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COVER NOTE

from: The European Economic and Social Committee
To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
Subject: OPINION of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for the promotion of democracy and human rights worldwide
COM(2011) 844 - 2011/0412 (COD)

Delegations will find attached the Opinion of the European Economic and Social Committee on the above Commission proposal.

Encl.: REX/374



European Economic and Social Committee

REX/374

**Financing instrument for
the promotion of
democracy and human
rights worldwide**

Brussels, 15 November 2012

OPINION

of the

European Economic and Social Committee

on the

**Proposal for a Regulation of the European Parliament and of the Council establishing a
financing instrument for the promotion of democracy and human rights worldwide**

COM(2011) 844 - 2011/0412 (COD)

Rapporteur-General: **Mr Iuliano**

On 25 July 2012, the Council decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

*Proposal for a Regulation of the European Parliament and of the Council
establishing a financing instrument for the promotion of democracy and human
rights worldwide*
COM(2011) 844 - 2011/0412 (COD).

On 17 September 2012, the Committee Bureau instructed the Section for External Relations to prepare the Committee's work on the subject.

Given the urgent nature of the work (Rule 59 of the Rules of Procedure), the European Economic and Social Committee appointed Mr Iuliano as rapporteur-general at its 484th plenary session, held on 14 and 15 November 2012 (meeting of 15 November 2012), and adopted the following opinion by 152 votes to 2 with 3 abstentions.

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1. CONCLUSIONS AND RECOMMENDATIONS

- 1.1 The EESC appreciates the broad range of rights covered by the EP's amendments, with particular emphasis on gender issues, the rights of migrants, the need to ensure the inclusion of disabled people, and minorities' rights.**
- 1.2 The EESC supports the reference to the holistic approach that the Union should take when dealing with human rights and fundamental freedoms, including their indivisibility¹. On this basis, the EESC calls for greater importance to be given to economic, social and cultural rights; the protection of labour standards as enshrined in the ILO Conventions is now more than ever a key pillar of democracy development.**

¹ See the European Parliament's negotiating position on the *Proposal for a Regulation of the Parliament and of the Council establishing a financing instrument for the promotion of democracy and human rights worldwide*, Committee on Foreign Affairs, Rapporteur: Alexander Graf Lambsdorff. Paragraph 6.

- 1.3 The EESC supports the inclusion of the right to work and enjoyment of just and favourable conditions of work, including forming and joining trade unions linked to the promotion of core labour standards and corporate social responsibility². On the latter point, explicit reference should be made to the UN Guiding Principles on Business and Human Rights³. The EESC also supports the promotion of the right to free enterprise.
- 1.4 On this basis, freedom of association and collective bargaining should be explicitly mentioned, as well as support for the social partners and social dialogue in view of promoting the implementation of international labour standards.
- 1.5 The EESC is pleased that more importance is given to the emergence of an independent civil society, which will contribute to democratisation and good governance processes including domestic accountability⁴. Accordingly, the role of civil society organisations (CSOs) should be given priority and bolstered by this regulation (at national, regional and international level), including their direct involvement in policy dialogue during the programming process⁵.
- 1.6 The EESC upholds the need to reinforce the capacity of the EU delegations in partner countries as these delegations increasingly require relevant expertise in the areas of human rights and democracy support, as well as familiarity with civil society development⁶. Moreover, the role of the delegations will be crucial in ensuring coherence with other EU external relations instruments such as DCI or EDF with regard to national-level support for civil society.
- 1.7 The EESC supports the call for more flexible procedures that should be sufficiently accessible for beneficiaries and should lead to a reduction in the administrative burden (especially in emergency situations)⁷.
- 1.8 Lastly, the EESC reiterates the need to be involved in the instrument's programming process as well, particularly for annual and multiannual strategy programming and mid-term review and assessments.

² See EP negotiating position, Article 2, 1 b (ix).

³ <http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf>

⁴ See EP negotiating position, Paragraph 9.

⁵ See EP negotiating position, Paragraph 11a.

⁶ See EP negotiating position, Paragraph 15a.

⁷ See EP negotiating position, Paragraph 16d.

2. BACKGROUND

- 2.1 Following a referral by the Council, the European Economic and Social Committee (EESC) has drafted the following opinion on the European Commission's *Proposal for a Regulation establishing a financing instrument for the promotion of democracy and human rights worldwide*⁸.
- 2.2 This proposal is currently being examined by the European Parliament (EP)⁹ under the co-decision procedure, in its first reading.
- 2.3 In this context, the EP has already proposed various amendments which will be subject to negotiations between the EP and the Council. The final adoption of the proposed regulation is scheduled for 2013, and it will enter into force from 2014.
- 2.4 This regulation is intended to replace the current legal basis of the European Instrument for Democracy and Human Rights (EIDHR)¹⁰, the EU's dedicated financial instrument for supporting activities which protect human rights and democracy in third countries.
- 2.5 The EESC has recently worked on this subject, approving an own-initiative opinion on the EIDHR in 2009¹¹, carrying out a review of the instrument and providing specific recommendations.
- 2.6 With this opinion, the EESC intends to build on those recommendations, formulating further proposals on the proposed regulation, and taking account of the amendments recently tabled by the EP.

⁸ COM(2011) 844.

⁹ See EP negotiating position.

¹⁰ *Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide*. [OJL 386/1, 29.12.2006](#).

¹¹ See EESC opinion No 53/2009 (REX/263): *European Instrument for Democracy and Human Rights (EIDHR)*, Rapporteur: Giuseppe Iuliano.

