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Directions for use of the European Parliament mechanisms by religious freedom and religious diversity defenders outside the EU

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The European Parliament is the world's largest elected international body in the world: 785 deputies of 27 member states represent 494 million European citizens.

The purpose of this study is to identify the mechanisms of the European Parliament that can be useful to religious freedom and religious diversity defenders in non-EU countries, also called third countries.

The overall EU inter-institutional architecture is very complex and it is difficult to isolate the mandates of each of its three pillars: the European Parliament, the European Commission and the European Council. In the field of human rights, a number of mechanisms specific to the European Parliament can however be distinguished: the parliamentary questions, the resolutions, the delegations, the parliamentary committees and the sub-committee on human rights, the public hearings, the Annual Report on Human Rights in the World and the EU's Policy on the Matter, and the Human Rights Prize of the European Parliament also called the Sakharov Prize.

Parliamentary Questions

The Members of the European Parliament (MEPs) have the capacity to ask written parliamentary questions at any time. Thousands of such questions are asked every year on any topic. In the first six months of 2007, we have listed questions on human rights issues covering more than 50 countries around the world. Through this mechanism, a number of MEPs have expressed their concerns about women's rights, child's rights, trafficking in human beings, immigration, freedom of expression, freedom of religion and belief, some Muslim issues, and so on. The questions related to religious issues were dealing with: religious freedom in Laos, discrimination against Christians in Arab countries, discrimination against non-Muslims in Algeria, the murder of an Assyrian Christian in Iraq and the situation of Christians in general in that country, the confiscation of 150 Christian properties between 1974 and 2002

by the Turkish government, the prosecution of three Christians for allegedly insulting Turkishness, the destruction of dozens of homes of the Hare Krishna community in Kazakhstan, a governmental plan to subdue the growth of Protestantism among ethnic minorities in Vietnam, etc.

Such questions are addressed to the European Commission and the relevant Commissioner answers them officially by usually highlighting the values they are defending and the efforts that the Commission has already made to try to solve the problem. Such answers can be an additional source of information about the existing mechanisms at the Commission that can be activated in due time by NGOs defending freedom of religion and belief. The question on the Vietnamese government's plan to limit missionary activities among ethnic minorities is rather enlightening in this regard.

The answer of Commissioner Benita Ferrero-Waldner reveals that religious freedom issues can be put and indeed are put on the agenda of the EU-Vietnam Human Rights Dialogue, a mechanism initiated in 2001 between EU Missions in Hanoi and the Government of Vietnam and in meetings under the EC-Vietnam Cooperation Agreement. It also emphasizes that EU Troika missions are undertaken regularly to regions with large numbers of ethnic minority Protestants, namely the Central Highlands and the Northwest Uplands, are undertaken regularly.

The answer of the Commissioner stresses that legislation related to religious freedom is also a recurring theme for discussion in the meetings of the EC-Vietnam Sub-Group on "Co-operation in Institution Building, Administrative Reform, Governance and Human Rights".

The Commissioner also expresses her concerns about the differentiation that is made in a new legislation between "established" Protestant believers and new converts to Protestantism, whose right to full religious freedom is limited. These concerns were raised at the last session of the EU-Vietnam Human Rights Dialogue and are also being discussed bilaterally with the Government Committee for Religious Affairs.

In this particular case, the answer of the Commissioner is very rich in information – which is not always the case - about all the channels that the EU can and, in fact, does use to discuss issues pertaining to human rights, freedom of religion and belief, religious discrimination and intolerance if human rights defenders and NGOs provide the right EU institution accurate and reliable information at the right time.

With regard to a question concerning the discrimination against non-Muslims in Algeria, Commissioner Benita Ferrero-Waldner answered: "The Commission intends to launch a dialogue process with the Algerian authorities concerning the interpretation to be given to certain provisions of the new law on the conditions and rules of exercise of religious worship other than Muslim in Algeria in the framework of the implementation of the Association Agreement which entered into force on 1 September 2005, and more precisely through the instruments set up by this Agreement, which are the Association Council and Committee."

