities to be further extended to include operations in support of elections.

The Union also supported the creation of the post of High Commissioner on National Minorities, and the Commissioner's mandate, which makes a close link between the problems of national minorities and conflict prevention. Within the OSCE, the Union

plays an active part by monitoring commitments which have been authorized and, where appropriate, taking part in fact-finding missions.

Under the Pact on Stability in Europe

To propagate synergies between the various European bodies actively promoting the observance of human rights and democratic principles is also one of the aims of an initiative approved at the Brussels European Council meeting (December 1993) and launched officially at the inaugural conference of the Stability Pact in Paris on 26 and 27 May 1994. Touching as it does on a common source of concern, namely the key problems of national minorities and the consolidation of frontiers, particularly in Central and Eastern Europe, this move - made under the heading of preventive diplomacy - is an example of how important it is for all parties in the European arena to mobilize their resources and capabilities and concentrate them on the corresponding objectives.

The Stability Pact is conceived of as a continuing process enshrining all agreements reached in round table negotiations. As confirmed by the States attending the CSCE meeting in Budapest from 10 October to 4 December 1994, the agreements concluded by the time the process is completed are to be deposited with the CSCE, now the OSCE. The first two sets of round table negotiations, one for the Baltic and the other for Central and Eastern Europe, began in September 1994.

The interim Ministerial Conference on the Stability Pact, held on 6 December in parallel with the CSCE meeting, highlighted the need for flanking measures and for tightening up cooperation between the countries involved in the process. Hence, the measures the Community is implementing under the Phare and Phare-Democracy Programmes are closely linked with the objectives of the Stability Pact. Similarly, the Essen European Council meeting adopted a strategy for preparing European countries associated with the Union for accession, the aim being to back up and stiffen the political aspects of the Pact by introducing measures to encourage intra-regional economic cooperation and promote good neighbourly relations. Also, at the Budapest CSCE meeting, the participating States stressed the importance of the joint action plan for the achievement of the Stability Pact.

The final conference took place in Paris on 20 and 21 March 1995 and the Pact of Stability was adopted by all OSCE participant states together with a political declaration and a list of about a hundred bilateral agreements. The OSCE is now supervising the correct implementation of the Pact.

(c) The European Union's own commitments

The Maastricht Treaty

It is the first time that the European Union action in terms of human rights is based on the Treaty.

The Treaty on European Union, which entered into force on 1 November 1993, represents a new departure in that it takes human rights into account. Article F of the Common provisions formally legitimizes the Union's action in promoting human rights and democratic principles. Human rights are also being taken into account under the heading of development cooperation ("Community policy in this area shall contribute to the

general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms" - Article 130u(2)), as well as by the common foreign and security policy, as expressed in one of its objectives ("to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" - Article J.1(2)).

This is one of the most innovative aspects of the Maastricht Treaty.

Positions adopted by the Union and the Community institutions

This legal form, created by the Maastricht Treaty, is intended to underpin and strengthen the political will of the European Union to pursue an active policy in the defence of human rights and the promotion of democratic principles vis-à-vis its partners throughout the world.

(a) The European Union

The transformation of the economic Community into a political entity implies that the European Union will become increasingly involved in the work of the international and regional bodies concerned with promoting the observance of human rights. In the United Nations, the Presidency regularly puts the Union's position on the human rights situation throughout the world, particularly under Item 12 of the agenda for sessions of the Commission on Human Rights and in the General Assembly. The Union also regularly calls for the tightening-up of international cooperation on matters relating to human rights and democratic principles.

The Union's international activities in the defence of human rights are based on its ability to mobilize resources and on having the capability to react to situations where human rights are being abused. It regularly publishes statements setting out the policy framework within which support or aid is given. And now, at a time when the international community is engaged in a wide-ranging debate on how to combat the persistence of human rights violations, the Union owes it to that community to make a substantial contribution towards defining the priorities.

There have been many declarations and statements of position on the way to the present where the Union's policy specifically takes account of human rights. One of the most significant is the Declaration adopted at the Luxembourg European Council meeting of June 1991 which established the main planks of a real policy to defend human rights and promote democratic principles.

This Declaration is the basis for the guidelines, procedures and lines of action set out in the resolution of 28 November 1991 adopted by the Council and Member States meeting within the Council, which also identifies those areas on which European Union action should focus. And, for those geographical areas which have preferential arrangements with the Union, there are additional commitments and priorities appropriate to the situation on the ground as, for example, those in Council Regulation (EEC) No 443/92 which sets out the basis for cooperation with Latin American countries.

