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INFORMATION NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee/Council

Subject: 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
- Outcome of the European Parliament's first reading
(Strasbourg, 9 to 12 December 2013)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p. 5.

In this context, the rapporteur, Mr. Alexander Graf LAMBSDORFF (ALDE, DE), presented a report on behalf of the Committee on Foreign Affairs, containing one compromise amendment (amendment 1) to the proposal for Regulation. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

The proposal is part of the package on External Financing Instruments together with six other proposals for Regulations that were all on the agenda of this plenary sitting: Common Implementing Rules (CIR), Instrument for Stability (IfS), European Neighbourhood Instrument (ENI), Instrument for Pre-Accession Assistance (IPA II), Partnership Instrument for co-operation with third countries (PI) and Instrument for Development co-operation (DCI)¹.

II. VOTE

When it voted on 11 December 2013, the plenary adopted the single compromise amendment (amendment 1) to the proposal for a Regulation.

The Commission's proposal as thus amended and the legislative resolution constitute the European Parliament's position at first reading. It reflects what had been previously agreed between the three institutions. The Council should therefore be in a position to approve the position of the European Parliament, once the Legal/Linguistic Experts have examined the text. The legislative act would then be adopted in the wording which corresponds to the position of the Parliament at first reading.

The text of the amendment adopted and the European Parliament's legislative resolution are set out in the Annex. The amendment is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

¹ Documents 17508/13, 17512/13, 17519/13, 17520/13, 17525/13 and 17632/13.

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

European Parliament legislative resolution of 11 December 2013 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)0844 – C7-0496/2011 – 2011/0412(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0844),
 - having regard to Article 294(2) and Articles 209 and 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0496/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 15 November 2012¹,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012²,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on Budgets and the Committee on Women's Rights and Gender Equality (A7-0448/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the joint statement by the Parliament, the Council and the Commission annexed to this resolution,
 3. Takes note of the Commission statement annexed to this resolution,
 4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

¹ OJ C 11, 15.1.2013, p. 81.

² OJ C 391, 18.12.2012, p. 110

- Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0412

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a financing instrument for **■ democracy and human rights worldwide***

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 209 and 212 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

* TEXT HAS NOT YET UNDERGONE LEGAL-LINGUISTIC FINALISATION.

¹ OJ C 11, 15.1.2013, p.81.

Having regard to the opinion of the Committee of the Regions¹,

Having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission ‘Human Rights and Democracy at the heart of EU external action – Towards a more effective approach’ of December 2011,

Having regard to the adoption of the EU Strategic Framework on Human Rights and Democracy and an Action Plan on Human Rights and Democracy by the Council on xx 2012, as well as the decision to appoint an EU Special Representative for Human Rights²

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 391, 18.12.2012, p. 110.

² *To be updated both regarding titles and dates*

³ Position of the European Parliament of 11 December 2013.

Whereas:

- (1) This Regulation constitutes one of the instruments providing direct support for the European Union's external policies. It replaces Regulation (EC) No 1889/2006 of the European Parliament and of the Council¹.
- (2) This Regulation establishes a financing instrument for the promotion *and support* of democracy and human rights worldwide allowing for assistance independent from the consent of third country governments and other public authorities.
- (3) Article 2 of the Treaty on European Union provides that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

¹ 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 (OJ L 386, 29.12.2006, p. 1).

- (3a) ***Pursuant to Articles 2 and 3 (3) of the Treaty of the European Union and Article 8 of TFEU, equality between women and men is a fundamental value and objective of the EU and the EU should promote and mainstream gender equality in all its activities.***
- (4) Article 21 of the Treaty on European Union provides that the external action of the European shall be guided by the same principles which have inspired its own creation, namely democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the United Nations Charter and international law.
- (5) This financing instrument contributes to achieving the objectives of the Union's external action, including those of the European Development Policy, ***in particular the European Consensus on Development and An Agenda for Change, and the European Human Rights Policy, including the EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted by the Council on 25 June 2012.***
- (5a) ***Within the framework of the principles and objectives of the Union's external action the promotion of human rights, democracy, the rule of law and good governance and of inclusive and sustainable growth are two basic pillars of the EU's development policy. A commitment to respect, promote and protect human rights and democratic principles is an essential element of the EU's contractual relations with third countries.***
- (5b) ***The EU should apply a rights-based approach encompassing all human rights, whether civil and political, economic, social and cultural, in order to integrate human rights principles in the implementation of this Regulation.***

