

UPDATE ON OPERATIONS AT OS-BRUSSELS

March-April 2012

ADVOCACY

Africa: Marta Martinelli briefed the UN Security Council on security sector reform in Congo and undertook advocacy in Washington DC and New York to promote an OSF report on the subject. She undertook field work in DRC and drafted a briefing based on OSISA-DRC priorities for governance and human rights support, following a request for policy advice by the European External Action Service (EEAS) Unit for the Great Lakes. In conjunction with the European Peace-building Liaison Office (an NGO), she set up a structured consultation between civil society and the Crisis Management Directorate of the EEAS. She coordinated with OSISA on Malawi and with OSIEA on Uganda as well as in support of the President of the Nigeria's Human Rights Commission. Together with OSIWA, the Observatoire pour l'Afrique and the European Institute for Security Studies, OS-Brussels is organising a workshop on recent developments in Nigeria. Marta is drafting a briefing on the EU Sahel and Horn of Africa Strategies to inform colleagues at the Africa Advocacy Group meeting in May. She is also planning to collect lessons from five country cases of OSF support to civil society at times of elections as a follow-up activity to the Open Forum in Cape Town. Marta has chaired a panel on the implementation of USCR1325 on gender in the Arab countries; she is coordinating with IWP to improve gender mainstreaming in her Africa advocacy work; and has been invited to participate in an awareness building exercise on women and natural resources management in DRC.

Burma: OS-Brussels co-wrote a policy brief with the European Council on Foreign Relations, hosted two roundtables with Burmese activists and experts, and engaged with officials and diplomats, including the facilitation of George Soros' meeting with the leading EU officials on Burma. Our approach of cautious optimism and incremental lifting of sanctions was prominent in the debate up to the 23 April Foreign Ministers' decision to suspend sanctions, but not including the arms embargo or preferential trade restrictions under ILO review, and to initiate an on-going review of progress and steps towards corporate accountability. The decision did not reflect the seriousness of ongoing rights violations in the country, but it avoided the German and French push for wholesale lifting of sanctions. OS-Brussels also worked with the Burma Initiative and its grantees on efforts to analyse options and secure adequate EU funding for the border camps, including a briefing note for President Ahtisaari ahead of his meeting with Development Commissioner Andris Piebalgs.

Turkey: OS-Brussels hosted a dinner debate for Hakan Altınay (chair of OSF-Turkey) to raise democratic and rights concerns with EU officials while also exploring options for constructive engagement during a period of EU accession stagnation. This followed a dinner debate organised by Heather Grabbe for the incoming Turkish Ambassador to the EU to ensure that channels remain open at the highest levels during a low period in the EU-Turkey relationship.

Ukraine: In March, the Ukrainian parliament adopted a new law on public associations. During the last year Viorel Ursu worked with Ukrainian Foundation IRF to brief EU officials regularly on the legislative process and spotlight the law in EU demands to the Ukrainian government. We brought the EU's attention to the risks of further restrictions on NGO activities. Commissioner Füle included the NGO law as one of his priority demands, and IRF has been supporting local civil society participation in the drafting process. The new law meets the European standards, simplifies the registration procedures and removes many of existing restrictions to NGO activities.

OS-Brussels and IRF have been closely following the process of constitutional reform in Ukraine. In March we co-hosted with CEPS a public debate on the topic. We used the opportunity to gain a

commitment from the presidential administration, which is in charge of the reform, to ensure that the Constitutional Assembly is an open, transparent and inclusive body. A high-level EU official on the panel criticised the process and demanded greater inclusiveness and transparency. We will continue monitoring the process and seeking EU pressure when necessary.

Human rights in Moldova: Viorel Ursu worked with HRGGP and Moldovan foundation to develop briefings on human rights violations in Moldova, in particular on ill-treatment and torture, discrimination and hate speech, situation of Roma and people with disabilities, and domestic violence. Our major demand, supported strongly by the EU, is the adoption of a comprehensive and effective anti-discrimination law. Viorel briefed EU officials on the eve of the EU-Moldova Human Rights dialogue to be held in May in Brussels. HRGGP and the local foundation will support the participation of Moldovan human rights activists in the official dialogue.

Visa-free travel to EU: OS-Brussels continues to advocate that the EU should grant visa-free travel for Eastern European citizens if partner countries undertake reforms related to human rights and rule of law as well as border security. In March, OS-Brussels co-hosted a seminar taking stock of progress at which local experts from Armenia, Azerbaijan, Georgia, Moldova and Ukraine presented to EU officials the results of monitoring movements of persons and the pace of reforms. Our monitoring shows that Moldova is most advanced in fulfilling the commitments (33 out of 41 laws were adopted), while Ukraine is lagging behind in adopting legislation on document security (only 25% adopted) and fundamental rights (40% adopted). The European Commission will publish new progress reports in June 2012.

