



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING PAPER**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL**

**amending Regulation (EC) No 975/1999**

**laying down the requirements for the implementation of development  
cooperation operations which contribute to the general objective of developing  
and consolidating democracy and the rule of law and to that of respecting human  
rights and fundamental freedoms and Regulation (EC) No 976/1999**

**laying down the requirements for the implementation of Community operations,  
which, within the framework of Community cooperation policy, contribute to the  
general objective of developing and consolidating democracy and the rule of law  
and to that of respecting human rights and fundamental freedoms in third  
countries**

***EXTENDED IMPACT ASSESSMENT***

**{COM(2003)639 final}**

## Extended Impact Assessment

**On the proposal for extending the period of validity of Council Regulation (EC) No 975/1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms, and of Council Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries**

### Introduction

The two legislative proposals for which an Extended Impact Assessment (EIA) has been decided in accordance with the Communication from the Commission on *Impact Assessment* of 5 June 2002<sup>1</sup> amend Council Regulation (EC) No 975/1999<sup>2</sup> and Council Regulation (EC) No 976/1999<sup>3</sup>. The latter regulations provide the necessary legal basis for implementing annual appropriations in budget line B7-7 under the heading of the *European Initiative for Democracy and Human Rights* (EIDHR). The Human Rights Regulations expire on 31 December 2004. The proposed amendments extend the period of validity of the Human Rights Regulations to secure execution of budget line B7-7 until the end of the present financial perspective, and adapt their comitology provisions to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>4</sup>, to the Commission *Guidelines on the Reform of External Aid*, and to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>5</sup>.

As the objective of the legislative proposals being subject to the present EIA do not aim at constituting a new policy or establishing a new measure, but to provide a continuing legal basis for Community funding of human rights and democratisation projects in third countries around the world, the focus of the present EIA will be adjusted accordingly on general policy options.

An assessment of the impact of the policy measure, the *European Initiative for Democracy and Human Rights*, already decided upon in 1994, and provided with the necessary legal basis in 1999, draws on the descriptive and analytical material available concerning operations financed under the Human Rights Regulations, including the annual reports of the EIDHR, external evaluations of programmes and projects and reports of EIDHR consultation meetings. In line with the requirements of

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<sup>1</sup> COM(2002) 276 final

<sup>2</sup> OJ L 120, 8.5.1999, p.1

<sup>3</sup> OJ L 120, 8.5.1999, p. 8

<sup>4</sup> OJ L 184, 17.7.1999, p. 23

<sup>5</sup> OJ L 248, 16.9.2002, p. 1

the Commission Communication on Consultation<sup>6</sup>, further consultation has been assured by an enquiry into the views of organisations implementing Community funded operations in third countries in the field of human rights and democratisation.

The present report takes into account the Commission Communication on *Impact Assessment*, the Commission's Internal Guidelines on the Impact Assessment Procedure<sup>7</sup> and the provisions of the Commission's 2003 Work Programme.

## **1. What issue/problem are the proposals expected to tackle?**

The judgement of the European Court of Justice of 12 May 1998 in case C-106/96<sup>8</sup> ruled that a basic regulation is mandatory for the implementation of appropriations entered into the Community budget for significant Community action. The ruling had the practical effect of temporarily suspending also Community funding of projects in third countries under budget line B7-7 (*European Initiative for Democracy and Human Rights*) as there was no basic act available for this budget line in the sense of the court's ruling. Council Regulations (EC) No 975/1999 and 976/1999 remedied this situation, but limiting the period of validity of the basic acts until the end of 2004.

The lack of a valid legal basis for the implementation of budget line B7-7 (from 2004 onward budget line 19.04) on 1 January 2005 would have the same effect as the highly damaging suspension of funding operations in 1998 following the ruling of the European Court of Justice in case C-106/96. The absence of a legal basis would effectively prevent continuation of implementing a key complementary instrument of the European Union's global human rights and democratisation policy. To avert this from happening, the proposals are to amend Council Regulations (EC) No 975/1999 and 976/1999 as to their period of validity until the end of the present financial perspective.

Appropriations for budget line B7-7 are foreseen to an amount of annually € 106 million at least until the end of the present financial perspective, enabling the pursuit of the underlying policy as set out below beyond the present date of validity of Council Regulations (EC) No 975/1999 and 976/1999. The proposals are therefore driven by the need to secure the continuity of an important element of the European Union's human rights and democratisation policy in the form of Community funding to human rights and democratisation projects in third countries by means of a proper legal basis.

The proposals for extending the period of validity of Council Regulations (EC) No 975/1999 and 976/1999 affect all projects funded within the framework of budget line B7-7. Each year, an average of over 120 new actions are financially supported under this budget line<sup>9</sup>, involving European and third country NGOs. Support is also

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<sup>6</sup> Communication from the Commission *Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission*, COM(2002) 704 final

<sup>7</sup> Impact assessment in the Commission: Internal guidelines on the new impact assessment procedure developed for the Commission services

<sup>8</sup> European Court Reports 1998, p. I-02729

<sup>9</sup> From 1999 to 2002 some 508 macro-projects have been or still are implemented amounting to around € 330 million, cf. EIDHR Compendium 2000 and 2001; for EIDHR projects in 2002 see <http://europa.eu.int/comm/europeaid/projects/eidhr>

provided to initiatives of major international and regional organisations and bodies, including the UN Office of the High Commissioner for Human Rights, the International Criminal Tribunals and the International Criminal Court, the Council of Europe and the OECD Office for Democratic Institutions and Human Rights, and the African Union. In providing Community funding to human rights and democratisation projects to be implemented in third countries, it is expected that the projects aim to have an impact on wider society, beyond the identified target groups and immediate beneficiaries.

Although the proposals amending Council Regulations (EC) No 975/1999 and 976/1999 do not in any way touch upon the Regulations' underlying policy decisions, it is meaningful in this context to state the issues and problems in the policy area covered in the past and for the extended period of validity of Council Regulations (EC) No 975/1999 and 976/1999.

Developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms is an objective of the EU's Common Foreign and Security Policy<sup>10</sup>. Equally, the European Community's development co-operation with developing countries and its economic, financial and technical co-operation with third countries are called upon to contribute to the general objective of developing and consolidating democracy and the rule of law, and to the objective of respecting human rights and fundamental freedoms. Respect for human rights and democracy is included as an essential element of co-operation agreements between the EC and third countries. Political dialogue with these countries emphasises the promotion of human rights and democracy.

This policy framework clearly focuses on violations of human rights and fundamental freedoms, and deficiencies in democratic process and structures, in developing and other third countries around the world.

## **2. What main objective are the proposals supposed to reach?**

The proposals to amend Council Regulations (EC) No 975/1999 and 976/1999 have the objective to secure a proper legal basis for implementing appropriations under budget line B7-7 until the end of 2006. The proposals also serve to align the rules applicable to the Human Rights and Democracy Committee, which has been established under the Regulations, with the pertinent provisions of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>11</sup>, as well as with the provisions of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>12</sup>, and the suggestions contained in the Commission *Guidelines on the Reform of External Aid*.

