



Engaging with European Union foreign policy on the ground

An IRCT guide

Engaging with European Union foreign policy on the ground – an IRCT guide

2013 © International Rehabilitation Council for Torture Victims

ISBN 978-87-88882-04-9 (print)

ISBN 978-87-88882-06-3 (online)



irct

**International
Rehabilitation
Council for
Torture Victims**

The International Rehabilitation Council for Torture Victims is an independent non-profit global organisation with a membership of more than 140 rehabilitation centres in 74 countries and with over 25 years experience. The work of the IRCT is threefold: rehabilitation of torture victims and their families; ensuring victims' access to justice; eradication of torture.

Engaging with European Union foreign policy on the ground

An IRCT guide

May 2013

Table of Contents

Introduction	5
How are human rights present in EU foreign policy?	6
How can civil society engage with EU human rights policy in practice?	8
Human rights country strategies	9
EU Guidelines on Torture	10
Meetings and conferences in Brussels	10
Regional engagement	10
Regional parliamentary assemblies	12
Human rights dialogues	13
European Parliament delegations	14
How can the IRCT support members?	15

Introduction

The European Union (EU) is not only a major donor but also a key policy maker in the area of human rights around the world. Its founding treaty commits it to actively engage in the promotion of the respect for human rights outside of its borders. The EU undertakes this task both through the provision of financial support for human rights actions and projects as well as through political dialogue with third countries. It is therefore able to use its political powers to promote particular issues and influence third country governments into changing their policies. The fight against torture, ill-treatment and other cruel or inhuman treatment is a crucial cornerstone of the EU's human rights policy abroad.

In developing its human rights policy, the EU engages in dialogue and cooperation with civil society organisations (CSOs) across the world. This opens up opportunities for organisations based in third countries to influence EU policy towards their national governments, in turn promoting domestic

change. EU institutions and mechanisms have the potential to make an important contribution to advancing human rights for rights holders on the ground if they are adequately informed about the national context. Equally, national stakeholders, including NGOs, can better fight for domestic change if they are aware of the tools that the EU makes available to them in the promotion of human rights and in the fight against torture specifically.

This guide aims to inform IRCT members of the structure and components of the human rights dimension of EU foreign policy, with an emphasis on the mechanisms accessible to them on the ground in their countries. Its purpose is to encourage members to engage in closer cooperation and information sharing with EU representatives. This will in turn increase the visibility of issues relating to torture as well as their inclusion in EU policy towards third countries, consequently promoting domestic change.

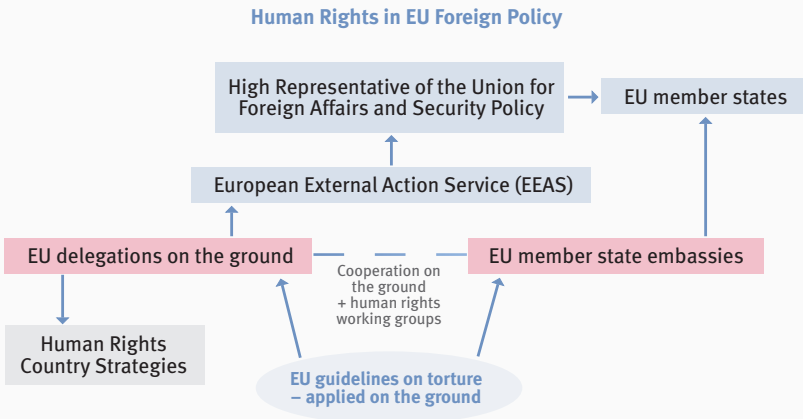
How are human rights present in EU foreign policy?

EU foreign policy is developed in Brussels by representatives of the governments of its member states, assisted by the EU High Representative of the Union for Foreign Affairs and Security Policy and the civil service body of the European External Action Service (EEAS). The EU delegations in third countries form part of the EEAS, and report to the office of the High Representative.

In a major restructuring move, the European Union reviewed the human rights component of its foreign policy in 2012. As a result, it has committed to raise human rights in all levels of political dialogue with third countries and make use of all instruments at its disposal, including

sanctions, when faced with violations. The EU campaign against the use of torture and cruel, inhuman and degrading treatment is among the priorities for its foreign policy, alongside the provision of political and financial support for human rights defenders and increased efforts against all reprisals.