- (6) The Union's contribution to democracy and the rule of law and to ***the promotion and protection of*** human rights and fundamental freedoms is rooted in the **International Bill of Human Rights**, and **other human rights instruments** adopted within the framework of the United Nations, as well as relevant regional human rights instruments.
- (7) Gender equality **,** women's rights, ***including the empowerment of women, and non-discrimination*** are fundamental human rights and ***essential for*** social justice ***as well as fight against inequalities. Their*** promotion is a ***cross-cutting priority*** of this Regulation.
- (8) Democracy and human rights are inextricably linked ***and mutually reinforcing***, as recalled in the Council Conclusions of 18 November 2009, on democracy support in the EU's external relations. The fundamental freedoms of ***thought, conscience and religion or belief***, expression, ***assembly*** and association, are the preconditions for political pluralism **,** democratic ***process and an open society***, whereas democratic control, ***domestic accountability*** and separation of powers are essential to sustain an independent judiciary and the rule of law which in turn are required for effective protection of human rights.
- (9) The task of building and sustaining a culture of human rights and ***of supporting the emergence of an independent civil society, including by enhancing its role in its country and*** making democracy work for ***all***, though especially urgent and difficult in emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country concerned but without diminishing the commitment of the international community. It **requires** a range of institutions, ***including*** national democratic parliaments ***and locally elected assemblies*** that should ensure participation, representation, responsiveness and accountability. ***Special attention should be paid to countries in transition as well as fragile or post-conflict situations. In the implementation of this Regulation, the transition experiences and lessons learned of the enlargement and neighbourhood policies of the EU should be taken into account.***

- (10) In order to address these issues in an effective, transparent, timely and flexible manner after Regulation (EC) No 1889/2006 expires, there is a continued need for specific financial resources and a *separate* financing instrument that can continue to work in an independent manner.
- (11) Union assistance under this Regulation *should be* designed in such a way as to complement ■ various other tools for implementing of Union policies on democracy and human rights. *These tools* range from political dialogue and diplomatic demarches to various instruments for financial and technical cooperation, including both geographic and thematic programmes. It will also complement the more crisis-related actions under the Instrument for Stability, *including urgent actions needed during the first phases of the transition process*.
- (11a) *The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. This should be achieved through coherence and complementarity between Instruments for external action, as well as the creation of synergies between the present Instrument, other Instruments for external action and other policies of the Union. This should further entail mutual reinforcement of the programmes devised under these Instruments.*
- (12) Under this Regulation, the Union will provide assistance to address global, regional, national and local human rights and democratisation issues in partnership with civil society, understood to span all types of social *actions* by individuals or groups that are independent from the state and *whose activities help to promote* human rights and democracy ■, *including human rights defenders as defined by UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders)*. *In the implementation of this Regulation, due consideration should be given to the local EU human rights country strategies.*

- (13) Furthermore, whilst democracy and human rights objectives must be increasingly mainstreamed in all external assistance financing instruments, Union assistance under this Regulation will have a specific complementary and additional role by virtue of its global nature, and its independence of action from the consent of third country governments and other public authorities. This will allow for cooperation **and partnership** with civil society on sensitive human rights and democracy issues **■**, **including migrants' enjoyment of human rights, rights of asylum seekers and internally displaced persons**, providing the flexibility **and requisite reactivity** to respond to changing circumstances, **and/or needs of beneficiaries or periods of crisis**. It **may** also provide Union capacity to articulate and support specific objectives and measures at international level which are neither geographically linked nor crisis related and which may require a transnational approach or involve operations both within the Union and in a range of third countries. Moreover, it will provide the necessary framework for operations, such as support for independent European Union election observation missions requiring policy coherence, a unified management system and common operating standards.
- (13a) ***Developing and consolidating democracy under this Regulation may include strategic support to national constituent assemblies and democratic parliaments in particular to enhance their capacity to support and advance democratic reform processes.***

