



Committee of the Regions

RELEX-IV-011

**75th plenary session
18-19 June 2008**

**OPINION
of the
Committee of the Regions
on the
European Instrument for Democracy and Human Rights (EIDHR)
Strategy Paper 2007-2010**

THE COMMITTEE OF THE REGIONS

- is convinced that the values of democracy and human rights as they are proclaimed in the Charter of Fundamental Rights attached to the Treaty of Lisbon has constituted the cornerstone of the European integration process, and that the improvement in the protection of human rights in the EU area will enhance the credibility of the promotion of democracy and human rights in the EU's external relations.
- points out that democracy and human rights are, above all, issues of global concern and constitute public goods and that in many societies the local authorities are the closest duty bearers to the individual person in implementing these rights. As the instrument is primarily focused on public institution-building, it could place more emphasis on local and regional institutions.
- also draws attention to the possibility of the Committee of the Regions' election monitoring strategy finding its place in the framework of Objective 5 in order to enhance the construction of a grassroots democracy and of a feeling of ownership of the democratic process among the populations.
- finds support for election observation to be an important part of the development of democracy and feels that particular emphasis should also be placed on monitoring local and regional elections in third countries in future EU election observation strategies.
- considers that EU observation of national elections should pay more attention to the impact assessment of the promotion of democracy at the local and regional levels.

Rapporteur: **Ms Heini Utunen (FI, ALDE)**
Member of the City Council of Jyväskylä

Reference document

European Commission Strategy Paper 2007-2010 for programmes financed through the European Instrument for Democracy and Human Rights (EIDHR) and annexes (EIDHR financial allocations 2007 – 2010) C(2007)3765

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

A General recommendations

1. Notes that the CoR is convinced that the values of democracy and human rights as they are proclaimed in the Charter of Fundamental Rights attached to the Treaty of Lisbon has constituted the cornerstone of the European integration process, and that the improvement in the protection of human rights in the EU area will enhance the credibility of the promotion of democracy and human rights in the EU's external relations.
2. Finds it of crucial importance that the European Union believes that democracy and human rights are universal values that should be vigorously promoted around the world and supports the work in achieving them in third countries.
3. Recalls that the Committee of the Region's consistent position has been that there could not be genuine democratic governance without substantial transfer of power and competences to the local and regional level; by cooperating to produce tangible solutions to concrete everyday problems, local and regional authorities can build trust between peoples, confidence in local democracy and faith in intercultural dialogue. They can offer more local ownership and more sustainable capacity building for democracy and human rights promotion.
4. Points out that democracy and human rights are, above all, issues of global concern and constitute public goods and that in many societies the local authorities are the closest duty bearers to the individual person in implementing these rights. As the instrument is primarily focused on public institution-building, it could place more emphasis on local and regional institutions.
5. Recognises the unique role of the EIDHR in contributing to the development and consolidation of democracy and the rule of law in third countries worldwide and also its role in the creation of a consistent and coherent approach to EU action in this particular field.
6. Considers the EIDHR as a visible asset for Europe which reinforces the European profile in the field of promoting democracy and human rights in third countries. The CoR emphasises that the intention of the EU to promote democracy does not imply that the EU should or could export a model or impose it on third countries. The EIDHR serves as a possibility to spread common principles of individual freedom more effectively. Points out that the European Charter of local self-government adopted by the Council of Europe has served as a key source of inspiration and guide for many new democracies in Europe in their efforts to establish effective local self-government. The draft European Charter for regional democracy of the Congress of Local and Regional Authorities could serve the same purpose;

7. Stresses that taking into account the strategy's objective to provide assistance regardless of the consent of third-country governments, the CoR considers that democratically elected local and regional authorities in the countries concerned should be defined as partners for the achievement of the EIDHR's goals, by being explicitly included in the list of actors on the same level as civil society organisations.
8. Recalls that the CoR has already set up several instruments for the implementation of its policy in the countries it has established contacts with; in particular, the creation of three Working Groups, on the Western Balkans, Turkey and Croatia, as well as the organisation of a cycle of conferences on the European Neighbourhood Policy, have allowed a regular political dialogue and sharing of best practices with local and regional level representatives from third countries.
9. Prefers a more long-term strategic approach on the instrument and its objectives. The priority areas have been changing during every programming period and thus the long-term development and assessment of the programme and its initiatives is difficult. The detailed evaluation and precise reporting of the finalised programmes helps further develop future programmes.
10. Pays attention to the need to streamline the application procedures for funding through the EIDHR and urges a simplification of the concrete running of the programme so that it would enable the less organised structures to take advantage and to work fully and flexibly with the instrument. As the EIDHR remains an instrument of relatively modest size, working in a selective and strategic fashion is crucial to its success.
11. Recommends that the evaluation and reassessment of the Strategy should be from the perspective of local and regional authorities and subsidiarity in third countries. The administration of the EIDHR must not increase the bureaucracy in such a manner that it becomes an obstacle especially for the projects which are distinctive for the local actors. Maximum flexibility should be allowed to avoid the discrimination that the heavy structures would cause.

B Thematic recommendations

12. The Committee of the Region's commitment towards democracy, good governance, European values and human rights justifies its involvement in the Strategy as a whole. However, among the proposed five objectives, a specific emphasis could be given in the multi-annual planning for 2010-2013 to the involvement of local and regional authorities in Objective 2. The CoR also draws attention to the possibility of the Committee of the Regions' election monitoring strategy finding its place in the framework of Objective 5 in order to enhance the construction of a grassroots democracy and of a feeling of ownership of the democratic process among the populations.