The answers to parliamentary questions can be very informative in various ways.

They allow NGOs to identify MEPs who are interested in religious freedom issues and who could be approached to ask further questions. They also mention the available mechanisms of the EU that can be activated. Moreover, further parliamentary questions can be asked to check the follow up of the Commission and to assess the results.

The leverage of the parliamentary questions can be activated both from outside or from inside the European Union by informing the MEPs who have shown interest in the issue or by addressing formal requests for such a demarche. Advocacy transnational networks having some presence in Brussels can greatly contribute to maximize the effectiveness of the strategy by personal contacts with the local players.

Resolutions

The resolutions of the European Parliament are primarily of a declaratory nature but express the concerns of the democratically elected representatives of the 27 member states and the 494 million citizens of the European Union. Between 1999 and 2006, the EP adopted 378 resolutions concerning human rights. The EP resolutions on particular human rights violations in specific countries and, in particular on individual cases, are dealt with in the monthly debates on urgent subjects. Individual cases include political prisoners, prisoners of conscience, journalists, cyber-dissidents, scientists, trade unionists and human rights defenders in jail, harassed or under threat.

Impact of EP resolutions can be identified on third countries accused of human rights violations; on individuals and groups mentioned; on causes, norms and standards.

Impact of EP resolutions on parties identified as possible human rights violators

Reactions of countries targeted by resolutions indicate that they are very sensitive to international criticism, and in particular if it is voiced by the European Parliament. The third countries' reactions contribute to raising a debate about the human rights issues in question. The accused countries usually raise objections regarding the credibility of the sources of information, the reality of the alleged violations, the perception or the interpretation of a specific event, the lack of contextualization of an incident. The reactions can, however be less diplomatic and consist in accusations of applying double standards, making common cause with subversive forces opposed to their regime and attempts of political destabilization.

The impact of resolutions is significantly reinforced when a specific concern is addressed in several resolutions or when they have been preceded by preparatory activities, such as a public hearing, a country visit of MEPs, a conference or a press conference jointly organized by an NGO and MEPs with the participation of experts, witnesses and victims.

During the phase prior to the possible adoption of a country-specific resolution, there is however a potential for constructive dialogue with the third country. This dialogue can sometimes be more efficient than the resolution itself and the response of the accused country as it can lead to a corrective process in the third country itself.

Impact of EP resolutions on individuals and groups mentioned

Resolutions highlighting the repression of human rights defenders and the violations of the rights of individuals or of whole groups in third countries confer upon them a certain degree of protection when they are explicitly named. This effect can be reinforced when complementary activities are undertaken by the EP. Such resolutions send a strong signal and a message of support to the victims.

Impact on causes, norms and standards

The EP resolutions focusing on discrepancies between international law on one hand and domestic constitutional provisions, laws or draft laws on the other hand in third countries can generate some impact on further corrective legislative processes.

NGOs should therefore give a maximum publicity to EP resolutions in their own countries and use them for their advocacy but first of all, they should take the initiative to suggest resolutions to an MEP or a political group of the EP, and to contribute to their drafting. They should also systematically record the reactions of the government, civil society and public opinion in their own countries, and monitor the implementation of the recommendations of the resolutions.

Delegations

The European Parliament comprises 34 permanent delegations, each made up of about 15 MEPs from various member states and political groups. Their work and their meetings are organized in Brussels. There are four types of delegations: interparliamentary delegations, joint parliamentary committees, the delegation to the ACP-EU Joint Parliamentary Assembly and the delegation to the Euro-Mediterranean Parliamentary Assembly.

- . *Interparliamentary delegations* maintain relations with the parliaments of countries outside the European Union that have not applied for membership, i.e. Russia, USA, Iran, Korean Peninsula, China, and so on.
- . *Joint parliamentary committees* maintain contact with the parliaments of countries that are candidates for accession to the European Union and States that have association agreements with the Community, i.e. Croatia.
- . *The European Parliament's delegation to the ACP-EU Joint Parliamentary Assembly* links MEPs and parliamentarians from African, Caribbean and Pacific States.
- . *The European Parliament delegation to the Euro-Mediterranean Parliamentary Assembly* provides opportunities for a parliamentary dialogue on issues of human rights and democracy with Mediterranean countries.