The expected effect of the proposals consists in enabling the continuation of Community funding to human rights and democratisation projects in third countries under budget line B7-7, and to render the involvement of the Human Rights and

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<sup>10</sup> Article 11(1) TEU

<sup>11</sup> OJ L 184, 17.7.1999, p. 23

<sup>12</sup> OJ L 248, 16.9.2002, p. 1

Democracy Committee in the implementation of Council Regulations (EC) No 975/1999 and 976/1999 more effective.

By extending the period of validity of Council Regulations (EC) No 975/1999 and 976/1999, the proposals uphold and reconfirm the relevant policy objectives established at the level of the Treaties, the Council Regulations (EC) No 975 and 976/1999, the European Charter of Fundamental Rights, the Commission Communication on the *European Union's role in promoting human rights and democratisation in third countries*, and the Commission Communication on *EU Election Observation and Assistance*. They also take into account corresponding objectives established by the European Parliament<sup>13</sup> and the Council<sup>14</sup>, both of which institutions maintain a close interest in activities financed by the Community in furtherance of the overall EU human rights and democratisation policy.

The general policy objective of the European Community in the field of human rights and democratisation is to contribute to developing and consolidating democracy and the rule of law, and to respecting human rights and fundamental freedoms in developing countries and in third countries other than developing countries<sup>15</sup>. Council Regulations (EC) No 975 and 976/1999 concretised this general policy objective into three more specific objectives for the purposes of implementing appropriations under budget line B7-7<sup>16</sup>. These objectives are:

- (i) promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other international instruments concerning the development and consolidation of democracy and the rule of law,
- (ii) supporting the processes of democratisation, and
- (iii) support for measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences, in close collaboration with the relevant competent bodies.

Taking into account the limited funds available under budget line B7-7 in comparison with the broad policy objectives as set out by Council Regulations (EC) No 975 and 976/1999, the Commission Communication on *The European Union's role in promoting human rights and democratisation in third countries* of 8 May 2001<sup>17</sup> adopted a more strategic approach. Main points of this approach are a concentration

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<sup>13</sup> Report on the Commission communication on EU Election Assistance and Observation (COM(2000)191 – C5-0259/2000 – 2000/2137 (COS)), FINAL A5-0060/2001; Report on the European Unions role in promoting human rights and democratisation in third countries (COM(2001)252 – C5-0653/2001 – 2001/2276(COS)),FINAL A5-0084/2002; European Parliament Resolution on the Commission communication on EU Election Assistance and Observation of 15 March 2001; European Parliament Resolution on the Communication from the Commission to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries of 25 April 2002, PA\_TA(2002)0204

<sup>14</sup> Council Conclusions of 25 June 2001 on human rights and democratisation in third countries; Council Conclusions of 10 December 2002 on the implementation of the follow-up to the 25 June 2001 Council Conclusions on human rights and democratisation in third countries

<sup>15</sup> Articles 179 (1) and 181a (2) TEC

<sup>16</sup> Article 2 Council Regulation (EC) No 975/1999, Article 3 Council Regulation (EC) No 976/1999

<sup>17</sup> COM (2001) 252 final

on four thematic priority issues and the identification of a limited number of focus countries indicating “*the political priority which the EU attaches to working to strengthen respect for human rights and democracy in these countries, or to preventing and resolving conflict, as well as the potential for activity under the EIDHR to contribute to these goals*”. The four thematic priorities for support and interventions within the framework of the EIDHR presently are:

- (i) democratisation, good governance and the rule of law,
- (ii) abolition of the death penalty,
- (iii) torture and impunity, and the international tribunals and criminal courts, and
- (iv) racism and xenophobia, and discrimination against minorities and indigenous peoples<sup>18</sup>.

The expected effects in pursuing the policy objectives, which underlie Council Regulations (EC) No 975/1999 and 976/1999, consist in an improvement of general and specific situations in the human rights and democratisation fields in developing countries and third countries other than developing countries. Through this, support is seen provided to the creation of a political and civil society environment, which is conducive to sustainable development. Considering the intricate scope of human rights and democracy issues, and the high complexity of the relationship between cause and effect in these areas, such a general statement on the expected effects of the overall policy objectives, which underlie Council Regulations (EC) No 975/1999 and 976/1999, appears appropriate.

For each of the four thematic priorities as set out by the Commission Communication on the European Union’s role in promoting human rights and democratisation in third countries, the EIDHR Programming Document 2002 – 2004 specifies a number of expected results.

For the EIDHR thematic priority “Support to strengthen democratisation, good governance and the rule of law”:

- (a) under strengthening the capacity of civil society:
  - the human rights watchdog function of NGOs enhanced
  - better contribution of civil society organisations, such as trade unions and professional organisations, to policy design
  - better civil society input to international human rights fora
- (b) under human rights education and training:
  - citizens empowered to take action in defence of their human rights

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<sup>18</sup> The EIDHR *Programming Document 2002-2004* not only refined each of these four priorities into sub-areas, which sometimes constitute “*cross-cutting*” themes contributing to the achievement of a plurality of objectives”, but also identified 29 “focus countries” with country-specific priorities within the framework of the four thematic priorities

- capacity of public officials to protect human rights enhanced
- networks of expertise in human rights and democracy developed
- (c) under freedom of expression and independent media
  - the media are enabled to operate in accordance with international standards, e.g. in carrying out a watchdog role
  - quality and coverage of human rights issues in the media improved
- (d) under actions concerning elections (deployment of election observation missions, horizontal election activities, election related projects at country level)<sup>19</sup>:
  - contributing to the development and consolidation of democracy through election support
  - improving electoral practice and deterring fraud
  - building EU and third country capacity for sustainable election observation efforts
  - engaging third country authorities in a constructive dialogue on how to improve election practice
  - producing comprehensive and objective reports on election processes
  - integrating election recommendations in development strategy and political dialogue
- (e) under the legal system and strengthening institutions
  - The effectiveness and the judiciary and legal sector increased
  - Awareness raised of legal rights in civil society
  - Access improved to formal dispute resolution mechanisms
  - Operation of *quasi* judicial bodies such as national human rights institutions and ombudspersons improved
- (f) Under governance
  - NGOs enabled to carry out activities concerning exposure of corrupt practices at any level of government
  - Significant contributions made to the development of an internationally or regionally legitimised system for monitoring the governance situation and on the development of country specific indicators

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<sup>19</sup> Cf. Commission Communication on EU Election Assistance and Observation, COM(2000) 191 final

- (g) Under conflict prevention and resolution
- Early warning, mediation, reconciliation and confidence-building measures from grass roots and international NGOs developed
  - Common training modules for civilian staff to be deployed in international missions promoted
  - Capacity of international, regional or local organisations involved in conflict prevention strengthened

For the EIDHR thematic priority “Activities in support of the abolition of the death penalty”:

- public awareness increased about the numerous shortcomings of the death penalty;
- effective coalitions and initiatives aiming at abolishing capital punishment;

For the EIDHR thematic priority “Support for the fight against torture and impunity and for international tribunals and the International Criminal Court”:

- occurrence of torture, or other cruel, inhuman and degrading treatment or punishment reduced;
- implementation of international standards by third countries improved;
- quality of support provided by rehabilitation centres and their institutional capacity improved;
- the establishment of the ICC and its membership expanded;
- effective mechanisms of the court developed;
- supporting the operation of the UN Criminal Tribunals for Rwanda and the former Yugoslavia, and for the establishment and operation of the Special Court for Sierra Leone;
- increased public awareness and co-operation from the national authorities in Rwanda and the former Yugoslavia concerning the tribunals.