For instance, the resolution presents as priorities the strengthening of the rule of law (by providing support for reforming political institutions, strengthening and supporting the independence of the judiciary, reforming the prison system and encouraging good governance), measures in support of representative democracy (for example, arrangements relating to elections such as sending observers, purchasing equipment needed for elections and drawing up electoral rules and voters' rolls - whilst remaining politically neutral) and measures to promote the role of NGOs and other institutions which are necessary for a pluralist society (for instance, support for local associations engaged in promoting the observance of human rights, to enable these associations to participate in the various aspects of development, measures to ensure the freedom of the press and to back up education programmes in citizenship run by schools or the media).

Taken as a whole, these lines of action are the practical expression of the wish to gain acceptance for a positive approach based on exchange, sharing and encouragement. They place great value on a comprehensive transformation of society and, as a result, active participation by all who make up that society.

(b) The European Parliament

The consequence of the resolutions that Parliament has regularly adopted since 1983 on the human rights situation worldwide has been a constructive dialogue within and between the institutions and a commitment by the Community to human rights. This commitment involves vigilance and asking questions about human rights violations, wherever they occur - activities which reflect the concerns and expectations of Europe's citizens regarding the respect of fundamental freedoms - and also playing the part of catalyst in matters where Parliament considers action should be taken. On this front, Parliament made a substantial contribution to the discussions which prepared the way for the Vienna World Conference whose aim was to identify areas requiring priority action and the instruments that should be used. In the course of 1994, in the wake of the commitments made at Vienna, Parliament issued statements on important subjects such as the right to humanitarian aid, the creation of an International War Crimes Tribunal for the former Yugoslavia, ethnic cleansing and the economic exploitation of prisoners and children worldwide.

The Commission departments duly took account of the concerns expressed by Parliament and of its initiatives on human rights, particularly for 1994 through Mrs Lenz's Written Question on the general approach towards promoting the observance of human rights, and Parliament's urgent and own initiative resolutions. During the year, the Commission replied to 29 Written Questions and 30 Oral Questions on human rights. The European Union's statements and Parliament's concerns were taken into account in establishing the priorities for 1994.

ANNEX 2

INSTRUMENTS AVAILABLE FOR PROMOTING THE OBSERVANCE OF HUMAN RIGHTS

To enable it to fulfil its obligations and meet its commitments to defend human rights and promote democratic principles, the European Community has a wide range of instruments at its disposal. These range from clauses in agreements with partner countries, to action through the appropriate institutions to combat the violation of human rights or remove obstacles to democratization, and financial resources.

The way these instruments are used illustrates the European Community's new role in its external relations, and is seen most clearly in its agreements with the individual countries.

The "human rights" clause as an essential component of agreements

One of the most tangible methods used to promote observance of human rights and democratic principles is the insertion of a "human rights" clause among the provisions of agreements.

Initially, references to human rights were included in the preamble to some agreements and then, in 1989, the fourth Lomé Convention was the first to have a specific reference to human rights inserted in the body of the text. Since 1992 a specifically worded section on human rights has automatically appeared in all development cooperation agreements. It states that respect for human rights and democratic principles is an essential element of the agreement and authorizes the Community, in accordance with the principles of the Vienna Convention on the Law of Treaties, to suspend the agreement in the event of serious violation of human rights or disruption of the democratic process. And, since October 1992, this clause has also been inserted in the association and partnership agreements.

Where the last category of agreement is concerned, further specific suspension or non-execution clauses have been added to give the Union more authority to act in the event of serious human rights violations. The effect is to permit a considerably shorter reaction time. The possibility of inserting this kind of clause in the Lomé Convention at the mid-term review is being considered.

The clauses illustrate the importance the Community attaches to human rights. By linking Community law with common law as codified in the Vienna Convention, the clauses provide a legal basis for swift reaction where there is serious or persistent violation of human rights or serious disruption of the democratic process. The corollary

to this approach is an active promotion policy which enables the Community to mount public education campaigns and other measures in support of civil, political, social, economic and cultural rights.

Parliament has been very active in promoting the insertion of the specific clauses in all agreements. It has played a large part in making this approach a key element of the Union's policy of promoting observance of human rights and democratic principles. Currently, as indicated in its resolutions of 9 February⁴ and 21 April 1994,⁵ it "*considers it essential that a social clause designed to combat child and forced labour and to encourage trade union freedoms and the freedom to engage in collective bargaining on the basis of the ILO conventions mentioned above⁶ be introduced in the multilateral and unilateral framework (GSP) of international trade*" (resolution of 9 February 1994).

