The Human Rights and Democracy Clause in European Union agreements

2005/2057(INI) - 23/11/2005

The committee adopted the own-initiative report by Vittorio AGNOLETTO (GUE/NGL, IT) on the human rights and democracy clause in EU agreements. It pointed out that the clause had now been introduced into more than 50 of the EU's international agreements. Ten years after it was first drafted, it was now time to evaluate how it had been implemented and how it could be improved.

The report noted that many sectoral agreements, such as those on textiles, agriculture and fisheries, as well as agreements with developed countries, still lacked the clause. The committee warned that Parliament was "no longer prepared to give its assent to new international agreements that do not contain a human rights and democracy clause". It pointed out that, on many occasions, the EU had not been able to respond adequately to serious and persistent violations of human rights and democratic principles. The committee concluded that the EU must draw up new procedures and new criteria for applying the human rights and democracy clause, which must apply without discrimination between States or between their levels of development.

The report also called for the establishment of human rights subcommittees under EU-third country agreements, to be responsible for reviewing compliance with the clause, monitoring its application and implementation, and proposing actions to address democracy and human rights problems.

MEPs claimed that one of the factors which had compromised the application of the clause was its vague language, which did not spell out detailed procedures for 'positive' and 'negative' interventions under EU /third country cooperation - unlike the democracy clauses in the Cotonou Agreements with the ACP States which had been very effective. In order to ensure a more coherent, effective and transparent approach to European human rights policy, a revision of the current wording was indispensable. The revised text should take into account the following principles: reciprocity, with regard both to the territory of the EU and that of the other countries involved; gender equality and women's rights; no discrimination on the basis of sexual orientation or disability; temporary suspension of a cooperation agreement as well as a "warning mechanism" in response to a breach of the clause; and consultations between all parties.

Lastly, the committee wanted Parliament to be involved to a much greater extent in drawing up the negotiating mandate for EU/third country agreements, and insisted on the need for it to be a joint decision-maker with the Commission and the Council when it comes to initiating consultations, suspending an agreement or suspending any negative measures already imposed on a country.