For the EIDHR thematic priority “Combating racism and xenophobia and discrimination against minorities and indigenous peoples”:

- principle of equal treatment of person irrespective of racial or ethnic origin promoted;
- better promotion and improved enforcement of the rights of persons belonging to minorities



- better inter-cultural and inter-ethnic understanding;
- indigenous people empowered to promote their rights;
- respect of the rights of indigenous peoples enhanced at an international level.

### 3. What are the main options available to reach the objective?

#### a) Alternatives to the proposals

The main objective of the proposals is to secure a proper legal basis for implementing the annual appropriations under budget line B7-7 until the end of 2006. This is to be achieved by extending the period of validity of the relevant basic acts beyond their expiry date in 2004. As the objective consists in securing basic acts for implementing the EIDHR after 2004, there is no alternative to reach this objective other than prolonging the period of validity of Council Regulations (EC) No 975 and 976/1999. The option of replacing Council Regulations (EC) No 975/1999 and 976/1999 by one or two completely new regulations appears impractical in view of the short period of two years for which the basic acts presently are needed.

#### b) The policy underlying Council Regulations (EC) No 975/1999 and 976/1999

A different question is whether there are policy options available to the approach chosen under Council Regulations (EC) No 975/1999 and 976/1999 to reach the general and specific objectives of the European Community in the field of human rights and democratisation.

The Community's general approach in achieving the policy objectives as set out under point 2 above is explicated by the Commission Communication on the *European Union's role in promoting human rights and democratisation in third countries*<sup>20</sup>. To promote human rights and democratisation objectives in its external relations, the EU draws on a wide range of instruments. Some constitute traditional diplomacy and foreign policy instruments, such as *démarches*, interventions at UN fora, bilateral human rights dialogues, and political sanctions. Others include Community instruments in policy areas such as development co-operation, financial, economic and technical co-operation, trade, the environment, the information society, migration and asylum<sup>21</sup>, all of which have the scope to include human rights and democratisation objectives. Moreover, since 1992, the EC has included in all its co-operation agreements with third countries a clause defining respect for human rights and democracy as "essential elements" in the corresponding relationship. This approach has also been incorporated in the Cotonou Agreement signed with African, Caribbean and Pacific (ACP) countries in June 2000.

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<sup>20</sup> COM(2001) 252 final

<sup>21</sup> Cf. Proposal for a Regulation of the European Parliament and of the Council Establishing a programme for financial and technical assistance to third countries in the area of migration and asylum, COM (2003) 355 final

The Commission Communication on the *European Union's role in promoting human rights and democratisation in third countries* underlines that the crosscutting nature of human rights and democratisation objectives requires:

- (i) a continuing promotion of coherence and consistency across EU and EC policies,
- (ii) a high priority on, and mainstreaming of, human rights and democratisation objectives in the EU's relations with third countries while taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance, and
- (iii) a focussed and strategic approach to the EIDHR.

Thus, the identified and available policy instruments are not seen as alternatives or options to the policy approach underlying Council Regulations (EC) No 975/1999 and 976/1999. Rather, the Community's approach to accomplish the European Union's overall objectives in the field of human rights and democratisation takes the EIDHR as an independent but necessarily complementary Community instrument based on and justified by its distinctive added value in promoting human rights and democratisation in third countries.

c) Policy alternatives to Council Regulations (EC) No 975/1999 and 976/1999

Considering that funding of human rights and democratisation projects in third countries under Council Regulations (EC) No 975/1999 and 976/1999 is considered an integral element of the European Union's overall policy on human rights and democratisation, any reflection on policy options to this element necessarily remains limited and rather theoretical. This becomes even more evident taking into account that any policy option other than the already existing policy elements of the European Union's human rights and democratisation policy *vis-à-vis* third countries has to have at least the potential of reaching the general and specific objectives as set out above.

Thus, although their inherent potential to achieve the set objectives is questionable, several options can be identified. The most radical option would appear to be to discard the EIDHR as embodied in Council Regulations (EC) No 975/1999 and 976/1999 by not legislating on the mandatory basic acts for implementing appropriations under budget line B7-7. However, this would deprive the set objectives of a distinctive substance for their potential achievement. Moreover, the option could not be brought in compliance with the fact that at least until 2006 the budget authority has foreseen annual appropriations in budget line B7-7 for Community funding of human rights and democratisation projects in third countries for which an appropriate basic act has to be available.

Another option would be that the Community focuses on enhancing and intensifying co-ordination of Member States activities and funding support to projects in the field of human rights and democratisation in third countries. However, this is not a true alternative to the policy choice under Council Regulations (EC) No 975/1999 and 976/1999, as operational co-ordination is already an accepted and practised element in co-operation between the Community and Member States in the field of external

assistance<sup>22</sup>. Also, it cannot be assumed that the achievement of specific Community objectives, in this case in the field of human rights, democratisation and conflict prevention, should only be pursued through bilateral funds of Member States only. Furthermore, as in the previous case, the policy option would mean discarding the EIDHR instrument altogether, ignoring the fact that appropriations for Community funding of human rights and democratisation projects in third countries will still be available until the end of 2006. Above all, it would deprive the Community of a distinct instrument of added value in its pursuit of the overall objective of the European Union of promoting human rights and democracy in third countries.

A further option to the policy choice underlying Council Regulations (EC) No 975/1999 and 976/1999 consists in integrating the appropriations available under budget line B7-7 into the Community's external assistance and development co-operation programmes. In this case, the corresponding country strategy papers and national indicative programmes would have to include country-specific human rights and democratisation objectives, and would have to programme and implement the funding support. Such an option would disregard the decision of the budgetary authority for a separate budget line specifically in support of human rights and democratisation projects in third countries. It would deprive the available Community support of the comparative advantages and the added value of funding under the present Council Regulations (EC) No 975/1999 and 976/1999, and it would make impossible to pursue global human rights and democracy themes and to contribute to funding corresponding projects with international or regional organisations.

#### **4. What are the impacts expected from the identified option?**

##### **a) Scope and identification of impacts**

According to the Commission Communication on *Impact Assessment*, the type of impact, which a (policy) proposal has on particular groups, sectors or regions, should be expressed as far as possible in economic, social and environmental terms. The proposals for which this impact assessment is undertaken, though, do not consist in policy proposals. They are rather of a technical legal nature as has been amply explained under points 1, 2 and 3 above. It appears nevertheless meaningful to undertake as far as possible a stocktaking of discerned past impacts of the policy underlying Council Regulations (EC) No 975/1999 and 976/1999. This will then also provide a perspective for expectations of impacts in the period of extension of the validity of Council Regulations (EC) No 975/1999 and 976/1999 from 2005 to 2006.