- (14) The Union will pay particular attention to countries and urgency situations where human rights and fundamental freedoms are most at risk and where disrespect for these rights and freedoms is particularly pronounced and systematic. In such situations, the political priorities will be to promote respect for the relevant international laws, to provide tangible support and means of action to local civil society and to contribute to its work, carried out in very difficult circumstances. In conflict situations, the Union will promote the compliance of all warring parties with their legal obligations under international humanitarian law, in accordance with the relevant Union guidelines. ***Especially in countries in transition this instrument should support an enabling environment for the emergence of political actors committed to a democratic pluralistic multiparty system. It consists also of promoting democratic structures, division of powers and accountable state institutions.***
- (15) In such most difficult countries or situations and in order to address urgent protection needs of human rights defenders ***and democracy activists***, the Union should be able to respond in a flexible and timely manner, ***through the use of faster and more flexible administrative procedures and by a range of funding mechanisms***. This will particularly be the case when the choice of procedural modalities could impact directly on the effectiveness of the measures or could subject beneficiaries to serious intimidation, retaliation or other types of risks.
- (16) European Union Election Observation Missions contribute significantly and successfully to democratic processes in third countries. However, the promotion ***and support*** of democracy extends far beyond the electoral process alone ***and thus the full electoral cycle should be taken into account***. Expenditure for election observation missions should therefore not take up a disproportionate amount of the total funding available under this Regulation.

- (16a) *The Union and the Member States shall seek regular exchanges of information and consult each other at an early stage of the programming process in order to promote complementarity among their respective activities. The Union shall also consult other donors and relevant actors.*
- (16b) *The importance of the establishment of the position of the EU Special Representative for Human Rights (EUSR) should be underlined. The EUSR should contribute to the unity, consistency and effectiveness of the Union's action and human rights policy and help to ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives.*
- (16c) *The Commission and the EEAS, as appropriate, should hold regular and frequent exchanges of views and information with the European Parliament. In addition, the European Parliament and the Council should be given access to documents in order for their right of scrutiny under Regulation (EU) No 182/2011 of the European Parliament and the Council¹, to be exercised in an informed manner. Measures taken under this Regulation should duly take into consideration the views of the European Parliament and of the Council.*

¹ Regulation No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning the mechanisms of control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011,p. 13).

- (16d) *The Union, including where appropriate through its Delegations, should seek regular exchanges of information and consult with the civil society, at all levels, including in third countries, as early as appropriate in the programming process, in order to facilitate its respective contributions, to ensure they play a meaningful role in that process.*
- (16e) *In order to adapt the scope of this Regulation to the rapidly evolving reality in third countries, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be delegated to the Commission in respect of the priorities defined in the Annex. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*
- (17) The implementing powers relating to the programming and financing of the actions supported under this Regulation should be exercised in accordance with Regulation (EU) N° 182/2011. Taking into account the nature of those implementing acts, in particular their policy orientation nature or their financial implications, the examination procedure should in principle be used for their adoption, except for technical implementing measures of a small financial scale.
- (18) Common Rules and procedures for the implementation of the Union's instruments for external action are laid down in Regulation (EU) No .../...of the European Parliament and of the Council¹, hereinafter referred as "the Common Implementing Regulation".

¹ Regulation (EU) No .../...of the European Parliament and of the Council of ... establishing common rules and procedures for the implementation of the Union's instruments for external action (OJ....)

- (19) The organisation and functioning of the European External Action Service are described in Council Decision 2010/427/EU¹.
- (19a) *Since the objectives of this Regulation, namely promoting democracy and human rights worldwide, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.*
- (20) *It is appropriate to align the duration of this Regulation with that of Council Regulation (EU) No .../...². Therefore, this Regulation should apply as from 1 January 2014.*

HAVE ADOPTED THIS REGULATION:

¹ Council Decision 2010/427 EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

² Council Regulation (EU) No .../... of laying down the multiannual financial framework for the years 2014-2020 (OJ ...).