Objective 1

Enhancing respect for human rights in countries and regions where they are most at risk

13. Points out that while the support of this Objective is directed mainly towards non-governmental organisations, it should be recognised that in some countries and regions human rights defenders and even municipal civil servants can be under a certain risk due to their position and daily work. The effort should be made to mobilise support on their behalf.

Objective 2

Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation

14. Holds that participatory and inclusive democracy at a local and regional level is the best way in the long term to build a citizens' need-oriented and well-functioning democracy, based on good governance and benefiting from the citizens' confidence and support.
15. Calls for inclusive democracy models by ensuring for instance the political representation of both men and women, the indigenous population (where relevant), and local minorities; in addition, participation by local minority populations, persons with disabilities and children and young people are fields in which it appears crucial to share best practices and supporting local authorities in strengthening public involvement.
16. Notes that the key element of good governance, based on broad political representation and participation, is a recognition that the best decisions are taken as near to the citizens as possible.
17. Points out that the democratic processes of accountability – starting from the local and regional level – are vital in ensuring transparency of governing, and play a key role in combating corruption and alleviation of poverty.
18. Believes that by developing people-to-people contacts on a less formal level, and by giving priority to finding solutions for the daily problems of citizens on a practical basis, local and regional authorities play a significant role in strengthening local cooperation among conflicting interest groups.
19. Considers that civil society, local NGOs and community-based organisations (CSOs) for fundamental freedoms and human rights as well as local human rights defenders can achieve the best results in implementing political, economic and social rights at the local level when their work is recognised and free from threats, harassment and insecurity and that the local level is especially relevant for the promotion of democratic values and political awareness of the citizens if they are able to work together with empowered local and regional authorities.

20. Highlights the added value of the local approach when it comes to transborder cooperation on various subjects, including conflict settlement. The positive role which local initiatives – such as "diplomacy of the cities" through promotion of intercultural dialogue and confidence building measures at local level – can play in conflicting contexts deserves special mention. Therefore global campaigns for democracy and human rights should be even more strongly envisaged, for example by applying a transnational approach which contains a clear local and regional perspective.

Objective 3

Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict

21. Recalls that although human rights dialogues are generally carried out with state authorities, issues of democracy have clearly also to be dealt with by local and regional level actors. A functioning democratic system cannot be created and maintained without local and regional involvement and ownership of it – both contribute in every way to the development of this system.
22. As the UN definition of human rights defenders is "persons and organisations engaged in promoting and defending human rights and fundamental freedoms", the role of local level decision-makers and activists can clearly be seen.
23. Urgently points out that a significant number of cases of torture take place in local prisons and police stations. Therefore a strong effort has to be made to implement national law and international commitments at the local level. Support should therefore also be directed towards local NGOs monitoring the authority's actions and to training the authorities.
24. Supports the guideline on children's rights and sees the relevance of local authorities in the areas of education and access to adequate education and health care, including work on reproductive health rights especially for girls.
25. Endorses the European Commission communication *A special place for children in EU external action* COM(2008) 55 final, in which children are given a special place in EU external action, and points out the need to promote the mainstreaming of the interests of children and children's rights in all EU external action.

Objective 4

Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy

26. Welcomes the cooperation agreements already existing with such actors as the Council of Europe, the Organisation for Security and Cooperation in Europe and the International Criminal Court and would highly appreciate it if importance should be attached to facilitating local democracy and increasing the capacity of local and regional authorities to implement civil, political, economic and social rights.
27. Stresses the right of children to participate, influence and have their voices heard in matters affecting them in accordance with their age and maturity (as provided in Article 12 of the UN Convention on the Rights of the Child), especially when decisions about local matters are taken.

Objective 5

Building confidence in democratic electoral processes, in particular through election observation

28. Is convinced by having experienced and by actively advancing local and regional democracy, devolution and self-governance in Europe that guaranteeing the respect of established local and regional competences by national and European authorities is crucial for the promotion of genuine democracy and human rights worldwide.
29. Stresses that election monitoring has become one of the CoR's effective tools in its external policy over the past two years; acknowledges the experience and long standing commitment which the Congress of Local and Regional Authorities has shown in this area. It welcomes the fact that it has been given the opportunity to contribute to the CLRAE's efforts to promote and advance local and regional democracy.
30. Finds support for election observation to be an important part of the development of democracy and feels that particular emphasis should also be placed on monitoring local and regional elections in third countries in future EU election observation strategies.
31. Considers that EU observation of national elections should pay more attention to the impact assessment of the promotion of democracy at the local and regional levels.

32. Underlines that the forthcoming Strategy for the period 2010-2013 should take into account the role that local and regional authorities could play in that initiative especially from the point of view of local election processes and European expertise in monitoring them in third countries.

Brussels, 18 June 2008

The President
of the Committee of the Regions

Luc Van den Brande

The Secretary-General
of the Committee of the Regions

Gerhard Stahl

III. PROCEDURE

COR internal procedure

Title	European Commission Strategy Paper 2007 – 2010 on the European Instrument for Democracy and Human Rights (EIDHR)
References	C(2007)3765
Legal basis	Article 265 (1), Treaty establishing the European Community
Regulatory basis	Optional consultation
Date of the referral	Letter from the Secretary-General of the European Commission, Ms Catherine Day, March 2007
Date of the referral by the Bureau	22 May 2007
Competent Commission	Commission for External Relations and Decentralised Cooperation (RELEX)
Rapporteur	Ms Heini Utunen (FIN/ALDE)
Background memo	17 January 2008
First reading by the Commission	25 February 2008
Date of adoption by the Commission	18 April 2008
Vote outcome	Majority vote
Date of adoption by the plenary session	18 June 2008 Unanimous vote
Previous CoR opinions on this subject	