



To:

Members of the Committee on Foreign Affairs
Members of the Subcommittee on Human Rights
Members of the Committee on Development
Members of the Committee on Civil Liberties
Members of the Committee on Budget

European Parliament
Rue Wiertz
B – 1047 Brussels

Brussels, 16 August 2004

Dear Members of the European Parliament,

We, the co-signing organisations (leading non-governmental organisations – NGOs - working in the field of human rights, democratization and conflict prevention), are writing to you to express our views on the **Preliminary Draft General Budget of the European Commission for the financial year 2005** (Preliminary Budget 2005) and urge you to support our recommendations.

These are focused on the European Union's support to human rights and democratization programs, which are grouped under the **European Initiative for Democracy and Human Rights (EIDHR)**.¹

In that regard, our three main recommendations are:

1. Increase the global EIDHR budget for 2005.

We are concerned with the proposed reduction of the EIDHR's budget from the €127,357,000 it received in 2004 to the €105,267,000 contained in the Preliminary Budget 2005.

¹ See Annex 2 for background information on EIDHR.

At a time when human rights are suffering from tensions between security and freedom, ensuring respect for civil liberties, human rights and democratic values is more crucial than ever. Indeed, the "war on terror" has given rise to human rights abuses worldwide. Against this background, NGOs believe that the core foundations of democratic societies must not be undermined, and therefore we strongly urge you to allocate enough resources to the promotion and defence of human rights and democratic values worldwide.

- **We urge you to increase the EIDHR global budget for 2005 to at least its 2004 level, in order to reflect the EU's policy commitments.**

2. Increase the different EIDHR budget lines to at least their 2004 levels.

Many budget lines are suffering decreases of the amount available which may be considered as contradictory with the EU policy commitments (see in annex 1 detailed thematic comments).

- **Therefore we urge you to at least increase these lines to their 2004 level of amount:**

Headings	Commitments 2005	Commitments 2004
19-04-01: European Inter-university Centre.	1,767,000	1,732,000
19-04-02: Support for the victims of human rights abuses.	6,000,000	7,000,000 ²
19-04-03: Development and consolidation of democracy and the rule of law – respect for human rights and fundamental freedoms, divided as:	91,500,000	110,500,000
<i>Objective 1: Democratisation</i>	74,000,000*	85,500,000
<i>Objective 2: Death penalty</i>	4,000,000*	n.a.
<i>Objective 3: Racism/minorities</i>	6,000,000*	n.a.
<i>Objective 4: Torture</i>	7,500,000*	9,000,000 ³
19-04-04: Support for the activities of international criminal tribunals and the International Criminal Court	6,000,000	7,000,000
19-04-05: Pilot project to establish a conflict prevention network	p.m.	1,125,000
Total	105,267,000	127,357,000

* according to PDB, Part II: 'financial statements and human resources' – 28-04-04

² For Budget line 19.04.02 (support measures for victims of human rights abuses - Council Regulation (EC) No 976/1999) the final amount provided in 2004 was €10 million. The final update of the EIDHR Annual Work Programme dated 14 May 2004 took into consideration the increase to the EIDHR budget by the European Parliament in December 2003. The European Parliament allocated a total of €26.625m to budget line 19.04. The revised Programming Document dated 29 April 2004 allocated €7million of this figure to budget line 19.04.02. Thus on page 4 of the 14 May 2004 update it was stated that: " It is proposed to add this €7m to the €3m for the Call having the same objectives and criteria, detailed in the 2004 Annual Work Programme adopted by the Commission Decision PE (2004)345 of 01/03/2004."

³ C.f. EIDHR Annual Work Programme 2004, page 5.

3. The EIDHR funds should mainly be used to support non governmental organizations and exceptionally intergovernmental organisations.

We consider that the most effective way to promote democracy and human rights is through the active participation of citizens in the non-governmental sector, building strong democracies at the grass root level. This has been the principal motor for the local development of democracy and human rights both within and outside the European Union for the past forty years and it is likely to remain so. In addition, the EIDHR represents a crucial support for many NGOs around the world. Therefore, we strongly believe that the funds available under Chapter 19-04 -EIDHR- should be first and foremost aimed at supporting and facilitating the activities of NGOs rather than governmental bodies and international organizations (IOs).

We acknowledge that international organizations - such as the Council of Europe, the Ad Hoc Tribunals for Former Yugoslavia and Rwanda, the International Criminal Court, the Office of the High Commissioner for human Rights or the OSCE – can make fundamental contributions to the promotion of democracy and human rights. Yet, we understand that their activities can and should be mostly funded by member states assessed contributions. A good example of this is the International Criminal Court (see Recommendation 1 about budget line 19-04-04). Therefore, we believe that the limited funds available for the EIDHR should continue to be devoted primarily to civil society.