There is not yet, though, a general agreement on adequate methods and a common coherent conceptual framework on how to approach measurement of human rights, democracy and governance. This equally applies to measuring the impact of projects in these areas. Also, there is considerable weakness in many of the countries concerned to actually generate the appropriate information basis. However, there is considerable work undertaken by organisations of the UN system and a number of other international and national organisations and institutions to remedy this situation

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<sup>22</sup> Cf. *Guidelines for strengthening operational co-operation between the Community, represented by the Commission, and the Member States in the field of external assistance*, adopted by the Council on 18 January 2001

by developing a coherent set of quantitative and qualitative indicators<sup>23</sup>. The EIDHR is contributing € 1.51 million to an OECD project entitled “*Measuring Democracy, Human Rights and Good Governance*”. The project aims at developing tools and methods, matching qualitative and quantitative approaches, which will enhance human rights reporting, governance evaluation and assessment of democracy. The project started in 2002 and will not render any preliminary conclusions and results before 2004. Taking into account this situation, the present impact assessment will consider mainly impacts expressed in social terms as defined by the Commission Communication on *Impact Assessment*<sup>24</sup> in third countries concerned.

Certain aspects of economic and environmental impact, though, cannot be overlooked, as human rights and democratisation are after all ‘cross-cutting’ issues. International financial institutions, such as the World Bank and regional development banks, increasingly recognise that countries which respect human rights and take the democratic process seriously are significantly more likely to have a stable political and economic system, with better political and economic governance, all of which contribute to facilitating growth and investment, and overall sustainable development. Some human rights activities may also have an impact on the environment, as in the case of Community funded projects in favour of indigenous peoples’ rights, which also address the issue of changing land-use.

Previous evaluations are an essential component in this impact assessment, as the Commission Impact Assessment Guidelines underline, “enough information may be available from existing sources, such as evaluation reports, statistics and research studies to support an impact assessment”<sup>25</sup>. Similarly, the Commission Work Programme for 2003 recognises the need to complete assessments in the short-term using existing research, and by “taking into account studies or analytical work already undertaken”<sup>26</sup>. Necessarily, any such assessment of past operations will remain incomplete and to a certain degree theoretical, as impacts of operations in the human rights and democratisation fields are of medium to long-term nature

The present impact assessment of the policy underlying Council Regulations (EC) No 975/1999 and 976/1999 draws on the descriptive, evaluative and analytical material available concerning operations financed under the EIDHR in the past<sup>27</sup>. However,

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<sup>23</sup> Willem de Vries, UN Statistics Division, *Notes on a framework for human rights and governance statistics*, Paper presented to the Seminar on Statistics & Human Rights, Brussels, 27 – 29 November 2002; The paper gives an overview of what statisticians have been doing so far in conceptualising and building statistical structures in measuring human rights, democracy and governance; Julius Court, Overseas Development Institute, *Paper on the World Governance Survey (WGS) Project*, presented to the Seminar on Statistics & Human Rights, Brussels, 27 – 29 November 2002

<sup>24</sup> Communication on Impact Assessment, COM (2002) 276 final, p.15

<sup>25</sup> Commission Impact Assessment Guidelines, p. 11

<sup>26</sup> Commission 2003 Work Programme, section 3

<sup>27</sup> Report on the implementation of the European Initiative for Democracy and Human Rights in 2000, SEC (2001) 801; Evaluation of voter education in the context of EU electoral support, Final Report, September 2001, Particip GmbH; Synthethis report on EC activities in the field of human rights, democracy and good governance, Reference Report, August 2001, Particip GmbH; Synthesis report on EC activities in the field of human rights, democracy and good governance, Synthesis Note, August 2001, Particip GmbH; Evaluation of the micro-projects facility operating under the European Initiative for Democracy and Human Rights, Final Report, October 2001, Eva-EU Association; European Initiative for Democracy and Human Rights, Compendium 2000; European Initiative for Democracy and Human Rights, Macroprojects, Compendium 2001; European Initiative for Democracy and Human Rights, Microprojects, Compendium 2001; Information document: European Commission actions relating to project funding aimed at promoting the setting up of the International Criminal Court, EuropeAid Office

although this material is often very detailed about the types of projects supported, it provides only sporadic information about the actual impact of activities.

b) Analysing the impacts

External evaluations of the EIDHR make clear that there is an inherent difficulty in assessing the impact of activities, which generally aim at promoting human rights and democracy. The extent to which the EIDHR is only one of the factors, which potentially affect change in the human rights and democracy situation in a country is a crucial issue, particularly with reference to the modest size of the grants made, the scale of problems in the countries concerned and the involvement of other donors in these sectors. The process of evaluation is further hampered by the absence of consistently applied methodologies to measure the impact of human rights and democracy activities at macro-level and at the level of individual projects.

It has also to be taken into account that between 1999 and 2002 more than 300 macro-projects<sup>28</sup> were financially supported under Council Regulations (EC) No 975/1999 and 976/1999, extending by 2002 to twelve thematic areas<sup>29</sup>, thirty-one focus countries and six regions.

The Commission Communication on the European Union's role in promoting human rights and democratisation in third countries confirms the generally "... positive contribution made by the EC towards the protection of human rights and the development of democratic processes in third countries"<sup>30</sup>. At the same time, attention is drawn to a possible "mismatch between the ambitious general objectives" of the European Union in the fields of human rights and democratisation and "the effects achieved", which are seen lacking "complementarity among themselves"<sup>31</sup>. "The links between objectives, and the gap between specific objectives and the number of individual projects under them" is considered "too large for coherence". Thus, "the results achieved remain isolated amongst themselves"<sup>32</sup>.

EIDHR key areas are highlighted below where impacts can be ascertained from external evaluations and studies. The selection of these issues does not imply that interventions in other EIDHR thematic areas have been less effective, but that less reliable information is available about their impact.

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for Co-operation; Thmatic evaluation of the integration of gender in EC development co-operation with third countries, Final Report, March 2003, Particip GmbH; all documents are available on <http://europa.eu.int/comm/europeaid/projects/eidhr/> ; Court of Auditors, Special Report No 12/2000 on the management by the Commission of European Union support for the development of human rights and democracy in third countries, together with the Commission replies (2000/C 230/01), OJ C 230, 10.8.2000, p. 1

<sup>28</sup> Excluding micro-projects and election observation missions and election assistance projects

<sup>29</sup> Strengthening civil society, human rights education, support for the media, legal reform, governance, conflict prevention, death penalty, torture, justice, racism, minorities, indigenous peoples  
COM (2001) 252 final, p. 13

<sup>31</sup> Synthesis report on EC activities in the field of human rights, democracy and good governance, Synthesis Note, FN 28, point 1.3

<sup>32</sup> Synthesis report on EC activities in the field of human rights, democracy and good governance, Reference Report, FN 28, para. 45, 57, 65, 86, 96, 110, 113

c) Thematic activities

*Strengthening civil society*

An analysis of external evaluations indicates that the EIDHR has had significant positive impacts on developing the capacity of human rights NGOs and civil society organisations in third countries. At any one time the EIDHR work with some 400 NGO partners. Over 80% of the available annual appropriations under budget line B7-7 is allocated to such organisations. Key impacts of the EIDHR in this respect have included improving the professionalism and networking capacity of NGOs, encouraging further donor support, strengthening the participation of citizens in decision-making, and affording a level of protection to NGOs from official interference.<sup>33</sup> This latter aspect is a key positive feature of the EIDHR, as compared to other instruments, which might be used by the Community. However, particularly in this context it should not be overlooked that the Commission's project portfolios have been criticised as being "spread too thinly over the different intervention areas, thus diluting their impact"<sup>34</sup>. There is also caution advisable when assessing the role which EIDHR funded projects may have played in the development of civil society in a given third country, as it is obvious that a multitude of factors effect and influence the emergence and development of civil society.

