

EUROPEAN PARLIAMENT



EUROPEAN AFFAIRS

EU Human Rights Instruments

By Barbara Lochbihler MEP

The EU has developed a lot of valuable instruments (a human rights clause in all agreements; human rights dialogues; EU guidelines on human rights) and policies (pre-accession policy with the Copenhagen criteria; European Neighbourhood Policy founded on reciprocal rights and obligations and common values); however, there is still a serious lack of implementation of all these instruments and of a clear methodology based on a regular assessment supported by clear benchmarks. One of the worst examples of this is the non-application of the human rights clause - in case of grave human rights violations - in agreements, although this clause is considered to be an essential element of the agreement and, therefore, legally binding. Too often human rights are isolated within a "technical" dialogue with third countries (EU-Russia consultation; EU-China dialogue; European Neighbourhood Policy sub-committees on Human Rights) rather than in the political dialogues that take place during bilateral summits and Association or Cooperation Councils.

Within the European Parliament there are plenty of human rights activities. The Human Rights Committee meets regularly and organises public hearings on countries and issues of gross human rights violations. There is the Annual Report on Human Rights in the World. The Sakharov Prize is a well known instrument, which greatly supports the ex-

tremely valuable work of Human Rights Defenders and Human Rights NGOs. Accession countries have to prove a clean record regarding human rights. The EP president as well as individual Members of Parliament produces activities regarding the protection on human rights worldwide. They also engage in election observation and send delegations to third countries. Human rights defenders are invited to the EP regularly and NGOs take part in committee meetings.

And still we can do better! The basis for the low impact of many of these activities is because they are pursued in isolation from each other. Cooperation between committees on human rights issues take place on very rare occasions. There is a clear lack of coordination of human rights activities not only within the EP, but also related to the human rights activities of the Commission and the Council. There is no focal point within the EU to coordinate all these activities. Furthermore, too often the political groups of the Parliament refuse to have a resolution on a specific country and turn a blind eye on their traditional "partner countries". Within the Commission and the Council, too often economic interests influence the human rights agenda. Human rights violations in connection with economic activities (e.g. mining, dams, monocultural farming) are rarely addressed in EP resolutions. But it must be strongly stated once again that economic, social and cultural rights cannot be divided from political and social

rights. Due to the division of labour within Parliament, the Subcommittee on Human Rights does not deal with Human rights violations within Europe. But the credibility of human rights politics depends on a comprehensive approach regarding human rights violations throughout the world.

To a large extent, this poor state of affairs can be attributed to the limited powers and resources the Human Rights Committee has because it is only a subcommittee. No decisions or votes take place in it. It cannot table resolutions and has only limited financial resources to conduct its own activities. The creation of a full fledged EP Committee on Human Rights would help coordinate human rights activities; ensure follow-ups to these activities; exercise democratic control of the Commission and the Council; and thus strengthen the EP's human rights policy. Three years ago an EP impact study on the activities of the subcommittee stated the above mentioned deficiencies and came to the conclusion that the shortcomings could be avoided by establishing a full committee on human rights. But until today nothing has happened. It is high time to come from words to action.

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PARLIAMENT

EU needs consistency in human rights

By Ana Gomes MEP

EU's foreign policy on human rights can only be effective if linked to the promotion of democracy, the rule of law and the strengthening of civil societies. Credibility in human rights advocacy worldwide requires the EU to also pay attention at its own Member States laws and practices, in particular towards minorities, migrants and refugees. The collaboration of European governments with the "extraordinary renditions programme" of the Bush Administration badly affected the general perception on the EU commitment to international human rights law. A strategic reading of all situations and crisis in terms of human rights and democracy implications is essential for the EU, as much as policy coherence in the use of the different instruments must improve. Human rights should be the cornerstone of EU foreign policy to comply with EU principles and values, but they are often left in the shadow of other priorities. "Stability" is regularly invoked when human rights deserve mere lip service from EU officials, even if avoiding conflict means perpetuating oppression. One particular case of inconsistency and incoherence is the EU approach towards Ethiopia, a main recipient of EU ODA, a partner bound by the Cotonou Agreement clauses on human rights, the second most populous country in Africa and the headquarters of the African Union. As Head of the 2005 EU Election Observation Mission, I witnessed the incredible hopes of the proud Ethiopian people be brutally suppressed by a ruling party which prevented international observers to watch the counting of votes in order to manipulate results, once the Addis Ababa tabulation showed a landslide in favour of the opposition. Today basic conditions for democratic elections are even worse: there