The EU implements its commitments to human rights promotion through actions described in a document entitled the Action Plan on Human Rights, which lays out specific tasks for various EU institutions and mechanisms to undertake. In line with the EU's commitment to integrate the promotion of human rights into other external policy areas such as development cooperation, trade and investment, it assigns



a number of tasks to EU bodies concerned with those specific policy areas. The Action Plan is updated every two years to better respond to new challenges. The progress

of meeting the objectives set out in the Action Plan is evaluated annually in a public report on human rights and democracy around the world.

In practice, the EU has a number of human rights policy instruments at its disposal:

- Human rights focal points in EU delegations – staff members specifically appointed as first points of contact for human rights organisations and defenders in third countries.
- EU delegations’ local statements – released in response to current events, these statements express the EU’s position regarding, among other things, human rights violations, with the intention of immediately affecting the development of the situation.
- The EU Special Representative for Human Rights – a high-level representative with a specific mandate for discussing human rights with third countries.
- Human rights country strategies – documents developed by EU delegations which set out the priorities for EU action on human rights in each individual country.
- EU Guidelines on Torture – a guide to EU and member state bodies on how best to influence third countries to take effective measures to prevent and eradicate torture and ill-treatment.
- Consultations with local civil society – meetings organised between the EU delegation and representatives of local NGOs for the purposes of exchange of information on the state of human rights in the country.
- Human rights dialogues – formalised discussions between the EU and third state governments on human rights issues within the country.

How can civil society engage with EU human rights policy in practice?

The EU policy-making process is a complex one and involves the consolidation of a number of different considerations. When it comes to human rights policy in its external relations, the EU relies heavily on input from locally based human rights NGOs. The EU delegations are required to establish partnerships that work well with civil society, in order to be able to provide credible and up-to-date information towards the policy making process in Brussels. Heads of EU delegations, EU member state embassies, civilian missions and operation commanders are required to uphold and strengthen the existing system of consultations with civil society to ensure its input is included in policy initiatives and political dialogue between the EU and third country governments.

EU delegations¹ in third countries are tasked with monitoring political developments within their countries of posting as well as formulating policy recommendations to the EEAS and EU member states. Together with the information gathered from civil society, this information helps form EU policy towards individual states. If the human rights situation is deemed to be particularly concerning, the EU can employ a number of measures against the country,

ranging from diplomatic measures to public statements to the freezing of relations (as with Belarus) or sanctions (as with Iran or Syria).

EU delegations often form human rights working groups together with representatives of local EU member state embassies to be able to tackle issues that relate to this in a more systematic manner. All EU delegations are required to appoint a human rights focal point as well as an EU liaison officer for human rights defenders and publish their contact details on their websites. The focal points are to be the first point of contact for human rights organisations and defenders in third countries.

Members should arrange meetings with the human rights focal points in their country to ensure the transfer of information as well as adequate follow-up and feedback on issues relating to the practice of torture and ill-treatment and victim rehabilitation. Furthermore, any worrying developments such as discriminatory action or reprisals against IRCT member centres should be communicated immediately and directly to the EU delegation.

1. There are currently EU delegations in over 140 countries. A full list and contact details can be accessed at http://eeas.europa.eu/delegations/web_en.htm

In response to worrying developments within a particular country, the EU delegations can release local statements, expressing the EU's position and calling for particular action on the part of the state. Local statements often denounce breaches of human rights and highlight cases of individuals (frequently human rights defenders) targeted for their legitimate activities². Local statements serve to raise the profile of such cases and condemn their occurrence, serving a role in persuading the authorities to improve their record in this domain.

Finally, the EU Special Representative (EUSR) for Human Rights, who has been tasked with being the high-level face and voice of EU human rights policy internationally, is required to remain in regular contact with civil society organisations both in Brussels and in the field in order to mainstream human rights issues throughout EU policy.

The IRCT Brussels office will actively reach out to the EUSR to encourage meetings with members, especially those working in particularly difficult conditions – facing threats of trial or imprisonment or located in remote areas. Members are also advised to request to attend meetings with the EUSR if they are aware of his visit to their country.

