

**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES**  
**POLICY DEPARTMENT**



**The impact of the  
resolutions and other  
activities of the  
European Parliament in  
the field of human  
rights outside the EU**

**DROI**



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION**

**DIRECTORATE B**

**POLICY DEPARTMENT**

**STUDY**

## **THE IMPACT OF THE RESOLUTIONS AND OTHER ACTIVITIES OF THE EUROPEAN PARLIAMENT IN THE FIELD OF HUMAN RIGHTS OUTSIDE THE EU**

### **Abstract**

The European Parliament is seen as the most principled and outspoken EU institution within the field of human rights. However, empirical research focused on Belarus, China, Cuba, Egypt, Sri Lanka and Zimbabwe suggests that translating this visibility into tangible results — protecting individuals and organisations and influencing third countries' policies violating human rights — remains an elusive goal.

Many factors that determine the impact of the Parliament in the field of human rights are external to the Parliament and beyond its control. Others, however, stem from a lack of coordination between the Parliament and the European External Action Service. Within the Parliament, factors that can influence the organisation's impact include the level of coherence, consistency and coordination of activities. To strengthen its effectiveness, the European Parliament should make the following adaptations: strengthen contacts with civil society in third countries to reinforce the institution's position as a supporter of human rights; increase its internal coherence and coordination across different instruments; and exploit the powers granted by the Lisbon Treaty to promote an effective and common EU human rights strategy.

This study was requested by the European Parliament's Subcommittee on Human Rights.

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## EXECUTIVE SUMMARY

Commissioned by the Subcommittee on Human Rights (DROI), this report **evaluates the impact of the European Parliament (EP) activities in the field of human rights in third countries** between 2007 and 2011. It assesses how reforms introduced in the past five years, most notably through the Lisbon Treaty, have affected the EP's commitment to the protection and promotion of human rights.

Our concern is to judge the impact that EP resolutions and other activities have had on the ground in third countries. We do this through six country case studies: **Belarus, China, Cuba, Egypt, Sri Lanka and Zimbabwe**. We carried out an extensive range of interviews with activists and civil society groups in these countries to attain local perspectives on EU human rights policies.

**Three different areas of EP activities are identified:** the protection of individuals and organisations whose rights have been violated; third country government authorities and policies violating human rights; and specific causes supported by the EP. We offer a range of indicators to assess the varying levels of EP impact.

The **instruments and activities assessed** (formal and informal ones) include: the EP's deliberative, legislative and budgetary responsibilities; EP resolutions; the yearly Sakharov Prize for Freedom of Thought; public hearings; EP delegations; the activities of the DROI subcommittee; activities by the EP president, political groups and individual MEPs.

We find that the EP has carved out a clear and distinct role within the field of human rights. It has achieved significant visibility when highlighting the plight of individuals and denouncing instances of human rights violations. However, our in-country empirical research suggests that systematically translating this human rights profile into a tangible improvement in the situation of individuals or human rights policies remains a largely unmet challenge.

In some cases such as **Cuba** and **Zimbabwe**, the activities of the EP have been conditioned and determined by elements of the broader EU position towards these countries - respectively, the Common Position and targeted restrictive measures. In both cases, the low level of impact on the human rights policies of the two countries contrasts with the EP's success in highlighting the plight of specific individuals.

In these countries, and also in **Sri Lanka**, the low level of impact has been compounded by the hostility of these regimes – a constant across all six case studies – but also by the role of external actors with great regional influence – the US, South Africa and India. In addition, internal political divisions within the EP regarding Sri Lanka have limited the impact of activities. This is because the EP has failed to make its stance clear and avoid being utilised for its own purposes by the Sri Lankan government.

Another important determinant of the impact of EP activities is the leverage which the EU as a whole can exert over third countries. A neighbouring country in which the EP has played a positive role and has been able to make a difference in a number of instances is **Egypt**. Here however, the high number of activities carried out in 2011, as a result of the dramatic political events within the region, had a lower impact than desired – partly because the voice of the EP has been crowded out by a cacophony of other actors. Unlike specific activities prior to 2011 which had a greater impact.

By contrast, the impact in **Belarus** has been limited. Despite being an immediate neighbour to the EU, Belarus remains as one of the world's worst human right offenders and the only country in Europe not to have abolished the death penalty. Despite its proximity, which provides at least some potential for greater EU leverage, the impact of EP activities has been low. The reasons for this policy failure are largely beyond the EP's control.

In the case of **China**, the large number of EP human rights activities are perceived by local groups as having had negligible impact. Here, the EU's limited overall leverage over China appears as the main factor, rather than negative impressions of the EP per se. Nonetheless, our interlocutors did suggest that the EP could do better by relying less on official contacts and adhering to a less narrow political focus.

Our case studies present a number of interesting lessons regarding the **conditions which determine the impact of EP activities**. These can be divided among those internal to the EP, those external to the EP but internal to the EU, and those external to the EU.

Within the first group, conditions **internal to the EP**, the most positive aspect is the high degree of visibility which EP activities in the field of human rights enjoy within third countries. The EP is invariably seen as the most principled and outspoken of EU institutions. At the same time, other internal factors can limit the EP's impact. These include: the lack of full coherence in the messages that the EP sends; the inconsistency of activities across time; and the need for better coordination across different activities and instruments, particularly between the plenary and the work of committees and delegations.

Among those conditions that limit the impact of activities that are **external to the EP, but internal to the EU**, two decisive factors emerge from our consultations: the need for more fluent communication and coordination between the EP and the EEAS; and, more broadly, the need for EP activities to dovetail more effectively with member states' diplomacy and funding.

A final set of conditions, those **external to the EU** but which determine the impact of EP activities, are highlighted by our research: the degree of leverage which the EU has over the country in question; the attitude of third country governments and the internal political dimensions shaping these attitudes; and the role of other international actors.

Based on the findings of our case studies, a number of **conclusions regarding the impact of EP activities** in the field of human rights suggest themselves. First, while EP activities enjoy a certain degree of visibility, these have had a medium-to-low degree of impact; although there is an important variation in impact among activities. In most cases the factors that most strongly condition the impact of EP activities in third countries are external to the EP, and largely outside its and the EU's control. Of those factors internal to the EU, divisions among member states and a lack of coordination between the EP and the EEAS – especially on the ground – are seen as those most seriously diluting the impact of human rights activities. Finally, and internal to the EP, the level of coherence, consistency and coordination of EP activities in the field of human rights constitutes the key determinant of their impact.

The results obtained from the different case studies, allows the following **recommendations** to be made:

- The EP should **multiply and strengthen its contacts with civil society in third countries**, including individual human rights defenders, as a way of reinforcing its role and position as a consistent supporter of human rights both among EU institutions and on the international arena.
- The EP should **increase its internal coherence and the coordination across different instruments** as a way of rendering human rights a guiding force for all EP activities. An important degree of political support is needed for this to be effective.
- The EP should more fully **utilise the new budgetary and co-decision powers granted by the Lisbon Treaty, to promote an effective common EU human rights strategy** and increase the role the EU plays in this field globally.



# 1. JUSTIFICATION AND METHODOLOGICAL CONSIDERATIONS

## 1.1 Justification and antecedents of the study

This study has been commissioned by the Subcommittee on Human Rights (DROI) of the European Parliament (EP). It seeks to evaluate the impact of EP activities in the field of human rights in third countries. A first reference for the work presented here is the October 2006 study, 'The impact of the resolutions and other activities of the European Parliament in the field of human rights outside the EU', which provided an extensive overview of the activities and impact of the EP on human rights outside the EU<sup>1</sup>.

In this new and more concise study, the aims are to take stock of the EP's continued commitment to human rights through its different activities, to record the progress made during the past five years and to reflect the important changes that have occurred in this period. Of all the changes, that with the most significant impact has been the entry into force of the 'Draft Treaty Amending the Treaty on European Union and Treaty Establishing the European Community' (henceforth, the Lisbon Treaty)<sup>2</sup>. The Treaty has meant important institutional shifts, which will be explored below and could directly affect EP external activities, including work in the field of human rights.<sup>3</sup> This study will examine the changed legislative powers of the EP after the Lisbon Treaty, along with the full range of activities that the EP carries out in relation to human rights in third countries. This includes parliamentary resolutions; the activities of delegations and committees; public hearings; the activities of the EP president; actions taken by political groups and individual members; activities specifically designed to highlight human rights, such as the Sakharov prize and the Annual Report on Human Rights; and the work of the EP secretariat, in particular, the DROI subcommittee.

The main objective of the study is to evaluate the impact that EP resolutions and activities have on the ground in third countries. In order to achieve this, the activities of the EP in different countries will be examined using a case study methodology. Media and third country government and state reactions to EP actions will be analysed. An assessment of the views of civil society and non-governmental organisations (NGOs) on the impact of EP activities has also been carried out. This should help evaluate which EP activities have produced the most significant impact, as well as enabling an analysis of the factors that have influenced this impact. The findings of the case studies and of additional research carried out at the EP will be extracted and summarised in a concluding section. This section will include a series of recommendations for increasing and enhancing the impact of EP activities in the field of human rights in third countries. These recommendations will include, wherever relevant, references to the recommendations made by the 2006 study and the extent to which these have been implemented or not. The recommendations for the EP will also be located within the broader context of human rights activities within the EU external action – context which is currently undergoing important changes<sup>4</sup>, and within which the EP should play a central role.

<sup>1</sup> European Inter-University Centre for Human Rights and Democratisation (EIUC), 'The Impact of the Resolutions and Other Activities of the European Parliament in the Field of Human Rights Outside the EU', European Parliament, 2006

<sup>2</sup> 'Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union', Official Journal of the European Union, 2010

<sup>3</sup> Quille, G, Delaunay, D., Douaud A. and Caprile, A., 'The Lisbon Treaty and its Implications for the EU External Action', European Parliament DG EXPO, 2008

<sup>4</sup> See for example: European Commission, 'Joint Communication to the European Parliament and the Council – Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach', 20 December 2011

## 1.2 Methodology: scope, indicators, tools and limitations of the study

The methodology for the study will follow a case study approach. EP activities and their impact will be evaluated in six countries, so as to best address the objectives of the study within the available timeframe.

Scope: The six case studies on which in-depth research has been conducted are **Belarus, China, Cuba, Egypt, Sri Lanka and Zimbabwe**. This choice has been based on a number of criteria:

- The countries have seen an important number of EP activities;
- They are drawn from different geographical regions;
- They have different degrees of linkage to the European Union (EU);
- They represent different regime types and trajectories in terms of respect for human rights – some are long-term human rights violators, some are countries affected by conflict and some are countries undergoing political transition.

The goal in choosing such a varied sample of countries has been to compare which of the differentiating factors most affects the impact of EP activities.

As regards the time period on which the analysis is focused, the aim has been to take up where the 2006 study left off and reflect on the impact of the Lisbon Treaty. The case studies therefore examine the activities of the EP from January 2007 to December 2011, covering a total period of five years. The study also includes more recent examples, gathered during research at the EP in February 2012, which can help to illustrate and contextualise some of the changes and debates.

Indicators: This study aims to evaluate the impact of EP activities in the field of human rights. These activities include: parliamentary resolutions; the activities of the delegations and committees; public hearings; the activities of the EP president; actions taken by political groups and individual members; activities specifically designed to highlight human rights, such as the Sakharov prize and the Annual Report on Human Rights; and the work of the EP secretariat. The analysis will address the impact of these EP activities and assess these activities individually. It will also examine how the different activities and instruments are interconnected and work to mutually reinforce each other.

Indicators have been developed to assess the impact of EP activities in three different areas:

- **Individuals and organisations whose rights have been violated and/or whom the EP aims to protect and support through its activities.**

Indicators: To what extent are EP activities known by these individuals? What is their perception of these activities? Have EP activities provided protection to the organisation, or, by contrast, increased their vulnerability? To what extent has the situation of individuals been objectively improved as a result of EP activities – if imprisoned, have they been released? Have harassments and violations stopped?

- **Third country government authorities violating human rights, and their policies vis-à-vis human rights.**

Indicators: Have EP activities generated a reaction from these authorities? What has been the nature of the reaction (hostile, accommodating)? To what degree have EP activities led to a change of policies or a change of attitude towards the EP and other international actors working on human rights? If policies or attitudes have changed, what is the nature of this change? Has the overall situation of human rights protection in these countries changed, and in what way? To what extent have EP activities contributed to a greater awareness of the human rights situation

among the general population in these countries? Has this awareness contributed to greater support for the defence of human rights?

- **Causes the EP wants to support through its resolutions and actions, as well as international and regional human rights regimes (including EU and member states' human rights policies).**

As well as assessing the impact of EP activities on third countries, the study will also reflect on the position of other international actors working in the field of human rights. These actors will include some internal to the EU, such as EU institutions and member states, and some external to the EU.

Indicators: Is there significant interplay between EP activities and other actors? Have EP activities effectively altered these actors' stance on human rights in the countries studied. Has this relationship improved the protection of human rights in the countries under consideration?

Tools employed: In completing this study, a range of tools has been employed. These include:

- **A desk survey analysis** of EP resolutions and documents relating to the activities of the inter-parliamentary delegations; activities of different committees, especially the DROI subcommittee; public hearings; and activities by the EP president, political groups and individual Members of the European Parliament (MEPs).
- **A media survey analysis** of the coverage and visibility of all EP activities in the selected countries. Consideration has been given not only to the level of coverage, including presence in the media and audiences reached, but also the nature of the coverage and the extent to which it generated debate within the countries studied.
- **Personal and phone interviews** with different relevant actors including representatives of local NGOs working on human rights; local activists and individuals, including those targeted by the EP's activities; international NGOs working on human rights; MEPs and EP Secretariat representatives; and representatives of other EU institutions in third countries. A total of seventy interviews have been carried out – direct contacts which comprise the core of the research methodology of the study<sup>5</sup>. Alongside interviews, a questionnaire was developed and circulated among a broader range of actors, helping to verify the findings of the study.

Limitations: The most important set of limitations relate to the methodological complications encountered in measuring impact. A broad understanding of impact has been adopted, which uses the visibility of and reaction to EP activities as one indicator of impact. This is, however, of limited use in assessing the ultimate goal of EP activities: the improvement of the human rights situation and the conditions of individuals targeted. For this reason, while all indicators of impact have been taken into account, those with more direct outcomes have been emphasised. Similarly, perception of impact varies between different actors, for example, people within the EP and people on the ground. Although these different perceptions have been explicitly noted wherever relevant, given the focus of the study, particular weight has been given to the views of people on the ground.

Another, related problem is the difficulty of making causal links between EP activities and any change in the human rights situation. In a few cases, the change can be clearly attributed to EP actions. More often, however, a number of factors exist that may have determined the impact. Solely attributing

<sup>5</sup> Given the sensitive nature of the information gathered through the interviews and the vulnerable position of many of the people interviewed within third countries and who have willingly participated, only written references are included at the end of the report. The details of the interviews can be made available to the EP upon request.

changes to EP activities, or working out the degree to which changes are in response to EP activities, can be complicated.

A second set of complications affecting adequate measurement and assessment of the impact of EP activities is the difficulty in obtaining information. While most information on formal EP activities is in the public domain, it is not systematically recorded or easily accessible. Despite the recommendation made in the 2006 study that “EP services should seek to systematically record third country reactions to resolutions”<sup>6</sup>, this has not been implemented and constitutes an important limitation. Furthermore, there are also a number of EP activities that, unlike resolutions or delegations, are carried out in an informal or private manner, and information on these actions is difficult to access. The human rights and political situation in the countries under study makes it very difficult to contact individuals. Even when contact is possible, fear and suspicion, along with the secretive and distorted nature of information in these countries, makes it difficult to establish with certainty the reliability of some of the information.

## **2. EUROPEAN PARLIAMENT’S WORK ON THE FIELD OF HUMAN RIGHTS 2007-2011**

The EP has traditionally played the most prominent and visible role of all EU institutions in the promotion of human rights. This is recognised by European citizens: according to the 2011 Parlameter opinion survey, 56 per cent of respondents consider that ‘the protection of human rights’ should be the top priority among the values that the EP should defend, followed at some distance by gender equality (33 per cent)<sup>7</sup>. This signals the importance of human rights for the EP, although a significant caveat must be noted: that these responses relate to EP activities within the EU as well as those in third countries. Since the scope of the present study is limited to activities in third countries, the internal dimension of human rights will not be explored. The division between the internal and external dimensions of human rights is reflected on, and reinforced by, the institutional organisation within the EP Secretariat – with the DROI Subcommittee included within the Foreign Affairs Committee (AFET). This rigid set up contrasts with the universal character of human rights, it presents practical problem on certain topics and it has been problematised by a number of people interviewed for this report – both within the EP and from civil society – as it will be discussed below. Nonetheless, a detailed discussion of the implications of this division falls outside the scope of this study.

In any case, human rights have traditionally featured prominently in the EP’s external actions. The 2006 study explored the EP competencies in this regard in detail, along with the array of activities it carried out. All these activities reflect the more visible and outspoken position which the EP has maintained for a long time regarding human rights compared with other institutions. This has been recognised not only by EP members, but also by third countries, as the case studies will show. Any steps towards revising and enhancing the position of human rights within the EU external action and relations with third countries should therefore capitalise on the experience gathered by the EP on this matter.

This section will briefly describe the EP’s activities and competencies on human rights. Special emphasis will be placed on the changes that have taken place in the past five years. Among these, the most important are the changes brought about by the entry into force of the Lisbon Treaty, which has meant a transformation in both the external relations of the EU, and the role of the EP within external relations. These changes may have an impact on the activities and policies of the EU in the field of human rights.

<sup>6</sup> EIUC, op. cit., page 104

<sup>7</sup> European Parliament Eurobarometer, ‘Parlemeter – Autumn 2011’, [http://www.europarl.europa.eu/aboutparliament/en/00191b53ff/Eurobarometer.html?tab=2012\\_0](http://www.europarl.europa.eu/aboutparliament/en/00191b53ff/Eurobarometer.html?tab=2012_0), accessed 26 February 2012

So as to better contextualise EP activities and the changes now under way, the first part of the section presents a brief overview of the global human rights situation in the period studied.

## **2.1 Overview of the human rights situation in the world 2007-2011**

Providing an overview of the global human rights situation is necessarily a complicated task, because of the number of different trends at play. These trends in turn overlap with different country and regional dynamics and thematic concerns. Perhaps one of the clearest trends in recent years has been the declining influence in global affairs of the Western world, which has begun to give way to the emerging economies. The implication that this important change will have for the human rights situation is not yet clear. Nonetheless, it must be relevant that China, the world's second biggest economy and a key global player, has a domestic situation in which political rights and civil liberties are violated.

Despite these important changes, some undemocratic political regimes, including Cuba, Eritrea, Iran, Burma and North Korea, have for decades violated human rights and limited civil liberties, and they continue to do so in the face of international opposition. In a number of countries, increased violence has affected domestic institutions and worsened the human rights situation as a result either of the authorities' inability to guarantee civil, political and human rights or of their use of systematic violence as a political tool. This has been the case not only in conflict situations and fragile states such as Sudan and South Sudan, Somalia, Afghanistan and Pakistan, but also in more consolidated and stable democracies such as Mexico, where the level of violence constitutes a serious threat to human rights.

The 2011 events across the North Africa and Middle East region have been the most relevant change within this period. Political upheavals caused the recognition that the status quo in many of these countries rested on the oppression and violation of the fundamental rights of a large part of the population, and that this was not a sustainable situation. This upended the political considerations of many different international actors. In countries fearful of the influence and example of these events, the result has been a further restriction of political and media freedoms, especially given the increased popularity of communication technologies to organise and disseminate information.

By contrast, for an actor such as the EU committed to the defence of human rights, but caught out of step by political realities, these events have meant a hugely important boost for the notion that human rights need to have a central role within the global system. It has also triggered political changes which may have important consequences, of which an important example is the recent Joint Communication from the European Commission on 'Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach', which seeks to make human rights a 'silver thread running through all EU action both at home and abroad'.<sup>8</sup> This Communication indicates the need to focus on three themes: the rights of women, the rights of children and judicial reform. Two of these themes are also included in the EU Guidelines on Human Rights, approved in 2009 at a ministerial level, which put forward a 'strong political signal' on some of the topics that the EU considers most important. These remain just as relevant today in the face of important geopolitical changes. They include the death penalty; torture and other cruel, inhuman or degrading treatment or punishment; children and armed conflict; violence against women and girls; and all forms of discrimination against women and girls. These topics have featured regularly in EP activities such as the regular 'Annual Reports on Human Rights and EU policy on the matter'.

The Joint Communication constitutes a first step towards the major policy review of the EU policy towards human rights which the European Commission has indicated is set to undertake. To this end it

<sup>8</sup> European Commission, 'Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach', 2011

has also commissioned a 'Thematic evaluation of the EC support to human rights and fundamental freedoms' published in December 2011<sup>9</sup>. Among the most relevant recommendations made in the evaluation is the need to "strengthen the overall institutional architecture and its overall capacity to deliver an expanding human rights agenda", in order to "make the new post-Lisbon configuration work for human rights". As it will be shown across the different case studies, the impact of EP activities is greatly conditioned by the intra-EU institutional architecture. At the same time, the new position of the EP after Lisbon and its long involvement with human rights in third countries necessarily make the EP a central element of any revised EU policy. The closing two chapters of this study will illustrate in detail the possible ways in which the EP can increase the impact of its activities and how this relates to the broader EU strategy.

## **2.2 EP competencies in the field of human rights under the Lisbon Treaty**

The institutional changes brought about by the entry into force of the Lisbon Treaty have had an important effect on EU's external relations<sup>10</sup>. The Treaty has granted more power and competencies to the EP, an institution that has traditionally been at the forefront of human rights activities in the EU, opening the way for human rights to play a more important role in EU external action.

The Lisbon Treaty itself recognises the greater role which human rights should play in the external actions of the EU. Article 21 states:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Lisbon Treaty also entails important changes in the nature of the external relations of the EU. One of the most relevant and symbolic changes affecting external relations is the fact that the EU has acquired a legal personality (Article 47), which means the EU can sign international agreements and participate in international bodies. One example of this new status at work is the 2011 United Nations General Assembly resolution 65/276, in which participation of the EU in the UN was upgraded, although a full membership was not granted. Another example is the negotiations currently under way on the EU's accession to the European Convention on Human Rights. A second institutional change caused by the Lisbon Treaty is the creation of a new figure, the High Representative for Foreign Affairs and Security Policy, supported by the European External Action Service (EEAS) (Article 18).

This new arrangement for external relations has implications for the EP. Firstly, the EP's consent is required for the appointment and dismissal of Commissioners (Article 17), including the High Representative. Among the new EP powers, the Foreign Relations Committee (AFET) has to approve or reject the Head of Delegation nominated by the EEAS to serve in each different country. Article 36 requires that the High Representative 'shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy. [...] He shall ensure that the views of the European Parliament are duly taken into consideration.' Although the EP's opinion on these matters is not necessarily binding, it has meant a closer relationship between the EP and the High Representative in reporting on the activities of the EEAS. This can be a valuable tool in developing EU

<sup>9</sup> Petrucci, F., Bossuyt, J., Koen, D. F., Foresti, M., Domingo, P., Monti, S., 'Thematic evaluation of the European Commission support to respect of Human Rights and Fundamental Freedoms (including solidarity with victims of repression)', European Commission, December 2011

<sup>10</sup> The Lisbon Treaty was signed by the EU Heads of State and Government on 13 December 2007. It formally entered into force on 1 December 2009 following the ratification of all 27 EU member states, the last being Ireland in October 2009.



external actions that are in accordance with the democratic voice that the EP represents, including the promotion of human rights in third countries. In this regard, some interviewees agreed that some advancement has been visible. The creation of an EEAS Directorate General for Human Rights and Democracy and the position of a High Representative for Human Rights are largely due to this closer relationship.