Sincerely yours,

World Organisation Against Torture (OMCT) – EU Office
Coalition for the International Criminal Court – EU Office
International Federation for Human Rights (FIDH) – EU Office
Amnesty International – EU Office
Open Society Institute – Brussels

Cc:

- European Commission, Human Rights Unit, External relations DG
- European Commission, Human Rights Unit, EuropeAid

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Annex I - Thematic Comments:

1. 19-04-02: Support for the victims of human rights abuses

This line covers support for rehabilitation centres for torture victims and other organisations offering concrete help to victims of human rights' abuses, as well as support for torture prevention measures.

In 2003 the European Parliament adopted two amendments calling for the funds available for rehabilitation under the EIDHR not to be reduced, and that, considering the enlargement of the EU, the funds available for rehabilitation activities inside the EU should be increased.

- ***As the Budget line 19.04.02 (ex B5-813) for centres inside the EU was merged into the EIDHR, the total amount available for the rehabilitation of victims of torture worldwide should remain €10 million in the budget 2005, as has been provided in 2004.***

Moreover, the EU comprehensive policy for the fight against torture, as outlined in particular by the EU Guidelines, should be reflected in the EIDHR implementation by allowing the access to rehabilitation funds to NGOs and centres, as requested by specialised NGOs in their "common paper regarding EIDHR contribution to the fight against torture" dated 14-07-04. We welcome the comments attached to the budget that broadly reflect this. However, the comments referring to budget line 19-04-02 and budget line 19-04-03 may be confusing as they do not highlight the differences between these 2 lines.

- ***Therefore we would suggest the following amendment for the comments on line 19-04-02:***
"this appropriation covers support for the establishment and maintenance of rehabilitation centres for torture victims and their families and for other organisations offering concrete help to victims of human rights abuses. Support for the rehabilitation of torture victims must remain an overriding priority. Projects may also include prevention activities when relevant."

The "other concrete help to victims of human rights abuses" is also a key element of that budget line since offering legal aid to those victims is crucial to ensure the rights of the victims to justice and reparation and to prevent further violations.

2. 19-04-03: Development and consolidation of democracy and the rule of law – respect for human rights and fundamental freedoms.

Regarding the selection of countries mentioned in the remark attached to the draft budget, although we do understand the need for attention to specific countries both in view of their particular needs and of the limited funds available, this approach has significant drawbacks:

- The criteria under which these countries are chosen are not clear: the EC should make these criteria public and give detailed justification for the countries chosen and the priorities each is assigned;
- More flexibility should be introduced by making sure that whilst the list of countries reflects priorities, projects that might cover other countries are not excluded. This would allow the

European Commission in its management of the budget line to react to unexpected needs in certain countries that are not on the original list. It would also allow the European Commission to allocate EIDHR support to projects in countries not on the list if they have not received sufficient quality projects from target countries.

a. *On Democratisation*

- **We urge you to raise the budget for democratisation to the amount provided for in the 2004 budget: €85 million**

b. *On Death Penalty*

We welcome the fact that the budget for support to the abolition of death penalty is maintained to and even slightly raised compared to its 2004 level, €4 million.

c. *On racism/discrimination and minority and indigenous peoples' rights*

We are pleased that EIDHR will continue to have a focus on racism/discrimination and minority and indigenous peoples' rights. Yet, we are concerned with the significant decrease envisaged, from €14 million in 2004 to €6 million in 2005.

- **We urge you to raise the budget to at least the amount provided for in the 2003 budget, €10 million.**

In particular, we believe paying proper attention to minority rights—broadly defined—would contribute significantly to the prevention and resolution of conflict – as has been understood by the EU in its application of the Copenhagen Criteria. To bring about real change in this field, we feel it is critical that the human rights/minority rights and the conflict resolution agendas are recognized as complementary. In our view, it is important to accept that conflict prevention and minority rights as interconnected globally. In this regard, the 'Pilot project to establish a conflict prevention network' would be key in assuring that lessons learned regarding minority rights in one situation could be applied to prevent or resolve conflict in analogous contexts. Although the link between minority rights and conflict prevention has been acknowledged in the past, this linkage has yet to be recognized or addressed formally. This is an opportune time to do so.

d. *On Torture*

The fight against torture is defined as a priority of EIDHR but also of EU external policy as such, as shown by the adoption of the EU Guidelines on Torture and the subsequent commitments made by successive Presidencies. Moreover, the erosion of civil liberties brought about by recent international efforts to curb terrorism make the EU's support for the prohibition of torture more crucial than ever.

- **The level of funding for objective 4 of budget line 19.04.03 should be at least maintained at the same level as in 2004 (€9 million) and focus on prevention activities.**

Moreover, the EU comprehensive policy for the fight against torture, as outlined by the EU Guidelines, should be reflected in the EIDHR implementation. This can be done by integrating both prevention and rehabilitation dimensions in a balanced and flexible approach, avoiding an artificial and excessively watertight classification of activities, as well as avoiding strictly exhaustive lists of activities that risk leaving aside important aspects/steps of the process of the fight against torture. (See specialised NGOs “common paper regarding EIDHR contribution to the fight against torture” dated 14-07-04). Therefore we welcome the comments attached to the budget that broadly reflect this. Yet as said before, the current comments referring to budget line 19-04-02 and budget line 19-04-03 may be confusing as they do not highlight the differences between these 2 lines.