Article 1
Subject-matter and objectives

This Regulation establishes a European Instrument for Democracy and Human Rights under which the Union shall provide assistance to the development and consolidation of democracy and the rule of law and of respect for all human rights and fundamental freedoms.

Such assistance shall aim in particular at:

- (a) enhancing the respect for and observance of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human Rights and other international and regional human rights instruments, and strengthening their protection, promotion, **implementation** and monitoring, mainly through support to relevant civil society organisations, human rights defenders and victims of repression and abuse;
- (b) supporting, **developing** and consolidating **democracy** in third countries, by enhancing participatory and representative democracy, strengthening the overall democratic cycle, **in particular by reinforcing an active role for civil society within this cycle, the rule of law** and improving the reliability of electoral processes, in particular by means of election observation missions.

Article 2
Scope

1. Union assistance shall relate to the following fields:
 - (a) support to and enhancement of participatory and representative democracy, ***in line with the overall democratic cycle approach***, including parliamentary democracy, and the processes of democratisation, mainly through civil society organisations ***at the local, national and international level***, inter alia, by:
 - (i) promoting freedom of association and assembly, unhindered movement of persons, freedom of opinion and expression, including ***political***, artistic and cultural expression, ***unimpeded access to information***, free press and independent pluralistic media, both traditional and ICT based, internet freedom and measures to combat administrative obstacles to the exercise of these freedoms, including the fight against censorship, ***particularly through adoption and implementation of relevant legislation***;
 - (ii) strengthening the rule of law, promoting the independence of the judiciary ***and of the legislature, supporting*** and evaluating legal and institutional reforms ***and their implementation***, and promoting access to justice; ***supporting National Human Rights Institutions***;
 - (iii) promoting and strengthening the International Criminal Court, ad hoc international criminal tribunals and the processes of transitional justice and truth and reconciliation mechanisms;
 - (iv) supporting ***democratic transition and*** reforms to achieve effective and transparent democratic ***and domestic*** accountability and oversight, including that of the security and justice sectors, and ***strengthening*** measures against corruption;

- (v) promoting political pluralism and democratic political representation, and encouraging political participation by *men and women*, in particular marginalised *and vulnerable* groups, in democratic reform processes at local, regional and national level *both as voters and as candidates*;
- (va) *reinforcing local democracy by ensuring better cooperation between civil society organizations and local authorities, thus strengthening political representation that is closest to the citizens*;
- (vi) promoting the equal participation of men and women in social, economic and political life, *and supporting gender equality*, and the participation *of women in decision making processes* and political representation of women *in particular in processes of political transition, democratisation and state-building*;
- (via) *promoting the equal participation of people with disabilities in social, economic and political life, including measures to facilitate the exercise of related freedoms, and supporting equality of opportunity, non-discrimination and political representation*;
- (vii) supporting measures to facilitate the peaceful conciliation *between segments of societies*, including support for confidence-building measures relating to human rights and democratisation.

- (b) promotion and protection of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human Rights and other international and regional instruments concerning civil, political, economic, social and cultural rights, mainly through civil society organisations, relating to inter alia:
- (i) the abolition of the death penalty *and the establishment of moratoria with a view to abolition and, where the death penalty still exists, advocacy for its abolition and the observance of international minimum standards;*
 - (ia) *the* prevention of torture, ill-treatment and other cruel, inhuman and degrading treatment or punishment, *as well as enforced disappearances* and *the* rehabilitation of victims of torture;
 - (ii) support for, protection of, and assistance to human rights defenders, *including addressing their urgent protection needs, in accordance with* Article 1 of the UN Declaration on Human Rights Defenders; *these objectives could be covered by a Human Rights Defenders Mechanism, including longer-term assistance and access to shelter;*
 - (iii) the fight against racism and xenophobia and discrimination based on any ground, including sex, race, colour, *caste*, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation *and gender identity;*