*Micro-projects*

The above caveat is also relevant for the EIDHR micro-project facility designed to support grass-roots organisations in developing and other third countries. Still, the micro-project facility has been well received as providing an impact, which is "far more important than its financial magnitude."<sup>35</sup> Most of the strongly demand driven projects funded under the facility have demonstrated a high level of sustainability, partly due to an effective choice of partners and the growing institutional network of NGOs within the facility. Positive outcomes are seen likely to continue after completion of EIDHR support. The sense of ownership in the projects is generally very high. This provides a positive perspective for likely impact of EIDHR micro-projects after 2004.

*Death penalty*

Within the scope of its mandate, the EIDHR is playing an effective role in the universal abolition of the death penalty. The launch of the first call for proposals for projects supporting the abolition of the death penalty in 2002 represented an important step forward towards increasing the number of corresponding projects, especially at global level. However, increasing impacts appears needing increasing funds allocated to this theme.

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<sup>33</sup> Synthesis report on EC activities in the field of human rights, democracy and good governance, Reference Report, FN 28, para. 95

<sup>34</sup> Court of Auditors, Special Report No 12/2000, FN 28, para. 34

<sup>35</sup> Evaluation of the Micro-projects facility operating under the European Initiative for Democracy and Human Rights, FN 28, p.46

### *Torture*

So far, running projects consist of rehabilitation activities more than prevention activities, but the recent change in EC policy results in the reinforcement of the prevention aspect. While this is certainly necessary, NGOs remain concerned about possible negative effects on funding for rehabilitation activities.

### *International Criminal Justice (ad hoc tribunals and the International Criminal Court)*

In terms of project funding, support of the EIDHR was a success for the rapid creation of the ICC in 2002-2003. Through the combined use of traditional instruments, such as long-term support to NGO networks particularly involved in the implementation of the Rome Statute, and specific initiatives like the support to the Advance Team of experts in The Hague, whose action was recognised by all practitioners of the ICC as decisive, the Commission showed both a great commitment to this matter from the very beginning and a noticeable capacity of initiative in a situation where traditional member-state support was not readily available. The Commission's actions and their impact could, however, be further improved through a more direct link to the Action Plan elaborated by the Council, and Council Common Positions.

### *Conflict prevention and resolution*

With regard to EIDHR funding, conflict prevention and resolution is a crucial element of many different projects which otherwise focus on particular target groups or issues, such as the plight of children in armed conflict. Assessing the impacts of EIDHR funded projects in the field of conflict prevention and conflict resolution, even if they are primarily conflict prevention oriented, remains a major challenge. Considering the magnitude of conflict situations, the complexity of their structures, compared to the available funds under the EIDHR for projects in the field, any impact assessment will quickly reach its limits.

It appears, though, obvious that funding for conflict prevention and resolution projects needs to be increased to achieve sustainable positive impacts on conflict situations in third countries. In comparison to the human costs of conflict and the monetary costs of post-conflict reconstruction, the available funds appear far from adequate. Furthermore, to improve expected impacts and to reach the relevant specific objectives, a holistic approach per country and region to tackle conflict situations should be taken up. The current shift of tasks and responsibilities towards Commission Delegations will certainly benefit co-ordination between the various Community instruments, thus ensuring enhanced complementarity of the EIDHR with other available Community instruments. However, further reflection is needed as regards regional approaches and securing appropriate impacts at this level.

### *Electoral support*

Since 2000 the European Union deployed 23 Election Observation Missions, covering 33 elections in 19 countries. Some 1100 Short Term Observers and 550 Long Term Observers were deployed in the course of these missions. Launching these missions yielded two main results: First, the European Union's efforts have made a tangible difference and have contributed to stability, transparency and confidence in most

countries observed. Second, the European Union has gained credibility and strengthened its profile as an independent and visible actor in the field of election observation. The request from third states and EU Member States to deploy EU Election Observation Missions have multiplied.

### *Institutions of state and the legal system*

The positive impact of EIDHR has also been felt in the area of strengthening the protection of human rights and democracy in institutions of state and the legal system. The Joint Programmes between the European Commission and the Council of Europe in the Russian Federation and the Ukraine “were able to reach parts of the establishment in these countries, which few other programmes could do”, and provide lessons on how human rights can be put into practice.<sup>36</sup> The impact on vulnerable groups has been demonstrated by cases raised in national and international courts in defence of individuals’ rights, the day-to-day advocacy of citizens’ rights, the prevention of violence through inter-ethnic conflict resolution, and the formulation of new laws to enhance formal democracy.

### *Indigenous Peoples*

The EIDHR has developed into a relevant Community instrument for indigenous peoples because it is one of the few programmes which have identified indigenous peoples as a priority target group, and which has allocated a specific budget for promoting their rights.

The EIDHR support for the ‘Speaking Out’ Conference in June 2002 in Brussels was instrumental in placing indigenous peoples’ issues back on the agenda of the European Union. The conference conclusions were integrated into the Development Council Conclusion on indigenous peoples of November 2002, while the EIDHR programming update for 2003 recommended EIDHR’s contribution to the implementation of these conclusions.

Notwithstanding also difficulties in this sector to adequately ascertain the impacts of funded projects, it is fair to say that within the scope of its mandate the EIDHR is playing an important role in the promotion of the human rights and democracy situation of indigenous peoples. The increasing number of requests for funding of projects promoting indigenous peoples’ issues bears testimony to the enhanced relevance of EIDHR support.

### *Ethnic minorities*

The EIDHR has also developed into a relevant Community funding instrument for projects focusing on ethnic minorities because, as in the case of indigenous peoples, it is one of the few Community instruments which identify ethnic minorities as a priority target group, and which has allocations earmarked for supporting projects which promote the rights of ethnic minorities.

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36 Evaluation of Joint Programmes between the European Commission and the Council of Europe for strengthening federal structure and local government, introducing human rights protection mechanisms, and supporting reforms of the law and legal systems in the Russian Federation and Ukraine, EuropeAid evaluation 951557



The EIDHR is currently supporting projects promoting ethnic minority rights in over 25 third countries and is thus playing an important role in the promotion of the human rights and democracy situation of ethnic minorities. The increasing number of requests for project funding in the field of promoting ethnic minority issues bears testimony to enhanced EIDHR importance and impact.

d) Regional activities

*Asia*

Given the diversity of the human rights and democracy situation specific to each one of the countries in the Asian region and the fact that until 2002 there was no clear strategy of intervention through the EIDHR in the region, at this stage it proves very difficult to assess the overall impact of the EIDHR activities in the Asian region.