The Lisbon Treaty has given more direct powers to the EP, including the ability to exercise together with the council 'legislative and budgetary functions' (Article 14). It is now required that the EP consents to the establishment of international treaties and commercial and cooperation agreements that fall under ordinary legislative procedures (Article 218). This need for the EP to assent to agreement with third countries creates an important tool for the EP to strengthen the importance of human rights considerations and mainstream them across all the different external competencies of the Parliament – and, by extension, the EU. The introduction of human rights clauses in partnership agreements with third countries has been a long-standing request from the EP; now, under the new powers granted by the Lisbon Treaty, it will be able to put it into practice itself.

The implications of the budgetary powers awarded to the EP are also important. The EP can now play a determining role in decisions on external financial instruments related to human rights activities. This includes those associated with the European Neighbourhood Policy (ENP), the Development Cooperation Instrument (DCI) and, in particular, the European Instrument for Democracy and Human Rights (EIDHR). MEPs have recently suggested that the Parliament welcomes the redefinition proposed by the EEAS of the objectives and scope of this instrument. But they also said that the EP's 'prerogatives must be respected on the programming of the EIDHR'.<sup>11</sup>

### **2.3 EP instruments and activities in the field of human rights**

In addition to the deliberative, legislative and budgetary powers of the EP, a number of instruments can be used in carrying out different activities on human rights in third countries.

#### **2.3.1 Resolutions**

Resolutions carry the full weight and legitimacy of the EP and have been some of the most visible activities in the field of human rights. The EP can adopt different types of resolutions according to different rules of procedure, including resolutions related to own-initiative reports (Rule 48); resolutions on the breach of human rights (Rule 98); resolutions related to statements by the Commission, Council and European Council (Rule 110); resolutions on annual and other reports by other institutions (Rule 119); and resolutions following debates on cases of human rights, democracy and the rule of law (Rule 122). Of these, only Rule 98 and Rule 122 are specifically dedicated to human rights matters. Rule 122 resolutions – also known as 'urgency resolutions' – are different to all other resolutions in that they are prepared by political groups without any drafting from the EP Secretariat, except coordination exercised by the DROI subcommittee. They are one of the most widely used mechanisms, although some concerns exist regarding the usually low participation of MEPs in these debates. Although low participation does not diminish the legitimacy of the EP resolutions, third countries have sometimes brought up this issue as a way of criticising the legitimacy and representativeness of urgency resolutions. The possibility of changing the timing of these debates (currently scheduled for Thursday afternoons) as a way of increasing participation and avoiding these criticisms has been consistently raised by the EP itself on its Annual Reports, by the 2006 study and, again, by people consulted for the

<sup>11</sup> Committee on Foreign Affairs Subcommittee on Human Rights (DROI), 'Draft Report on the Annual Report on Human Rights in the World and EU policy on the matter, including implications for the EU's strategic human rights policy', European Parliament, 19 January 2012

present study, including representatives from political groups and civil society actors. Despite all these calls, the recommendation – relatively straightforward to implement furthermore – has not been followed.

Between 2007 and 2011, the EP passed a total of 237 resolutions on the external dimensions of human rights and the situation within third countries. A breakdown of these resolutions by their type, geographical and thematic focus is presented on the tables below. Although slightly different categories have been used, a number of comparisons can be made with the breakdown of resolutions included in the 2006 study. Regarding the type of resolution, the most important difference has been increase in resolutions with an individual focus. Between 1999 and 2006, these comprised 9.5% of the total, whereas between 2007 and 2011, they made up 15.6% of the resolutions.

**Table 1: Percentage breakdown of the 237 resolutions on the external dimensions of human rights and the situation within third countries between 2007 and 2011 by type of resolution**

| Type of Resolution             | Number of Resolutions | Share of total number |
|--------------------------------|-----------------------|-----------------------|
| Country or regional focus only | 94                    | 39.7%                 |
| Thematic and country specific  | 86                    | 36.3%                 |
| Thematic focus only            | 20                    | 8.4%                  |
| Individual focus               | 37                    | 15.6%                 |
| Total                          | <b>237</b>            | <b>100%</b>           |

Regarding the geographical focus, Asia/Oceania is the region where most resolutions focus (25.8%). Between 1999 and 2006 Asia/Oceania was also at the top, but it has increased the percentage of the total it represents (28.7%). Sub-Saharan Africa was the second most cited region in both periods (24.4% (2007-2011) - 25.4% (1999-2006)). The only significant change in the regional focus of resolutions from the 2006 study has been that the Middle East and North Africa (MENA) /Gulf region is now third, jumping from being the focus of 12.3% of resolutions to 21.2%. Eastern Europe/Central Asia appears in fourth place in both periods, making up 17.8% of total geographical resolutions in 2007-2011 – compared to 15.5% in the 1999-2006 period.

**Table 2: Percentage breakdown of the 237 resolutions on the external dimensions of human rights and the situation within third countries between 2007 and 2011 by type region**

| Regions                         | Number of Resolutions | Share of total number |
|---------------------------------|-----------------------|-----------------------|
| Asia/Oceania                    | 56                    | 25.8%                 |
| Americas                        | 14                    | 6.5%                  |
| Sub-Saharan Africa              | 53                    | 24.4%                 |
| Middle East, North Africa, Gulf | 46                    | 21.2%                 |
| Eastern Europe / Central Asia   | 39                    | 17.8%                 |
| Other Europe                    | 9                     | 4.3%                  |
| Total                           | <b>217</b>            | <b>100%</b>           |

The categories used to classify thematically the resolutions passed by the EP between 2007 and 2011 are different to the ones used by the 2006 study, making a comparison difficult. From the breakdown below it can be seen that there is no clear priority on the themes covered by EP resolutions.



Nonetheless it is interesting to note that the theme most often mentioned relates directly to the EU's relationship with third countries (16.1%). If these resolutions are added to those dealing with EU and international human rights mechanisms within which the EU takes part, we see that nearly a quarter (23.7%) of the EP resolution are linked to the broader EU external policies and human rights strategy.

**Table 3: Percentage breakdown of the 237 resolutions on the external dimensions of human rights and the situation within third countries between 2007 and 2011 by thematic focus**

| Thematic focus                                                                         | Number of Resolutions | Share of total number |
|----------------------------------------------------------------------------------------|-----------------------|-----------------------|
| Women issues                                                                           | 12                    | 10.2%                 |
| Political context (includes elections, political repression and political prisoners)   | 17                    | 14.4%                 |
| Conflict and Humanitarian issues                                                       | 16                    | 13.6%                 |
| Impunity and International Justice mechanisms (including International Criminal Court) | 11                    | 9.3%                  |
| EU and International Human Rights mechanisms (including EU Dialogues, UN HRC)          | 9                     | 7.6%                  |
| Death Penalty                                                                          | 10                    | 8.5%                  |
| Minorities issues (including cultural, ethnic, religious and sexual)                   | 18                    | 15.2%                 |
| International Relations with EU (including country and regional strategies)            | 19                    | 16.1%                 |
| Freedom of Expression                                                                  | 4                     | 3.4%                  |
| Other                                                                                  | 2                     | 1.7%                  |
| <b>Total</b>                                                                           | <b>118</b>            | <b>100%</b>           |

### 2.3.2 Sakharov Prize for Freedom of Thought

The Sakharov prize, awarded annually since 1988, is one of the most visible activities of the EP in the field of human rights. The prize is held in high esteem and regard by MEPs, civil society, laureates and citizens in the EU and in third countries. The interviews carried out consistently present the Sakharov prize as a great tool for the promotion of human rights. According to some people within the EP furthermore, the prize also has a great potential for 'branding' the EP as a leading actor in the field of human rights. In many ways however, the potential of the Sakharov prize was under-utilised. The 2006 study indicated the need to increase its visibility and put forward the recommendation of establishing a "network of Sakharov Prize laureates"<sup>12</sup>. This recommendation has since been followed, thanks to the impulse given to the idea by the EP President Hans-Gert Pöttering (EEP, 2007-2009) in 2008, on occasion of the twentieth anniversary of the prize. Since then, steps in this direction have been taken by the EP in

<sup>12</sup> EIUC, op. cit., page 135

collaboration with the NGO, Reporters Without Borders. The establishment by the EP Secretariat, announced on December 2011, of a new Directorate for Democracy Support, and of a Unit for Human Rights Actions within it, is expected to provide the necessary support for the operationalisation of the Sakharov network. The linkage between the new Directorate and the EP Vice-President for Democracy and Human Rights can help giving this initiative political weight. This political work still has to be done to guarantee the network's success: interviewees closely related to the first steps of the network pointed out the low number of MEPs ("could be counted with two hands") who attended an initial meeting held network in November 2011 and attended by 13 former laureates. In general, and although laureates have mixed profiles and backgrounds, the idea of a network that taps into the Sakharov prize's history and visibility is considered to have great potential.

### 2.3.3 Public hearings

Public hearings organised by the EP to exchange expert views on human rights topics present a good opportunity to encourage greater understanding and a higher profile on these issues. In many ways, this effort has been successful, since hearings usually have high visibility not only among experts and activists in the EU and in third countries, but also among third country governments. Frequently, when a public hearing on a country takes place, representatives from the country's diplomatic delegation to the EU attend and show engagement. Although participation is usually limited to criticising facts or views presented, it shows that the hearings are considered to be important activities by these countries. However, the 2006 study recommendation to "draw operational conclusions from all meetings and exchanges of views with a view to follow-up on commitments and information obtained as well as policy options devised"<sup>13</sup> has not been consistently followed.

Public hearings are a valid instrument in dealing with the subject of human rights. Most hearings are organised by the DROI subcommittee, although it is not their exclusive prerogative: hearings involving human rights in third countries can also be organised by AFET, INTA (International Trade) or Development (DEVE) Committees. But the perception among those within the EP Secretariat is that other Committees are often reluctant to get involved in human rights discussions. Although this is slowly changing, it is important that more efforts are directed towards this, since a mainstreamed approach to human rights is essential to increase the EP's potential for impact. Joint public hearings, such as those conducted by AFET and DROI on China and Egypt, are a good way of achieving greater visibility and making human rights activities a more important part of the Committee's work.

While an invitation to an EP hearing can help protect an individual by showing third country authorities that his/her case is known to the EP, it can also entail some risks. Activists invited to hearings from Sri Lanka in 2009 and Egypt in 2010 were attacked in the media, and the participation of Chinese activist Hu Jia in a hearing in 2008 led directly to his arrest. The undeniable value of public hearings needs to be complemented not only by the EP risk assessments – which are regularly undertaken – but also by the recognition of the courage of activists who participate. This, according to some interviewees, was not always clear in light of the low number of MEPs who attended the events.

### 2.3.4 Delegations

Delegations can be a powerful instrument to establish dialogue on human right topics. The EP has two types of delegations: permanent and *ad hoc*. Permanent delegations maintain a constant relationship with countries or regional bodies, aim to strengthen inter-parliamentary diplomacy and establish dialogue on a number of topics. *Ad hoc* delegations are established with a view of visiting third countries responding to specific cases and have a wide variety of objectives. Although delegations'

<sup>13</sup> EIUC, op. cit., page 125

activities are sometimes less visible than plenary resolutions, they enjoy more direct access to government and state structures in third countries and international organisations. However, some of those interviewed acknowledge that both permanent and *ad hoc* delegations, although by different reasons, do not exploit their full capabilities to highlight human rights issues in their relationships with third countries. Sometimes, the desire of the delegation to make progress on a range of different topics means that human rights topics are only mentioned briefly, out of fears of monopolising the conversation.

If human rights topics highlighted by the EP in the plenary and by different committees are not subsequently raised by delegations, the consistency and credibility of EP activities could be compromised. The importance of this was already recognised on the 2006 study which recommended the implementation of the Guidelines to delegations proposed by DROI in order to guarantee a minimum profile for human rights topics in the work of delegations. However, it was only in April 2011 that the Conference of Delegation Chairs approved the 'Guidelines for EP Inter-parliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries'. These guidelines address that delegations should undertake before, during and after visiting third countries, and are a good step towards mainstreaming human rights work across different EP instruments and activities. The real impact of these guidelines however, depends on MEPs becoming aware of their existence and committed to their implementation. Members of the EP Secretariat involved with the work of delegations interviewed for the present study highlight in this regard the crucial role which the Chair of the Delegation needs to play for the successful adoption of human rights guidelines.

### 2.3.5 Subcommittee on Human Rights (DROI)

The DROI subcommittee is the focal point for all activities in the field of human rights in third countries carried out by the EP. Its dedicated activities include the organisation of the Sakharov Prize for Freedom of Thought and the drafting of the EP's 'Annual Report on Human Rights and the European Union Policy on the Matter'. In spite of its important role, the DROI is not a fully-fledged committee, but rather comes under the auspices of the AFET Committee. This state of affairs has been widely criticised and proposals for turning DROI into a fully fledged committee have been reputedly been made during the past decade – by the EP itself, and also by the 2006 study. Upgrading DROI to a stand-alone committee, as many within the EP and civil society ask, would send out an important message regarding the centrality of human rights in the work of the EP. But it would also present difficulties in integrating the internal and external dimensions of human rights, for which responsibility is currently divided between the DROI subcommittee within AFET and the committee on Civil Liberties, Justice and Home Affairs (LIBE). An eventual re-organisation of committees to accommodate the overlap between the internal and external dimensions of work on human rights may be necessary, but a detailed discussion exceeds the scope of the present study.

Although it has not been upgraded to a full committee, the DROI subcommittee has been recently upgraded to DROI+, a status which gives it more capabilities: it can have three own initiative reports open at the same time, it can organise more hearings and it has a larger quota in the EP Delegations. This will improve the capacities of the DROI subcommittee. But in order to increase the importance of human rights in EP external actions, other important factors need to be taken into account, such as the relationship between DROI and its parent committee, AFET. If human rights are to be made a central principle of EP external action, this subject needs to be considered in the work of the different committees and delegations.

The DROI subcommittee needs to play a central role in pushing for this mainstreaming of human rights within the EP's external actions, not only at the political level, but also through its related work at the Secretariat level. An example of this is the Task Force on EU Human Rights Policy, a Secretariat-level

organ created in November 2009, with the aim of ensuring the maximum possible synergy between all EP activities on human rights, promoting the full exchange of information between all services, mainstreaming activities within the Secretariat and raising the profile of human rights activities within and outside the EP. In the more than two years in which the Task Force has been active, it has become a useful tool for creating an informal network of people working on human rights that can assure effective communication across the different Secretariat services.

The EP Secretariat has also recently promoted the creation of a Directorate for Democracy Support within the EP Directorate General for External Policies. This new organ will group together activities such as the Electoral Observation Mission (EOM) Unit, the Office for Parliamentary Democracy, activities involving external capacity building in relation to democratic processes and those related to EU enlargement. This responds to the new climate inaugurated by the 'Arab spring' and the perceived need – visible also on the EEAS and Commission activities – to make democracy and human rights a cornerstone of the EU external action. A dedicated new Unit for Human Rights action is to be created within the Directorate. Among its planned responsibilities are the organisation and coordination of the Sakharov prize and Network. The EP Secretariat must provide this new Unit with an adequate level of material and human resources, which can help turning this unit into a strategic element of the new EP external action. This new unit should work in close collaboration with the DROI Secretariat to ensure the effectiveness of its work. The new unit could also operationalise a number of actions – discussed in more detail below – related to the political and technical coordination of EP organs, communication activities which can increase the visibility of the EP activities in the field of human rights in third countries, and pay a special attention to the individual cases of human rights defenders.

### 2.3.6 Activities by the EP President

The presidency of the EP has an important role to play in human rights activities in third countries as a result of its distinct capacity to represent the EP as a whole in international relations. The president can also delegate these powers to other bodies, such as inter-parliamentary delegations. The EP president can adopt a wide variety of tools to support human rights, ranging from public to confidential and from formal to informal. These tools include announcements at the start of the plenary session and press statements in relation to the human rights situation in third countries, whether on the president's own initiative or at the request of MEPs. A new, less formal instrument which EP President Jerzy Karol Buzek (EPP 2009-2012) made use of in a targeted and experimental way, and which has shown its value in cases such as the repression of protests in Bahrain in 2011, is social media, such as Facebook and Twitter. On a more direct level, the EP president can write letters and raise the subject of human rights in bilateral meetings with third country representatives. President Buzek made human rights a prominent part of his agenda; this decision was taken, according to an interviewee who has closely collaborated with him, because of the EP's 'special relevance on this matter, being an institution made up of directly elected members', as well as the President's 'personal baggage' and 'political background'.

Alongside these specific instruments, the president, as the representative of the will of the European population, has a powerful platform from which human rights issues can be addressed. The presidents' activities have helped to give human rights an important role within EP activities. One example of this is the informal dialogue between the EP president and the High Representative, which has aimed to achieve the maintenance of similar positions across institutions. Finally, the president can also play an internal role by coordinating and mediating between different positions in order to prevent avoidable public rifts that could affect the credibility of the EP.

### 2.3.7 Activities by political groups and individual MEPs

Although the activities by political groups in the field of human rights are not part of the formal EP activities, these play an important role which furthermore appears to be increasing. The enlargement of the EU to the east has contributed to this, since different political parties within the EP have close relations with parties in countries of the European neighbourhood. Some of the activities that political groups can carry out include the organisation of events on human rights issues. The informal nature of the activities organised by political groups means they lack the legitimacy of a formal EP body, but this has certain advantages: at least on one occasion, diplomatic pressure from a third country made it difficult for a human rights event to go ahead, but political groups succeeded in organising it. Political groups also play an important role in the drafting of 'urgency resolutions' for the EP plenary under Rule 122. Political groups enjoy a greater degree of liberty to organise events and address politically sensitive topics than does the EP Secretariat, and in this way can push the EP to take more open and definite stances. But this can also be a weakness, because the political dimension of certain cases and situations contributes to a polarisation of the EP debate on human rights activities. This division can affect the credibility and legitimacy of the EP, as some of the case studies will show.

Individual MEPs can also act in the field of human rights, moved by personal stance or choice, often obtaining a great level of visibility. Initiatives such as the one organised by a German NGO labelled 'Adopt a political dissident' and aimed at individual MEPs are an example of how this personal dimension can be leveraged. The 'adoption' by Polish MEP Marek Migalski of Belarusian opposition politician Dzmitry *Bandarenka* was important in providing him a certain degree of protection as he faced a medical operation in prison. In a number of other cases, individual MEPs have been highlighted as the visible face of EP human rights activities within third countries, which signals the importance of these activities despite their informal nature.

## 3. IMPACT OF ACTIVITIES OF THE EUROPEAN PARLIAMENT IN THE FIELD OF HUMAN RIGHTS OUTSIDE THE EU: SELECTED CASE STUDIES

### 3.1 Impact of activities of the European Parliament in the field of human rights: Belarus

Although a neighbouring country of the EU, Belarus remains one of the world's worst human right offenders. It is the only country in Europe not to have abolished the death penalty. In spite of a large number of EP activities directed at Belarus, the EP's impact on the human rights situation is assessed as low, albeit for reasons beyond the EP's control.

#### 3.1.1 Overview of Belarus's human rights situation (2007-2011)

Since the mid-1990s, shortly after Alexander Lukashenko came to power, EU-Belarus relations have been restricted because of the lack of respect for democracy and human rights in this country. Belarus remains only European country that is not a member of the Council of Europe and has never abolished the death penalty. Due to human rights concerns, the Partnership and Cooperation Agreement (PCA) that the EU signed with post-soviet countries in 1990s has never been ratified for Belarus. So, despite the fact that Belarus is a neighbour of the enlarged EU, it cannot fully participate in the European Neighbourhood Policy and the Eastern Partnership (EaP). The EU pursues a policy of critical engagement with Belarus, meaning that the deepening of relations with Belarus is conditional on democracy and human rights.

Belarus has developed as the most authoritarian regime in Europe and pursued external relations mainly with Russia – the Union State of Russian and Belarus was created in 1999, though it exists largely

on paper – and other CIS countries. Belarus is a member of the Customs Union with Russia and Kazakhstan, and Russia has provided economic and military assistance to Belarus.

At the end of 2006, the Commission offered to renew EU dialogue and cooperation with Belarus subject to 12 conditions to improve democracy and human rights.<sup>14</sup> At the same time, official sanctions were extended against Belarus as a response to the fraudulent parliamentary elections of 2008 and trade preferences (GSP) were withdrawn as a reaction to the widespread violation of trade unions' rights.

The Commission's offer coincided with a period of tensed relations between Minsk and Moscow following Russia's energy conflict with Belarus in 2007. Lukashenko was seeking support and economic advantages in the West. In 2008, the Commission opened a delegation in Minsk and launched a dialogue with Belarusian authorities on energy, environment, customs, transport and food safety issues. In the same year, Belarus authorities released their last political prisoners. And even though the parliamentary elections of 2008 did not bring about any significant improvements, in order to encourage further change, the EU decided to lift the ban on political dialogue with Belarus's authorities. It suspended the visa ban for Belarusian officials, including President Alexander Lukashenko, initially for six months, a period that was subsequently prolonged. Belarus was invited to participate in the Eastern Partnership, so limited to a multilateral track discussion. In 2009, the EU resumed foreign ministers' troika meetings and launched an annual human rights dialogue with Belarus. Belarus received a loan from the International Monetary Fund and further financial assistance was promised by Polish and German foreign ministers during their visit to Minsk subject to democratic presidential elections in December 2010. However, the presidential election and the following repressions led to a renewal of EU sanctions, tripling the number of targeted officials from 41 to 117 in January 2011.

As the EU states in its last annual report on human rights and democracy published in 2011:

'[t]hroughout 2010, there was continued harassment of representatives of independent media, civil society and opposition organisations, including restrictions on the freedoms of assembly, association, expression and religion, as well as continued difficulties with the registration of NGOs and opposition parties. [...] the situation in the country deteriorated significantly following the violations of electoral standards in presidential elections on 19 December 2010 and subsequent crack-down on the opposition and civil society.'<sup>15</sup>

Human Rights Watch reported that more than 700 protesters, including dozens of journalists and seven presidential candidates, were arrested. Hundreds of them served up to 15 days in detention and over 40 were imprisoned for up to six years, although in apparent response to international pressure the government released many throughout 2011. Belarus authorities continue to persecute human rights defenders and journalists and restrict independent media.<sup>16</sup>

Amnesty International reports three death sentences and two executions in Belarus in 2011. The NGO also notes in its 2011 report severe restrictions of the rights to freedom of expression and assembly, the lack of proper and impartial investigations of torture and other ill treatment by police, and the denial of access to medical and legal assistance to prisoners of conscience (at least 16 as at the end of 2011).<sup>17</sup>

<sup>14</sup> See European Commission, 'What the European Union could bring to Belarus', Non-Paper, December 2006

<sup>15</sup> European External Action Service (EEAS), 'EU Annual Report on Human Rights and Democracy in the World in 2010', September 2011, p. 92.