- (iv) freedom of thought, conscience and religion or belief, including by measures to eliminate all forms of hatred, intolerance and discrimination based on religion or belief and by fostering tolerance and respect for religious and cultural diversity *within and among societies*;
- (v) the rights of indigenous peoples *as contained in the UN Declaration on the Rights of Indigenous Peoples, emphasising the importance of their involvement in the development of projects concerning them and including support to facilitate indigenous peoples' interaction with and participation in international mechanisms*;
- (va) the rights of persons belonging to *national or ethnic, religious and linguistic minorities as contained in the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities*;
- (vb) *the rights of lesbian, gay, bisexual, trans and intersex (LGBTI) persons, including measures to decriminalise homosexuality, combat homophobic and transphobic violence and persecution, and promote freedom of assembly, association and expression for LGBTI persons*;
- (vi) the rights of women as proclaimed in the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols, including measures to combat *all forms of violence against women and girls, particularly* female genital mutilation, forced *and arranged* marriages, crimes of "honour", *domestic and sexual* violence, trafficking *of women and girls*;

- (vii) the rights of the child, as proclaimed in the UN Convention on the Rights of the Child and its Optional Protocols, including **■** fight against child labour, child trafficking and child prostitution, and the recruitment and use of child soldiers, *and protection from discrimination of regardless of their race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;*
- (viii) the rights of persons with disabilities *as enshrined in the UN Convention on the Rights of Persons with Disabilities;*
- (ix) economic, social and cultural rights **■**, *including the right to an adequate standard of living and core labour standards* **■** ;
- (ixa) corporate social responsibility, *particularly the implementation of the UN Guiding Principles on Business and Human Rights, and freedom to conduct business as proclaimed in the European Social Charter;*
- (x) education, training and monitoring in the area of human rights and democracy **■** ;
- (xi) support for local, regional, national or international civil society organisations involved in the protection, promotion or defence of human rights and **■** *fundamental freedoms;*
- (xia) *promoting the improvement of conditions and observance of standards in prisons, consistent with human dignity and fundamental rights.*

- (c) strengthening of the international framework for the protection of human rights, justice, **gender equality**, the rule of law and democracy, and for the promotion of international humanitarian law, in particular by:
 - (i) providing support for international and regional instruments **and bodies** concerning human rights, justice, the rule of law and democracy;
 - (ii) fostering cooperation **of** civil society with international and regional intergovernmental organisations, and supporting civil society activities, **including capacity building of NGOs**, aimed at promoting and monitoring the implementation of international and regional instruments concerning human rights, justice, the rule of law and democracy;
 - (iii) training in and dissemination of **information on** international humanitarian law and support to its enforcement;
- (d) building confidence in and enhancing the reliability and transparency of democratic electoral processes **and institutions, along** the **full** electoral cycle, in particular **█** :
 - (i) through deployment of **European** Union Election Observation Missions **and other measures of monitoring electoral processes**;
 - █**
 - (iii) by contributing to the development of the electoral observation capacity of **domestic** civil society organisations at regional and local levels, and supporting their initiatives to enhance participation in, and the follow-up to, the electoral process;

(iv) by supporting measures aimed at the consistent integration of electoral processes into the democratic cycle, *disseminating* and at implementing recommendations made by *European* Union Election Observation Missions, *working in particular with civil society organisations, as well as in cooperation with relevant state institutions, including Parliaments and Governments, in accordance with this Regulation;*

(iva) *by promoting the peaceful outcome of electoral processes, the reduction of electoral violence and the acceptance of credible results by all segments of society.*

2. The *principles of non-discrimination on any ground, gender mainstreaming, participation, empowerment, as well as* accountability, *openness and transparency*, shall be taken into account whenever relevant for all assistance measures referred to in this Regulation.
3. The assistance measures shall be implemented in the territory of third countries or shall be directly related to situations arising in third countries, or shall be directly related to global or regional actions.
4. The assistance measures shall take into account the specific features of crisis or urgency situations and countries or situations where there is a serious lack of fundamental freedoms, where human security is most at risk or where human rights organisations and defenders operate under the most difficult conditions.