In political and security terms, conditions in Asia continue to give rise to concern, while human-rights issues remain an acute concern in several countries in the region. Promoting an enhanced regional approach and achieving appropriate regional impacts of projects supported has to be supported by the development of adequate indicators and the furthering of complementarity with other Community instruments and other donor approaches.

The EIDHR is playing an effective, though expandable, role in democratisation and human rights in Asia. The European Union recognises the importance of the contributions made by international, regional and non-governmental organisations to civil society and to the development of a democracy that upholds political, civil, economic, social and cultural rights in the region. In contributing to these efforts, the EIDHR values both the expertise of many organisations working to implement human rights, as well as the impacts achieved in the field of human rights.

*Latin America*

Experience shows that the EIDHR has played a significant role in the promotion of Human Rights and Democracy in Latin America. The overall trend has been positive: the EIDHR support has become focused both thematically and geographically.

The initial experience from the two multiannual regional HR&D programmes – one targeting Central America, the other focusing on the Andean region – has been highly encouraging, bringing about a greater added value, complementarity, impact and visibility. The implementation of these two regional programmes has fostered a closer collaboration and interaction between NGOs and grassroots organisations, creating very positive synergies. NGOs taking part in the implementation of these two regional programmes have developed a joint analysis of the regional HR context and have, in some countries (e.g. Bolivia, Colombia, Ecuador), reached joint positions and adopted a common plan of action. Similarly, regional networks of NGOs working in the same area of activity have been strengthened due to these regional human rights and democracy programmes.

The vast majority of on-going EIDHR projects has been successfully implemented and has achieved encouraging results. The most notable results can be found in the areas of institutional capacity-building, torture rehabilitation, human rights education

and indigenous peoples rights. It is important to continue complementing national projects with regional activities.

#### *NIS*

The impact of funding under the EIDHR varies considerably in the region from one country to another. Significant impacts concentrate on the region's focus countries where achievements are recorded in capacity building of NGOs. This in turn has led a strengthening of civil society as a whole in these countries. EIDHR funding has also indirectly convinced governments to pay attention to a number of problems that were previously ignored or neglected, such as the situation of different vulnerable groups. Most importantly, the EIDHR has contributed to a change of mentality amongst the people, who have experienced the possibilities to take control of their lives.

The achievement of the "Democratic Labour Market Development Project" in Kazakhstan is astounding considering the country's autocratic regime. Indeed, the EIDHR can be credited with a major accomplishment having successfully supported the establishment of the Co-ordinating Committee of the Confederation of Free Trade Unions of Kazakhstan as a pivotal civil society representing force in the country.

#### *ACP*

The EIDHR has clearly chalked up some successes in the region. The most concrete of these are to be found in those projects which have dealt with specific sectors such as justice and prison reform. In Nigeria, EIDHR support to projects resulted in the release of 8,000 prisoners, who were either kept beyond their sentence, physically or mentally ill, or against who no charges had been brought. The project also worked on re-integrating ex-prisoners into the community and in training large number of prison wardens in the UN Minimum Conditions for the Treatment of Prisoners. In Kenya, funding to projects succeeded in incorporating alternatives to custody into the countries judicial system.

Large numbers of journalists have been trained in many countries of Africa and in particular in Somalia. Standards of reporting in the latter country have been raised considerably. EIDHR support was given to projects providing defence to a large number of accused prisoners in Rwanda, and helped the Rwandan judicial system to cope with the after-effects of the holocaust in this country. Capacity building has been successfully applied to a number of representative organisations including women's groups, professional organisations of lawyers and trade unions.

Moreover, there is a large number of people in civil society and human rights advocacy groups across the region who have benefited from EIDHR funded capacity-building measures, and who can therefore be considered constituting a growing bulwark against human rights abuses and encroachments on fundamental freedoms.

#### e) Gender equality

The Commission Communication of *the European Union's role in promoting human rights and democratisation in third countries* underlines that the promotion of gender equality, and of children's rights, is to be mainstreamed in all thematic priorities pursued under the EIDHR. The standard documentation for calls for proposals reflects

this commitment to gender mainstreaming by requiring applicant organisations to indicate the gender balance of their managing board. More importantly, a criterion was added to the evaluation grid for project proposals on how well the proposal promotes gender equality. The criterion carries 5% of the marks. All calls for proposals are now assessed against this criterion. However, it appears premature to already come to any conclusions on positive or negative impacts of this approach, and to assess the success or failure of mainstreaming gender in the EIDHR. In this context, it should be noted that projects addressing EIDHR priorities can have women and/or children as their main target group. This was the case for four out of 58 projects selected in four EIDHR calls for proposals in 2002.

f) The impact of policy alternatives

There is still little to no information available as to impacts of policy instruments to which the EIDHR is considered complementary in pursuing the general EU objectives in the field of human rights and democratisation. It is for this reason that the present impact assessment had to focus on past impacts of operations under Council Regulations (EC) No 975/1999 and 976/1999 rather than of the other Community human rights and democratisation policy instruments.

The impact of possible further policy alternatives to the policy underlying Council Regulations (EC) No 975/1999 and 976/1999 as discussed above under point 3 c) could be considered plain negative in the case of (i) not legislating at all or (ii) focusing on co-ordinating Member States' interventions in the field. In both cases there would be no Community funds anymore available to projects of civil society organisations promoting human rights and democratisation in third countries, as there would be no basic act on the basis of which appropriations could be implemented.

The impact of a policy that would have integrated the appropriations available under budget line B7-7 into the Community's external assistance and development co-operation programmes must be expected diminished compared to the impact presently achieved with the policy choice underlying Council Regulations (EC) No 975/1999 and 976/1999. This is particularly relevant in view of the loss of the added value of the present EIDHR<sup>37</sup> once the corresponding appropriations have been integrated into the Community's main external assistance and development co-operation programmes, ending a separate complementary Community instrument for achieving general and specific Community and European Union objectives in the field of human rights and democratisation.

Moreover, all three policy alternatives would bring to a halt European Union Election Observation Missions due to unavailability or inaccessibility of funds.

g) Conclusions

The continuation of Community funding of human rights and democratisation projects in third countries under Council Regulations (EC) No 975/1999 and 976/1999 through an extension of their period of validity can be considered as a "win-win" situation. The instrument allows for specialised, innovative interventions that can be made at

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<sup>37</sup> Cf. point 3 b) above

relatively low cost for the Community, without prejudice to the human rights and democracy activities of the mainstream Community external assistance and development programmes. It can also be argued that Community funding under Council Regulations (EC) No 975/1999 and 976/1999 provides a test bed for the efficacy of certain types of initiative, which if successful can be taken up by mainstream programmes. If a project fails at the level of the EIDHR, it will have a less serious impact than if it was an integral part of a country strategy or a national indicative programme.