<sup>16</sup> Human Rights Watch, 'World Report 2012: Belarus. Events of 2011', <http://www.hrw.org/world-report-2012/world-report-2012-belarus>, accessed 5 February 2012

<sup>17</sup> Amnesty International, 'Annual Report 2011. The State of the World's Human Rights. Belarus', <http://www.amnesty.org/en/region/belarus/report-2011>, accessed 4 February 2012



## 3.1.2 Impact of the European Parliament's activities on the field of human rights

**Table 4: Resolutions on human rights in Belarus adopted by the EP 2007-2011**

| Date              | Resolution           | Title                                                                              |
|-------------------|----------------------|------------------------------------------------------------------------------------|
| 21 February 2008  | P6_TA(2008)0071      | On Belarus                                                                         |
| 22 May 2008       | P6_TA(2008)0239      | on the arrest of political opponents in Belarus                                    |
| 9 October 2008    | P6_TA(2008)0470      | On the situation in Belarus after the parliamentary elections of 28 September 2008 |
| 15 January 2009   | P6_TA(2009)0027      | On the EU strategy towards Belarus                                                 |
| 2 April 2009      | P6_TA(2009)0212      | On bi-annual evaluation of the EU-Belarus dialogue                                 |
| 17 December 2009  | P7_TA(2009)0117      | On Belarus                                                                         |
| 10 March 2010     | P7_TA-PROV(2010)0055 | On the situation of civil society and national minorities in Belarus               |
| 20 January 2011   | P7_TA(2011)0022      | On the situation in Belarus                                                        |
| 10 March 2011     | P7_TA-PROV(2011)0099 | On Belarus (in particular the cases of Ales Mikhalevic and Natalia Radina)         |
| 12 May 2011       | P7_TA-PROV(2011)0244 | On Belarus                                                                         |
| 15 September 2011 | P7_TA-PROV(2011)0392 | On Belarus: the arrest of human rights defender Ales Bialatski                     |

Of all the EP activities on human rights in Belarus, resolutions are the best known. Within the 2007-2011 period, the EP adopted eleven resolutions on Belarus: three in 2008, three in 2009, one in 2010 and four in 2011. Other activities frequently mentioned are the activities of political groups, public hearings, the Sakharov prize, which was won by Belarusian actors in 2004 and 2006, and statements and activities by the EP president.

All political groups express a strong interest in Belarus. EP resolutions are frequently adopted in the urgency mode on cases of breaches of human rights, democracy and human rights; they are supported by all groups, and there are no serious differences between groups on them. Interest in Belarus is geographically driven: the most active MEPs are from post-communist countries or those who have had some previous contact with Belarus.

The position of the EP presidents, especially EP Jerzy Buzek, has been positively noted. Mr Buzek frequently made statements on the Belarusian political situation and human rights breaches, as well as meeting with opposition politicians, Belarus civic activists and students and working to bring Belarus higher on the European foreign agenda. In 2009, President Buzek donated his prize of €25,000 from the North Rhine-Westphalia government in Germany to the European Humanities University, a Belarusian university which works in exile in Vilnius.

The work of the EP delegation on relations with Belarus has been less frequently mentioned. This may be due to the fact the EP delegation does not have official relations with the parliament of Belarus, because the EP does not recognise the Belarus parliament as democratically elected. The delegation maintains relations with Belarus's opposition and civil society and many respondents named the head of the delegation as one of the most active MEPs on Belarus. MEPs are, as a rule, restricted in their travel to Belarus due to visa bans by the Belarusian authorities, so the delegation meets only on EU territory.



Because the EP does not recognise the Belarusian parliament, Belarus does not participate in Euronest, an inter-parliamentary delegation within the Eastern Partnership multilateral framework. In 2010, before the December elections took place, the EP offered as a compromise to invite 10 representatives of Belarus as observers to Euronest, with five drawn from the Belarus parliament and another five from the opposition and civil society. However, the Belarus authorities rejected this offer. In Euronest, the Working Group of Belarus was created to discuss ways to involve Belarus.

Most interviewees from Belarus civil society state that they receive information on EP activities from the internet and from independent media in Belarus. They tend to agree that the EP's human rights activities on Belarus get some coverage in Belarusian media, mostly in the independent sector mostly, but no resonance.

As the media survey shows, the pro-government media that dominate the Belarusian media space cover EP resolutions and activities only if there is an official reaction to them.<sup>18</sup> They cover only the official reactions (from, for example, the MFA or Belarus parliamentarians), not resolutions or debates in the EP. Independent media outlets have more extensive coverage of the EU in general. They usually cover all EP resolutions and any major steps by the EP or individual members regarding Belarus. The EP resolution of 20 January 2011, given that it was a turning point in EU-Belarus relations, received the most coverage both from independent and pro-government media, but the stories differed along the usual pattern. Where an independent news agency published the full text of the resolution, a state-owned news agency published the full text of the Belarusian parliament's statement in response to the EP resolution.

As far as impact on the situation of individuals or groups of individuals is concerned, most respondents said the EP had a positive impact, though the effect of EP actions was not significant and had mostly symbolic value. As one human rights activist said, 'The effect of the resolutions is psychotherapeutic. They demonstrate solidarity. For people for the sake of whom these resolutions are adopted, it is important.' Another respondent added that the EP steps showed the 'values of the EP and the EP's consistency on this issue [...] they sent a political signal'. A civil society organisation leader added that 'taking into account that resistance to the authoritarian regime has a significant value dimension, the resolutions have helped at this "front" and help Belarusian society to defend our common European values'. The resolutions also show that the EP has a speedy reaction to what is going on in Belarus, since they are frequently a response to emergency situations.

The impact on the authorities is seen as minimal or nil, though official Minsk follows EP activities and frequently reacts to them through different channels. As one respondent put it: 'The authorities follow the EP decisions in order to know what the attitudes within the EU are towards human rights violations in Belarus, the authorities do not want to "overreact" fearing that economic sticks can be applied by the EU.'

Every second EP resolution receives a reaction from the Belarus MFA. In most cases, the reactions are negative and defensive. The EP is accused of having biased and incomplete information on Belarus, and of trying to undermine the country's stability and citizens' welfare. In two cases, the reaction was moderate or mixed; this coincided with the period of improvement in EU-Belarus relations.<sup>19</sup> The MFA

<sup>18</sup> For the purpose of this study, the Russian-language web-portals of the largest newspaper Sovetskaya Belarus- Belarus Segodnia (main government daily), national TV channel Belarus 1 and the biggest (state-owned) news agency BelTA were analysed. In addition, in order to compare how EP activities are covered by pro-government and independent media, coverage by a private news agency Belapan (Naviny.By) was also analysed.

<sup>19</sup> For example, when the EP supported the European Commission's re-engagement with Belarus or when the EU was considering lifting sanctions.

reacted fiercely towards the advocacy of EP President Jerzy Buzek to cancel the hockey championship, as they did towards the exclusion of Belarus from Euronest.

The most resonant resolution was the one made on 20 January 2011, in which the EP called for the renewal of sanctions against Belarusian officials. The resolution received a response from President Lukashenko himself. Although he mentioned neither the resolution nor the EP, he made a statement on the same day calling the government to adopt measures in response any possible sanctions against Belarus and to work to counteract the anti-Belarus campaign abroad.<sup>20</sup> The Belarus parliament also adopted a statement in response to this resolution, in which it criticised the EP for 'ignorance of objective facts' and turning dialogue into pressure.<sup>21</sup> The January 2011 resolution also received reactions from the head of the Constitutional Court of Belarus and the head of the Central Election Commission.

The Belarus parliament, its bodies and its members occasionally react to EP actions. The issue of Belarus's participation in Euronest was vigorously discussed. When the EP decided not to invite representatives of the Belarus parliament to the Euronest constituting meeting on 3 May 2011, the Belarus parliament adopted a statement criticising the exclusion of Belarus as a tool of political pressure that goes against the Prague summit declaration.<sup>22</sup>

### 3.1.3 Conditions determining the impact of EP activities

In most cases, the reasons why the EP has no effect on Belarus's authorities are external to the EP and even to the EU. The respondents from civil society agree that the EU has little to no leverage in and impact on the situation in Belarus. Though all the respondents partially agree with the statement that the European Union as a whole works to promote human rights in Belarus, the EU's human rights policy towards Belarus is viewed as ineffective. Most respondents state that sanctions are not working, given Russia's role in providing economic support to the existing regime. 'Europe has little leverage if Russia does not play the same game', as one interviewee put it. Commenting on why the EP resolutions do not have an effect on the Belarus's authorities, one civil society activist said: 'The authoritarian regime in Belarus does not have a parliament and do not recognise any other parliaments. The authorities try to build relations first of all personally with leaders and then with the executive authorities'.

The impact of other external actors (OSCE, Council of Europe, US, UN, international human rights groups) is also seen as low or nil. It is widely acknowledged that no external actor can have an influence

<sup>20</sup> Naviny.by, 'Lukashenko: Answer to Sanctions will be Tough/Lukashenko: otvet na sanktsii budet zhestkiim', 20 January 2011, [http://naviny.by/rubrics/politic/2011/01/20/ic\\_media\\_video\\_112\\_5226](http://naviny.by/rubrics/politic/2011/01/20/ic_media_video_112_5226), accessed 26 February 2012; Naviny.by, 'Lukashenko Demands that the Council of Ministers Act against anti-Belarusian Campaigns Abroad/Lukashenko trebuyet ot Sovmina protivodeistvia antibeloruskoi kampanii za rubezhom', 20 January 2011, [http://naviny.by/rubrics/politic/2011/01/20/ic\\_news\\_112\\_359736](http://naviny.by/rubrics/politic/2011/01/20/ic_news_112_359736), accessed 26 February 2012.

<sup>21</sup> National Assembly of the Republic of Belarus, 'Declaration of the Praesidium of the Council of the Republic and the Council of the House of Representatives of the National Assembly of Belarus in connection with the adoption of the European Parliament Resolution on the situation in Belarus on January 20 2011/Zaiavlenie Preziduma Soveta Respubliki i Soveta Palaty predstavitelei Natsional'nogo sobraniia Respubliki Belarus v sviazo s priniatiem Evropeiskim parlamentom rezoliutsii po situatsii v Belarusi ot 20 ianvaria 2011 goda', 21 January 2011, <http://house.gov.by/index.php/4562.27709.1.0.0.html>, accessed 26 February 2012.

<sup>22</sup> National Assembly of the Republic of Belarus, 'Declaration of the Praesidium of the Council of the Republic and the Council of the House of Representatives of the National Assembly of the Republic of Belarus in connection with the signing on 3 May 2011 of the founding documents of the Parliamentary Assembly, Euronest/Zaiavlenie Preziduma Soveta Respubliki i Soveta Palaty predstavitelei Natsional'nogo sobraniia Respubliki Belarus v sviazi s podpisaniem 3 maia 2011 goda uchreditel'nykh dokumentov Parlamentskoi assamblei Evronest', <http://www.sovrep.gov.by/index.php/1.6627.0.0.0.html>, accessed 26 February 2012.

on democracy and human rights in the country and that change can come only from within Belarusian society.

Generally, the EP is seen as doing everything that is in its power to do. Among the different EU actors, the EP is frequently named as the most active in promoting human rights. Several respondents point to the fact that the resolutions of the EP have not been fully implemented by the EU where sanctions are concerned or on the issue of visa facilitation and liberalisation. Some argue that the EU position is further weakened by the lack of unity on EU policy towards Belarus.

There is little agreement among the respondents from Belarus civil society on how the EU should act towards Belarus. The current policy is seen as bearing little fruit, with visa sanctions having mostly only symbolic importance. Some respondents call for more tailor-made sanctions against mid and low level officials, for example, from territorial election commissions, and more frequent updating of the blacklists. Other argue that sanctions are counterproductive, since they consolidate the ruling elite against a common enemy and may push Belarus into a even deeper embrace of Russia. They call for re-establishing some forms of dialogue, even in a limited way, with Belarusian authorities.

### 3.1.4 Conclusion and recommendations

The impact of the EP and the EU as a whole on human rights in Belarus is assessed as low. Other external actors are also seen as having little or no influence on Belarus. The reasons for this low impact are seen as beyond the EP's control. EU policy towards Belarus is regarded as ineffective due to the low sensitivity of the authoritarian regime and the support it receives from Russia.

This study has identified the following recommendations:

- The EU should continue taking a normative stance in its policy towards Belarus. It is an important source of external support for civil society, opposition and all those who are working to change the situation in the country.
- The EU should work more with Belarus civil society organisations and not limit its contacts to the political opposition. The EP should contribute to better cooperation between these two forces. Cooperation with civil society could be established through the structures of the Eastern Partnership structures (Euronest, EaP Civil Society Forum and its national platform in Belarus). It would serve as a good example by the EP for the parliaments of EaP countries of how civil society could and should be involved in dialogue and decision-making.
- In its resolutions and actions, the EP should take into account other factors as well as human rights and democracy. It should also support the promotion of economic rights, education, culture and trans-border cooperation. The need for a deeper linkage between human rights and development-related policies resounds not only with Belarus' civil society demands but also with the recommendations made in the 'Thematic evaluation of the EC support to human rights...' and in the 'Agenda for Change' promoted by Development Commissioner Andris Piebalgs<sup>23</sup>
- Visa facilitation is the most pressing issue raised by every interviewee. Though this issue has been continuously raised in the EP resolutions, progress has been limited. The EU is called to unilaterally waive fees for Schengen visas for Belarus nationals and introduce easier visa procedures. The EP could make this issue its flagship initiative, putting pressure on the EU Council to implement visa facilitation and liberalisation towards Belarus.

<sup>23</sup> Petrucci, F. *et al* op cit., page 77; European Commission, 'Increasing the impact of EU Development Policy: an Agenda for Change', 13 October 2011

### **3.2 Impact of activities of the European Parliament in the field of human rights: People's Republic of China**

The EP has had long-standing concerns about the human rights situation in China and has engaged in various activities on human rights in the country. However, the impact of its activities is low. The EP relies too much on official contacts and has a narrow political focus. And, crucially, the EU has little leverage over China.

#### **3.2.1 Overview of China's human rights situation (2007-2011)**

China's human rights record during the period 2007-2011 was very mixed. On the one hand, China took a number of measures to improve its citizens' economic, social and cultural rights. For instance, in 2007 China passed a Property Rights Law, enshrining in law the inviolability of individuals' legally acquired private property. In the social sphere, massive resources have been invested in healthcare, pension and public housing to establish a social safety net, although it has thus far mainly covered the urban population. Socially disadvantaged groups, such as disabled people, have been given better access to social benefits, education and employment. In terms of cultural rights, the Chinese government made nine-year basic education in both rural and urban areas free of charge in 2008. In 2011, all state-run art galleries, public libraries and cultural centres started to offer free admission. Persistent problems do exist, especially in regard to labour rights – China has no independent unions, workers receive low pay and working conditions are frequently poor. But in spite of these problems, China had a mostly positive record on economic, social and cultural rights in the period under study.

However, on civil and political rights, China's record in this period deteriorated, as the state reinforced its control over individuals. Violations of freedom of expression appeared to be growing more severe. Most notable were the imprisonment of human rights defenders Liu Xiaobo and Hu Jia. And state control of the press and the internet increased considerably. As of the end of 2011, there were at least 34 Chinese journalists in jail. In addition, large ethnic unrests occurred in Tibet in 2008 and Xinjiang in 2009. These were harshly suppressed by the Chinese authorities, and China's security forces still maintain a heavy presence in both regions due to persistent small conflicts. Trials of suspected rioters in these events were highly politicised and marked by a lack of transparency. Although the state took measures aiming at improving the economic condition of ethnic minorities, curbs on religious and cultural expression still remain. Since the Olympic Games in 2008, the state has tightened social control, often at the expense of the rule of law. Extra-judicial measures such as illegal detention and temporary 'disappearances' were used against rights activists more frequently. This repressive tendency came to a head in spring 2011, as the Chinese government feared that democratic aspirations would spread to China from the Arab world and therefore reacted excessively to critics – in 2011, China's spending on maintaining internal stability exceeded its defence expenditure<sup>24</sup>. During this wave of repression, artist Ai Weiwei, along with some 30 other activists, was detained for at least several weeks. In this respect, 2011 was the worst year since the Tiananmen crackdown in 1989.

<sup>24</sup> Human Rights Watch, 'World Report 2012', <http://www.hrw.org/world-report-2012>, accessed 25 March 2012.

## 3.2.2 Impact of the European Parliament's activities on the field of human rights

**Table 5: Resolutions on human rights in China adopted by the EP 2007-2011**

| Date             | Resolution           | Title                                                                                                                       |
|------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 15 February 2007 | P6_TA-PROV(2007)0055 | On the dialogue between the Chinese government and the envoys of the Dalai Lama                                             |
| 13 December 2007 | P6_TA(2007)0622      | On the EU-China Summit and the EU/China human rights dialogue                                                               |
| 17 January 2008  | P6_TA(2008)0021      | On the arrest of the Chinese dissident Hu Jia                                                                               |
| 10 April 2008    | P6_TA(2008)0119      | On Tibet                                                                                                                    |
| 22 May 2008      | P6_TA(2008)0232      | On the natural disaster in China                                                                                            |
| 10 July 2008     | P6_TA(2008)0362      | On the situation in China after the earthquake and before the Olympic Games                                                 |
| 12 March 2009    | P6_TA(2009)0142      | On the 50th anniversary of the Tibetan uprising and dialogue between His Holiness the Dalai Lama and the Chinese Government |
| 26 November 2009 | P7_TA-PROV(2009)0105 | On China: minority rights and application of the death penalty                                                              |
| 21 January 2010  | P7_TA(2010)0006      | On human rights violations in China, notably the case of Liu Xiaobo                                                         |
| 10 March 2011    | P7_TA-PROV(2011)0100 | On the situation and cultural heritage in Kashgar (Xianjiang Uyghur Autonomous Region, China)                               |
| 7 April 2011     | P7_TA-PROV(2011)0157 | On the case of Ai Weiwei                                                                                                    |

The European Parliament has been concerned about the human rights situation in China for a long time. In recent years, it has maintained a clear and strong position on China's poor civil and political rights record. The EP has reacted to events involving violation of these rights in a timely fashion.

The EP has been particularly concerned about ethnic tensions in China. During the period studied, a total of five resolutions were passed on these issues. Three resolutions were on the situation in Tibet. In these resolutions, the EP urged the Chinese government to refrain from repression and called for constructive dialogue between the Chinese government and the Dalai Lama. As a result of the international pressure in which the EP played a part, four rounds of dialogue between the two parties were held between 2008 and 2010, albeit with no substantive results. Although this reconciliatory gesture may be identified as evidence of the EP's modest impact on the issue, it should also be noted that the Chinese government and the Dalai Lama had already had six rounds of dialogue before the 2008 unrest. So, these post-unrest dialogues could be seen as a continuation of previous engagements. Regarding the situation in Xinjiang, the EP passed two resolutions. In these resolutions, the EP urged the Chinese government to respect the religious and economic rights and cultural identity of the Uighur population, as well as to adopt more inclusive policies for ethnic minorities in Xinjiang. The situation has not improved much and the EP's impact on the situation could be viewed as even less than its impact on Tibet. The resolution of 26 November 2009 also called on the Chinese government not to execute Tibetan and Uighur rioters, but these demands were not met.

The second main area of concern relates to the situation of human rights activists and dissidents in China. A total of three resolutions were passed, concerning Hu Jia, Liu Xiaobo and Ai Weiwei. All these resolutions were passed after the individuals in question were jailed. In the resolutions, the EP demanded the immediate release of each person. The impact of EP resolution upon each situation varied considerably. The resolution on Ai Weiwei generated modest impact; he was eventually released on bail after two months in detention. His release was the result of mounting pressure from multiple international actors, including the US, EU member states (UK, Germany), international human rights organisations and the international arts/architecture community. Although the impact of the EP by itself is difficult to assess, the EP was among the earliest to protest strongly to the Chinese government – the resolution was passed just four days after Ai was detained. For Hu Jia, who was awarded the Sakharov prize of 2008 after he was jailed, the EP's activities to protect him achieved few results – he has continued to endure periodic harassment by the authorities after his release from jail in 2011. Hu Jia was jailed after participating through video conferencing in a public hearing of the EP – his charges included 'illegal contact with foreigners'. Although the EP had discussed his security concerns before inviting him, and despite the fact that he has expressed his resoluteness to not back down from having contacts with outside world because of government repression, his case should highlight to the EP the risks involved in such activities. For Liu Xiaobo, EP actions have not achieved any substantive results, because the stance of Chinese government on his case is particularly firm. Nevertheless, Chinese dissident Wei Jingsheng, who was awarded the Sakharov prize in 1996, declared in 2008 how glad he was to see that European people were very concerned about human rights in China. Hu Jia accepted the prize despite the Chinese government's efforts to bribe him. The media's broad coverage of the Sakharov award may have also helped to limit harsh reactions from Beijing. This should encourage the EP to enhance its network and actions and to make even more noise when it comes to attributing its prize to dissidents and rights activists, either in China or in the rest of the world. While prestigious and well known, the Sakharov prize can still get better exposure and advertisement. As demonstrated by this case involving China, distinguished winners often insist on how important it is for them that Europe and the rest of the world support their human rights endeavours. While publicity for the prize should be expanded, the EP must take advantage of the prestige the award confers and encourage and support its awardees to continue their fight to advance democracy and human rights around the world.

The 'EP resolution of 26 November 2009 on China: minority rights and application of the death penalty', as well as the 'EP resolution of 7 October 2010 on the World day against the death penalty', urged China, still the country that carries out the greatest number of executions worldwide, to adopt a moratorium on executions, leading to the eventual abolition of the death penalty. There has been some progress made by the Chinese government on this issue, in that it has been taking measures to restrict the use of death penalty in recent years. For example, in 2007 China introduced a new measure to review all death sentences at the Supreme People's Court. The EP's pressure was probably taken into account in this decision, along with other international appeals. But it should be noted that this move also has its domestic origin. As early as the 1990s, it had become a consensus in the Chinese academic and legal community that China should restrict the use of death penalty. There also have been debates on whether the country should eventually abolish the use of death penalty. Although this idea is becoming increasingly popular, no consensus exists thus far, partly because public opinion opposes such a move.

The EP the 'European Parliament resolution of 22 May 2008 on the natural disaster in China' to show solidarity with the Chinese people shortly after a devastating earthquake hit China's Sichuan Province. This was good practice, since it facilitated the EU's humanitarian aid to China. Another example of good



practice is that EP has made consistent efforts to urge the Council and EU member states not to lift the embargo on the sale arms implemented after 1989, given China's insufficient progress on human rights.

Finally, the 'European Parliament resolution of 13 December 2007 on the EU-China Summit and the EU/China human rights dialogue' and the 'European Parliament resolution of 10 July 2008 on the situation in China after the earthquake and before the Olympic Games' covered miscellaneous issues and themes, ranging from freedom of expression to China's support for repressive regimes in Myanmar and Darfur. These are very important issues for China's human rights standards. But the lack of focus on these resolutions reduced both their impact and visibility within China.

Alongside the parliamentary resolutions, successive EP presidents have been concerned with human rights in China, although their activities relating to this are more visible internationally than from within China. For example, former EP President Hans-Gert Pöttering boycotted the opening ceremony of the Beijing Olympics because of deteriorating human rights situation in China after the Tibet unrest. He also invited the Dalai Lama to visit the EP in December 2008. Former EP President Jerzy Buzek has called for the immediate release of Hu Jia, Liu Xiaobo and Ai Weiwei on numerous occasions. He also expressed support to Gao Zhisheng, a prominent human rights lawyer.