The outward expression of this contractual policy is the use of constantly growing financial resources to promote the observance and defence of human rights in accordance with the general lines of action agreed at international and regional level.

Action in the event of human rights abuses

The Community approach is guided by the principle that international cooperation must above all give priority to positive measures intended to promote democratic principles and the observance of human rights. Sanctions should not be applied until all other avenues have been explored.

Negative measures, ranging from behind-the-scenes approaches or public statements to the suspension of cooperation, must be based on objective and equitable criteria and be suited to the situation on the ground.

At the same time, care must be taken to keep open the avenue of dialogue and not to penalize a country's people for the actions of its government. For instance, humanitarian and emergency aid to the most vulnerable sections of society must remain unaffected.

The range of negative measures available for application also includes statements by the Presidency on behalf of the European Union in the various United Nations forums such as the General Assembly or the Commission on Human Rights. A particular example is

⁴ Resolution 3-0007/94 on the introduction of a social clause in the unilateral and multilateral trading system.

⁵ Resolutions B3-401, 0402, 0403 and 0404/94 on human rights and the European Union's external policy.

⁶ These are Conventions limiting child labour (Nos 5 and 138), prohibiting forced labour (Nos 29 and 105) and guaranteeing the right to form trade unions and engage in collective bargaining (Nos 87 and 98).

the speech given by the Presidency under Item 12 of the agenda for the annual session of the Commission on Human Rights. The speech draws attention to countries where, as measured against the universally agreed norms for the defence of human rights, the situation with regard to these rights gives the whole international community cause for concern.

Annex 3: Table showing the use of financial resources in the defence of human rights and the promotion of democratic principles in 1994.

**RAPPORT SUR L'UTILISATION DES RESSOURCES FINANCIERES POUR LA DEFENSE DES DROITS DE L'HOMME
ET LA PROMOTION DE LA DEMOCRATISATION POUR L'ANNEE 1994**
Lignes budgétaires spécifiquement affectées à la promotion des droits de l'homme - dépenses par thème

| LES CHIFFRES REPRESENTENT DES ENGAGEMENTS (en écus) | LIGNES BUDGETAIRES DU CHAPITRE B7-52 "Initiative européenne pour la démocratie et les droits de l'homme" | | | | |
|--|---|--|--|--|---|
| | B7-5200 Programme Phare pour la démocratie | B7-5210 Programme Tacis pour la démocratie | B7-5201 Actions communautaires d'aide à la démocratie et d'appui au processus de pacification pour les républiques issues de l'ancienne Yougoslavie | B7-522 Droits de l'homme et démocratie dans les pays en voie de développement | B7-523 Processus de démocratisation en Amérique latine |
| Budget autorisé | 10.000.000 pour 1993 (10.000.000 p.m. pour 1994) | 4.000.000 pour 1993 (10.000.000 p.m. pour 1994) | 4.000.000 pour 1994 + 1.000.000 (virement) | 14.000.000 pour 1994 | 13.000.000 pour 1994 |
| a) ELECTORAL PROCESS | | 1.231.150 (ad hoc) | | 5.840.127 | 1.686.868 |
| b) PROMOTION OF CIVIL LIBERTIES | | | 67.000 | | 225.000 |
| Freedom of expression | | | | 1.217.000 | |
| Measures against Racism and Xenophobia | | | | | |
| SUBTOTAL | | | 67.000 | 1.217.000 | 225.000 |
| c) DEVELOPMENT OF INSTITUTIONS AND REPRESENTATIVE ORGANIZATIONS (including mass membership bodies such as human rights groups, civic associations, trade unions) | 4.557.670 (development of NGO's and representative structures) 497.177 (parliamentary practice and organisation) | 1.444.498 | | 183.440 | 1.049.000 |
| d) TRANSPARENCY OF PUBLIC ADMINISTRATION (with an emphasis on local democracy and citizen participation) | 335.195 | 56.407 | | 1.134.000 | 1.520.000 |
| e) LEGAL ASSISTANCE (in drafting of constitutions and basic legislation and to civil society) | | | | 50.000 | 843.615 |
| f) REINFORCEMENT OF THE JUDICIAL SYSTEM (including administration of justice, police, prison reform) | | 112.024 | 78.000 | 918.056 | 2.969.358 |
| g) SUPPORT FOR AN INDEPENDENT PLURALISTIC AND RESPONSIBLE MEDIA | 1.016.486 | 521.587 | 999.000 | 1.586.900 | 520.300 |
| h) AWARENESS BUILDING AND EDUCATION (Civic education, mutual tolerance, and respect in multicultural societies) | 1.551.103 1.747.424 (promoting and monitoring Human Rights) | 1.028.651 (dont 295.098 ad hoc) | 348.000 (education and training) 32.000 (information) 13.000 (conferences) 34.000 (research) | 1.660.480 | 2.457.320 |
| i) PROTECTION OF VULNERABLE GROUPS | | | | 63.000 | |
| Minorities | | | | | |
| indigenous people | | | | | 101.400 |
| children | | | | 42.000 | 400.000 |
| women | | | 82.000 | 195.200 | |
| Victims of torture | | | | | |
| refugees/returnees | | | | | |
| SUBTOTAL | | | 82.000 | 300.200 | 501.400 |
| j) CONFIDENCE BUILDING MEASURES (including Civil-military relations, mediation, conflict resolution) | 97.550 | 228.700 | 3 160.000 | 438.600 | 819.700 |
| k) UNCLASSIFIED | | | | | 407.417 |
| TOTAL | 10.000.000 (pour 1993) | 4.000.000 (pour 1993) 1.923.898 (pour 1994 à ce jour) | 4.813.000 | 13.328.803 (+ réengagements: 671.197) | 64 12.999.978 |