While the aims, objectives and implementing procedures of an instrument such as EIDHR must be precise in both design and expected level of performance, sufficient flexibility must be provided to allow for creative initiatives and reaction to unforeseen developments in the human rights and democracy situation in a particular third country. Although increasingly sophisticated programming and implementation frameworks have been developed for operations under the EIDHR, it has become evident from various evaluations of elements of the instrument that continuing improvements in project design are required, including continuing refinements in strategy and programming, selection procedures and project administration.

h) Complementarity, subsidiarity and proportionality

The Community's involvement in providing financial support to human rights and democratisation projects in third countries is justified and required because of the added value that Community funding in this field can achieve in complementarity with Member States' actions. The added value of Community funding of human rights and democratisation projects in third countries under Council Regulations (EC) No 975/1999 and 976/1999 compared to other Community funding instruments, as well as Member States' funding initiatives and other donors' support is seen consisting in:

- Complementarity to Community external assistance and development co-operation programmes, such as the EDF, TACIS, ALA, MEDA, CARDS and PHARE. These instruments are carried out almost exclusively with the government of the beneficiary country. By contrast, projects funded under Council Regulations (EC) No 975/1999 and 976/1999 are generally implemented with civil society based organisations<sup>38</sup>, in particular NGOs, and international organisations. Projects do not need to receive prior approval from national authorities or a government. This means that, at least at the conception stage, the beneficiaries do not have to make concessions that would perhaps weaken the content and hence the impact of the projects. Likewise, since governments are not involved in project elaboration, they cannot resort to delaying tactics that would forever postpone the beginning of activities. Projects financed under the instrument put governments in front of a *fait accompli* that they perhaps dislike but cannot openly torpedo, because it would have negative repercussions for their image at the international level.

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<sup>38</sup> Articles 4 and 5 Council Regulation (EC) No 975/1999; Articles 5 and 6 Council Regulation (EC) No 976/1999

- The use of the instrument without corresponding government support, or where other Community development and co-operation programmes are not available for various reasons;
- The character of the instrument as a form of “human rights venture capital” allowing the launch of initiatives on a pilot or experimental basis, while ensuring that the target populations experience human rights and democracy as more than just abstract concepts. The instrument undertakes to support a translation of theory into practice. Even without reaching critical mass levels, the instrument offers citizens in third countries a chance to see democracy and human rights in action in a concrete manner.
- The instrument’s function as an essential complement to the European Union’s Common Foreign and Security Policy objectives in the field of human rights, democratisation and conflict prevention. In some regions, the instrument provides the only basis for certain activities including the promotion of political and civil rights, election observation and conflict resolution initiatives.
- The instrument’s identification with the European Union reflecting and promoting its values, including institutionalised multilateralism, fundamental rights, democracy and the rule of law, and respect for minorities.
- The provisions of grants that are perceived as having the European Union’s political backing, which can at times help protect potentially vulnerable civil society organisations *vis-à-vis* repressive governments.
- The instrument’s ability to take more political risks than the funding support provided by a Member State with country-specific interests.
- The instrument’s support being conceived as impartial, particularly in comparison to other national donors.

The principle of subsidiarity is satisfied because Community action can significantly enhance coherence between the EU and its Member States. It allows the EU to express its values and political priorities and for ‘political risks’ to be taken in an impartial manner. At an operational level, coherence is achieved both at headquarters and field level. At headquarters, Member States are represented in the Human Rights and Democracy Committee established under Council Regulations (EC) No 975/1999 and 976/1999 which provide its opinion on all relevant strategy papers, multiannual programming documents, annual programming updates and the annual working programme. In the field, programming and identification missions meet with Member States’ missions to discuss the areas, means and particularities of specific Community interventions. Proportionality is ensured by the scale of the available funding, which involves a relatively low level of commitment and risk for the Community, with individual allocations for macro-projects between € 300,000 and € 1,500,000, and for micro-projects generally between € 10,000 and € 100,000.

## **5. How to monitor and evaluate the results and impacts of the policy after implementation?**

At a programming level, implementation will be ensured through a new pluriannual-programming document for the period 2005-2008, which will be informed by enhanced information about the impact of projects. Priority themes and focus countries for EIDHR will be reviewed each year on the basis of consultation with Member States, the European Parliament and NGOs. With regard to project selection and management, in conformity with the new EU Financial Regulation, EIDHR will be implemented increasingly through Calls for Proposals. In response to concerns about the high level of ineligibility of projects under such calls for proposals, and the heavy burden placed both on applicants and Commission services, the Commission has undertaken to refine the use of this instrument, a process which will be assisted by the refined thematic areas in the EIDHR programming documents. The Commission Communication on the *European Union's role in promoting human rights and democratisation in third countries* requires that the Commission continue to deepen co-operation with IGOs and make it more effective, including through the agreement of co-operation strategies and goals, and through using EIDHR to support UN mechanisms which fit EC priorities.

From 2004 onward, all EIDHR activities except global and regional projects are intended to be managed by Commission Delegations in third countries. Despite a generally positive experience in the management of micro-projects, some stakeholders have expressed concern that Delegations may lack the capacity to effectively implement the EIDHR. Training is therefore being provided for Commission staff in Headquarters and Delegations to improve knowledge about the EIDHR, including in project cycle management skills and human rights and democracy policy. In view of the financial disbursement problems identified by many evaluations, efficient communication and co-ordination between Commission financial services and Delegations will be imperative.

External assessments are agreed that the monitoring of EIDHR projects should be improved. The Commission Communication on the *European Union's role in promoting human rights and democratisation in third countries* requires improvements in the assessment, monitoring and enhancement of the impact of individual projects and programmes on human rights. The Commission is developing tools to monitor the implementation of projects, particularly to measure impacts and results and a study is underway to refine existing tools for measuring the impact of human rights and democracy projects, and feeding back into the programming process. The results are intended to be an increased focus on the quality of projects, and on their design, definition of expected outcomes, and monitoring and evaluation, procedures.

Since January 2003, all EIDHR projects have been listed in the new 'CRIS' database (also now available to deconcentrated delegations), which should assist in developing a comprehensive picture of project implementation. Programming and the implementation of activities will also continue to be monitored by the Parliament, the Council (including through the Council Working Group on Human Rights), and the Member State Human Rights and Democracy Committee. Commission inter-service consultation procedures will also provide an additional level of monitoring, including through internal 'quality support groups'. In principle, after the deconcentration

process is completed in 2004, Commission delegations will be best placed to take the monitoring of projects beyond a 'simple audit trail'.

The Commission for 2003 has planned a programme of project audits and evaluations, in addition to an annual overview of project activities, monitoring and evaluation reports. The development of better impact indicators and improved monitoring procedures discussed above should have a positive effect on ex-post evaluation of the policy.

## **6. Stakeholder consultation**

Stakeholders, including EIDHR implementing partners, human rights NGOs and wider civil society are consulted about the instrument on a regular basis<sup>39</sup>. The 'EU Human Rights Discussion Forum' is held at least once a year, organised jointly between the Commission and the EU Presidency<sup>40</sup>, and regular meetings are held in Brussels with the Human Rights NGO network. This group has been consulted about the multiannual EIDHR programming document 2002 – 2004, and the annual programming updates, most recently on 14 July 2003.