3. ADDITIONAL REMARKS

- 3.1 As in its previous opinion¹², in this report the EESC reiterates the need to give greater importance to economic, social and cultural rights (ESCR) in the European Union's policies in general and through the use of the thematic instruments available, such as this new instrument for the promotion of democracy and human rights. Indeed, ESCR can often be a starting point for subsequent support for civil and political rights. As the EC has pointed out¹³, globalisation and recent events such as the Arab Spring have shown that inequalities, discrimination and exploitation are the new challenges for the full promotion of human rights. The protection of labour rights and all related rights as enshrined in the ILO Conventions is therefore, more than ever, a key pillar in this respect. On this basis, freedom of association and collective bargaining should be explicitly mentioned in this regulation, as well as support for the social partners and social dialogue¹⁴ in view of promoting the implementation of international labour standards¹⁵. At the same time, the EESC underlines the importance of promoting the right to free enterprise, as a key principle of economic and social rights.**

¹² See EESC opinion 53/2009.

¹³ *Human rights and democracy at the heart of EU external action – towards a more effective approach*, Joint Communication to the EP and the Council, COM(2011) 886.

¹⁴ As already pointed out by the EESC: "social dialogue should be expressly mentioned as a priority instrument in its own right for the participation and representation of interest groups – in this case, the social partners (employers and workers) – and the reconciliation of their interests. Social dialogue is a means of reconciling the interests of the parties which often enables them to reach their own accommodation. The principle of equality of representation and the affirmation of the fundamental principles of democracy is thus intrinsic in this process. In this way, social dialogue constitutes tangible proof of the exercise of the freedoms of expression and association which are, as the EIDHR itself states, 'the preconditions for political pluralism and democratic process'." EESC opinion 53/2009, paragraph 5.2, p .9.

¹⁵ In this respect we would point out that social dialogue was already integrated into the EIDHR Strategy Paper 2011-2013, and "the right to peaceful assembly and association, including the right to form and join a trade union and the right to collective bargaining" was included in the EIDHR Annual Action Plan 2011.

- 3.2** The EESC values highly the importance of this thematic instrument which, by reason of its independence, is crucial for preserving the autonomy and right of initiative of CSOs when addressing violations of human rights and for promoting and preserving genuine democracy. As the EC rightly said in its recent communication on *The roots of democracy and sustainable development: Europe's engagement with civil society in external relations*¹⁶, "An empowered civil society is a crucial component of any democratic system and is an asset in itself. It represents and fosters pluralism and can contribute to more effective policies, equitable and sustainable development and inclusive growth. It is an important player in fostering peace and in conflict resolution. By articulating citizens' concerns, civil society organisations (CSOs) are active in the public arena, engaging in initiatives to further participatory democracy". Therefore the EESC calls for this regulation to give priority to supporting CSOs, including their involvement in policy dialogue mechanisms at country, regional and global level, during the programming processes of this instrument.
- 3.3** The EESC highlights the need to move towards a more coherent framework for CSOs support programmes within the different EU financial instruments for external actions such as the instrument which is the subject of this opinion, the DCI (geographic and thematic programmes) and the EDF. We therefore call for reinforced internal coordination mechanisms during the programming phases among the bodies concerned, such as the EEAS, DEVCO and the Member States themselves. This is particularly true at country level, where the EU delegations are to play a crucial role in securing coherence and complementarity between the various CSO support programmes. The EESC accordingly welcomes the initiative of developing *EU roadmaps for engagement with CSOs*¹⁷ at country level which should activate and ensure structured dialogue and strategic cooperation, increasing the coherence and impact of EU actions.
- 3.4** On this basis, it is fundamental that adequate capacity at delegation level is provided in order to be able to interact fully with CSOs, understand the variety of actors and specific roles of these organisations and thereby ensure more strategic engagement. The EC communication itself states that "regular and participatory mappings are recommended, covering the diversity of actors and including networks and platforms at national/sector levels"¹⁸. The EESC fully upholds this approach, and reiterates the need to support inclusive and transparent dialogue schemes with independent and representative CSOs at country level.

¹⁶ COM(2012) 492 final.

¹⁷ *The roots of democracy and sustainable development: Europe's engagement with civil society in external relations*, COM(2012) 492 final, p. 9.

¹⁸ COM(2012) 492 final, p. 9.

- 3.5** Lastly, the EESC reiterates the possibility of also being involved in the instrument's programming phase, particularly for annual and multiannual strategy programming and mid-term review and assessments. In this way, it can pass on the results of the work that it is conducting with its civil society partners in the third countries with which it has special relations (India-EU Round Table, the Euro-Mediterranean area, ACP countries, Latin America, etc.). It also asks to be consulted on the instrument's mid-term review and assessments.
- 3.6** The EESC intends to play an active role in this process, based on its own experience and its own consultation "networks" (economic and social partners throughout the world and Economic and Social Councils, where they are active and representative).
- 3.7** The EESC can also play an important role vis-à-vis civil society in the area of post-election follow-up in order to consolidate democratic systems.
- 3.8** The EESC set up three years ago an EIDHR Monitoring Committee tasked with: (i) meeting urgent consultation requests under the new procedures introduced for the financial instruments, and (ii) monitoring the programming and implementation of the EIDHR. The Monitoring Committee was also charged with analysing the other EU instruments intervening in third countries and experimented an effective cooperation with the Commission and the Parliament. The current committee could develop into a more structured EESC subcommittee able to collaborate with the various support programmes available for CSOs in third countries under various EU financial instruments.

Brussels, 15 November 2012

The President
of the
European Economic and Social Committee

Staffan Nilsson