The delegation chairmen coordinate the work of the delegations in the Conference of Delegation Chairmen.

All these delegations offer a large potential for human rights impact. They hold several sessions per year, they can organize hearings and can visit the countries or regions they have relations with. To enhance the achievements of the delegations, the European Parliament has defined ways to standardize their work in the field of human

rights, by providing a checklist of actions to be undertaken and by urging them to follow the Guidelines of the Sub-Committee on Human Rights (DROI).

The visits of the delegations have considerable influence on third countries as they send strong political signal/support to the entities visited. At the same time they have a morale boosting effect on local actors who are under pressure and feel isolated. Although these delegations only represent the European Parliament, external actors usually perceive them as representing the EU as a whole.

Delegations are open to collaboration with NGOs at any time. NGOs should therefore take initiatives to put in place an ongoing interactive process, inform and update the members of the delegations on recent or long-standing human rights issues and on situations of particular concerns, highlight major concerns raised in previous resolutions of the European Parliament and explicitly express their readiness to brief them before a country visit. They should also make sure that debriefings and assessments take place soon after their fact-finding missions and that they are involved in them. They should urge the delegations to submit and actively disseminate reports with a special emphasis on information and official commitments secured during the visits in question. They should give a maximum publicity to the activities of the delegations and in particular to their fact-finding missions. They should contribute to the designing of follow-up strategies.

Parliamentary Committees/ Sub-Committee on Human Rights

There are 20 parliamentary committees. A committee consists of between 28 and 86 MEPs. The political make-up of the committees reflects that of the plenary assembly. They meet once or twice a month in Brussels. Their debates are held in public.

Within the Foreign Affairs Committee, a Sub-Committee has been reconstituted at the start of this legislative term under the chairmanship of MEP H  l  ne Flautre (Greens/ALE). It has established itself as a hub of human rights questions in the Parliament. It takes parliamentary initiatives in this sphere and provides a permanent forum for discussions with other EU institutions, the UN, the Council of Europe, government representatives and human rights activists on the human rights situation and the development of democracy in non-EU countries.

Its main aim is to mainstream human rights issues into all aspects of the external relations of the EU. It has done so among other things by issuing guidelines for all the EP's Inter-parliamentary Delegations with third countries. It makes efforts to monitor and evaluate the implementation of EU instruments in the human rights field. In this regard, the Sub-Committee puts special emphasis on the implementation of EU Guidelines on human rights matters, in particular the Guidelines on Human Rights Defenders and the Guidelines on Torture.

The Sub-Committee can organize hearings on human rights.

Besides the Sub-Committee, a working group within the Committee on Development holds regular meetings on human rights in developing countries or on specific subjects such as child soldiers or child slaves with both human rights NGOs and

representatives of governments concerned.

Both the Sub-Committee and the Committee on Development offer the same possibilities as the Delegations for advocacy by human rights NGOs.

Public hearings

Public hearings can be organized by the various delegations and committees. Through their ability to bring together a wide range of actors and experts from the academic world, think tanks[,] or NGOs, they contribute to raising the profile and the competence of the EP. They also offer a platform for various actors and provide an opportunity to enhance their visibility.

NGOs should encourage the delegations and the committees to organize public hearings on the eve of visits of heads of state or before international meetings, at crucial moments of their campaigns or strategies on specific topics or countries to maximize their effects. They have the capability to bring a wide range of key players to such hearings: victims, witnesses, human rights defenders from third countries and prominent experts. Proposing well-known actors and media-known figures would undoubtedly boost attendance and media visibility as well. NGOs should also contribute to the visibility of such hearings first by announcing them to the media and then by disseminating and publicizing full reports on their contents. NGOs should also propose to organize joint hearings of several parliamentary committees so as to enhance the impact of such events and simultaneously multiply their effects through several EP mechanisms. Urging the organizers of public hearings to draw operational conclusions and to take the recommendations of the guest-speakers in consideration for devising their policies, monitoring and reporting on the follow-up of their commitments should also be put on the agenda of the NGOs.

Annual Report on Human Rights in the World and the EU's Policy on the Matter

Every year, the Committee on Foreign Affairs appoints a rapporteur for drafting the EP Annual Report on Human Rights in the World. Since 2005, there has been a shift of orientation in the Annual Report. It now critically examines the EU's own actions in the area of human rights towards third countries instead of raising human rights issues with third countries.

It provides a review of EP activities, an analysis of the EU policies and proposals to improve their impact and policy statements on thematic issues. Topics discussed include the activities of the EU in international organizations, and also the mainstreaming of human rights into other policy areas, including trade and EU human rights dialogues with third countries. The Annual Report constitutes a vital focal point for the EP to collectively develop a joint understanding and position on human rights along with the European Commission and the European Council.

Every year, NGOs should be in contact with the appointed rapporteur and provide him/her information on thematic issues and countries that they cover. During the process of data compilation and the drafting of the report, consultations and

roundtables are regularly organized with various actors, including NGOs, experts and officials. This opportunity should be used by NGOs to make proposals about the EU's policies and activities. Some recommendations might include the introduction of an EU list of Countries of Particular Concerns and follow-up activities pertaining to the pressure on third countries that can be generated by the Annual Report through the other mechanisms of the EP.

The Sakharov Prize, the Human Rights Prize of the European Parliament

The Sakharov Prize was set up in 1988. It is the most visible human rights activity of the EP. Twenty-three human rights activists or organizations have since then been selected. While some were already internationally renowned, others received significant international attention for the first time through it. Some laureates had previously been directly threatened or imprisoned while others had never been but were advocates of a noble cause.

The impact of the Sakharov Prize is observable at two different levels.

The impact on the personal situation of the laureate of the Prize can be summed up as follows: increased protection, better access to the authorities of their country, morale boosting, major support to activities, financial assistance, visibility and enhanced legitimacy, international aura.

The impact on the cause defended by the laureate is double-folded. It receives greater international visibility and enjoys financial support that can be reinvested into concrete projects.

NGOs should try to make the most of the Sakharov Prize and should propose nominees to enhance the international visibility of their cause and to confer upon them better protection. NGOs which were backing the candidacy of the laureate should capitalize on the event. Once he/she has been chosen, they should contribute to the extension in time of the attention of the media and of the international community to the cause highlighted by the award by including him/her in their follow-up strategies and activities.

Conclusions

The European Parliament is only one of the three main pillars of the European Union but it already provides human rights defenders and NGOs outside the EU with a wide range of opportunities for direct advocacy or indirectly through the framework of a transnational advocacy network having some physical presence in Brussels, the main location of the activities of the European Parliament. Collaboration with NGOs based in Brussels and adequate timing of the activities are indeed important factors maximizing impact.

The timely and targeted channeling of advocacy material needs to be prioritized, to condition the chronological articulation of all the other activities and to be sequenced, starting with the drawing up of the agenda of all the activities of the available mechanisms of the European Parliament.

Human rights defenders and NGOs should therefore take the right steps at the right time through the right mechanisms and the right actors on the right issue.

Recommended Reading

Beyond Activism. The impact of the resolutions and other activities of the European Parliament in the field of human rights outside the EU (347 pages), October 2006.

Author: European Inter-University Centre for Human Rights and Democratization (EIUC), supported by the European Union. Venice.

Service contract EP/ ExPol/B/2005-15

EU Annual Report on Human Rights 2006 (97 pages). Report jointly prepared by the Presidency, the European Commission, and the Council Secretariat. Office for Official Publications of the European Communities, 2006.

EP Annual Report on Human Rights in the World 2006 and the EU's Policy on the matter (70 pages), Committee of Foreign Affairs. AG-0128/2007. 10.04.2007.

Rapporteur: MEP Simon Coveney. □