A series of Regional Conferences have been held throughout 2002 and 2003 to encourage dialogue on the operation, management and impact of the EIDHR with local implementing partners, representatives of civil society and local authorities. Meetings have been held so far in Dakar (Senegal), Casablanca (Morocco), and Cape Town (South Africa).

The EIDHR Regional Conferences identified a number of important issues impacting on the instrument. The meetings in Africa recommended that the EIDHR programming exercise concentrate on empowering grass roots NGOs and civil society organisations in the skills of lobbying and advocacy, research and investigation, project management and networking. Particular attention should be paid to effective action on gender and children's issues, including violence against women and gender-based discrimination. The conference participants urged to increase funding appropriations for capacity building and institutional development, and to provide more support to the African Union, particularly for the African Commission on Human and Peoples' Rights. The meetings also stressed the importance of effective monitoring and evaluation of projects funded under Council Regulations (EC) No 975/1999 and 976/1999.

The meetings held in the Mediterranean region concluded that the thematic priority on democratisation, governance and the rule of law should also apply to projects at a regional level, as activities under these themes match more closely the needs of the region<sup>41</sup>. The meetings found that gender mainstreaming under the instrument had not been as successful as expected in meeting the needs of women. It was therefore recommended that projects focussing specifically on women's rights should be eligible for support.

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<sup>39</sup> Cf. [http://europa.eu.int/comm.europeaid/projects/eidhr/index\\_en.htm](http://europa.eu.int/comm.europeaid/projects/eidhr/index_en.htm)

<sup>40</sup> Cf. [http://europa.eu.int/comm/external\\_relations/human\\_rights/conf/index.htm](http://europa.eu.int/comm/external_relations/human_rights/conf/index.htm)

<sup>41</sup> The EIDHR programming update for 2003 took up this suggestion and recognised that there are good grounds to finance certain activities under priority 1 (strengthening democratisation, good governance and the rule of law) at a regional level

In June 2003, a specific consultation of organisations, which received funding under Council Regulations (EC) 975/1999 and 976/1999 in the past was initiated and undertaken by the Commission for the purpose of the present Extended Impact Assessment. The organisations were asked for their views on the relevance, effectiveness and impact of the EIDHR, and to make suggestions about how its operation and impact could be improved<sup>42</sup>.

The survey of stakeholders in third countries resulted in a generally positive assessment of the impact of the EIDHR. A large majority of the 66 respondents considered that the general objectives of EIDHR were highly relevant to the human rights and democracy needs in their country. In terms of the impact of EIDHR on the protection and promotion of human rights and democracy, over 80% of respondents considered that the impact was either good or very good. A similar number found that activities financed under EIDHR were found to have made an effective or very effective contribution to strengthening the capacity of civil society organisations. However the results in respect of promoting gender equality were less clear-cut, with a sizeable minority of 39% indicating that EIDHR has been less effective in this area. Although most respondents found that the Commission had been clear or very clear in communicating its aims in terms of achieving impact; almost a quarter suggested that the clarity of specific objectives in this respect could be improved.

45% of the responding stakeholders felt that the EIDHR should continue to operate without any changes, whereas 55% of the replies advocated some modifications but otherwise also pleaded for a continuation of the instrument. Many comments centred on the need for improved programming and implementation procedures. With regard to overall strategy, the respondents indicated that the EIDHR should be “more flexible and fast in responding to the changing needs of civil society in recipient countries”. Some argued for additional thematic areas of activity to be included in the priorities’ list or for the identification of new focus countries. Some responses focussed on a perceived lack of action in the field of the rights of the disabled. Some respondents requested that more information should be provided on the reasons for policy and programming choices, and others suggested that the general and specific objectives of Calls for Proposals were “too ambitious for a single action”.

Concerning selection procedures, respondents suggested that a wider range of beneficiary organisations from civil society should be supported, and that the speed of decision making by the Commission and the length of time required to prepare projects was a disadvantage to many NGOs. The forthcoming process of deconcentration concerned a number of stakeholders, fearing that Commission Delegations may be unduly influenced by preferences of national authorities. Many respondents referred to negative aspects of administrative and procedural management with problems encountered in the signature of contracts and the disbursement of funds, all of which could “jeopardise local partners”. Others complained of administrative procedures being “overwhelming” and in need of simplification. A number of comments concerned the perceived need for more action at a regional level, and for the Commission to encourage networking and complementarity between civil society organisations, which receive funding under Council Regulations (EC) No 975/1999 and 976/1999. Some respondents suggested that the EIDHR takes

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<sup>42</sup> The questionnaire used is attached in Annex I to the present report



insufficient account of the development of projects over time, and that a longer-term commitment would increase the impact of activities. Several respondents requested that the criteria for measuring the impact of a project should be included in the guidelines for Calls for Proposals.

## **7. The Commission proposal**

The results of this impact assessment support the continuation of operations of the EIDHR through an extension of the period of validity of Council Regulations (EC) No 975 and 976/1999. These Regulation have been an enabling framework for Community funding to human rights and democratisation projects in third countries. Their scope and detail have provided a solid legal basis for the EIDHR, and have facilitated increasingly focussed programming exercises and refined implementing procedures. Despite the difficulty of establishing a full picture of the impact of activities in promotion of human rights and democracy, it is apparent that the overall impact of EIDHR under the Regulations has been significantly positive. Areas of weakness identified by the assessment can be addressed at the level of improved programming and implementation procedures, rather than by revisions to the legislative framework or the policy as such.

**Consultation of Stakeholders**

**Impact Questionnaire**



**European Initiative for  
Democracy and Human Rights**

**EIDHR Regulations Impact Questionnaire**

Organisation:

Your Name:

Position:

Tel:

E-mail:

Date:

Please answer the questions by putting a number in the box next to the questions, using a scale of 1 to 5, where 1 is the lowest level and 5 is the highest level of satisfaction.

Question 6 requires a *yes* or *no* response, plus comments.

**Questions**

In the country or region where your project has been operating:

1. Are the general objectives of the EIDHR relevant to the human rights and democracy needs?

RELEVANCE:

2. Have the activities financed under the EIDHR had a positive or negative impact on the protection and promotion of human rights and democracy?


IMPACT:

3. Have the activities financed under the EIDHR been effective in promoting gender equality?

EFFECTIVENESS:

4. Have the activities financed under the EIDHR been effective in promoting gender equality?

EFFECTIVENESS:

	<b>European Initiative for Democracy and Human Rights</b>
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5. Do you consider that the objectives of the EIDHR are sufficiently clear so as to enable the impact of your activities financed by it to be adequately measured against them?

CLARITY:

6. Do you consider that the EIDHR should continue to operate without any changes? If your answer is *no*, please specify what changes you would like to see in it?

- Yes
- No (list desired changes, maximum 5 lines)

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7. Any additional comments (Optional – maximum 5 lines)

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Additional information on the operation of the EIDHR can be found at:

[http://europa.eu.int/comm/europeaid/projects/eidhr/index\\_en.htm](http://europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm)

Please return this form, once completed, to [andrew.kelly@humanrightsconsultants.org](mailto:andrew.kelly@humanrightsconsultants.org) by 16.00 GMT on Thursday 12 June 2003