In addition, the DROI Subcommittee, the EP's delegation to China and parliamentary political groups all engaged with China's human rights situation, although the impact and visibility of these activities within China were even lower than the parliamentary resolutions and the Sakharov Prize award. The DROI organised at least seven public hearings on China between 2007 and 2011, which supplemented rounds of EU-China Human Rights dialogue. The EP's delegation to China regularly holds inter-parliamentary discussions with China's National People's Congress. Human rights and the rule of law have been a frequent topic of debate. The delegation made several field trips to places in China to inspect the situation of labour rights and minority rights. EP political groups also organised some small seminars on human rights in China.

Overall, the impact of EP activities on China's human rights situation has been low. Most of these activities were issue-based: the EP followed the development of a particular human rights issue (with regard to an individual activist or an ethnic minority, etc.) and acted accordingly, instead of trying to provide inputs to improve China's human rights standards in the long term. Its actions are reactive than proactive. As a result, they have not affected China's human rights situation significantly. Nonetheless, the EP has made some contribution to preventing further deterioration in China's human record by acting as an external force to remind the Chinese government that the world is watching.

### 3.2.3 Conditions determining the impact of EP activities

The overall impact of EP activities on human rights in China has been low, due to the following conditions.

The EP has mainly relied upon diplomatic and official channels to express its human rights concerns, for example, parliamentary resolutions and inter-parliamentary meetings. But apart from generating rhetoric in inter-parliamentary discussions and strong reactions from the Chinese government on certain resolutions, these efforts have had little impact on situation on the ground. Most EP activities have been centred on human rights activists and ethnic relations, both of which are regarded by the Chinese government as too sensitive to back down on. For this reason, the EP is seen by the Chinese government as the most 'anti-China' of all EU institutions. The EP could make a difference and genuinely improve human rights conditions in other, less controversial areas, such as in strengthening civil society, but the EP has paid less attention to these and has not made any thorough study of them. Its public hearings are very issue-focused. This means they do not provide opportunities for the EP to develop a deeper understanding on the general state of human rights in China and the context that shapes it.

All the projects and funding that encourage change from below toward a more open society in China are administered by the EU's delegation in China, the EU Human Rights and Democracy programme and the Non-Governmental Organisation (NGO) budget. The EP is not involved in these projects in any substantive way. So, the EP is a marginal player in this enterprise. Its profile within China and awareness about its activities is low.

China has become adept in dealing with individual EU member states and it exploits their different stances towards human rights issues. In the past, when Beijing has applied pressure to individual EU states to tone down their criticism on human rights, EU leaders have from time to time denied each other support in order to favour China<sup>25</sup>. These inconsistencies have not directly affected EP activities, but they do undermine the credibility of the human rights concerns of the EU as a whole.

Conditions external to the EU that limit the impact of EP activities are mainly due to the nature of the domestic situation in China. Because of heavy censorship and the lack of alternative sources of information, most Chinese people do not have full information about the individuals or incidents mentioned in EP resolutions, with the exception of a relatively small civil society and intellectual community. Chinese media do occasionally mention EP activities, but in a very derogatory way. For example, the Chinese government strongly condemned the passing of EP resolutions that the government claimed were interference in China's internal affairs. When referring to these EP activities, the media is only allowed to carry Xinhua, the state's official news agency's 'standard news release'. Moreover, the government-propagated idea that no foreign countries should interfere in China's own affairs is deeply rooted in the Chinese public imagination, partly due to government's propaganda on China's humiliating past. EP activities have provided the raw material for the government to continue to play on this sentiment, and to cultivate the idea of a hostile West. So, instead of EP activities finding public resonance, in some instances they have actually worked to help the government strengthen its public support, as demonstrated by the burst of nationalist sentiment in Chinese cities after the 2008 Tibet unrest.

### 3.2.4 Conclusion and recommendations

The EP in the past five years took various actions on human rights in China, in particular passing a considerable number of resolutions on the country. However, the impact of these activities is low because of an approach that relies excessively on official contact, the narrow focus of the EP's human rights concerns, the internal politics of the EU and most importantly the domestic factors in China that prevent its messages being perceived by the Chinese public as intended. At present, the EP and the EU have little leverage on human rights in China. This problem will only become worse, because China has emerged from the global financial crisis in a strong position and is increasing its assertiveness in international interactions. But this is not to say that the EP has no way to improve its work and obtain better results. This study has identified the following recommendations:

As well as making use of official channels such as inter-parliamentary meetings, the EP should do more to engage China's civil society and the Chinese public if it wants to make an impact on the conditions on the ground. For instance, it can utilise Chinese social media, such as microblogs, to circumvent state censorship and raise the EP's profile within China. Many agencies in the UN system have already done this. And the main UN account has been talking about many human rights issues in the world without being censored.

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<sup>25</sup> European Council on Foreign Relations (ECFR), 'A Power Audit of EU-China Relations', April 2009, [http://ecfr.eu/page/-/documents/A\\_Power\\_Audit\\_of\\_EU\\_China\\_Relations.pdf](http://ecfr.eu/page/-/documents/A_Power_Audit_of_EU_China_Relations.pdf), accessed 25 January 2012.

- The EP should conduct more studies on human rights in China more generally and not just focus on activists and ethnic minorities. It should have a more regular public hearing scheme that does not simply passively follow developments on particular issues, but also studies and discusses what it has to offer for China's liberalisation in the future, including debates on China's rule of law institutions and its enforcement. For this purpose, it may consider:
- Setting up a dedicated group focused on political relations with China, similar to the Congressional-Executive Commission on China in the United States<sup>26</sup>. While there is already a permanent EP Delegation for Relations with China, its work covers every aspect of the bilateral relations (especially economic relations) and it is not always the case that the issue of human rights is discussed when meeting with China's National People's Congress. The setting up of such a group will substantially increase both the weight and visibility of human rights in the bilateral relations, enabling EP not only closely follow developments on particular issues, but also have more capacity and specialist knowledge on influencing China's human rights policy in general.
- Enhance the EP's role in the EU's interaction with China, and call for EP involvement in EU-China Human Rights Dialogue. The EP may consider negotiating a Parliamentary dimension onto the current set up of the EU-China Human Rights Dialogue, where Parliamentarians could raise issues and exchange views with their Chinese counterparts. To increase the impact and visibility of these dialogues, they could be held in parallel to EU-China summits. This parliamentary dimension could contribute to the revitalization of the EU political dialogues of human rights which are found to have become 'overtly formal', and has been called for both on the 'Thematic evaluation of the EC support to human rights...' and also on the latest draft of the Annual Report<sup>27</sup>
- More prudent assessment of the potential security risk involved in inviting/contacting human rights activists in China; the understanding of this risk should be updated according to changing trends of situation in China.

### **3.3 Impact of activities of the European Parliament in the field of human rights: Cuba**

The context in which EP activities in Cuba take place is defined by the 1996 EU Common Position that links progress in EU-Cuba relations (the signature of a cooperation agreement) to the improvement of the democracy and human rights situation. Although there is no clear conclusion on the degree of impact of EP activities, the influence of actions directed towards individuals appears to have been very high. Nonetheless, internal EU divisions have tended to limit the impact of EP activities.

#### **3.3.1 Overview of Cuba's human rights situation (2007-2011)**

Cuba is one of the last resorts of radical socialism, which means that freedoms of expression and movement, free access to internet and rights of association are strictly controlled. Freedom House and other international and local human rights organisations regularly criticise the lack of democracy and human rights in the island. However, in recent years, some partial improvements have been made, although any amelioration of conditions still comes within the framework of an authoritarian regime.

<sup>26</sup>The Congressional-Executive Commission on China in the US is dedicated to monitor China's compliance with international human rights standards, to encourage the development of the rule of law in China and to maintain a list of victims of human rights abuses in China. It also does its own research and debates on religious freedom, labour affairs, ethnic minorities, the Internet and free-flow of broadcast and print information, and law and legal reform. For a full list of what it does, which the EP may consider to include, see [http://www.cecc.gov/pages/general/HR4444\\_Title3.pdf](http://www.cecc.gov/pages/general/HR4444_Title3.pdf)

<sup>27</sup>Petrucchi, F. *et al* op cit.; Committee on Foreign Affairs Subcommittee on Human Rights, 'Draft Report on the Annual Report on Human Rights in the World...', 19 January 2012

Under the presidency of Raúl Castro, who has been in power since 2008, the number of political prisoners, considered as criminals by the regime, has been substantially reduced. Current figures from NGOs vary from 50 to 100. The release of 115 political prisoners since 2010 has been the result of a human rights dialogue involving the government, the Catholic Church in Cuba and the mediation of the former Spanish Government of José Luis Rodríguez Zapatero. This dialogue was the first of its kind ever engaged in by the regime. It came about due to increasing local and international pressure after the death in February 2010 of the political prisoner, Orlando Zapata Tamayo, and the hunger strike of various dissidents, among them Guillermo Fariñas. The Cuban government has also improved the rights of homosexuals and transsexuals, and the Damas de Blanco, a group of relatives of political prisoners, has been allowed to protest in the streets of Havana. Nonetheless, the death of another political prisoner, Wilmar Villar Mendoza, in January 2012, along with the temporary detention of several dissidents, proved that the critical human rights situation remains substantially unchanged.

The cautious concessions made to political pressure at home and abroad have not altered the authoritarian character of the regime. Its essentially unchanged nature was confirmed at the January 2012 Conference of the Cuban Communist Party, which approved no significant political changes. The government has been increasingly weakened since 2006 by the retirement of the charismatic leader, Fidel Castro. And socio-economic conditions in Cuba have been made precarious by mismanagement, state monopolies and decades of austerity after the collapse of the socialist bloc.

With this background, at the seventh Congress of the PCC held in March 2011, the government approved a series of limited economic reforms as a response to popular demand and the need to offer labour alternatives to 500,000-1,000,000 state employees who will lose their jobs in the near future. In the broader context, the regime is coming under growing social and political pressure. But the Cuban opposition is divided into small and fragmented groups, and does not have a common platform of demands.

### 3.3.2 Impact of EP activities on the field of human rights

**Table 6: Resolutions on human rights in Cuba adopted by the EP 2007-2011**

| Date          | Resolution      | Title                              |
|---------------|-----------------|------------------------------------|
| 21 June 2007  | P6_TA(2007)0288 | On Cuba                            |
| 11 March 2010 | P7_TA(2010)0063 | On prisoners of conscience in Cuba |

Some interviewees identify certain EU member states as the main defenders of human rights, but apart from these states, the EP is the only EU institution perceived as having a clear profile as a defender of human rights, and it has the support of the political opposition and activists in Cuba. So, within the EU, the EP is considered to be the most critical voice on the Cuban regime and the main European bridge towards Cuban dissidents, human rights activists and the political opposition abroad. The EP is seen as the most active EU institution in promoting human rights and, unlike the European Commission and the member states, its stance and actions on human rights in Cuba have been consistent and steady.

In Cuba and abroad, the Sakharov Prize for Freedom of Thought has been identified by Cuban experts and exiles as the best and most visible instrument towards establishing freedom of thought. Since 2002, three Sakharov prizes have been awarded to Cuban human rights activists: Oswaldo Payá was the winner in 2002, the Damas de Blanco were awarded the prize in 2005 and Guillermo Fariñas received it in 2010. Despite representations made by the EP to Cuban authorities, neither the Damas de Blanco nor former hunger striker Guillermo Fariñas have been allowed to receive the Prize.

Although less widely known, the EP resolutions are another instrument to strengthen human rights in the island. Four resolutions on the human rights situation in Cuba have been approved by the EP, in

2004, 2006, 2007 and 2010. The 2007 Resolution calls for the release of all political prisoners and a transition towards a pluralist democracy. The 2010 text condemns the death of political prisoner Orlando Zapata Tamayo and looks for the release of all political prisoners. Apart from the resolutions, former EP President Jerzy Buzek has been particularly active on Cuba. He regularly received dissidents in Brussels, and spoke up on several occasions for the unconditional release of all political prisoners. The EP has also established relations with the regime, given that members of the Cuban National Assembly participate in the Euro-Latin American Parliamentary Assembly (EuroLat) and the regular conferences between the EP and the Latin American Parliament (PARLATINO).

The EP holds a productive and regular dialogue with Cuban dissidents and opposition groups. Different political groups, among them the Greens and the Popular Group, have organised hearings on Cuba and EU policy. Cuban dissidents and bloggers, such as human rights activist Elizardo Sánchez and Yoanni Sánchez, have been invited to these hearings to present their views on political prisoners, the EU policy and restrictions of political freedom and movement. Several visits of parliamentary groups and EP members have further raised concerns and visibility on the human rights situation in Cuba.

The EP's human rights policy and that of other EU actors has had high visibility in Cuba and in exile circles, although it has had quite a low impact on the Cuban population. Opposition groups and dissidents applauded the EP's criticism and denouncement of the human rights situation, particularly following the death of the political prisoner Orlando Zapata Tamayo in February 2010. They feel that the EP's activities offer support for dissidents, give public visibility to political prisoners and provide the opposition in Cuba with some protection from repression. So, the impact of the EP's activities tends to be positive and is seen as giving incentive to Cuban human rights activists and dissidents. Some interviewees thought that the release of political prisoners in Cuba could be partly attributed to the EP's human rights engagement.

The Cuban government, too, reacts to the EU's activities. In a declaration by the Cuban Foreign Ministry, the Cuban authorities criticised the Declaration made in January 2012 by Catherine Ashton on the death of political prisoner Wilmar Villar as 'a new interference in internal affairs'.<sup>28</sup> The same year, without any explication, the Cuban authorities denied the entrance visa of a member of the EP. In another official Declaration of the Foreign Ministry, published in June 2007, the authorities called for the elimination of the EU's Common Position and stated that it 'did not recognise any moral authority of the EU to judge nor advise Cuba'.<sup>29</sup> Through its official Communist newspaper Granma, the Cuban government harshly rejected the EP resolutions and the Sakharov prize with the same arguments. Following the 2010 resolution of the EP, in different opinion articles and 'letters', Granma criticised the 'creeping, interested, double standard and hypocritical attitude' of the EP. The Cuban newspaper said that the EP 'joins the US blockade, although in the elegant, European way' and forms 'part of the international campaign against Cuba'.<sup>30</sup>

The EP's activities on human rights are rejected as impositions and even as sanctions by the Cuban government. Its victim discourse reveals that EP criticism has considerable visibility and impact in the island. The regime uses it to create the image of an external enemy and an international conspiracy against the 'Cuban Revolution'. In this way, the EP's activities on human rights serve to construct a

<sup>28</sup> Ministry of Foreign Affairs of Cuba, 'Declaración del Director interino de Europa del Ministerio de Relaciones Exteriores de Cuba, Elio Rodríguez Perdomo, en relación con recientes declaraciones sobre Cuba realizadas por la Alta Representante para la Política Exterior y de Seguridad de la Unión Europea, Catherine Ashton', January 2012.

<sup>29</sup> Ministry of Foreign Affairs of Cuba, 'Declaración del Ministerio de Relaciones Exteriores sobre las conclusiones del Consejo de Relaciones Exteriores de la Unión Europea sobre Cuba', 19 June 2007.

<sup>30</sup> See Granma, 19 March 2010.



nationalist discourse that has replaced the socialist ideology. Thus, the EP's instruments have been manipulated by the regime to delegitimise the EU as part of the hostile US policy towards Cuba.

Although it is difficult to attribute the release of political prisoners entirely to the EU's promotion of human rights, recent liberalisations reflect that external reactions, along with the Catholic Church's mediation efforts, have forced the Cuban government to reconsider its position. Nonetheless, the government has not modified its general view on the use of political repression, so in this sense, the EP and EU's activities have had a rather limited impact. Some interviewees state that, as compared to EU member states' regular presence and activities on human rights, the EP's visibility in Cuba remains relatively low.

Neither human rights organisations like Amnesty International or Human Rights Watch nor local entities have succeeded in causing the government to change its attitude. The impact of EP's activities is limited by the authoritarian character of the regime and its reluctance to heed external voices. But EP's activities are sporadic, and there is a need for closer impact monitoring.

### 3.3.3 Conditions determining the impact of EP activities

Internal divisions and the regular debates on the EU's Common Position on Cuba have limited the impact of the EP's human rights activities in Cuba. The Common Position was approved in 1996 by the Council, and links further progress in relations to the full respect of human rights and democracy. But its annual review has revealed that, within the broad framework of engagement, EU member states apply different policies towards Cuba. Although interrupted on various occasions, Spain and the EU hold a regular political dialogue, including on human rights, with the Castro regime. In 2010, the European Commission approved a Country Strategy Paper, and since the 1990s, Cuba receives modest development assistance funds. However, Cuba has not yet signed a cooperation agreement with the EU and has not been included in the EIDHR.

The EU has been considered as an ambivalent and uneven actor with regard to the promotion of human rights in Cuba.<sup>31</sup> Within the framework of the Common Position and the rejection of sanctions, the EU is divided between those who want more diplomatic pressure and an active human rights policy and those who prefer to maintain fluent dialogue channels and cooperation with the Cuban government.

Even within EU institutions, positions differ. The Delegation of the EU in Havana was identified by Cuban dissidents and experts as being less active on human rights. They point out that open criticism could endanger the government's authorisation to maintain an office in the island. Compared to the EU Embassy, the Council and particularly the EP are perceived as having a much more prominent role.

Because of the regular (annual or bi-annual) evaluation of the Common Position, the Council of the EU has been the most visible and prominent actor on human rights. But regular debates between member states on whether to apply more diplomatic pressure or more incentives reflect that the Council includes representatives of the many different positions within the EU.

The presence of an EU Delegation in Cuba since 2003, and its mission to maintain contacts with the government, has been perceived as negative for the EP's activities on human rights. The EU's attempt to keep the balance between a dialogue with the Cuban government and with dissidents runs the risk of becoming part of the political game. Moreover, internal divisions between member states have had a negative impact on the EU and EP's potential for action. According to some interviewees, the impact of EP activities would be much stronger if it was supported by EU member states and the Council.

<sup>31</sup> See Gratius, S., 'Cuba y Europa más allá de la Posición Común', FRIDE Policy Brief 48, November 2010.



One positive example for a joint European action has been the consensus between European governments and the EP in condemning the death of Cuban dissident Orlando Zapata Tamayo in 2010. A negative example is the disunity on the Common Position and the lack of a joint human rights strategy among EU member states.

### 3.3.4 Conclusion and recommendations

No clear conclusion on the consequences of EP's human rights policy in Cuba can be formed. Perceptions of the EP's activities, including its contribution to the release of political prisoners and its efforts to put political pressure on the regime, vary from no visibility to high impact. While consequences for dissidents have been positive, there have been reactions but no clear shift of policy from the Cuban regime. Internal EU divisions have further limited the impact of the EP as the strongest European human rights advocate on Cuba.

Based on the positive impact and the constraints on the impact of the EP's activities on human rights, a series of measures could be adopted to improve the efficiency of human rights policy:

- The EP could conduct more regular monitoring and following up of its human rights activities on Cuba.
- The EU's internal coordination on the promotion of human rights should be strengthened and linked to the Common Position.
- The EuroLat Assemblies should be used to raise human rights concerns about Cuba.
- Fragmentation within the EP and the EU must be avoided, since it can be used by the Cuban government for its own purposes.
- Visits of parliamentary delegations to Cuba should be organised and the EP should increase its participation in EU-Cuba political dialogue.
- The EP should work to increase the visibility and impact of EP human rights instruments and actions in Cuban media (bloggers, independent media, Church magazines).

## 3.4 Impact of activities of the European Parliament in the field of human rights: Egypt

With the fall of the Mubarak regime and subsequent reforms, Egypt's democracy and human rights situation underwent a significant change during 2011 compared to previous years. Throughout the period of assessment, the EP played a positive role in Egypt and was able to make a difference in a number of instances. An interesting contrast can however be drawn between the high number but low impact of activities in 2011, and the fewer but more efficient measures of previous years.

### 3.4.1 Overview of Egypt's human rights situation (2007-2011)

The state of Egypt's democracy and human rights from 2007 to 2011 can be divided into the Mubarak (2007-2010) and post-Mubarak (2011) years. In the years leading up to 25 January 2011, Egyptian democracy was in regression. A brief period of political opening in 2004-2005 came to an end after the 2005 parliamentary elections, in which Muslim Brotherhood (MB) independent candidates were able to win 88 seats. The MB's electoral success enabled the regime to sell to its international partners its skilfully engineered notion of a choice between either Mubarak or religious fundamentalists at Egypt's helm. Most of the democratic gains of the 2004-2005 period were reversed in the following years, and the regime imposed some additional obstacles to activism, political competition and a free press. The state of emergency, which has been providing the Egyptian authorities with practically unlimited powers since 1981, remained in place despite persistent domestic and international pressure and repeated pledges to overturn it by Mubarak himself.

The toppling of Hosni Mubarak did initially little to improve the human rights situation in the country. Indeed, the ensuing power struggle to fill the political vacuum has led the ruling Supreme Council of the Armed Forces (SCAF) to continue and even aggravate some of the past practices, extending the notorious state of emergency to legalise gross human rights violations and to repress further protests. Throughout the 'revolutionary year' 2011, local and international human rights monitors condemned human rights violations carried out under the auspices of SCAF rule. These included the sentencing of over 12,000 civilians by military courts; extra-judicial killings, arbitrary arrests and the use of excessive force against peaceful protesters; systematic assaults on and smear campaigns against NGOs dealing with human rights issues; the violation of women's rights and torture (notably, virginity tests against women protesters); the detention of activists and bloggers such as Alaa Abdel Fattah and Maikel Nabil; and the failure to allow independent investigations into the various deadly clashes in Egypt throughout the year. Violent crackdowns on protesters in Tahrir Square in mid-December 2011 resulted in 12 dead, 540 injured and 182 arrested. Renewed protests towards the end of the year culminated in massive street presence on the first anniversary of the fall of Mubarak on 25 January 2012. In the legislative elections at the end of 2011, the Islamist Muslim Brotherhood emerged as the leading force, with the Salafist Nour party coming in second.

On 1 February 2012, violent clashes at a soccer match in Port Said, which left 80 people dead and over 300 injured, tragically underlined the fragile security situation in Egypt. A number of recent concessions by the military council, including the announcement of presidential elections to be held on 23 and 24 May 2012, have contributed to downscale protests. Nevertheless, the democracy and human rights situation at Egypt's current crossroads remains extremely fragile. A recent crackdown against both local and international civil society organizations working to strengthen Egypt's democratic transition have given particular reason for concern. The environment for international actors aiming to assist Egypt's democratic transition is particularly tense and sensitive. Key challenges for Egypt in 2012 will include keeping the security situation under control, the election of a new president, the drafting of a new constitution, taking bold steps for economic recovery, and a peaceful transfer of executive power from the military council to the legitimate executive authorities.

### 3.4.2 Impact of the European Parliament's activities on the field of human rights

**Table 7: Resolutions on human rights in Egypt adopted by the EP 2007-2011**

| Date             | Resolution           | Title                                                                       |
|------------------|----------------------|-----------------------------------------------------------------------------|
| 17 January 2008  | P6_TA(2008)0023      | On the situation in Egypt                                                   |
| 17 February 2011 | P7_TA-PROV(2011)0064 | On the situation in Egypt                                                   |
| 27 October 2011  | P7_TA-PROV(2011)0471 | On the situation in Egypt and Syria, in particular of Christian communities |
| 17 November 2011 | P7_TA-PROV(2011)0518 | On Egypt, in particular the case of blogger Alaa Abd El-Fattah              |

Awareness of EP activities in Egypt is low among the general public, but rather well developed among the human rights civil society community. Among the latter, the EP's role was noted as positive, and the EP was valued as defending more resolute stances on democracy and human rights than EU executive bodies. While the EP's overall impact on the human rights situation in Egypt was seen by interviewees as limited, a number of notable instances in which the EP has made a significant difference stood out.

Among the EP's instruments applied with regard to Egypt, resolutions attained the greatest visibility. Between 2007 and 2011, the EP issued four resolutions concerning the human rights situation in Egypt; one in 2008 and three in 2011. Among these, the most notable impact was achieved by the January

2008 resolution, which stood out as a particularly strong and vocal statement on the democracy and human rights situation in Egypt at a time when many international actors had settled with the authoritarian status quo. The resolution was adopted during the negotiations between the European Commission and the Egyptian authorities for an Action Plan under the European Neighbourhood Policy (ENP), and, according to one human rights activist interviewed, this was welcomed by Egyptians as an attempt by the EP to influence the negotiations in favour of a stronger emphasis on human rights. The 2008 resolution was met with a harsh reaction by the Egyptian authorities, who refused to meet with a DROI delegation, boycotted the EuroMed Parliamentary Assembly, and were very critical towards the EP. The Egyptian Ministry of Foreign Affairs called in all European ambassadors for a special meeting in the Ministry. The President of the Egyptian Parliament threatened to freeze inter-parliamentary relations. A planned meeting of the human rights sub-committee under the Association Council was cancelled. In the wake of the diplomatic crisis, the Egyptian authorities topped up staff in their Brussels Embassy with more and better trained diplomats to target the EP, as was pointed out in interviews with current and former EC and EEAS staff in Brussels and Cairo.

Egyptian rights activists appreciated this resolution as being particularly timely and faithfully and with conviction reflecting the Egyptian reality. The fact that some of the wording of the resolution was taken from the assessment of Egyptian civil society activists was welcomed by several rights activists interviewed for the purpose of this study as a sign of the greater openness of the EP to direct consultation with local civil society – especially as compared to the EC, which they saw as not consulting enough with Egyptian civil society during the drafting of the Action Plan. The 2008 resolution had a wider impact on the domestic human rights debate in Egypt, as well as on the way the EP was viewed among Egyptian civil society. Before 2008, one activist said, no one in Egypt knew what the EP was, but after the 2008 resolution, awareness of EU policies was raised among the relevant Egyptian civil society and the EP became an attractive interlocutor and target of advocacy. Even more importantly, and as both Egyptian human rights activists and former EU delegation staff in Cairo point out, the 2008 resolution opened a new debate on human rights in Egypt. One point on the 2008 resolution was assessed negatively, as representatives of an international human rights advocacy organisation stressed in an interview. The resolution mentioned the need to prevent smuggling into Gaza, which was considered unhelpful by both European and Egyptian rights activists in that it gave the regime scope to try to discredit human rights defenders domestically as being helped by a 'Zionist lobby'. But this point did not take away from the overall positive effect of the resolution.

A number of public hearings and workshops were held by EP committees and sub-committees, in particular AFET and DROI, on Egypt or on other relevant topics with participation of Egyptian speakers.<sup>32</sup> Apart from hearings and workshops, Egyptian activists and politicians participated in a number of committee meetings.<sup>33</sup> The 2011 Sakharov prize was awarded to the 'Arab Spring', represented by five activists from different Arab countries, including Assma Mahfouz from Egypt. In addition to formal activities by EP Committees and other formal bodies, numerous Egypt-related activities were undertaken by MEPs and political groups throughout 2007-2011, rising considerably in frequency in 2011. Activities here included the invitation of prominent activists and opposition figures to the

<sup>32</sup> For example, the Foreign Affairs Committee (AFET)'s workshop with Egyptian activists Gameela Ismael on 20 June, 2011, entitled 'The role of women in the democratisation process and governance changes in North Africa and the Middle East societies; and the Subcommittee Human Rights (DROI)'s 'Hearing on Implications for EU Human Rights Policy of the events in the Arab World', including a debate on Egypt, on 15 March, 2011.

<sup>33</sup> These included a joint meeting of AFET and DROI on 28 February 2011 on the situation in Egypt with the participation of Ayman Nour and Moataz El Fegjery.

Parliament<sup>34</sup>; study tours for Egyptian political actors to Brussels<sup>35</sup>; the organisation of conferences in Egypt;<sup>36</sup> lobbying for specific political causes by EP political groups and individual MEPs, including via statements issued on Egypt's human rights situation<sup>37</sup>; numerous visits to Egypt by MEPs and ad hoc delegations, including meetings with opposition figures, protesters, NGO activists and emerging political actors; as well as a visit of a number of MEPs aimed at witnessing elections<sup>38</sup>; among others.

The EP's sustained interest in a number of emblematic individual cases of human rights violations allowed the Parliament, political groups therein and individual MEPs to play a positive role in these cases. Most notably, the EP played a helpful role in the context of Ayman Nour's first release from prison. A strong intervention in Cairo by a group of MEPs led by Vice-President Edward McMillan-Scott had been one among several factors contributing to Nour's release in March 2005. Following The EP and in particular the ALDE group built up a close relationship with Nour. In the aftermath of the 2008 EP resolution, the again imprisoned Nour watched human rights activist Moataz El Feghery talking about EU policies on Egyptian TV, and the two subsequently liaised so that El Feghery could help Nour lobby his case with the EP. According to El Feghery, MEPs showed genuine interest in Nour's case and visited Nour and his wife in Egypt. The interest and support from the EP and the ALDE group was among the factors leading to his release, although, as in other individual cases, US pressure is likely to have made the greatest difference. After Nour's second release in 2009, he went the EP to thank MEPs for their support. Nour also held confidential advocacy meetings in Brussels, and was scheduled to meet with EP President Pöttering. According to an activist who accompanied Nour on this visit, however, the meeting was cancelled at the last minute, with Pöttering's secretariat explaining they had come under too much pressure from the Egyptian authorities.<sup>39</sup>

Visits by individual MEPs, delegations, and EP Presidents to Egypt were frequent before and after the toppling of Mubarak, although 2011 saw a rise of travel activity. From 24 to 28 November 2008, the EP's Delegation for relations with the Mashreq countries visited Egypt for the Ninth EP-Egypt Inter-parliamentary Meeting between EU and Egyptian MPs. In particular, visits by successive Presidents were one among several factors to mark perceptions among Cairo's human rights NGO community of the depth of the EP's commitment to human rights. Shortly after the release of the 2008 resolution, EP President Hans-Gert Pöttering (EPP 2007-2009) visited Egypt, made a speech in the Egyptian Parliament, and also met with a group of human rights defenders. Two of the activists who had attended this meeting, and who were interviewed for the purpose of this study, recalled their disappointment over Pöttering's performance during this meeting, which lasted only a few minutes and in which Pöttering, according to one activist, 'only wanted to check the box of human rights', seemingly showing a lack of genuine interest in Egyptian human rights defenders' concerns. Moreover, the same rights activists

<sup>34</sup> In October 2008, the S&D group invited Egyptian dissident Saad Eddin Ibrahim to a conference on the human rights situation in the European Neighbourhood, declining an offer by the Egyptian Embassy to replace Mr. Ibrahim by another speaker. Opposition politician Ayman Nour also visited and interacted with the EP on numerous occasions, including a live video conference on 15 February 2011. Similarly, in October 2011, S&D organised a conference with 'Arab Spring' activists from across the region, including participants from Egypt.

<sup>35</sup> A delegation of 15 Egyptian political party representatives visited the EP Mashreq Delegation on 15 July 2011 as part of a five-day study visit. The 15 visitors issued a statement following the meeting. Only three MEPs attended the meeting.

<sup>36</sup> On 6-7 May 2011, ELDR and ALDE held a conference in Cairo with liberal politicians from across the region.

<sup>37</sup> The NAL, LI, ALDE and ELDR groups issued a joint statement on 'joint statement in regard of supporting freedom, popular uprisings in the Arab world and strengthening fora and tools for future cooperation'.

<sup>38</sup> A delegation led by MEP Edward McMillan-Scott went to witness the Egyptian Parliamentary elections held from November 2011 to January 2012. According to a press statement by the group, it was the first time an EP delegation went to witness elections without being invited, and there were no other international delegations present in Egypt due to the Egyptian governments' rejection of international electoral observation.

<sup>39</sup> Interviews with Egyptian and Belgium-based human rights activists, Cairo and Brussels, March 2012.

expressed their belief that Pöttering, in meetings with the Egyptian authorities on the same visit, had attempted to downplay the explicit political content of the 2008 EP resolution by citing internal procedural provisions that had led to the adoption of a resolution which did not necessarily represent the position of the plenary. Similar perceptions of attempts following the 2008 resolution to ease shaken relations with the Egyptian authorities by the European Commission, some MEPs and some European embassies were expressed by several Egyptian rights activists interviewed. Jerzy Buzek (EPP 2009-2012) visited Egypt both before and after the fall of Mubarak, and also met with Egyptian human rights activists. Based largely on his activities during a visit to Egypt in 2010, interviewees assessed Buzek's performance on Egypt more positively. Buzek's meeting with Egyptian human rights activists was qualified by attendees (the same who had also attended the meeting with Pöttering in 2008) as 'nice and polite, but also realist'. In particular throughout 2011, Mr Buzek issued numerous statements in support of human rights and the Egyptian people's striving for democracy.<sup>40</sup> Buzek's commitment as expressed in his numerous statements was valued by Egyptian human rights activists, although it was also noted that these activities had limited impact.

Between 2009 and 2010, some of the Egyptian and European activists interviewed for this study perceived EP commitment for human rights in Egypt as having decreased compared to previous years. Several activists engaged in human rights advocacy with the EP expressed disappointment over the way the perceived lower commitment among MEPs contrasted with the personal risk human rights activists were taking when engaging in such activities, with very tangible consequences for their personal reputation, and at times safety, back home. One Egyptian activist who participated in a hearing on the ENP involving speakers from Eastern and Southern Neighbourhood in May 2010, reported that MEP questions about the Eastern neighbourhood by far outnumbered those on the South, and that, due to the negative press coverage on his participation in the hearing upon his return to Egypt, he questioned whether the participation had been worthwhile. The personal risk taken by Egyptian rights activists coming to speak to the EP was often cited as not being valued enough by EPs, as demonstrated through low levels of attendance at these occasions. Human rights activists based in Cairo stressed the importance of weighing the personal interest of the activists in taking the risk of exposing him/herself against the expected political support.

In spite of partial disappointments, however, the general sense among Egyptian interviewees was that the European Parliament played a – however limited – important role in strengthening human rights in Egypt, especially through its ability to issue vocal resolutions and its commitment to individual cases of human rights violations. One interviewee noted that a niche in which the EP could strengthen its distinctive contribution was to continue giving visibility to individual cases, as the Egyptian human rights community lacked international interlocutors perceptive to such individual concerns. While the EP had become better known among Egyptian human rights community in the aftermath of the 2008 resolution and had acquired a positive image of an EU body not afraid to raise real concerns, it was noted that some Egyptian activists who would like to strengthen advocacy with the EP did not know how to establish direct contact. The establishment of an EP office in Cairo, which could function as a contact point as well as an information office and dissemination hub for statements and resolutions, was mentioned by some local human rights activists and international advocacy organisations with a presence on the ground as desirable.

EP interest in Egypt skyrocketed with the protests in late 2010 and the fall of Hosni Mubarak on 25 January 2011, as evidenced by the sharp increase in Egypt-related activities. However, a European

<sup>40</sup> See The President of the European Parliament Press Release Archive, [http://www.europarl.europa.eu/president/en/press/press\\_release\\_archive.html](http://www.europarl.europa.eu/president/en/press/press_release_archive.html), accessed 26 February 2012.



human rights activist suggested that the initial high interest from MEPs started to wear off quickly throughout 2011, citing as evidence a July 2011 Mashreq Delegation meeting with 15 Egyptian political party representatives, which was attended by only three MEPs. The resolutions on Egypt adopted in 2011 were received positively, although some details were criticised. Human rights activists and former EU delegation staff interviewed agreed that both the speed of events in Egypt throughout 2011 and the multiplied interest and presence by international actors in Egypt reduced the EP's potential for impact and swallowed much of the resonance the resolutions and other EP activities might have had in earlier years.

### 3.4.3 Conditions determining the impact of EP activities

As mentioned above, following the 2009 EP elections, there was a perception among some Egyptian rights activists more closely involved with the EP that the latter's interest in Arab democracy and human rights had decreased. One activist expressed the view that one important factor in this regard had been the transfer of the chairmanship of DROI from H  l  ne Flautre to Heidi Hautala, as the latter was 'more looking towards the East' and did not share the formers' personal commitment with the Southern Mediterranean to the same degree. Other interviewees noted the low attendance and committed participation of MEPs at relevant hearings, although most ascribed this to capacity deficits and internal organisational matters affecting availability, rather than to a lack of interest per se. One interviewee also noted a certain fatigue with the topic of Arab political reform during the years leading up to the 2011 uprisings, not only in the EP, but in the EU as a whole. The perception of EP's decreased interest, as well as widespread frustration over the EU's consideration of granting Egypt advanced status under the ENP, led, Egyptian advocacy efforts in 2010 focus less on the EP than in previous years. Instead, advocacy efforts and hopes for support were focused on the new Obama government, especially in the aftermath of Obama's speech in Cairo promising a 'new beginning'.

The three human rights resolutions the EP issued on Egypt and the range of other EP activities throughout 2011 seem to have had much less impact than a single resolution in 2008. Interviewees gave several reasons for this.

Firstly, resolutions on and attention drawn to individual cases such as Alaa Abdel Fatah, Maikel Nabil, Ayman Nour and so on were valued. Indeed, several interviewees mentioned bringing attention to individual cases as being among the most distinctive contributions of the EP. At the same time, however, it was also noted that stress on individual cases will be of value only when it is used to illustrate, not to replace, sustained and unequivocal stances on the deteriorating human rights situation on the whole. Similarly, the 2011 resolution on Christian communities was valued as an attempt to safeguard the rights of religious minorities, but was criticised for emphasising the rights of a particular minority at a time when basic human rights of the entire Egyptian people were at risk. One Egyptian activist interviewed for this study, this interpreted this bias as reflecting not a genuine concern for human rights but the desire of Christian MEPs to defend the interests of their Egyptian peers.

Secondly, several Egyptian activists stressed that impact is not just about issuing resolutions but also about a willingness to build and nurture sustained links. If, beyond issuing resolutions on current affairs, MEPs do not show a sustained interest in Egypt's human rights situation, the potential for impact is low.

Thirdly, potential for impact in 2011 was reduced because events on the ground moved too fast for the EP (and other foreign actors) to react adequately. Moreover, with the world's attention suddenly focusing on Egypt and countless foreign governmental and non-governmental bodies issuing statements at the same time, EP messages and activities got somewhat lost in the crowd.

Fourthly, EP (and EU in general) leverage over the Egyptian authorities has been relatively low compared to that of the US, as successive Egyptian governments have been heavily dependent on US



military aid. In 2011, the EU lost additional leverage because of the fall of Mubarak, who had been very sensitive to international criticism and more mindful of Egypt's international image than the current SCAF leadership, which, has no such sensitivities but cares mainly about US military aid. The media survey shows that, while the Egyptian authorities keep paying attention to EP resolutions, their visibility and hence impact in the local media has decreased after the fall of Mubarak. Moreover, in an environment of a new free press and a newly empowered, interested public, domestic human rights advocacy has greater potential. Under the Mubarak regime, human rights advocacy towards international actors was often the more promising option for local activists as it created pressure on the regime from abroad. In the post-Mubarak era however, according to a local representative of an international human rights organisation, 'impact now may be higher when talking to a local TV host than to a foreign diplomat'. As a result, the general leverage potential for foreign actors, including the EP, has decreased. Consequently, moral pressure through EP resolutions or other non-binding human rights tools has lost at least some of its potential for impact on the Egyptian authorities.

Beyond the specific reasons for low visibility in 2011, interviewees generally noted the low visibility of EP external action in Egypt and the blurred lines between the EP and other European Union institutions. The most critical shortcomings were identified by Egyptian interviewees as the lack of EP representation in Egypt and the fact that most EP resolutions and other documents, including those dealing specifically with Arab countries, are not available in Arabic translation. EU and EP staff interviewed for this study largely ascribed such shortcomings to EP internal procedural constraints, as well as the general need for the EU to sort out internal inconsistencies in the area of external action following the Lisbon Treaty.

#### 3.4.4 Conclusion and recommendations

The overall role played by the European Parliament between 2007 and 2011 was positive. While impact potential was significantly reduced through a number of factors both within and outside of the EP's reach the EP was able to make a difference on the human rights situation in Egypt in a number of notable instances. The contrast between the increase of activities in 2011 after the fall of Mubarak, and these activities' low impact compared to the fewer but more efficient measures of previous years shows that the EP can make a difference above all in those settings where its resolutions and actions are not overshadowed by an already overcrowded environment of international engagement. From the previous analysis, the following recommendations can be drawn:

- The EP's record in Egypt shows that the EP's impact potential could be raised if, instead of trying to engage in over-crowded environments, it could find niches and use MEP's ability to speak their mind to draw attention to human rights violations in countries currently at the margins of international attention
- An EP presence on the ground which acted both as an information and dissemination office and a contact point may help both to improve awareness of the EP, its activities and positions, and to help local human rights activists to directly liaise with the EP and its members.
- A systematic translation of all public EP documents and statements concerning Arab countries into Arabic would help to raise local awareness about the EP's positions and activities. Taking advantage of the emergence of a free press and a newly empowered debating culture, a local EP office could focus its efforts on organising press conferences and seminars in Arabic language and feeding EP statements into the Arabic-speaking press. In this sense, taking advantage of the EP's greater diplomatic margin, EP activities could usefully complement local EEAS and EC activities in the field of human rights.
- Egypt-based local activists take considerable personal risks when attending EP hearings and engaging in open advocacy with EU institutions more broadly. This risk must be taken into

account, and should be rewarded by the due attention and dedication by MEPs and high-level EP personnel in the activities in question. In order to increase its impact, the EP should make engaging in advocacy with it worth the effort to activists.

### 3.5 Impact of activities of the European Parliament in the field of human rights: Sri Lanka

The political and human rights context in Sri Lanka has been shaped by the 25-year civil war that ended in 2009. Over the past five years, EP's activities have primarily addressed human rights violations related to the conflict and post-conflict context. Overall, however, the EP has had little impact on the situation, due to the Sri Lankan government's deep hostility to external criticism and the support it receives from regional powers.

#### 3.5.1 Overview of Sri Lanka's human rights situation (2007-2011)

The human rights situation in Sri Lanka must be viewed in light of the recently concluded 25-year civil war. An estimated 100,000 people were killed and there were widespread human rights violations by government forces, the rebel Liberation Tigers of Tamil Eelam (LTTE) and other actors. These violations included extra-judicial killings, disappearances, hostage-taking, torture, rape and the recruitment of child soldiers.

In 2007, the ceasefire agreement (CFA) between the government and LTTE had already begun to unravel. In early 2008, the CFA collapsed and a full military campaign resumed, dramatically increasing the incidence of conflict-related human rights abuses. The war ended in May 2009, with serious war crimes having been committed by both sides. According to the UN, during the final months of the conflict, around 330,000 civilians were trapped in a shrinking combat zone where they were held as human shields by the LTTE. These civilians were subjected to shelling by government forces, who targeted humanitarian objects and denied access to humanitarian aid. Tens of thousands of civilians died in the final months of the conflict, the majority from shelling by government forces. There is evidence that some surrendering LTTE fighters were extra-judicially executed.

Following the conflict, hundreds of thousands of internally displaced people (IDPs) were forcibly held in closed camps, which were heavily criticised by the international community as violating the rights of IDPs. By 2011, the majority of IDPs had been resettled. The whereabouts of many surrendered LTTE fighters remains unclear.

Throughout the period 2007-2011, there has been a government-sponsored crackdown on freedom of expression. This includes the harassment, 'disappearance' and killing of journalists and human rights defenders. And since the conflict, the government has dismantled democratic institutions and undermined the rule of law.

#### 3.5.2 Impact of the European Parliament activities on Sri Lanka

**Table 8: Resolutions on human rights in Sri Lanka adopted by the EP 2007-2011**

| Date            | Resolution           | Title                                                     |
|-----------------|----------------------|-----------------------------------------------------------|
| 5 February 2009 | P6_TA(2009)0054      | On the situation in Sri Lanka                             |
| 12 March 2009   | P6_TA(2009)0129      | On the deteriorating humanitarian situation in Sri Lanka  |
| 22 October 2009 | P7_TA(2009)0061      | On Sri Lanka                                              |
| 12 May 2011     | P7_TA-PROV(2011)0242 | On the situation in Sri Lanka: follow-up of the UN Report |

In the period 2007-2011, the main EP activities on human rights in Sri Lanka focused on the conflict. EP actions included a visit to Sri Lanka by the EP delegation for relations with the countries of South Asia in July 2008. Three resolutions were passed on Sri Lanka in February, March and October of 2009 and a parliamentary committee on human rights hearing was held on Sri Lanka in October 2009 with Sri Lankan journalist and activist Sunanda Deshapriya. A resolution was made in response to the UN Report on Sri Lanka in May 2011, and the EP delegation for relations with the countries of South Asia visited the country in February 2011.

The clear assessment of all stakeholders interviewed is that the EP's activities had no substantial impact on the human rights situation in Sri Lanka. However, they agreed that, together with other external actors, the EP helped to keep the international spotlight on Sri Lanka. Some suggested that the EP has played a role recently in improving EU-Sri Lanka relations, which deteriorated during the final years of the war. While this easing in relations has not directly affected the human rights situation, it has somewhat improved the environment for EU-Sri Lanka dialogue on human rights.

No international actor has been able to influence the human rights situation in Sri Lanka to any significant degree. While the actions of the previous European Commission (EC) and the current European External Action Service (EEAS) in Sri Lanka have been more forceful than those of the EP, they too have had minimal impact. Likewise, pressure from EU member states, the UN, the US and others has failed to elicit progress on Sri Lanka's human rights situation. The EP's lack of impact in Sri Lanka must be understood in this context.

The four EP resolutions on Sri Lanka were received with hostility by the Sri Lankan government who rejected these as unwelcome external interference. The mainstream Sri Lankan media followed the government line and reported negatively on the resolutions. But the resolutions were welcomed by human rights activists and the Tamil community. There is no evidence that these resolutions influenced the Sri Lankan government to make any policy changes or alteration of practices.

The October 2009 hearing on Sri Lanka also received a largely negative response in Sri Lanka. Sunanda Deshapriya, the Sri Lankan journalist who gave evidence at the hearing, was attacked in most Sri Lankan media as a traitor. Those who participated in the hearing described it as a useful exchange and a chance to update the EP on developments. Although there is no evidence linking the hearing with a direct impact on Sri Lankan human rights policy or practice, the hearing discussed the case of J. S. Tissanayagam – arrested at the time. This and other EP actions such as the letters of concern sent, brought some international attention to his situation and may have contributed to his release by a Presidential pardon on May 2010.

The 2008 visit by the Delegation for relations with countries of South Asia (D-SAS) was highly controversial and its impact largely negative. In particular, there was conflict between the government and delegates regarding plans to travel to the east of the country. The MEPs were highly critical of the government, while the government, although allowing his presence, was suspicious that the Delegation chair was an LTTE supporter. Following a press conference in which the chair of D-SAS spoke out strongly on human rights, the delegation met with the Sri Lankan president, who expressed his anger with the EP. The Sri Lankan ambassador to the EU also made a formal protest to the president of the EP about the visit. As well as the conflict with the government, there was internal discord among MEPs within the delegation. One MEP held a separate press conference to refute the human rights concerns expressed in the official delegation press conference, damaging the EP's credibility in Sri Lanka.

The 2011 visit took place in a less difficult context, since the conflict had ended and a slight EU-Sri Lankan rapprochement was already under way. The delegates' priorities were to ensure they were

allowed to travel to the conflict-affected North, so as to examine the situation of the IDPs and the progress of the reconstruction efforts, so they deliberately took a restrained approach to criticism on human rights. During this visit, dialogue on human rights was more constructive than in previous engagements, although the government was still resistant to EP concerns and used the security situation as an excuse in an attempt to make it difficult for delegates to meet any critics of government action. The delegation only met human rights defenders outside Colombo in a private setting in Jaffna, and did not push strongly on human rights in its public statements.

The 2011 visit was generally welcomed in the Sri Lankan media. But the general perception among human rights activists was that the visit was co-opted by the government and presented as a sign of EP approval of the post-war situation in Sri Lanka. Activists argue that MEPs must do more to ensure their opinions are not misrepresented during such visits, and they should seek advice from the international human rights community on where to visit and who to meet. This would help prevent them from being co-opted for a government-orchestrated agenda.

Beyond the EP, the greatest impact from any EU institution on the Sri Lankan situation has come from the EC's ending of GSP+ trade preferences to Sri Lanka in 2010, and in which Sri Lanka's failure to comply with its human rights obligations played an important role. This action generated extensive debate in Sri Lanka. The government reacted by condemning the EC's action and refusing to respond to an offer to delay the GSP+ end in return for a plan to improve human rights. However, despite this forceful response, analysts think that GSP+ withdrawal contributed to the government's decision to speed up the release of IDPs being forcibly held in camps.

Within Sri Lankan society, there is little recognition of the EP as a distinct institution. However, the EU as a whole is known, and views on its human rights activities are highly polarised. The Sinhalese community rejects what it considers EU interference in Sri Lanka's sovereign affairs, while the Tamil and Muslim communities welcome EU actions, which they see as defending their rights.

The EP as an institution has much broader recognition within the Sri Lankan human rights community, who perceive it as supportive but weak and slow to react. In particular, the human rights community would like the EP to do more to support human rights defenders who are at risk, particularly those isolated in the north and east. The EU delegation does some work on this issue, but activists would welcome greater EP engagement in the form of EP resolutions on human rights defenders, MEP visits, and inviting human rights defenders to participate in EP events.

### 3.5.3 Conditions determining the impact of EP activities

The EP's activities on Sri Lanka have primarily addressed the human rights violations related to the conflict and post-conflict context. The main reason for the EP's lack of impact is the Sri Lankan government's deep hostility to any external criticism on this sensitive issue. The current Sri Lankan government has a strong Sinhalese nationalist ideology and rejects any international human rights concerns as 'neo-colonial'.

The Sri Lankan government's ability to resist international pressure on human rights is due to its domestic and regional strength. It is very popular with the country's majority Sinhalese population and it has marginalised all minority voices, so it has little domestic incentive to address human rights failings. The government's political and economic support from regional allies such as India, China, Pakistan and Iran provides a strong base from which to reject EP and other actors' human rights concerns. Sri Lanka is routinely protected at international forums by its regional allies, although instances such as the recent Indian support for a resolution at the United Nations Human Rights Council

calling for an investigation of human rights violations in Sri Lanka for the first time, may signal a new scenario in which human rights activities find greater resonance.<sup>41</sup>

The role played by the Sri Lankan media has been critical in determining the impact of the EP's actions. EP activities have attracted significant media coverage in Sri Lanka. While the majority of this coverage is hostile, it has served to increase awareness among Sri Lanka's population about Europe's concerns on human rights and given visibility to the EP as an institution.

Media coverage of the EP's activities has been highly polarised. Reporting by the Sinhalese and English language media on EP activities has been generally hostile, apart from a few editorials in the English language press. The 2011 visit by D-SAS was an exception in that it received more positive coverage, but little attention was given to delegates' human rights concerns. On the other hand, the minority Tamil language media has reported positively on most EP activities on human rights. They see the EU as a major supporter of Tamil rights and a protector from government repression.

Human rights activists think the EP should expand its engagement with the media in Sri Lanka, since the mainstream media plays a very important role in shaping public opinion and independent media is under threat. They suggest that the EP try to help protect independent media, for example meeting with threatened journalists during visits, raising press freedom in high level political discussions and inviting journalists to EP events. Activists believe that the EU in general should engage more with Sri Lanka's hostile mainstream media in order to encourage it to take a position on human rights and thereby generate public pressure on the government. While the EU delegation in Colombo leads on working with local media, greater information sharing, coordination and collaboration between different organs of the EP – most notably AFET/DROI and D-SAS – and the EU delegation on this could be useful.

The perception and impact of EP actions has been affected by the balance and focus of its engagement on Sri Lanka. Interviewees expressed varying opinions on the balance the EP strikes between calling for accountability for the final stages of the war and raising current human rights concerns that affect the whole country (for example, freedom of expression, police torture and rule of law issues). Some thought that the EP should prioritise accountability for the final stages of the war, given the massive scale of abuses and the precedent involved. Others felt that progress on accountability is impossible and that pressure on this issue only allows the government to claim that the international community is obsessed with the past. All interviewees agreed that the EP should put more focus on the issue of political reconciliation, which is needed to provide a context for any sustainable improvement in human rights.

Another issue that concerned interviewees from both civil society and official positions is the emphasis the EP (and other EU institutions) put on public criticism versus quiet diplomacy. Public expressions of concern by the EP inevitably elicit a hostile response from the Sri Lankan government and media. Most interviewees believe public pressure is still useful in keeping a spotlight on Sri Lanka and providing moral support to Sri Lankan human rights activists. But a minority close to the media scenario in Sri Lanka said that critical EP resolutions or MEP statements were just used to reinforce government rhetoric about 'neo-colonial' interference. Diplomats confirmed that private discussions on human rights with the Sri Lankan government are more fruitful on human rights issues than are public expressions of concern.

<sup>41</sup> "India votes against Sri Lanka, UN resolution on war crimes adopted", the Times of India, 22 March 2012, Available online at [http://articles.timesofindia.indiatimes.com/2012-03-22/south-asia/31224453\\_1\\_resolution-india-votes-tamil-tiger](http://articles.timesofindia.indiatimes.com/2012-03-22/south-asia/31224453_1_resolution-india-votes-tamil-tiger) Accessed 26 March 2012.



Stakeholders disagree as to the extent to which the EP should engage directly with Sri Lanka's recalcitrant leaders, or whether the EP should focus on building links with the leadership's regional backers. Many interviewees from civil society stressed that the EU's influence in South Asia is waning compared with that of regional powers. They argue that it is critical for the EP to focus not only on the country situation, but to engage with the regional situation and Sri Lanka's allies, particularly India, to persuade them to pay attention to Sri Lanka's human rights situation. The EP is beginning to make these links. Within the EP, D-SAS and the Delegation for relations with India have held a joint meeting on Sri Lanka. Human rights experts say that this kind of initiative better reflects the realities of political influence in South Asia.

One major factor that has affected perception of the EP in Sri Lanka is an apparently strong split between MEPs who are supportive and MEPs who are critical of the Sri Lankan government. Stakeholders reported that support among MEPs is largely determined either by MEPs' position on the left/right spectrum or their level of contact with the Tamil diaspora. Human rights experts viewed the split among MEPs as unhelpful, since it feeds into the polarised narrative of the war that exists in Sri Lanka. While it is normal, and positive, for the EP to represent a plurality of views, it has been problematic that the various representatives of EU institutions cannot speak with one voice on human rights in Sri Lanka. This has played into the Sri Lankan government's sophisticated media 'spin'. The conflicting MEP press conferences during the 2008 visit are an example of this problem.

Interviewees disagree on the direction EP activities on Sri Lanka should take in future. Some people, among them representatives of EU institutions, think that the EU has 'lost its way' on human rights in Sri Lanka. They argue that following the government's opposition to its initially strong stance, the EU as a whole is now unsure whether to keep applying pressure or to re-engage. Human rights activists think that the EU should respond to the government's resistance by increasing pressure through measures such as travel bans. Other commentators say that EU and Sri Lankan positions on political reconciliation may be converging slightly, which is a reason for working towards positive engagement.

Civil society stakeholders thought that one factor affecting the EP's impact was the fact that it moves very slowly, which makes it hard for the EP to engage with fast-moving conflict situations. For this reason, they believe the EP has not been able to respond to the quickly changing situation on the ground in Sri Lanka. Some activists reported that the EU delegation in Sri Lanka has insufficient expertise on human rights and conflict. They believe that the activities of the EP and the EU would be more effective if supported on the ground by conflict and human rights experts. They suggest an expert be placed within the EU delegation in Colombo with a remit to work across all EU institutions. Here, the EEAS proposal to create a network of human rights 'focal points' constitutes a good opportunity to possibly explore linkages on this subject across institutions, enhancing the EU's unity of action. One positive factor on this line was the reported coordination between the EP, EEAS headquarters and EU delegation in Colombo in preparation for EP visits. With a few exceptions, MEPs visiting Sri Lanka work in coordination with the EU Head of Delegation, in contact with the D-SAS chair. This has contributed to awareness of EP activities within Sri Lanka.

### 3.5.4 Conclusion and recommendations

Overall, the EP has had little impact on the situation in Sri Lanka, mainly because of the hostility of the Sri Lankan government to outside influence. The EP can draw some lessons on how it can improve its effectiveness in such challenging contexts. The following recommendations can be made:

- Given the Sri Lankan government and media hostile reactions to EP activities, the EP should emphasise the communication aspect of its work. This can include reaching out more to the Sri Lankan media and relevant civil society organisations in order to ensure balanced coverage of its



human rights concerns and activities. This involves working closely with the EU delegation in Colombo on media relations.

- The Sri Lankan conflict has caused important political divisions within the EP and arguably limited the impact of its activities. While this is partly inevitable, in complex conflict contexts such as Sri Lanka, it is important that the EP and all its MEPs agree on a basic common clear message on human rights. Mixed messages from MEPs, especially while visiting Sri Lanka, have served the government's agenda, and should thus be minimised. MEPs should also be aware of the government attempts to use them for propaganda purposes and make sure to get briefings from human rights experts, speak out clearly on human rights concerns and reach out to the media.
- The EP should work more with regional powers on the human rights situation in Sri Lanka. In particular, it should reach out to parliaments, politicians and civil society organisations in India and other South Asian countries to promote engagement on human rights in Sri Lanka. This is especially important given the waning power of the EU in the region and the rising power of regional actors.

### **3.6 Impact of activities of the European Parliament in the field of human rights: Zimbabwe**

Zimbabwe's recent human rights situation has been characterised by high levels of political violence, which intensified around the time of the 2008 presidential elections. EP activities throughout this period have been influenced by the Council's adoption in 2002 of 'targeted restrictive measures' and have had a limited impact. However, the EP's activities directed towards individuals have had greater impact.

#### **3.6.1 Overview of Zimbabwe's human rights situation (2007-2011)**

In the past five years, human rights violations in Zimbabwe have been widespread, with high levels of political violence, harassment, arrests and torture of opposition politicians, NGO members and activists. Since 2000, when President Robert Mugabe started his 'fast-track land reform', the human rights situation in the country has seriously deteriorated, reaching its nadir with the 2008 election crisis. After the disputed first round of the Presidential elections, preparations for the second round between April and June 2008 were dominated by a violent campaign from the Zimbabwe African National Union – Patriotic Front (ZANU-FP), that left 193 people killed and over 5,000 beaten and tortured.<sup>42</sup> As a result, the Movement for Democratic Change (MDC) candidate, Morgan Tsvangirai, abandoned the contest, leaving Mugabe to declare himself re-elected. International pressure finally delivered a Global Political Agreement (GPA) between ZANU-PF and the MDC in September 2008, and a government of national unity was formed in February 2009 with Mugabe as President and Tsvangirai as Prime Minister. But the political standoff worsened the already ruinous economic situation, causing food shortages and a cholera epidemic that left 4,000 dead and created a large number of refugees.<sup>43</sup>

Although the unity government was still in place at the end of 2011, its functioning has been obstructed by ZANU-PF, which still controls essential elements of the state, most notably the security forces. Over the past three years, the MDC has often been prevented from effective participation in government and its members have been harassed. Despite threats by Tsvangirai that the MDC would disengage from government, there has been limited progress on constitutional reform and violations of human rights have continued. Forced evictions, curtailment of freedom of information and expression, harassment, arrests and beatings are still common. Human rights violations increased in 2011 as a result of indications from ZANU-PF that the date of new presidential elections would be brought forward.

<sup>42</sup> Human Rights Watch, 'Human Rights in the World in 2009', 2009.

<sup>43</sup> 'European Parliament resolution of 18 December 2008 on the situation in Zimbabwe'.

Confusion about when elections will be held continues. MDC and civil society organisations argue that electoral, institutional and legal reforms to guarantee a free and fair electoral process must be implemented before elections can go ahead.

### 3.6.2 Impact of the European Parliament's activities on the field of human rights

**Table 9: Resolutions on human rights in Zimbabwe adopted by the EP 2007-2011**

| Date             | Resolution           | Title                                         |
|------------------|----------------------|-----------------------------------------------|
| 26 April 2007    | P6_TA(2007)0172      | On Zimbabwe                                   |
| 24 April 2008    | P6_TA(2008)0184      | On Zimbabwe                                   |
| 10 July 2008     | P6_TA_PROV(2008)0364 | On the situation in Zimbabwe                  |
| 18 December 2008 | P6_TA(2008)0640      | On the situation in Zimbabwe                  |
| 8 July 2010      | P7_TA(2010)0288      | On Zimbabwe, notably the case of Farai Maguwu |
| 21 October 2010  | P7_TA(2010)0388      | On forced evictions in Zimbabwe               |
| 7 April 2011     | P7_TA_PROV(2011)0159 | On Zimbabwe                                   |

The EP, along with other European institutions, has maintained a clear and strong position on human rights in Zimbabwe. EP activities in Zimbabwe between 2007 and 2011 took place against the backdrop of the targeted restrictive measures adopted by the European Council on 18 February 2002 against elements of the ZANU regime. Since then, the EP has been one of the most active international actors in the denunciation of the Mugabe regime and the defence of human rights activists. This support is reflected in the activities of the EP, as well as in the support for human rights defenders through other EU instruments, as various local activists have noted.

The EP's parliamentary resolutions on the human rights situation in Zimbabwe have been the most visible of the EP actions on Zimbabwe. Between 2007 and 2011 the EP passed seven resolutions: one in 2007, three in 2008, two in 2010 and one in 2011. The EP has kept up a continued engagement with the country's human rights situation. The intensity of its engagement, as can be seen in the frequency of resolutions, has in part been determined by the situation on the ground in the country. During the 2008 electoral crisis, the EP passed a total of three resolutions: one on 24 April, calling for the release of the election results; one on 10 July, denouncing the election results as illegitimate and calling for 'a negotiated settlement of the current crisis'; and one on 18 December, affirming the 'clear link between the humanitarian catastrophe and the crisis of governance' and stressing 'the Zimbabwean people's need for political change'.<sup>44</sup>

During the period under study, the EP also passed resolutions in April 2007 and in April 2011, condemning the human rights situation in Zimbabwe and the activities of ZANU-PF, including the harassment, arbitrary arrests and beatings of opposition members and civil society activists, many of whom were mentioned by name.<sup>45</sup> Five out of the seven resolutions passed by the EP had as their objective the condemnation of human rights abuses and the call for changes in the policies of the Zimbabwean regime. The other two resolutions, both passed in 2010, were concerned with more

<sup>44</sup> 'European Parliament resolution of 24 April 2008 on Zimbabwe'; 'European Parliament resolution of 10 July 2008 on the situation in Zimbabwe'; 'European Parliament resolution of 18 December 2008 on the situation in Zimbabwe'.

<sup>45</sup> 'European Parliament resolution of 26 April 2007 on Zimbabwe'; 'European Parliament resolution of 7 April 2011 on Zimbabwe'.

specific topics. One drew attention to the plight of an individual, the researcher and activist Farai Maguwu, and the other was about forced evictions.<sup>46</sup>

The case of Farai Maguwu, for whom the EP demanded an 'immediate and unconditional release', is the only occasion where a resolution has concerned a single individual in Zimbabwe. This resolution is arguably the one that has had the clearest impact. Local NGO members interviewed agreed that all EP resolutions provide 'moral support' and a 'show of solidarity' with Zimbabwean activists. But the resolution calling for Maguwu's release may have had a direct impact upon the government: Farai Maguwu was released five days after the resolution, having spent a total of 40 days in prison. This appears to have resulted from the EP resolution in two different ways. Firstly, it appears that, according to some interviewees, the EU Delegation in Harare placed diplomatic pressure on the Mugabe government after the resolution was passed. Secondly, the resolution worked to mobilise civil society and public opinion. During Maguwu's detention, civil society in Zimbabwe did not campaign strongly for his release because the issue involved the army and so was perceived as sensitive. The EP resolution, which was published by Zimbabwe's only independent newspaper, the Daily News, brought the issue into the public discourse and galvanised local and international NGOs to take up the cause.

Closely related to the case of Farai Maguwu is the issue of diamond mining, which was also mentioned in the resolution. Here, the engagement of the EP is less direct, since it is mediated by the international Kimberley Process (KP), so an assessment of the EP's impact is more difficult to make. The EU is an important player among the participants of the KP, which includes states, international bodies and civil society, and EU involvement was key in the late 2011 agreement that allowed the sale of Marange diamonds from Zimbabwe. According to some activists, this agreement is considered a positive step, since the 'human rights situation has improved greatly', but others remain unconvinced. Both camps agree that the major challenge now involves monitoring diamond revenue and making sure that it reaches the Treasury rather than being used for partisan activities. Although it is difficult to gauge the impact of EP activities on this and other causes, the EP should monitor and follow up the calls made in its resolution to make sure that diamond mining does not lead to human rights violations.

In addition to the resolutions, a number of political groups and individual MEPs have been active on human rights in Zimbabwe. These activities have not had the same level of visibility as the resolutions. But the contribution of declarations and events participated in by MEPs and political groups such as the ECR, Socialist and Democrats, EPP and the Liberal and Democrats (ALDE) has been recognised by independent media workers and activists with in Zimbabwe. Former EP President Hans-Gert Pöttering also made various statements and pronouncements in 2007 and 2008 on human rights in Zimbabwe, coinciding with the EP's resolutions on Zimbabwe.

The EP's involvement in the African, Caribbean and Pacific (ACP) – EU Inter-parliamentary Delegation has some significance for human rights activities in Zimbabwe. The delegation constitutes a stable and comprehensive channel for communication between the EP and Zimbabwe, and seems to be a valid forum for highlighting issues related to human rights. The 2011 resolution 'on challenges for the future of democracy and respecting constitutional order in ACP and EU Countries' is one example of the use of this channel for drawing attention to human rights issues.<sup>47</sup> However, according to some people interviewed, human rights activities have not had as great a priority as they could have. Following the adoption of the restrictive measures by the EU, in its application of the ACP-EU Partnership Agreement

<sup>46</sup> 'European Parliament resolution of 8 July 2010 on Zimbabwe, notably the case of Farai Maguwu'; 'European Parliament resolution of 21 October 2010 on forced evictions in Zimbabwe'.

<sup>47</sup> ACP-EU Joint Parliamentary Assembly, 'Resolution on Challenges for the Future of Democracy and Respecting Constitutional Order in ACP and EU Countries', ACP-EU 100.919/11/A, 2011.

(Cotonou Agreement) as well as the Common Foreign and Security Policies (CFSP), a degree of tension has come into being around this issue, hampering the effective functioning of this channel of dialogue.

A realistic assessment of the EP's goal of improving human rights in the Zimbabwe case shows that EP activities and resolutions have had a limited impact: Mugabe remains in power and human rights violations still exist. There are, however, areas in which the EP activities have had an impact. Through its reaffirmation of the need for targeted restrictive measures against members of the Mugabe regime, and its appeals to the Council to extend the list of those affected, the EP has circumscribed the normal activity of ZANU-PF members of the Zimbabwean government. The link between these actions and the government of Zimbabwe's human rights policies is more tenuous. But some civil society members interviewed said that these activities have had an effect, because the ZANU-PF regime has taken on a 'siege mentality' and increasingly seeks to be perceived as working to improve the human rights situation. This tendency seems clearer since the signing of the GPA in late 2008, and in this period there has also been a partial liberalisation of the media landscape.

Another tangible impact of EP activities upon the government can be seen in the election dispute of 2008, which culminated in the signing of the GPA. This outcome was a direct result of the international pressure exerted upon Mugabe. However, since numerous actors were involved, it is difficult to establish the direct impact of the EP alone. Since the electoral crisis, the EP has remained consistently engaged with the human rights situation in Zimbabwe, and this has made the EP a reference for other international actors. In fact, some interviewees say the value of the EP has been that it has long maintained a clear and consistent position which has eventually been adopted by more actors. The impact of the EP's position on the Zimbabwean government, however, appears to have been less significant, mostly due to the government's response. EP resolutions and activities have been met with great hostility, as Mugabe has sought to discredit EP actions as a plot crafted by the West and aiming to bring about regime change. Responding to the latest EP resolution Mugabe said: "We had the EU parliament passing a resolution on Zimbabwe, how the GPA should operate, how elections should be held and even how our diamonds should be sold... So you can see that the outside world wants again our country to lose its sovereign status... We should remain wary, vigilant and be determined to defend it"<sup>48</sup>

### 3.6.3 Conditions determining the impact of EP activities

The different conditions that have determined the impact of the EP human rights activities in Zimbabwe can be defined on three levels: those stemming directly from the work of the parliament, those internal to the European Union, and those that relate to external factors.

Parliamentary resolutions are the most visible of EP activities and, arguably, have the greatest impact. Of the seven resolutions passed between 2007 and 2011, three were in 2008, a year of very high diplomatic activity. The amount of resolutions was determined by the situation on the ground, but their high number may have reduced their visibility and therefore their impact. Activists consulted did not equate greater level of parliamentary activity with greater impact. Similarly, the pronouncements of the EP President coincided with plenary sittings where resolutions were passed. While this contributed to putting out a strong message, it may have caused these activities to have less impact than activities that took place in isolation. A low degree of visibility clearly limits the impact of EP activities, so it is important that the EP achieves the greatest visibility possible to make its position heard and galvanise other actors within and outside Zimbabwe. Visibility is largely determined by the media landscape in Zimbabwe, which is controlled by the state and deeply polarised. This can be overcome, according to

<sup>48</sup> "Zimbabwe: Leave Us Alone, President Tells West", The Herald, 14 April 2011, Available online at <http://allafrica.com/stories/201104150114.html> Accessed 18 January 2012

activists and journalists, through broadening contacts and linkages between the EP and civil society so as to reach a majority of the population. While the EP, and the EU more generally, has a relationship with many activists, interviewees said that the EP should further explore how to improve communication with more of the population. It is also noteworthy that the resolution with the greatest impact was that directed at an individual. Even so, this model of activity has only been employed once. Finally, the EP should pay more attention to monitoring activities and resolutions after they have been made. For example, the 2010 resolution on forced evictions appears to have had very limited visibility, and there does not appear to have been any follow up activities.