■ **Therefore we would suggest the following comment for line 19-04-03:**

“(…)

support and assessment of needs for the fight against torture and impunity: EUR 9 million of this appropriation is intended to support torture prevention activities, including, but not limited to, support for organisations that help to improve the rights of people who are deprived of their liberty and for organisations that offer concrete help to victims of human rights abuses. Indeed prevention projects may include rehabilitation activities when relevant to reflect the needed comprehensive approach of the fight against torture”.

3. 19-04-04: Support for the activities of international criminal tribunals and the International Criminal Court

We are pleased to see continued support for international justice but concerned with the proposed reduction of €1 million:

■ **We urge you to bring the budget to at least the amount provided for in the 2004 budget, namely €7 million.**

We also are concerned about the remarks attached to the budget line. We do not believe that these limited resources should be intended to cover funding for the operation of the International Criminal Court itself. Much work remains to be done to support the system established by the Rome Statute to put an end to impunity, where NGO activities are precisely fundamental. Whilst we are convinced that in 2002 the EC contribution to support the Advance Team for the establishment of the ICC was essential to prepare the basic structures and policies for the Court to start functioning, the ICC regular budget should now provide for that. In this regard, we were pleased to see the recommendations stemming from the EC Naples experts’ conference on the ICC. These concluded that the EC budget should focus on making the system of the Rome Statute work effectively rather than on the ICC core administrative functions which are already covered by the ICC regular budget.

■ **We suggest that the following remarks be added to this budget line:**

“It is also intended to cover funding of projects aimed at supporting the Court’s operations and making the system of the Rome Statute function effectively. This includes support to international, regional and local civil society organizations, in order to, inter alia, promote the ICC’s universality; to provide legal expertise to implement fully the Statute into national legislation; to enhance public support for the Court and for the fight against impunity of the crimes under the

Statute; to support victims and witness projects; and concerning outreach, training of legal representatives, etc., particularly from the countries where cases are under investigation or pre-investigation.”

4. 19-04-05: Pilot project to establish a conflict prevention network

The EU is engaging more and more in conflict prevention activities and it is undertaking many efforts to mainstream it into its external policies. Conflict prevention is still a relatively new field which is developing quickly. It is also a very complex area that requires experts with very different backgrounds. A network structure that brings together different experts from the outside is therefore very appropriate to make expertise available to the EU. Organisations engaged in advocacy and in conflict transformation should be encouraged to collaborate. The envisaged network would most logically be central in this cooperation by involving their staff and specialists in joint discussions and activities, and by offering recommendations or plans of action for specific issues as they arise.

- ***Therefore, in order to reflect the EU's commitment to conflict prevention, we urge you to raise the 2005 budget for the line 19-04-05 to its 2004 level of €1,125,000.***

Annex II: Background information on the EIDHR:

- The legal basis for all human rights and democratisation activities of the European Union carried out under Chapter 19-04 are the two Council Regulations (975/1999¹ and 976/1999²) of 29 April 1999 on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms under Articles 179 and 308 TEEC. This chapter 19-04, entitled "European Initiative for Democracy and Human Rights" (EIDHR), was created by an initiative of the European Parliament in 1994, bringing together a series of budget headings specifically dealing with the promotion of human rights. This budget chapter is aimed more specifically at NGOs. In implementing its human rights policy, the European Union recognises the importance of the contributions made by international, regional and non-governmental organisations to civil society and to the development of a democracy that upholds political, civil, economic, social and cultural rights. The Union values both the expertise which many organisations working to implement human rights possess, as well as their visibly high impact in the field of human rights. The EIDHR budget supports human rights, democratisation and conflict prevention activities to be carried out primarily in partnership with NGOs and international organisations. The partners eligible for financing are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, community-based organisations and public or private-sector institutes and operators.

The strategy for the EIDHR is based on its added value in promoting EU human rights and democratisation objectives. Indeed, it is complementary to the EC programmes carried out with governments in that: (1) It can be implemented with different partners, and in particular NGOs and international organisations; (2) It can be used without host government consent, or where the main EC programmes are not available for other reasons, such as their having been suspended; and (3) It is an essential tool to complement to the EU's Common Foreign and Security Policy objectives in the fields of human rights, democratisation and conflict prevention.

- The Commission Communication on the EU's role in promoting human rights and democratisation in third countries ('the Communication'), adopted in May 2001, emphasises the need to enhance the impact and flexibility of Community action, and that in order to achieve a more strategic, long-term approach, the EIDHR should support four thematic priorities: (1) Support to strengthen democratisation, good governance and the rule of law; (2) Activities in support of the abolition of the death penalty; (3) Support for the fight against torture and impunity and for international tribunals and criminal courts; (4) Combating racism and xenophobia and discrimination against minorities and indigenous peoples. In addition, the Communication suggests the identification of a limited number of 'focus' countries on which the Commission should concentrate EIDHR support.
- The Charter of Fundamental Rights of the European Union (2000/C 364/01) states that "Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice."