Functioning of the human rights dialogues and consultations on human rights with third countries

2007/2001(INI) - 06/09/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drawn up by Elena **VALENCIANO MARTINEZ-OROCO** (PES, Spain) on the functioning of the human rights dialogues and consultations on human rights with third countries. Parliament felt that the universality, individuality and indivisibility of human rights, meaning not only civil and political rights but also social, environmental, economic and cultural rights, must be upheld and promoted. It took the view that human rights issues should be placed at the highest political level in order to give more political weight to human rights concerns. The promotion and defence of human rights in third countries should **not be conditioned by geopolitical or geo-strategic alliances**. Parliament stressed that, within the framework of political, economic and trade-related dialogues, respect for human rights should be fundamental to strategic and privileged relations with the EU.

It called on the Council once again systematically to apply in full the Human Rights and Democracy Clause in all EU agreements and relations with third countries. The report noted that there is a wide variety of dialogues and consultations, each based on different structures, formats, frequencies, and methodologies, but that neither the Council nor the Commission has devised a method for organising and systematising these dialogues and consultations, making the results impossible to view from an overall perspective. In order to **increase coherence**, it was essential to find ways of improving coordination among the different EU institutions by establishing an interinstitutional trialogue on the political dialogue and the human rights dialogues and consultations. Parliament also recommended increasing coherence with other states and international organisations, and cited the Berne Process established by Switzerland for relations with China. It went on to make a series of **recommendations to the Council**, the main ones being the following:

- to implement the COHOM (Council Working Party on Human Rights) mandate so as to ensure coherence between the dialogues or consultations, and to consider making COHOM a working party with representatives based in Brussels, and to cooperate closely with the European Parliament's competent committee;
- to enhance the role of the Human Rights Unit of its General Secretariat by allowing it to be involved in the conduct of the political dialogues;
- to increase coherence among the bilateral human rights dialogues and consultations conducted by individual Member States and by the EU, and to increase the role of COHOM in coordinating the activities of Member States' embassies with those of the Commission's delegations;

Recommendations to the Commission were also made:

- to include in each Country Strategy Papers and other Strategy documents a specific strategy on human rights and the situation pertaining to democracy and to use it as a framework for political dialogue;
- to ensure that, within the staff serving at any given time in each EU delegation in a third country, an EU official is in charge of the human rights dialogue and consultations;
- to ensure coherence between Election Observation Missions (especially as regards the post-electoral strategy) and the process of human rights dialogues and consultations. Parliament asked the commission to put in place, together with the European Parliament and third countries concerned, a

post-electoral protocol mechanism to monitor and support the democratisation process, which includes the involvement of civil society at all stages, in the implementation of post-electoral recommendations;

- to apply and use the results of human rights dialogues and consultations in drawing up yearly strategies providing a basis for implementation of projects under the European Instrument for Democracy and Human Rights (EIDHR) and systematically to link those two tools.

Members went on to suggest measures with the aim of increasing the transparency of, and publicity given to, human rights dialogues and consultations. The Council was asked to ensure that, before the EU sets the specific goals to be attained by entering into a dialogue or consultation with the country in question, consultations are first held with all interested parties, especially with Parliament and NGOs. In addition, the Council should set clear criteria for the initiation, suspension or termination of a dialogue or consultation. Effective follow-up mechanisms must be established to deal with the points raised and in the final recommendations.

The report then suggested a series of measures for enhancing **the role of the European Parliament.** It wanted more detailed and frequent information, and called on the Council and the Commission, as a matter of course whenever a round of dialogue or consultation has taken place, to hold a consultation session and a debriefing with Members of Parliament, and repeated its call for Parliament to be involved in decisions to continue or suspend a dialogue and consultation. It insisted that **women's rights** were an integral part of human rights and urged the Commission to include the promotion of women's rights explicitly in all EU human rights dialogues and consultations on human rights with third countries.

Parliament moved on to discuss the functioning of the various forms of human rights dialogues and consultations with third countries, including the structured dialogues with China and Iran, the consultation with Russia, dialogues based on the Cotonou Agreement, dialogues with Central Asia dialogues based on a partnership and cooperation agreement under the Neighbourhood Policy, with Latin America, dialogues based on trade and cooperation agreements, and, ad hoc dialogues.

The report emphasised the need to considerably strengthen and **improve the EU-China human rights** dialogue, since China's human rights record remains a matter of serious concern. Whilst slight progress had been made in some fields, it was difficult to gauge precisely what impact the EU-China human rights dialogue had had on the changes that had taken place. The dialogue needed to be reframed so as to make it more results-oriented and to focus on implementation of China's obligations under international law. Parliament urged the Commission to ensure that its trading relationship with China was linked to human rights reforms, and called on the Council to carry out a comprehensive evaluation of the human rights situation before finalising any new partnership and cooperation agreement.

Parliament was very concerned that the **human rights dialogue with Iran** had been interrupted since 2004 due to Iran's lack of cooperation. It encouraged the Commission to continue financing projects aimed at supporting good governance, including the protection of human rights defenders, reform of the judiciary and educational programmes for children and women.

It stated that the main purpose of the **European Neighbourhood Policy** was to establish a privileged relationship with the EU's eastern and southern neighbours on the basis of a mutual commitment to common values, especially the rule of law, good governance and human rights. Members believed that the EU dialogues could have a greater impact on reform in the ENP neighbours and the report drew attention to the continual deterioration of the human rights situation in Azerbaijan, and underlined the need to establish a Human Rights Subcommittee as soon as possible with that country. It also called on the Council to consider the possibility of establishing a human rights dialogue or consultation mechanism with Libya and Syria. Lastly, Parliament stressed the need to set up an institutionalised human rights subcommittee with Israel, replacing the current provisional mechanism.