Some conditions that have affected EP impact are external to the EP but internal to the EU as a whole. Given the geographical distance between Europe and Zimbabwe, to guarantee high impact of the EP activities on human rights, the message must be disseminated forcefully and clearly. When this is done, as in the continued effort by the EP and the Council to maintain and update the targeted restrictive measures, impact and visibility appears to be greater. By contrast, the dangers of failing to do so were best exemplified in 2007, when in spite of the EP's call 'on the Council to ensure that no banned persons are invited to, or attend, the planned EU-Africa summit in Lisbon',<sup>49</sup> Mugabe was finally allowed to attend. This public disagreement undermined the EU's ability to speak with one voice, and was perceived in Zimbabwe as a 'sign of weakness'.

As well as taking steps to ensure unity of action, the EP must make use of the different instruments available to have an impact on human rights policies. In particular, the EEAS delegation plays an active role in the country not only through the information and press service it provides but also through the meetings, often on the subject of human rights, that it holds with Zimbabwean civil society. All these EEAS activities have been praised by civil society members who have taken part in these. The EP has in some instances, such as in the case of Farai Maguwu, made an impact upon the Zimbabwean government through the diplomatic pressure of the EEAS delegation. Many activists interviewed also identify the current ambassador as a personality with high degree of visibility who has been outspoken and active on specific cases and at critical times. Moves within the EEAS to highlight the importance of human rights in the EU's external action present an important opportunity to deepen collaboration between the delegations and the EP, so as to make sure information flows efficiently between officers on the ground and the EP.

Perhaps the most important conditions determining the impact of EP activities are those external to the EU. The influence of EP activities is coloured by the domestic situation in Zimbabwe, where the most important development in the past five years has been the signing of the GPA. This has changed the balance of power and has indirectly affected how EP activities are perceived. The MDC is now in government but the human rights situation has not sufficiently improved, which has given a different political implication to EP resolutions and may affect their impact. Some civil society members note that resolutions often link human rights violations to ZANU-PF, which allows Mugabe's party to criticise MDC members as working for external actors.

The role played by other international actors in Zimbabwe, including other states, international NGOs and the Southern African Development Community (SADC), also conditions the impact that EP actions can have. SADC plays a critical role as the guarantor of the GPA, which makes its position important for the impact of the EP activities. Although there are no direct and established linkages between the EP and SADC, the resolutions frequently reference SADC's position and call on it to act on the situation. Most of the people interviewed see SADC as central to solving the human rights situation in Zimbabwe,

<sup>49</sup> ACP-EU Joint Parliamentary Assembly, 'Resolution on Challenges for the Future of Democracy and Respecting Constitutional Order in ACP and EU Countries', ACP-EU 100.919/11/A, 2011.



but also note that the driving force behind SADC is South Africa. So, EP relations with South Africa could potentially help increase the impact of its human rights activities, and the EP has a delegation to South Africa. As with the ACP-EU inter-parliamentary delegation, the issue of the targeted restrictive measures polarises stakeholders, which hinders effective dialogue. The perceived change in SADC's attitude in 2011 and the opening of an 'election roadmap' dialogue represents a good opportunity to secure reforms and improve the human rights situation in Zimbabwe. The EP must maintain its position as a reference in the protection of human rights activists. But it should consider stepping up coordination with different delegations, individual MEPs and EU institutions in engaging in dialogue with other international actors, especially South Africa and other African regional bodies, so as to achieve a common international position.

### 3.6.4 Conclusion and recommendations

Analysing the impact of EP activities in the field of human rights in Zimbabwe is a complex task. There is widespread consensus that EP activities do enjoy a certain level of visibility, especially among civil society. But this visibility must be extended to larger segments of society. EP activities have had limited impact on government policies, largely due to ZANU-PF hostility and their depiction of EP activities as 'imperialist'. Greater impact has been observed in the resolution that was directed at helping a single individual, but this model has been only used once. The following recommendations for increasing the impact of EP activities have been identified:

- The EP should maintain constant engagement with the situation in Zimbabwe, and establish mechanisms to follow up resolutions, and especially of individuals mentioned in resolutions. Possible linkages should be explored with civil society activists who can contribute to a greater visibility on EP activities on the ground.
- In parallel to this, the EP should work to step up collaboration with other EU bodies, particularly the EEAS delegations which have closer contact with the situation on the ground. Collaboration should be maintained with the Council on keeping the targeted restrictive measures in place. The EP should stress the need for human rights to guide relations with Zimbabwe and ensure that the EU speaks with one voice on the topic.
- The EP should strengthen its collaboration with those international actors with which it has relations who have sufficient leverage and legitimacy, most notably SADC and South Africa. It should attempt to coordinate actions on Zimbabwe with these actors.

## 4. CONDITIONS DETERMINING THE IMPACT OF RESOLUTIONS AND OTHER ACTIVITIES OF THE EUROPEAN PARLIAMENT IN THE FIELD OF HUMAN RIGHTS OUTSIDE THE EU

As the different case studies show, the EP is consistently viewed by third countries' activists, NGO and civil society members as the most outspoken and visible of all EU institutions in the field of human rights. This coincides with the views held by EU public opinion and people working within EU institutions themselves. The large number and wide range of EP activities on human rights help give the EP visibility and enable it to highlight the plight of individuals – often through specific references and activities – and to denounce human rights violations. At the same time however, this large number of activities and the complex architecture of the EU contributes to the 'blurring' of institutional divisions between the EP and other EU bodies. Partly as a result of this, and partly as a result of the nature of the activities, it is much more difficult to identify the direct impact the EP has on the situation of individuals, specific causes or human rights policies more generally. The overall impact of EP activities on human



rights in the case studies selected appears to be medium to low. But important qualifications need to be made. Different activities have different impacts across different countries and even, perhaps more relevantly, within the same one. These variations, together with the large number and diverse character of EP activities and instruments, make it very difficult to provide a comprehensive assessment of the impact of EP activities. But they can help reveal the conditions that determine whether impact is achieved or not.

In assessing this, it is necessary to examine a number of contributing factors. The impact of the different EP activities must be taken into account individually, alongside the availability of (formal or informal) mechanisms that interconnect these EP activities and instruments, and may contribute to their mutual reinforcement. Aside from the activities of the EP, a number of other factors have an impact on the human rights situation in third countries. Some of these are directly related to the activities of the EU as a whole and to the potential interplay and coordination that exists between the EP, other EU institutions and the position of individual member states. As it will be shown in detail below, the interplay between the different institutions is a critical determinant of the effectiveness of the EU's external actions in relation to human rights, especially in the post-Lisbon scenario. This has been recognised by the recent evaluation of the Commission's support to human rights, which calls for a "solid 'political roof'" as the starting point for a credible EU human rights policy. The draft to the latest EP 'Annual Report on Human Rights' similarly calls for inter-institutional collaboration in the development of a "final EU common strategy with clear actions, timetables and responsibilities"<sup>50</sup>

On a more general perspective however, it has to be recognised that the EP – and even the EU more broadly – can be responsible only for a limited set of factors contributing to the human rights situation in third countries. A much larger, and often more powerful, set of determining conditions respond to the internal character of the different regimes, which the EP can affect in only a limited manner, and also to the role played by other international actors, some of whom enjoy greater leverage than the EP has at its disposal. All of these will be now considered in detail, based on the results of the different case studies, so as to determine the impact of EP activities and to formulate possible recommendations for increasing this impact.

#### **4.1 Conditions internal to the European Parliament**

The first important element that determines the impact of human rights activities in third countries is the **visibility achieved by EP activities**. As has been noted, the EP is consistently viewed as the EU institution with the clearest voice on human rights, using its position to denounce violations and support activists. This factor clearly contributes to the impact of EP human rights activities, but the degree of visibility of the EP's different activities varies, for different reasons in different environments. The Sakharov prize, for example, achieves a degree of visibility in the countries of origin of its laureates. In Cuba, the only place where this instrument is cited as the most visible and powerful activity of the EP, one reason for its visibility is that the prize has been awarded to three laureates in the past 10 years, the highest number of recipients for any country. Its impact was also raised by the refusal of the Cuban government to allow the Damas de Blanco, winners in 2005, and Guillermo Fariñas, winner in 2010, to travel to the award ceremony, which has become a contentious issue in relations between the EP and the country.

Resolutions are among the activities with the greatest visibility, but their impact is limited by various factors. The unavailability of the resolutions in third country languages, such as Arabic in Egypt,

<sup>50</sup> F. Petrucci *et al* 'Thematic evaluation of the European Commission support to respect of Human Rights...', 2011, page 74; Committee on Foreign Affairs Subcommittee on Human Rights, 'Draft Report on the Annual Report on Human Rights in the World...', 2012, page 19.

contributes to lessening their visibility. The recommendations in this regard made by the 2006 study and including not only the translation of documents, but also the thematic and geographical organisation of the DROI activities in the EP website have not been implemented<sup>51</sup>. Increasing the visibility of EP activities within the EU and in third countries could be achieved by a dedicated effort aimed at building an effective communication strategy in collaboration with the EP Secretariat Directorate for Communication. The concluding chapter includes operational recommendations of how this could be achieved.

Furthermore, and although awareness and visibility of EP resolutions is high among activists and civil society organisations, it is lower among the general population. In some cases the factors determining this, such as government control of the media, are beyond the control of the EP. But there are also factors internal to the EP which are not sufficiently utilised to increase the visibility of EP activities. The most important factor highlighted in the different case studies is the limited use that the EP makes of contacts established with civil society in third countries. In China and Belarus, limited engagement with broader sectors of civil society as opposed to official channels and opposition groups, along with the narrow range of topics discussed, is highlighted as one factor reducing the visibility and therefore impact of EP activities. The difficulty of reaching the majority of the population, as noted in the case studies on Zimbabwe and Egypt, also seriously constrains the impact of EP activities. This lack of reach is caused by the low number of stable, long-term linkages between the EP and societies in these countries. This local dimension is an essential determinant to the impact of EP activities and EU human rights activities more broadly. On its recent evaluation of its support to human rights, the European Commission highlighted the importance of this dimension and recommended to undertake a “localization” process for the human rights strategy, and the adoption within it of an “inclusive actor approach”<sup>52</sup>. Both these processes resonate with the conditions determining the impact of EP activities, and reflect the importance of establishing inter-institutional collaboration mechanisms.

A second important aspect conditioning the impact of EP activities is the **degree of coherence, consistency and coordination of the EP activities**. This coherence – or lack thereof – is itself determined by a number of elements. The first is the **political coherence of the messages** that the EP sends. The impact of EP activities can be affected by perceived inconsistencies or inequities. For example, some people consulted – including MEPs and members of the EP Secretariat – were critical of Cuba having three Sakharov prize laureates, as they felt this reflected political posturing by political groups and member states. Similarly, the October 2011 resolution on Egypt and Syria regarding Christian communities was perceived within Egypt as responding more to the interests of Christian groups within the EP than to concerns for the whole of the Egyptian population. In some cases, the political dimension of human rights can acquire greater prominence as a result of the growing role which political parties play in the EP activities – both formally and informally. This can be a positive force, since links between political groups and their counterparts, especially in Eastern European countries, are seen as having great potential for impact on human rights and as a positive sign of the impact that the EP can have. But in some instances, political groups’ greater involvement can be divisive and weaken the coherence of the EP. This has been the case with Ukraine, where resolutions were twice blocked due to political divisions.

Some interviewees from Brussels-based civil society groups have expressed concerns about the effect third country diplomats and interest groups can have on EP activities, specifically in the case of ‘urgency resolutions’. Sri Lanka was often mentioned as an example of pressure groups being able to influence

<sup>51</sup> EIUC, op. cit., page 104

<sup>52</sup> Petrucci, F. *et al* op cit., page 75-76

the debate and drafting of human rights resolutions. As the case study shows, the split among MEPs along political lines, which was possibly exacerbated by these interest groups, has contributed to the EP 'losing its way' on human rights activities in Sri Lanka, which in turn limited the impact of EP activities.

Another element of political coherence is the diversity of messages and views discussed at the EP and the functioning of the institution as a whole. A number of people within the EP Secretariat, and also MEPs, believed that the real value of the EP is its character as a forum where topics including human rights are discussed in a way that accommodates a plurality of voices in a free and transparent manner. Maintaining transparency of discussion is extremely important in giving greater coherence and legitimacy to the message sent to third countries. Positive initiatives towards, and in collaboration with, European civil society exist, such as the 'Group of Friends of Human Rights', which has produced relevant recommendations.<sup>53</sup> But some are concerned about the limited access to the EP that NGOs enjoy, and about the decision to close the hearings on the nomination of EEAS ambassadors to the general public. Clearly, the more transparent the functioning and debates of the EP, the greater the coherence of the message will be – and this can work to increase the impact of EP activities.

A second internal dimension that determines the impact of the EP human rights activities is the **consistency of activities across time**. The EP is perceived by activists in third countries as a reference point among EU institutions on human rights situations. For this reason, it is essential that EP activities be consistent across time. When the EP highlights an important issue, it is sending a strong signal to third countries. If this stance is then changed without a clear reason, it can reduce the credibility and capacity to impact of the EP. Activists in Zimbabwe, Belarus and Cuba have highlighted the high consistency of the EP as contributing to greater impact in human rights activities.

Important and/or unexpected political events in third countries tend to generate a greater number of activities, especially regarding resolutions. This happened in relation to the presidential elections in Zimbabwe, the Olympic Games in China in 2008, the end of the war in Sri Lanka in 2009, the Belarus elections in late 2010 and the regime change in Egypt in 2011. It is important to note however, that a greater frequency of EP activities does not guarantee a greater impact. In none of the selected case studies have more activities proved to have more effect. In fact, in both Zimbabwe and Egypt, the voice of the EP appears to have got lost among the numerous actors who were involved in the local situation at the time. Secondly, and despite the greater number of resolutions passed and resolutions carried out around these critical times, the absence of monitoring and follow up mechanisms limits their impact.

Consistent engagement with third countries can increase the impact of EP activities; this however should not be equated with a greater number of activities, but rather with the attention paid to the actions taken. The overall ability of the EP to maintain a high degree of consistency in its human rights activities is conditioned by the lack of systematic monitoring and following up of activities. The calls made by the previous study on the impact of human rights activities to "institutionalise follow up activities" have not been sufficiently heeded<sup>54</sup>. The EP Annual Reports' regular highlighting of thematic and institutional areas of concern in the area of human rights constitutes a good example of consistency across time – although there are limits to the extent in which these concerns are subsequently addressed, partly as a result of the inter-institutional collaboration needed for this, and which is often found lacking.

The **degree of coordination across different activities and instruments** affects the impact of EP activities. A single, unified message should be sent, and this should be present and coordinated in all EP

<sup>53</sup> Human Rights and Democracy Network, 'European Parliament: A more Consistent and Coherent Approach on Human Rights and Democracy is Needed', January 2012.

<sup>54</sup> EIUC, op. cit., page 198.

activities in relation to third countries. It is especially important to coordinate between the resolutions made by the plenary, the work of the Committees and the work of the Delegations. There is a widespread perception that the human rights messages sent by the DROI subcommittee, and even those included in some resolutions, are not given prominence in the activities of other bodies. One example from the case studies is the 2008 resolution on the situation in Egypt, which was highly supportive of civil society and critical of the government. Despite the fact that the resolution had an important impact and elicited a strong response from the government, its message was not subsequently highlighted in other EP activities. This came across to civil society activists, as a sign of the lack of genuine interest in the concerns of human rights activists.

The need to maintain a coordinated position on human rights in third countries across different EP instruments has become more pressing with the new institutional design laid down by the Lisbon Treaty. The EP now has responsibility for approving international agreements, including those related to the common commercial policy, and this can have an important impact on the human rights situation. The potential for trade policy to promote fundamental human rights has also been explored by other EU institutions<sup>55</sup>. Within the EP, the draft to the latest Annual Report on Human Rights, calls for all international agreements to “include clearly worded clauses on human rights and democracy” and envisions the EP exploring the possibility of setting up benchmarks in advance of ratifications and, crucially, becoming “a joint decision-maker with the Commission and the Council” regarding the monitoring of these clauses<sup>56</sup>.

For many of the interviewees working within the EP, this and the EP’s budgetary powers are the most important mechanisms which the EP has for exerting influence on EU human right policies. The Sri Lanka case study shows that the ending of the GSP+ status in relation to the country’s human rights concerns appears to have had an impact, particularly for internally displaced persons.

Other trade and association agreements have been highlighted as problematic by the EP, most recently the proposed Free Trade Agreement (FTA) with Colombia and Partnership and Cooperation Agreement (PCA) with Turkmenistan. In both cases, according to interviewees within the EP Secretariat, there have been heated discussions about the human rights situation in the countries, and MEPs have raised concerns on the desirability of going ahead with the proposed agreements. According to some of these sources, however, neither agreement is likely to be stopped because of these concerns, unlike the renewal of the fisheries agreement between the EU and Morocco, which was blocked by the EP because of human rights concerns. It is important to note that discussions around international agreements and trade policy come under the AFET and INTA committees’ powers, not the DROI subcommittee directly. If human rights are to become an important dimension of these discussions however, DROI must play an important role in coordinating activities and ensuring that the topic of human rights is extensively discussed, despite any possible reluctance to do so from other committees. The DROI-organised “Exchange of views on the Human Rights clauses in EU agreements: the EU-Central America Association Agreement and the EU-Peru and Colombia Trade Agreement” held on 19 March 2012 and in which representatives from AFET, INTA, the EEAS and the Commission’s DG TRADE took part, constitutes a good example of coordination among EP organs and also across institutions. The value of these discussions resides not only on the eventual outcome, but also on the open and transparent manner in which the debates are carried out – Ambassadors to the EU from the countries covered by these agreements, for example, were present on the mentioned exchange of views.

<sup>55</sup> See for example: Directorate General for Trade - European Commission, “Non-paper: Using EU Trade Policy to promote fundamental human rights. Current policies and practices”, European Commission, February 2012.

<sup>56</sup> Committee on Foreign Affairs Subcommittee on Human Rights, ‘Draft Report on the Annual Report on Human Rights in the World...’, 2012, page 12.

EP Delegations can also play an important role in transmitting a clear and coordinated message on human rights in their relations with different counterparts. But some people familiar with the work of delegations believe that this coordinated message is not passed on in a systematic manner, despite the existence of the 'Guidelines for Inter-Parliamentary Delegations on human rights'. Although the Guidelines have been discussed for some time, they have only been formally adopted by the Conference of Delegations Chairs in April 2011, so there is a possibility that they may not yet have become widely known. In any case, responsibility for the way in which human rights topics are raised by delegations rests solely on the Delegation Chair. Often, according to a source within the EP Secretariat, Delegations 'forget' to bring up the topic of human rights; in all instances the chair needs to remind delegates of the Guidelines and of the importance of human rights and of the activities that need to be undertaken. Human rights however, are only one among many topics for the delegation and, according to a member of the EP Secretariat involved in delegation work, the chair needs to strike a delicate balance. Not giving a sufficiently important profile to human rights issues earns MEPs criticism from their constituencies, but bringing up sensitive topics can often 'backfire'. Ultimately, only political support at the highest level can guarantee that human rights work is given due importance and mainstreamed within the EP's – and the EU's external action.

A coordinated and consistent message on human rights from also has to be transmitted by the EP's permanent delegations to multilateral forums. Multilateral arrangements are not common among the activities of the EP, but their expanded legitimacy gives them great potential. Despite this potential, a number of voices coming both from within the EP and from civil society, note that in forums such as EuroLat (on relations with Cuba) and the ACP-EU inter-parliamentary assembly (with regard to Zimbabwe), the subject of human rights has not featured prominently and therefore has not had the impact that could have been promoted by these instruments. Another example of a multilateral forum where human rights can be discussed is Euronest. Here, by contrast, the issue of human rights and Belarus has been discussed ever since the creation of the platform and different approaches to the topic have been tested in trying to create as broad a coalition as possible. So far, however, the impact of these activities has been limited – although observers directly involved with Euronest – agree that this has been a result lack of success is a result of the Belarusian attitude.

#### **4.2 Conditions external to the European Parliament, internal to the EU**

As the case studies have shown, there are a large number of factors beyond those internal to the EP that can affect the impact of the EP activities on human rights. The entry into force of the Lisbon Treaty has meant important changes for EU external relations, as has been discussed above. One of the most relevant ones has been the creation of the European External Action Service (EEAS). As the external arm of the EU, **fluent communication and coordination between the EP and the EEAS** is a key condition determining the impact of EP activities in the field of human rights in third countries. This is important for a number of reasons. The EEAS Delegations are the most direct point of contact between EU institutions and people on the ground within third countries. But because of the diplomatic mission of the EEAS delegations, the stance that they can adopt on human rights is more constrained than that of the EP. In some cases, such as in Belarus, the EEAS delegation has its powers limited by the host country, while in others, such as Cuba, threats of closure if political activities are undertaken also limit the actions the delegation can take in the field of human rights. Civil society members interviewed in relation to the Cuban case study view the EEAS Delegation as the least active EU institution on human rights issues. By contrast, activists in Zimbabwe have said the delegation is the main source of information about the activities of the EU and the EP.

For the EP, the relationship with the EEAS Delegations works in two directions and highlights the importance of effective inter-institutional collaboration: on one hand, the lack of a direct EP



representation on the ground makes it necessary that information gathered by the EEAS on human rights is shared with the EP as a way of maintaining a coordinated position. This information on the country's situation and the substantive elements which the local population wants prioritised, should be a central determinant to any changes made to human rights policies – and it is in this light that one should also read the call from the recent EC evaluation to 'localise' human rights. On the reverse direction, and as noted in the case studies, the EEAS is often one of the most important sources of information for the people within these countries, of what the EP and the EU do regarding human rights, including funding instruments for the promotion of democracy and human rights. EEAS delegations also play an important role whenever an EP delegation visits a country. EP delegations have to be able to put its position across to the state authorities, even if these are points not usually raised by the EEAS. These more outspoken stances however have not always been welcome: one EP Secretariat member working with numerous delegations noted that during a visit to India, the EP delegation's decision to bring up the topic of human rights in a meeting with officials was criticised by the members of the EEAS delegation. Instances such as this one reveal disagreements that can affect the impact of activities whenever the EEAS position works in the opposite direction to messages coming from the EP, and highlight the need for a common inter-institutional strategy for the promotion of human rights.

The present international political situation – following the 'Arab spring' – and institutional changes within the EU institutions – highlighting the importance of human rights policies – are opening a period in which important steps can be taken towards an effective EU common strategy on human rights. If human rights are to become the "silver thread" of the EU external action, a coherent, balanced and effective relationship between the EP and the EEAS is of paramount importance. The new powers granted to the EP by the Lisbon Treaty, and the adoption of some institutional changes within the EEAS called for by the EP – such as the creation of a Human Rights and Democracy Directorate and a Special Representative for Human Rights – constitute positive signs that said relationship could be established. However, there are still important obstacles to overcome. The EEAS lack of systematic consultation with the EP in the drafting of the EEAS Annual Report on Human Rights, and the High Representative's absence from the EP to present said report, alongside with complaints from the current rapporteur of the Annual Report on Human Rights, that he had not been allowed to see the EEAS human rights evaluation shows the limits of this collaboration.