Human rights country strategies

The human rights country strategies (HRCS) are evaluation and planning papers developed by EU delegations on the ground which set out three year strategies and priorities for EU action on human rights in individual countries. The priorities contained within them are to be taken into account in human rights and political dialogues at all levels, in policy making and when programming and implementing financial assistance for third countries. During the drafting phase, local civil society is consulted on the contents of the country strategies; these consultations continue during the implementation and evaluation of the strategies.

Each country strategy contains three priority issues considered to be of prime importance to the human rights situation in the country in question. While the HRCS themselves are designed to be confidential, delegations have been instructed to verbally share the priorities with civil society upon request.

Members should contact their local EU delegation to ask about the priorities set for their country, if torture is included within them and share any such information with the IRCT Brussels office.

2. For an example, see a local EU statement on the harassment of human rights defenders in Zimbabwe which mentions the IRCT member centre in Zimbabwe, the Counseling Services Unit (CSU): http://eeas.europa.eu/delegations/zimbabwe/press_corner/all_news/news/2012/20121112_en.htm

EU Guidelines on Torture

The EU released its first Guidelines on torture and other cruel, inhuman or degrading treatment or punishment in 2001. This document, while not legally binding, provides a guide to EU and member state bodies on how best to influence third countries to take effective measures to prevent and eradicate torture and ill-treatment³.

The Guidelines require EU delegations to report to Brussels on possible patterns of torture and the occurrence of torture and ill-treatment in a country, thus assisting the EU in determining the appropriate action to combat its prevalence. The document refers to the holistic rehabilitation of torture victims as an objective of the work of the EU. In very cautious wording, the Guidelines also introduce the possibility of invoking human rights clauses against, and revoking funding from, countries continuously violating the right to freedom from torture.

- Members should read the guidelines and ask their local EU delegation and member state embassies about what they are doing to put them into practice.
- Members should highlight that the holistic rehabilitation of torture victims is a specific objective of the EU in their meetings with local EU delegations and all other EU representatives.

Meetings and conferences in Brussels

The EU and its related bodies organise a number of conferences, meetings and events in Brussels that may be relevant for IRCT members. Some of these occur annually, others are organised ad hoc. Participation costs are usually covered by the EU. Some of the regular meetings include:

- EU-NGO Forum on Human Rights (annually around 10 December)
- European Instrument for Democracy and Human Rights (EIDHR) Forum for beneficiaries of EIDHR funding
- European Development Days (annually in the fall)

- The IRCT Brussels office may contact members to invite them to participate in conferences or seminars taking place in Brussels.
- Members travelling to Brussels will receive training on EU advocacy and will be expected to participate in advocacy meetings alongside the IRCT with the EEAS, the European Parliament, EU member states representatives and partner NGOs.

Regional engagement

The EU organises civil society fora and seminars at country or regional levels to discuss, among other issues, human rights concerns. The goal of these meetings is to encourage cooperation between EU-based

3. The most up-to-date and revised Guidelines can be accessed here: http://eeas.europa.eu/human_rights/guidelines/torture/docs/20120626_guidelines_en.pdf

CASE STUDY

Uju Agomogh, PRAWA, Nigeria – EU-NGO Forum on Human Rights, Brussels, 4-5 December 2012

Uju came to Brussels to take part in the EU-NGO Forum on Human Rights, which took place in December 2012. The theme of the forum was “Promoting universality: the role of Regional Human Rights mechanisms and their cooperation with civil society”. During the two day event the participants witnessed speeches by representatives of the EU institutions (including the EUSR on Human Rights, Stavros Lambrinidis) as well as UN bodies (UN High Commissioner for Human Rights, Navi Pillay) and representatives of regional human rights mechanisms (Chairperson of the African Commission on Human and People’s Rights, Commissioner Dupe Atoki). Participants of the forum were able to pose questions to the speakers in the plenary as well as in the margins of the meetings. Participants further took part in a number of seminars and workshops on subjects such as freedom of religion or belief, racism and xenophobia, the shrinking space for civil society, promoting universality and gender equality.

Uju also took part in an advocacy meeting with the desk officer for Nigeria as well as the human rights desk officer for Africa from the European External Action Service to discuss the situation with regards to torture, the rehabilitation of victims and prison conditions in Nigeria.