| LES CHIFFRES REPRESENTENT DES ENGAGEMENTS (en écus) | LIGNES BUDGETAIRES DU CHAPITRE B7-52 "Initiative européenne pour la démocratie et les droits de l'homme" | | | | TOTAL PAR THEME TOUTES LIGNES CONFONDUES |
|--|---|---|---|------------------|--|
| | B7-5240 Subventions en faveur de certaines activités d'organisations poursuivant les objectifs des droits de l'homme | B7-5241 Aide de l'Union européenne aux organisations non gouvernementales travaillant pour la défense et la promotion des droits de l'homme en turquie | B7-527 Soutien aux centres de réhabilitation pour les victimes de tortures et aux organisations offrant une aide concrète aux victimes de violations des droits de l'homme | | |
| Budget autorisé | 5.000.000 pour 1994 | 500.000 pour 1994 | 2.000.000 pour 1994 | | 59.100.000 |
| a) ELECTORAL PROCESS | 300.000 | 3 | | | |
| b) PROMOTION OF CIVIL LIBERTIES | 162.000 | 2 | 64.000 | 2 | |
| Freedom of expression | | | | | |
| Measures against Racism and Xenophobia | | | | | |
| SUBTOTAL | 162.000 | 64.000 | 2 | | |
| c) DEVELOPMENT OF INSTITUTIONS AND REPRESENTATIVE ORGANIZATIONS (including mass membership bodies such as human rights groups, civic associations, trade unions) | | 50.000 | 1 | | |
| d) TRANSPARENCY OF PUBLIC ADMINISTRATION (with an emphasis on local democracy and citizen participation) | | | | | |
| e) LEGAL ASSISTANCE (in drafting of constitutions and basic legislation and to civil society) | | | | | |
| f) REINFORCEMENT OF THE JUDICIAL SYSTEM (including administration of justice, police, prison reform) | 235.000 | 6 | | | |
| g) SUPPORT FOR AN INDEPENDENT PLURALISTIC AND RESPONSIBLE MEDIA | | | | | |
| h) AWARENESS BUILDING AND EDUCATION (Civic education, mutual tolerance, and respect in multicultural societies) | 408.500 (education and training) 500.000 (micro-project) 1.422.100 (research/conferences/information) | 246.000 (education and training) 25.000 (information) 22.000 (conferences) | 5 1 1 | 40.000 1 1 | |
| i) PROTECTION OF VULNERABLE GROUPS | 20.000 (slavery) | 1 | | | |
| Minorities | 190.000 | 3 | | | |
| indigenous people | 74.000 | 4 | | | |
| children | 471.500 | 11 | | 52.000 | 1 |
| women | 30.000 | 1 | 18.000 | 1 | |
| Victims of torture | 551.000 | 8 | 75.000 | 1 | 1.908.000 |
| refugees/returnees | 20.000 | 2 | | | |
| SUBTOTAL | 1.356.500 | 30 | 93.000 | 2 | 1.960.000 |
| j) CONFIDENCE BUILDING MEASURES (including Civil-military relations, mediation, conflict resolution) | 529.400 (Ex Yugoslavia) | 3 | | | |
| k) UNCLASSIFIED | 66.000 | 2 | | | |
| TOTAL | 5.000.000 | 93 | 500.000 | 12 | 2.000.000 |
| | | | | | 31 |

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