The **role that member states play** also affects EP impact. Coherence and consistency of the message are key conditions determining the impact of EP activities in relation to human rights in third countries. These can be undermined not only by internal divisions, but also by the position of other EU bodies – just discussed in relation to the EEAS – and European member states. This is particularly important as often the population of third countries, may find it difficult to clearly differentiate between the various voices speaking as part of the EU. In some instances, divisions among member states have undermined the positions defended by the EP, thus limiting their impact. One clear example is the case of Zimbabwe, where the EP's call for President Robert Mugabe not to be invited to the 2007 EU-Africa summit was not heeded, as a result of public disagreements among member states. This incident was cited by Zimbabwean interviewees as a sign of weakness that undermined the credibility of the EP – and the EU more broadly. Similar divisions exist over the Common Position with regard to Cuba, and other divergences have prevented the emergence of a common human rights strategy among member states. These disagreements have also been seen as reducing the impact of EP activities. The case studies show that the failure of the EU to maintain a common and united voice, both across common institutions and among member states, can seriously undermine the credibility of the EP and therefore negatively affect the impact of its activities on human rights. An EU common strategy on human rights – comprising the Commission/ EEAS, the EP and the Council and Member States – must be the ultimate objective of the EU external action in this field, as it would provide an adequate "political roof" for these



activities. The Council-approved 'EU Guidelines on Human Rights and International Humanitarian Law' constitute a good starting point, but efforts should be made towards their effective implementation, as well as to their integration within a broader strategy that enjoys sufficient political support.

### 4.3 Conditions external to the EU

EP activities in the field of human rights can be affected by conditions external to the EU. These conditions appear in all the case studies and in fact, in many instances, they are the most substantive elements in defining the impact of EP activities.

One essential factor that can decide the impact of EP activities upon the policies of third countries is the **degree of leverage that the EU has over this country**. Countries that have a close relationship with the EU, or in which the EU can potentially influence important aspects of the country's political and economic activities, are more likely to be responsive to EP human rights concerns. People interviewed at the EP Secretariat said that ultimately, 'only when accession is on the cards' or where significant benefits are at stake can the EP really change the human rights situation. If this is the case, the strong reaction of the Egyptian government to the 2008 resolution could be explained by the timing of the EP resolution, coinciding with discussions for the signing of an Action Plan under the ENP. The withdrawal of GSP+ status to Sri Lanka is a similar example. But this is not a guaranteed rule for greater impact. In Belarus, a country in the immediate EU neighbourhood, all attempts by the EP and the EU to improve the human rights situation have failed.

While geographical proximity is a good source of leverage, other external factors may increase the level of influence that the EP may be able to wield and thus also the impact of its activities. For example, the celebration of important international events where the country's image is at stake provides the EP with a significant amount of leverage, as most – though not all – regimes feel the need to maintain a good international image. Azerbaijan's hosting of the 2012 Eurovision song contest appears to be one such example: a recent exchange of visits between the EP President and the Azerbaijani leadership resulted in the release of a number of political prisoners. Even in the absence of such events, a coordinated and sustained campaign towards a specific country can contribute to making a regime conscious of its image abroad. Activists in Zimbabwe point out that this is the case with the Mugabe regime, especially since the establishment of a unity government.

This last point highlights what perhaps is one of the most important conditions determining the impact of EP activities on third countries: **the attitude of different governments and the internal political dimensions shaping this attitude**. In all the case studies explored, the responses by third country authorities to EP activities have been hostile. Third country governments and their Brussels embassies have dismissed EP activities as external interference and tried to present them as attempts by the EP to achieve regime change. Government control of the media has enabled them to transmit this reading of the situation to the majority of the population within these countries. In each of the countries studied, state media and agencies systematically present EP activities in an incomplete and partisan manner. This distortion of information limits the impact of EP activities and is a source of concern for numerous activists. Civil society actors within these countries believe that this manipulation of information can work in the government's favour and that EP activities simply provide more ammunition for these biased perspectives.

The opposite situation has also been seen in instances of a rapprochement between the EP position and that of the Government, apparent EP conciliation has been co-opted and used by the government for its own goals. Activists say that this occurred in Sri Lanka in 2011. Even if the EP remains vigilant about these attempts at manipulation, they nonetheless constitute a formidable obstacle against which the EP has limited power. EP activities work on the basis that denouncing human rights violations will affect

these governments by highlighting their violation of international norms. Judging by the often heated responses that governments have given to EP resolutions and activities, it seems that this has an effect in many cases, although not all. Belarus has consistently been highlighted as an extremely complicated case, where, according to a member of the EP Secretariat, the 'EP is doing close to the maximum that it can do'. The EP has carried out many different activities through a variety of instruments, and there is a degree of coordination not only among EU institutions and member states, but also with other countries through Euronest. Despite all of this, the Lukashenko regime has disregarded and been hostile to any external messages, while at the same time using the media to guarantee the support of large segments of the population. Some improvement of relations took place in 2009 and 2010, which seemed to point to an increased impact of EP activities on human rights, alongside actions by other stakeholders. But the repression that followed the presidential elections in late 2010 represented an important setback.

Internal political change, and the response that the EP and other EU actors make to them, also affect EP impact. Aside from the Belarusian case, the case studies highlight other, more positive changes within the political context of countries such as Zimbabwe. Since 2002, Government official and ZANU-PF members were the focus of the targeted restrictive measures supported by the EP and of the EP's critical resolutions. Once the Government of National Unity was established in 2009 the responsibility – at least formally – for the human rights situation was also shared by the MDC, previously in the opposition. In this context, the EP has found itself in a complicated situation: by remaining critical of ZANU-PF, the EP has maintained a consistent position in the absence of meaningful progress on the human rights situation, but these criticisms have sometimes been phrased in language close to that of the MDC. What this has meant, according to some activists, is that the MDC has become more vulnerable to Zimbabwean government propaganda painting the party as the pawn of foreign interests. The suggestion, raised by different case studies, of broadening the topics which the EP addresses beyond the more politically charged ones to include more social and economic dimensions, including a linkage with development policies should be considered as a way of limiting these kind of manipulations, and echoes the recommendations made on the EC thematic evaluation to "overcome the divide between human rights and development"<sup>57</sup>.

A final set of factors external to the EU that condition the impact of the EP's human rights activities is the **role of other international actors and the interplay that these may establish with the EP and with the EU as a whole**. EP activities are affected by the presence and role of other countries, usually neighbouring ones, who have great influence over the countries or governments that are the target of EP activities. It is very difficult to understand the limited impact that EP activities have had in Sri Lanka and Zimbabwe without taking into account the role of India and South Africa, respectively. Direct bilateral relations between these countries can be important, but relations can also be mediated through regional bodies such as SADC, which in the case of Zimbabwe plays a central role as the guarantor of the GPA. The attitude of SADC is a crucial factor in any progress in the human rights situation, which is recognised by the EP in its resolutions. Similarly, efforts like the joint meeting held on the situation in Sri Lanka by the Delegation for relations with countries of South Asia and the Delegation for relations with India seek to recognise the importance of the regional context in determining the impact of human rights activities. In regard to Belarus, the EP Delegation for relations with Russia has raised the issue of human rights in Belarus with Russia, Lukashenko's powerful ally – although in this case, with very limited effect. In some cases, other countries' policies, such as the US embargo on Cuba, greatly determine the external relations of the country and therefore the impact of the EP activities. As

<sup>57</sup> Petrucci, F. *et al* op cit., page 77

noted in the case study, Cuban authorities' reactions to EP activities, and those of the EU more broadly, are dismissive and aim to delegitimise their position as being directed by the US.

## 5. CONCLUSION AND RECOMMENDATIONS

Based on the information provided by the case studies selected – Belarus, China, Cuba, Egypt, Sri Lanka and Zimbabwe – it can be concluded that the **EP activities in the field of human rights enjoy a certain degree of visibility within third countries**. Furthermore, the EP is consistently considered to be a positive force for human rights and to play a distinctive role on the matter. The EP has traditionally been the most outspoken of EU institutions on the topic of human rights, and it is considered as a reference point among the international actors active in the field.

At the same time, however, the EP's visible and distinct character has not translated into a significant impact for its activities. Although the wide range and different character of EP activities make it difficult to come to an overall assessment, the conclusions from these studies seem to suggest that **these activities have had medium to low degrees of impact**. But this assessment must be **qualified in a number of important ways**.

The first qualification is **the variation in impact among different activities**. Not all EP activities have had the same impact across different countries or even within the same country. One aspect that has been noted, especially in the Cuba and Zimbabwe case studies, is that activities directed towards individuals appear to have had a greater impact – this type of activity was also highlighted as important in the Egyptian case, providing that it complements, not substitutes broader and more sustained engagement. The potential for an EP 'specialisation' in highlighting the pledge of individual human rights defenders should be accompanied by a clear recognition, that this type of activity entails important risks for the individuals involved, whether when awarded a Sakharov prize, invited to a hearing or mentioned in a resolution. This should be remembered and valued by the EP. Another important factor causing variation relates to the timing of resolutions: evidence from the case studies shows that a greater number of activities does not equal a greater impact. It is important to establish detailed monitoring and follow-up mechanisms in order to increase the consistency of EP activities (especially regarding resolutions, as recommended by the 2006 study). It is also important to be aware of the political timing of the activity carried out by the EP, especially when these relate to events that may attract international attention, or if substantive elements are at stake, such as an international agreement between the EU and third countries.

The second, and perhaps more important consideration is that **in most cases, the factors conditioning the impact of EP activities in third countries are external to the EP, and largely outside its and the EU's control**. These factors include the hostile attitudes of third country authorities who constantly seek to reject the EP's interference and discredit its activities, and to present them as part of external plots aiming to achieve regime change. This hostile reaction does not have as its only, or even main, audience the EP and other EU and international actors, but rather the majority of the local population. Third country government use their control of state and national media to shore up popular support. The impact of EP activities is also conditioned, as seen in the case studies, by the limited leverage which the EP and the EU have over these countries. In some cases, this is because of the size and economic strength of third countries, such as China. In others, it is due to the mediating and sometime conflicting position that other regional and international actors have over countries such as Sri Lanka, Zimbabwe or Cuba. Even in those cases where geographical proximity and existing linkages favour greater impact, such as Belarus and Egypt, influence cannot be taken for granted.

Nonetheless, some factors limiting the impact of EP activities are related to the **actions of the EU and the EP itself. Divisions among member states**, such as over the Cuban common position, weaken the position of the EU and thus limit the impact of EP activities. Among EU institutions, effective **linkages between the EP and the EEAS at different levels**, from representation on the ground to communication between the EP President and the EEAS High Representative, are critical determinants of the impact of EP activities on human rights.

**Internal to the EP, the political coherence, consistency over time and coordination of EP instruments and activities in the field of human rights are the key determinant of their impact.**

Strengthening these three aspects will not only increase the impact of activities and allow the EP to become a more strategic actor, but also help the EP position itself better in relation to other EU institutions. The Lisbon Treaty has granted the EP increased powers, which may change its relationship to the European Commission and its external arm, the EEAS. These institutional changes have not had an immediate effect, but the passage of time and the formation of a new institutional culture may eventually allow the EP to fully exploit its new position. The formation of these new institutional dynamics, coupled with recent political events in the Middle East and North Africa, signal that this may be a propitious time for the EP to reinforce its position and become a central actor in EU policies on human rights towards third countries. Conversely, this study has also shown how factors related to other EU institutions and member states condition the impact of EP activities. As a response to this, the overall aim – also highlighted by the EC recent thematic evaluation of human rights instruments and the latest draft of the EP Annual Report on human rights – should be the establishment and implementation of a common inter-institutional EU strategy for human rights.

With this objective in mind, the following recommendations can be made:

- **The EP should multiply and strengthen its contacts with civil society in third countries, including individual human rights defenders**, as a way of reinforcing its role in the field of human rights. The goal of the EP should be to remain a consistent supporter of human rights by establishing long-term linkages with broader sectors of civil society. Individual human rights defenders should be recognised as an important element of this approach. This requires not only a careful evaluation of risks and a mechanism to follow up on the situation after organising activities involving specific individuals, but also that these are sufficiently valued by MEPs. Beyond individual cases, and in order to increase the impact of activities by defusing the hostility of third country governments, topics discussed with local civil society and activists should be broadened beyond politically sensitive ones and include social, economic and cultural elements. Finally, the EP should make greater efforts to explore ways in which information about its activities reaches broader sectors of third countries' populations. Here, a special effort should be placed on the collaboration with local organisations and the use of new technologies and social media which can contribute to better communication and the establishment of a 'digital diplomacy' and communication strategies from the EP (in coordination with other institutions).

Strengthening relations with third countries' civil society is an extremely important aspect in which the EP's long experience should be recognised. Any steps that may follow from the recommendation made by the EC evaluation of "extending relationship with 'political society' for the promotion of human rights" should recognise the existing inter-parliamentary contacts as well as all other formal and informal relationships established by the EP. This added value of the EP should be acknowledged in aiming to implement a common EU human rights strategy.

- The task of deepening contacts with local civil society should not just involve the plenary and the different committees and delegations. Political groups, individual members and the EP President

and Vice-President for Democracy and Human Rights have a special role to play, given their ability to establish close relations in a flexible manner. Specific tools such as the Sakharov network also have great potential to increase the visibility and impact of EP activities by fostering closer links with activists and civil society. Indeed, most winners of the Sakharov prize have insisted on how important the European support had been for their actions. Furthermore, the Arab spring is a good opportunity for the EP to keep focusing on democracy and human rights issues, both by extending the attribution of the Sakharov prize to other activists and by monitoring closely the situation of human rights in the world. The Sakharov prize is highly visible and could serve to encourage dissidents around the world.

- It must also be mentioned that the Parliament's engagement in advancing human rights and democracy led to the creation of a new directorate dedicated to democracy support in DG EXPO. This directorate mainly offers assistance for parliamentary capacity building in many regions of the world including EU's neighbourhood and other emerging democracies. In its framework, the Human Rights Action Unit (HRAU) has been created to monitor specific human rights cases and positions taken by the EP. It maintains contact with Sakharov prize laureates and ensures greater visibility for the Parliament's human rights actions. The HRAU expects to be more active on issues such as supporting human rights defenders worldwide, keeping track of relevant EU policies and improving coordination with EU national parliaments. However, the EP Secretariat must provide this new Unit with an adequate level of material and human resources, which can help turning this unit into a strategic element of the new EP external action.
- **Increase internal coherence and coordination across different instruments as a way of making human rights a guiding force for all EP activities.** The EP's distinct character as the most outspoken EU institution on human rights needs to be reflected in all of its activities. This does not just mean consistent political posturing on the topic of human rights. Although a single EP voice on all aspects of all human rights situations is inherently limited by the pluralist character of the institution, a clear basic common message on human rights should be aimed for to strengthen the EP's position. Also important is that all EP organs and instruments, particularly committees and delegations, make human rights considerations a fundamental element of their activities in relation to third countries. The DROI subcommittee, as the instrument specifically tasked with this issue, should play a central role in coordinating these efforts. On a Secretariat level initiatives such as the Task Force on EU Human Rights Policy are already aiming towards greater coordination. Other initiatives, such as the 'Guidelines for EP Inter-parliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries' are addressed at the political level and also have huge potential to increase the impact of activities. But their promise has not been fulfilled; seemingly due to lack of knowledge among EP members and the absence of enforcement mechanisms. Creating opportunities to increase the profile and visibility of these instruments – at both the Secretariat and political levels – should be a priority. This greater emphasis on, and political backing for, the implementation of the Guidelines and the inclusion of human rights topics within inter-parliamentary multilateral fora, where messages towards third countries can carry a greater legitimacy.

The new co-decision powers have also given the AFET and INTA committees an important tool to promote human rights in their activities when giving their consent to new international and trade agreements. Making human rights a central consideration in these decisions is fundamental to increasing the impact of EP activities. To do this, stronger linkages between the DROI subcommittee and others should be explored, including the possible upgrading of DROI to a full-fledged committee. The effective mainstreaming of human rights across EP activities however requires an important political support. For this to become a reality, the EP President, Vice-



President for Democracy and Human Rights and Chairs of key Committees (DROI, AFET, INTA) and Delegations (especially permanent ones) have vital roles to play.

A final element important in increasing the coherence and legitimacy of the EP is the need for it to uphold internally the same principles it seeks to maintain abroad. A high level of transparency in conducting debates and taking decisions is essential to increase the impact of activities.

- **Make use of the new powers granted to the EP by the Lisbon Treaty to promote a common strategy on human rights and increase the global role of the EU.** As already noted, the conditions determining the impact of EP activities are often external to the EP but internal to the EU. The new budgetary and co-decision powers of the EP could be a powerful tool to influence the external policies of the EU, in such a way that these take account of human rights concerns in a more systematic and strategic manner. Budgetary control over specific instrument such as the EIDHR and the proposed European Endowment for Democracy (EDD), and the signing of international and commercial agreements appear as the most important ways in which this can be done. The EP has traditionally been an outspoken institution on human rights; the challenge is to remain so in using the new responsibility conferred by these new powers. Although there is a possibility that more pressure will now be exerted on the EP to sideline human rights concerns in important agreements, maintaining a clear stance on the matter could be a powerful way to increase the role of the EP in relation to other institutions. The role of ‘human rights watchdog’ which the EP plays should be recognised as the institution’s added value in the development and implementation of a common EU strategy for human rights.

The development this strategy should be the final goal for all EU institutions, but advancing toward it requires a series of concrete steps in which the EP can play an important role. A first element to be considered is improving the relationship between the EEAS and the EP, which is also crucial if the impact of EP activities is to be increased. This is particularly important in relation to the EEAS presence on the ground in third countries. The creation of an EEAS network of human rights ‘focal points’ is a good opportunity for the EP to use its budgetary powers and seek deeper coordination between institutions. The EP should make sure that these focal points are adequately trained and that sufficient resources are allocated, and that they maintain a constant dialogue with the EP, giving it a quasi-presence on the ground. This is essential also for developing the ‘localised’ character of a common human rights strategy. Drafting a single inter-institutional Annual Report on the EU human rights policies is also another concrete step which can help coordination and information exchange with a view to develop and implement this common human rights strategy.

On a broader perspective, the creation of the EEAS Special Representative for Human Rights can help strengthen linkages between institutions on this matter, as can the regular reporting of the EEAS High Representative to the EP and the informal communication channels established between the EP President and the HR in recent years. Beyond increased communication, establishing a common EU human rights strategy will entail the need for the EP to play a greater role. Exploring how a parliamentary dimension could be added to the EU Human Rights Dialogues, or at least securing a formalised and systematic involvement of the EP in the post-dialogue assessments as called by the EP itself<sup>58</sup>, is one way in which this greater role could be promoted.

<sup>58</sup> Committee on Foreign Affairs Subcommittee on Human Rights, ‘Draft Report on the Annual Report on Human Rights in the World...’, 2012



The changes currently underway within the EEAS and the EP reflect that both institutions are aware of the need to make human rights a central aspect of the EU external policies. And the international context signals that a political window of opportunity may currently exist for this to be a reality. The case studies have shown that an effective and balanced relationship between the EP, as a traditionally outspoken voice that enjoys more powers under the Lisbon Treaty, and the EEAS, as the external arm of the EU, is also critical to increase the impact of the EP activities on human rights in third countries.

## 6. REFERENCES

- Atwood, A. and Bev, C., 'New Media: Same old regime politics: Resisting the repression of media freedom in Zimbabwe', Kubatana Trust of Zimbabwe, October 2010
- Amnesty International, 'Annual Report 2011. The State of the World's Human Rights', 2011
- Amnesty International 'Sri Lanka: When will they get justice? Failures of Sri Lanka's Lessons Learnt and Reconciliation Commission', 2011
- Castillejo, C., 'Sri Lanka: The failure of EU human rights sanctions', FRIDE Policy Brief, January 2011
- Committee on Foreign Affairs Subcommittee on Human Rights (DROI), 'Summary of Activities' (6th parliamentary term, 2004 -2009)', European Parliament, May 2009
- Committee on Foreign Affairs Subcommittee on Human Rights (DROI), 'Draft Report on the Annual Report on Human Rights in the World and EU policy on the matter, including implications for the EU's strategic human rights policy', European Parliament, 19 January 2012
- Conference of Delegation Chairs, 'Guidelines for EP Inter-parliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries', European Parliament, April 2011
- 'Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union', Official Journal of the European Union, 2010
- 'Draft Treaty Amending the Treaty on European Union and Treaty Establishing the European Community', Official Journal of the European Union, 2007
- European Commission, 'What the European Union could bring to Belarus', Non-Paper, December 2006
- European Commission, 'Human rights and democracy in the world. Report on EU action July 2008 to December 2009', May 2010
- European Commission, 'Increasing the impact of EU Development Policy: an Agenda for Change', 13 October 2011
- European Commission, 'Joint Communication to the European Parliament and the Council – Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach', 20 December 2011
- European Communities, 'European Union Annual Report on Human Rights 2008', 2008
- Council of the European Union, 'EU Guidelines Human Rights and International Humanitarian Law', March 2009
- Directorate General for Trade - European Commission (DG TRADE), "Non-paper: Using EU Trade Policy to promote fundamental human rights. Current policies and practices", European Commission, February 2012.
- European Council on Foreign Relations (ECFR), 'A Power Audit of EU-China Relations', April 2009
- European Inter-University Centre for Human Rights and Democratisation (EIUC), 'The Impact of the Resolutions and Other Activities of the European Parliament in the Field of Human Rights Outside the EU', European Parliament DG EXPO, 2006
- European Parliament, 'Human Rights in the World 2008 and the EU's policy on the matter', European Parliament Resolution, 7 May 2009
- European Parliament, 'Human Rights in the World in 2009 and EU policy on the matter', European Parliament Resolution, 16 December 2010
- European External Action Service (EEAS), 'EU Annual Report on Human Rights and Democracy in the World in 2010', September 2011
- European University Institute (Florence), 'Building Parliament: 50 Years of European Parliament History, 1958–2008', European Communities 2009

- Gratius, S., 'Cuba y Europa más allá de la Posición Común', FRIDE Policy Brief, November 2010
- Human Rights and Democracy Network (HRDN), 'European Parliament: A more Consistent and Coherent Approach on Human Rights is and Democracy is Needed', January 2012
- Human Rights and Democracy Network (HRDN), 'Friends of the Human Rights and Democracy Group' A joint initiative of the European Parliament and the Human Rights and Democracy Network', Non-Paper
- Human Rights Watch, 'Legal Limbo: The Uncertain Fate of Detained LTTE Suspects in Sri Lanka', 2010
- Human Rights Watch, 'Promises Unfulfilled, An Assessment of China's National Human Rights Action Plan', 2011
- Human Rights Watch, 'World Report 2012: Events of 2011', New York, 2012
- International Crisis Group, 'India and Sri Lanka after the LTTE', 2011
- International Crisis Group, 'Resistance and Denial: Zimbabwe's Stalled Reform Agenda', 2011
- Kinzelbach, K, and Thelle, H., 'Taking Human Rights to China: An Assessment of the EU's Approach', The China Quarterly, 205, pp 60-79, 2011
- Petrucci, F., Bossuyt, J., Koen, D. F., Foresti, M., Domingo, P., Monti, S., 'Thematic evaluation of the European Commission support to respect of Human Rights and Fundamental Freedoms (including solidarity with victims of repression)', European Commission, December 2011
- Quille, G., Delaunay, D., Douaud, A., and Caprile, A., 'The Lisbon Treaty and its Implications for the EU External Action', European Parliament DG EXPO, 2008

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