Ahead of the forum, alongside other IRCT members present in Brussels, Uju participated in a training session on EU advocacy provided by the IRCT Brussels office. The training included a brief description of the EU policy making system in Brussels and the bodies and mechanisms accessible to members on the ground; the training further presented a number of practical suggestions on how these bodies can be approached by members themselves.

The IRCT Brussels office offered to assist Uju in contacting the human rights focal point at the EU delegation in Abuja, whom Uju met upon her return to Nigeria. The focal point has in turn placed Uju in touch with other heads of unit of the EU delegation to Nigeria and PRAWA remains in close contact with the delegation for the purposes of consultations and the potential for securing available funding.

and third country NGOs. These events are usually a mix of plenary speeches, panel discussions, and workshop sessions, where the EU acts solely as an observer and facilitator of the dialogue.

Members should contact their EU delegation to find out about any opportunities to participate in regional civil society seminars.

EU-Russia Civil Society Forum www.eu-russia-csf.org

The EU-Russia CSF is a platform for the cooperation and coordination of civil society organisations from Russia and the European Union. It aims to develop common positions on issues of concern to civil society as well as to influence EU-Russia relations on all levels of political dialogue. The EU-Russia CSF has a working group on human rights and the rule of law.

EU-Eastern Partnership Civil Society Forum www.eap-csf.eu

The EU-Eastern Partnership CSF has been launched with the aim of establishing cooperation between the civil society organizations from the EU and those from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The mandate of the CSF is to come up with common positions and recommendations to EU institutions and national governments that can be used to influence their decision-making process at the highest level. The EU-EaP CSF has a working group on democracy, human rights, good governance and stability, with a subgroup on human rights.

EU-Central Asia Civil Society Seminars

The EU-Central Asia Civil Society seminars are organized in between government-level dialogues on human rights. Originally, the idea was to organise civil society seminars annually with all five Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) on a bilateral basis. However, following the suspension of seminars in Uzbekistan and Turkmenistan in 2009, the format has been changed to ad-hoc regional seminars, of which the last one was held in October 2012 in Tashkent.

Regional parliamentary assemblies

Other forms of engagement and access to EU policy makers are available through parliamentary assemblies, which gather members of the European Parliament and members of national parliaments. These assemblies typically include a standing committee that deals with human rights.

Members are encouraged to contact their own or European members of parliament sitting on relevant committees to raise the profile of their organisation and highlight issues relating to torture.

EURONEST parliamentary assembly www.euronest.europarl.europa.eu/euronest/cms/home

The EURONEST Parliamentary Assembly is a parliamentary forum of European Members of Parliament and delegates from the Eastern Partners' parliaments which aims to promote political association and further integration between the European Union and the countries within the Eastern Partnership (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). It has a Standing Committee on Political Affairs, Human Rights and Democracy.

EUROLAT parliamentary assembly www.europarl.europa.eu/intcoop/eurolat/key_documents/flyer_eurolat_en.pdf

The EUROLAT Parliamentary Assembly is the parliamentary forum of the EU-LAC (Latin America and Caribbean) summits. The assembly, which meets annually, is composed of members from the European Parliament and Latin America, including Parlatino (Latin American Parliament), Parlandino (Andean Parliament), Parlacen (Central American Parliament) and Parlasur (Mercosur Parliament); the Mexican and Chilean Congresses are also represented. EUROLAT has a Standing Committee on Political Affairs, Security and Human Rights which meets at least twice a year.

Human rights dialogues

The EU holds regular human rights dialogues, consultations or subcommittees with over 40 countries⁴ as well as with the African Union. The dialogues serve as a space for discussion of the human rights situation within the EU and the third country and for both sides to share suggestions on how best to improve problematic issues. The human rights situation in countries applying for EU membership⁵ is discussed during annual civil society consultations and at a political level during accession negotiations.

The issues to be discussed during EU-third country human rights dialogues are determined on a case-by-case basis, but certain priority issues are always expected to be included. This is the case of torture and ill treatment, which, as specified by the EU Guidelines on Torture, must be a standing point in all human rights dialogues and be considered during security and counter-terrorism discussions with third countries.