Article 2a

Coordination, Coherence and Complementarity of European Union's Assistance

- 1. European Union assistance under this Regulation shall be consistent with the overall framework of the European Union's external action, and complementary to that provided by other instruments or agreements for external assistance.*
- 2. In order to enhance the effectiveness, coherence and consistency of the Union's external action, the Union and the Member States shall seek regular exchanges of information and consult each other at an early stage of the programming process in order to promote complementarity and coherence among their respective activities both at decision-making level and on the ground. Such consultations may lead to joint programming and joint activities between the Union and Member States. The Union shall also consult other donors and actors.*
- 3. The Commission and the EEAS, as appropriate, shall hold regular exchanges of views and information with the European Parliament.*
- 4. The Union shall seek regular exchanges of information and consult civil society, at all levels, including in third countries. In particular the Union shall provide, whenever possible and in accordance with relevant procedures, technical guidance and support for applications procedures.*

Article 3
General Framework for programming and implementation

Union assistance under this Regulation shall be implemented through the following measures and in accordance with the Common Implementing Regulation:

- (a) Strategy Papers and revisions thereof as appropriate;
- (b) Annual Action Programmes, individual measures and support measures;
- (c) Special Measures■;
- (d) *Any programming or reviews of programmes taking place after the publication of the Mid-term report referred to in Article 16 of the Common Implementing Regulation shall take into account the results, findings and conclusions of it.*

Article 4
Strategy Papers

1. Strategy Papers shall set out the European Union's strategy for its assistance under this Regulation, based on the Union's priorities, the international situation and the activities of the main partners. They shall be consistent with the overall purpose, objectives, scope, and principles of this Regulation.
2. Strategy Papers shall set out the priority areas selected for financing by the Union during the period of validity of this Regulation, the specific objectives, the expected results and the performance indicators. They shall also give the indicative financial allocation, both overall and per priority area; this may be given in the form of a range, where appropriate.
3. Strategy Papers shall be approved in accordance with the procedure laid down in Article 15 (3) of the Common Implementing Regulation. When significant changes of circumstances and policy so require, Strategy Papers shall be updated in accordance with the same procedure.

Article 4a
Thematic priorities and delegation of powers

The specific objectives and priorities to be pursued by the Union's assistance under this Regulation are listed in the Annex. The Commission shall be empowered to adopt delegated acts to amend the thematic priorities laid down in the Annex to this Regulation. In particular, following the publication of the Mid-term review report, as referred to in Article 16 of the Common Implementing Regulation, and based upon the recommendations contained in the Mid-term review report, the Commission shall adopt a delegated act amending the Annex by 31 March 2018.

Article 4b
Exercise of the delegation

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
2. *The power to adopt delegated acts referred to in Article 4a shall be conferred on the Commission for a period of seven years from 1 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*
3. *The delegation of power referred to in Article 4a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
4. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
5. *A delegated act adopted pursuant to Article 4a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Article 5
Committee

The Commission shall be assisted by a Democracy and Human Rights Committee, hereinafter referred to as "the Committee". That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Article 5a
Access to documents

In order to ensure the exercise of their powers of scrutiny in an informed manner, the European Parliament and the Council shall have access to all EIDHR documents relevant for that exercise, in accordance with the applicable rules.

Article 6
Financial reference amount

The financial envelope for the implementation of this Regulation for the period 2014-2020 shall be EUR 1 332 752 000. Annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Framework 2014 – 2020.

Article 7
European External Action Service

The application of this Regulation shall be in accordance with Decision 2010/427 EU.

Article 8
Entry into force

This Regulation shall enter into force on the ■ day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2014 *to 31 December 2020*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament

For the Council

The President

The President

Annex

Specific objectives and priorities for the EIDHR

The EU strategic response to deliver on the purpose of the EIDHR is based on five objectives described in this Annex.