are thousands of political prisoners, many arrested after the demonstrations that contested the 2005 election results and which were violently put down by governmental forces, killing more than 200 people. Birtukan Midekssa, a young mother and the leader of a main opposition party is in jail, serving a life sentence, instead of running for elections. There is no media freedom and the work of NGOs has been severely limited by a law which criminalizes human rights work. The Ethiopian government formally rejected the EU EOM 2005 report, but not even that has stopped the European Commission and EU governments from continuing "business as usual" with the totalitarian regime of Meles Zenawi - they just sent a new EU Election Observation Mission, at his request, in the hope of legitimizing the electoral farce his party is organising for the coming 23 May. The EU - now through the voice of its High Representative Catherine Ashton - needs to be consistent, credible and bolder in condemning human rights abuses and delegitimizing human rights violators. It also must make a greater effort to match policy commitments with practice. The European Instrument for Democracy and Human Rights is an important tool, but its financial envelope needs to be considerably increased and better used in support of human rights defenders and in strengthening civil society in different countries - these should be the main partners of the EU in many countries all over the world.

Ana Gomes is a Portuguese Member of the European Parliament and a Member of the Human Rights Committee



CONSTRUCTIVE AMBIGUITY



Should the EU have sent election monitors to the UK?

By Andy Carling

I've been reading the EU election monitors report on the Sudanese elections again, but with a growing sense of unease. Here's an example, "The campaign was dominated by the two ruling parties." You could argue that the UK Liberals made it a three horse race, but we'll get back to that. The report also states that, "effective pluralism in the media environment was not obtained during the election period". It would be hard to argue that the British media was much better. The Murdoch press came out strongly for the Conservatives. "It is my job to see that Cameron fucking well gets into Downing Street," proclaimed Tom Newton Dunn, political editor of the Sun, to a group of journalists. In a similar vein, James Murdoch and the Sun editor burst into the office of the Independent newspaper and launched a foul mouthed tirade against the Editor for running the headline, "Rupert Murdoch will not decide the outcome of the election. You will". "What are you fucking playing at?" James Murdoch shouted at Editor Simon Kelner in front of dozens of journalists.

Once the Liberals gained support, the knives came out. Polls were ignored if they had the 'wrong' results, or were selectively used. Liberal leader, Nick Clegg came under attack. The Daily Mail twisted a remark by Clegg into a headline reading, "CLEGG IN NAZI SLUR ON UK". The onslaught continued. Papers even accused Clegg of having foreign relatives. The Mail on Sunday ran, "HIS WIFE IS SPANISH, HIS MOTHER DUTCH, HIS FATHER HALF-RUSSIAN AND HIS SPIN DOCTOR GERMAN. IS THERE ANYTHING BRITISH ABOUT THE LIBDEM LEADER?"

The Sudan report also mentioned poor administration. The UK has also had that. Many soldiers, and others, overseas have not received their ballot papers. Almost 1 vote in 6 is now a postal one and there are 50 separate investigations into fraud being carried out so far by British police. Other problems include the key marginal seat of Vale of Glamorgan, who told voters they didn't need to sign the forms, when they did. Journalist and former Independent MP, Martin Bell, said, "There is actually a possibility that the result of the election could be decided by electoral fraud. That's pretty grim. We are facing a situation where we can no longer trust the integrity of our electoral system. It was a huge mistake to extend the postal vote. It opened up our system to all kinds of frauds." Despite pleas, the postal voting system has not been significantly reformed to prevent abuse.

Finally, the Sudan monitors report on the marginalization of independent and smaller parties. In the UK, the Scottish and Welsh Nationalists struggled to be heard, whilst other smaller parties were virtually silent. When we remember all of this, not only does it cheapen the electoral process, now partly manipulated to suit a particular newspaper proprietor, we're left with an embarrassing mess. The major parties, neither of whom have had a good campaign, are reduced to trying to frighten the electorate into not voting for the much smaller Liberals, claiming that a vote for them will return the other major party and that most vile of insinuations, that a vote for the Liberals is "a wasted vote". This is the best argument for electoral reform. Stalin said all that mattered was who counted the votes. In Britain the two major parties who have decided what votes count. It's time to send in the election monitors.

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