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Human rights and democracy clause in EU agreements

Greens pushed for first initiative report

The Greens have worked for years on the implementation of a human rights and democracy clause in EU agreements. That's why the Green chair of the subcommittee suggested that the first own-initiative report be focused on this matter. Moreover, it is obvious that the drafting of this report fully meets the requirements of the subcommittee in evaluating EU human rights instruments.

This report, drafted on the basis of a study commissioned by the subcommittee, aims at focusing on the evaluation and possible improvement of all EU human rights instruments as well as the better involvement of the European Parliament in the decision-making process. Among the possible political and legal improvements to be proposed to the Council and the Commission, we have clearly supported the following elements:

- the drafting of a *"new model clause"* to correct the current wording of the Article 2 or Article 1 of the association or cooperation agreements which should refer to the international obligations of each party, including a clear procedure of consultation between the parties detailing the political and legal mechanisms to be used and a clear system of sanctions so as to offer an alternative course of action;
- the development of the experiment conducted with the human rights and democracy clause in Article 9 and 96 of the Cotonou Agreements with the ACP countries;
- The systematic introduction of a human rights and democracy clause in all new agreements, including sectorial agreements, textiles, agriculture, fisheries, trade and technical or financial aid;
- he setting up of an effective mechanism for monitoring respect for human rights through the introduction of clear benchmarks into the Country Strategy Papers and ENP action plans and the publication by the Commission of annual reports containing case-by-case analysis accompanied by recommendations, the systematic inclusion of human rights issues on the Association's Council agendas as being part of the dialogue, the establishment of a "structured dialogue" between the Association Council, its sub-committee on human rights, the European Parliament and experts from the civil society, and the involvement of the European Parliament in the decision-making process for initiating consultation and suspending an agreement so as to become a joint decision-maker;
- the abolition of unanimity for initiating a consultation procedure and revision of the Article 300(2) of the EC Treaty for extending the EP competencies.

Since the adoption of this report, one can note that for countries with poor records of human rights such as Turkmenistan and Syria and with which the EU is negotiating agreements, members of others parliamentary committees (INTA, AFET and DROI) are insisting on including systematically a human rights clause and a special monitoring mechanism.

A second report should be launched on the structural, political and/or specific dialogues on human rights and democracy issues with third countries.

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