- ***Objective 1 – Support to Human Rights and Human Rights Defenders in situations where they are most at risk.***

Actions under this objective will provide effective support to Human Rights Defenders (HRDs) that are most at risk and to situations where fundamental freedoms are most endangered. The EIDHR will, among others, contribute to meeting the HRDs' urgent needs; it will also provide medium and long-term support that will enable HRDs and civil society to carry out their work. The actions will take into account the current worrying trend of the shrinking space for civil society.

- ***Objective 2 – Support to other EU Human Rights Priorities***

Actions under this objective will focus on providing support to activities where the EU has an added value and/or specific thematic commitment (e.g. current and future EU guidelines in the field of human rights adopted by the Council or resolutions adopted by the EP), in line with Article 2 of the EIDHR Regulation. Actions will be consistent with the priorities set out in the EU Strategic Framework on Human Rights and Democracy.

Actions under this objective will, among others, support human dignity (in particular fight against the death penalty, against torture and other cruel, inhuman or degrading punishment or treatment); economic, social and cultural rights; the fight against impunity; the fight against discrimination in all its forms; women's rights and gender equality. Attention will also be given to emerging human rights issues.

- ***Objective 3 - Support to Democracy***

Actions under this objective will support peaceful pro-democracy actors in third countries with the view to enhancing participatory and representative democracy, transparency and accountability. Actions will focus on the consolidation of political participation and representation, as well as pro-democracy advocacy.

All aspects of democratisation will be addressed, including, the rule of law, the promotion and protection of civil and political rights such as freedom of expression online and offline, freedom of assembly and association. This includes an active participation in the evolving methodological debate in the area of democracy support.

Where applicable, actions will take into account the recommendations of EU Election Observation Missions (EU EOMs).

- **Objective 4 - EU Election Observation**

Actions under this objective will focus on election observation which contributes to increasing transparency and trust in the electoral process as part of the wider promotion and support to democratic processes described in objective 3.

Full-scale EU Election Observation Missions are widely recognised as flagship projects of EU external relations and remain the principal form of action under this objective.

They are best placed to provide both an informed assessment of electoral processes as well as recommendations for their further improvement in the context of EU cooperation and political dialogue with partner countries. In particular, the approach encompassing the full electoral cycle, including follow-up activities, will be further developed with complementary actions between bilateral programming and EIDHR projects.

- **Objective 5 - Support to targeted key actors and processes, including international and regional human rights instruments and mechanisms.**

The general aim is to strengthen international and regional frameworks for the promotion and protection of human rights, justice and the rule of law and democracy in accordance with EU policy priorities.

Actions under this objective will include activities to support the local civil society's contribution to EU Human Rights Dialogues (in line with the relevant EU guidelines) and the development and implementation of international and regional human rights and international criminal justice instruments and mechanisms, among others, the International Criminal Court. The promotion and monitoring of these mechanisms by civil society will be given special attention.

ANNEX TO THE LEGISLATIVE RESOLUTION

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION ON ELECTION OBSERVATION MISSIONS

The European Parliament, the Council and the Commission underline the important contribution of European Union Election Observation Missions (EU EOMs) to Union policy on democracy support in external relations. EU EOMs contribute to increase transparency and confidence in electoral processes and provide an informed assessment of elections as well as recommendations for their further improvement in the context of Union cooperation and political dialogue with partner countries. In this regard, they agree that up to 25 % of the European Instrument for Democracy and Human Rights budget over the period 2014-2020 should be devoted to the funding of EU EOMs, depending on annual election priorities.

COMMISSION DECLARATION ON THE STRATEGIC DIALOGUE WITH THE EUROPEAN PARLIAMENT¹

On the basis of Article 14 TEU, the Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the EIDHR and after initial consultation of its relevant beneficiaries, where appropriate. The Commission will present to the Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The Commission will present to the Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The Commission will take into account the position expressed by the European Parliament on the matter.

The Commission will conduct a strategic dialogue with the European Parliament in preparing the Mid Term Review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The Commission, if invited by the European Parliament, will explain where Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

¹ The Commission will be represented at the responsible Commissioner level

* Where applicable