Ahead of the dialogues, the EU holds consultations with civil society both in Brussels and at the local level, in order to establish the priority topics for the agenda as well gather examples of potential instances of human rights violations and emblematic cases of individuals whose rights are being breached. On the ground, the EU delegation is also required to contact local civil society, including human rights defenders, in order to gather information ahead of dialogues.

4. Some form of human rights dialogue or subcommittee is held with the following countries:

Algeria
Argentina
Armenia
Azerbaijan
Bangladesh
Belarus (suspended)
Brazil
Cambodia
Canada
Chile
Colombia
Cuba
Egypt
Georgia
India
Indonesia
Iran (suspended)
Iraq
Israel
Japan
Jordan
Kazakhstan
Kyrgyzstan
Laos
Lebanon
Mexico
Moldova
Morocco
New Zealand
Pakistan
Palestinian Authority
Russia
South Africa
Sri Lanka
Tajikistan
Tunisia
Turkmenistan
Ukraine
United States
Uzbekistan
Vietnam

5. These are:

Albania
Bosnia and Herzegovina
Croatia
Iceland
Kosovo
Macedonia
Serbia
Turkey

- Members should keep the IRCT Brussels office updated on any publications or reports on their activities that they have prepared, as these are extremely useful in IRCT advocacy activities towards the EU.
- Members should contact their local EU delegation to discover when the next NGO consultation on the human rights situation in their country is set to take place and to ensure that they are invited to attend. If no consultation is coming up, members can ask for an appointment with the human rights focal point to present their organisation and establish a relationship with the relevant contacts.
- Members meeting with their EU delegation for the first time should contact the IRCT Brussels office ahead of the meetings to establish if they have all of the relevant information and if the IRCT has had prior contact with the EU on their behalf.
- Members should keep the IRCT Brussels office updated on meetings that they hold with the local delegation and whether they found them useful or not.
- The IRCT Brussels office may ask members to contribute information towards human rights consultations held in Brussels.

European Parliament delegations

The European Parliament (EP) organises delegations to third countries for the purpose of furthering EU-third country integration, opening dialogues with governments and establishing closer links with the opposition and civil society. Members of the European Parliament (MEPs) usually include a meeting with civil society and NGOs in their agenda, providing an opportunity to receive input from organisations working on the ground concerning their work and the obstacles they face. While upcoming delegations are not always announced in advance, the IRCT Brussels office aims to monitor EP activity in this area, and wherever possible advise the

delegates to invite IRCT member centres to these meetings and/or visit their premises. This serves the purpose of promoting knowledge around issues surrounding torture in individual countries, as well as greater recognition for the need to rehabilitate torture victims, which in the long term can influence EU policy and priorities.

Members are advised to meet with MEPs whenever meetings are organised by the EU delegation or if they are informed about them by the IRCT Brussels office. MEPs should be made aware of relevant torture and rehabilitation related issues, which they can then bring up at the political level in Brussels.

How can the IRCT support members?

The IRCT has an office in Brussels, the main task of which is to influence EU policy in the area of human rights and anti-torture measures. The office is in daily contact with EU institutions and is able to provide direct input for the creation of EU policy. The IRCT Brussels office is ideally located to support members' advocacy towards EU institutions and can provide members with a number of support measures for promoting their causes.

Advocacy tours with our members are one of the most efficient ways of doing this.

Depending on the availability of resources, the IRCT may provide practical and financial support to members to travel to Brussels. The IRCT also provides advice on how, when and which decision makers to target for concrete lobbying activities. In addition, the IRCT can arrange meetings and accompany members. The staff of the IRCT Brussels office can offer representation on behalf of members, who are not able to come to Brussels themselves.

- The IRCT has produced a series of explanatory publications on the different EU bodies and mechanisms, which can be consulted in the members' area of the IRCT website.
- The IRCT Brussels office can provide members with support in producing written information for relevant EU human rights instruments (such as ahead of dialogues or for input into the human rights country strategies).
- The IRCT Brussels office can provide targeted guidance on how to produce written information and provide comments on existing draft documents, that will best target the EU.



irct

**International
Rehabilitation
Council for
Torture Victims**

Borgergade 13
P.O. Box 9049
1022 Copenhagen K
Denmark
Tel: +45 33 76 06 00
Fax: +45 33 76 05 00
Email: irct@irct.org
Website: www.irct.org