Kazakhstan urgency resolution on release of prisoners: OS-Brussels gave evidence to the European Parliament's Delegation on Central Asia on the human rights situation in Kazakhstan, following deaths of demonstrators and a crack-down on journalists and dissidents. We gave recommendations for an EU response as it negotiates an upgrade to its relationship with Kazakhstan in a briefing drafted with colleagues. Subsequently, Parliament proposed and adopted an urgency resolution calling for the release of political prisoners and an international enquiry into the deaths of protestors.

EU Central Asia Strategy: Jacqueline Hale was invited by the German foreign ministry to give testimony at a civil society expert roundtable discussion geared towards the review of the EU Central Asia Strategy. She used the opportunity to press for the strengthening of human rights tools for Central Asia, such as government-to-government human rights dialogues, and opening processes for Central Asian civil society to take part and render the strategy more visible.

Azerbaijan and Armenian Association agreements: In March, Jacqui worked with colleagues from OSI-Armenia and others within the network to amend both the Armenia Association Agreement, and a separate report on the EU-Azerbaijan Agreement. In the event, the final adopted drafts reflected our amendments on human rights, although we noted greater success on the Armenia resolution than the Azerbaijan resolution – perhaps owing to the energy interests in Azerbaijan and heavy lobbying.

Azerbaijan and Eurovision: OS-Brussels convened several advocacy meetings involving visiting activists from Azerbaijan, as our contribution to the OSF campaign to highlight Azerbaijan's human rights record in the run-up to the Eurovision song contest. Commissioner Stefan Füle joined our well-attended public roundtable, and we worked with his team to ensure he delivered our messages also during his visit to Baku the following week, including a specific call for the release of two journalists who were detained incommunicado.

Reform of the European Court of Human Rights and EU accession to the ECHR: OS-Brussels engaged in intensive advocacy work with national ministries in select European capitals, as well as with the member-states' permanent representations at the Council of Europe in Strasbourg, working closely with OSJI, to raise opposition to UK proposals. OS-Brussels also drafted a statement in support of the European Court of Human Rights for MEP Renate Weber to circulate in the European Parliament. The statement gathered over sixty signatures from MEPs and included the full spectrum of political parties. The statement was subsequently forwarded to permanent representations of States at the Council of Europe, ahead of the conference on reform of the Court that was hosted by the UK government in Brighton. OS-Brussels also briefed select MEPs ahead of a debate in the European Parliament both on the question of ECHR reform and the issue of EU accession to the ECHR, which allowed them to mount a well-informed defence against detractors of the Court.

OSJI and OS-Brussels also drafted a joint statement on the reform of the European Court of Human Rights, signed by over 90 human rights organisations and 80 individual human rights lawyers. The statement highlighted the need to focus on national implementation of the European Convention on Human Rights and refrain from any amendment to the Convention. OSJI and OS-Brussels also submitted several advocacy documents to permanent representations in Strasbourg and national experts on relevant issues such as the margin of appreciation. Our advocacy efforts contributed to toning down the initial UK proposals on Court reform; in particular, the final text of the Brighton Declaration no longer recommends the amendment to the Convention to include a new admissibility criterion. However, the Declaration encourages the Court to be stricter on case selection.

Support to Hungarian NGOs: Israel Butler attended a series of meetings with Hungarian NGOs organised by HRGGP to provide guidance on possible avenues for EU advocacy work and litigation to supplement those already being used by civil society and followed up with a briefing document summarising possible courses of action.

Fundamental Rights Platform: Israel Butler attended the Fundamental Rights Platform, an annual meeting of 180 NGOs working on fundamental rights issues in the EU, organised by the EU Agency for Fundamental Rights. The meeting allowed us to collaborate with NGOs and advance our concerns about fundamental rights protection to EU officials. Through a series of bilateral meetings with agency staff alongside the event, we collected useful information on the activities of the Agency, and established areas of possible future cooperation.

Funding for rights and citizenship: Current reforms to existing funding programmes pose a potential threat to the ability of NGOs to obtain funding from the European Commission to work on fundamental rights issues. Several NGOs in Brussels (including grantees of OSF) have been engaged in advocacy work to ensure that the Commission's proposal is amended by the European Parliament. OS-Brussels prepared a brief on the proposal for the replacement funding programme including suggestions for amendments to the Commission's proposal, which has been distributed to friendly MEPs.

Transparency legislation: The EU debate on legislation to ensure reporting of company payments to governments in the extractives sector has moved into the final stages. The Danish presidency aims to have the substantive debate concluded by the end of their tenure in June. OS-Brussels worked with the Publish What You Pay Brussels coordinator and partners to lobby against proposed amendments that would weaken the legislation. We co-hosted a roundtable with Transparency International to bring voices from the global south into the Brussels policy debate.

Roma rights in Italy: OS-Brussels and OSJI presented a briefing to the European Commission on the continuing violations of EU data protection and anti-discrimination law engendered by the Italian

state's 'Nomad Emergency Decree' and census. The briefing is part of a dialogue that we began with the Commission in 2009 on a possible opening of infringement procedures against Italy, in the context of the review of the Italian Roma integration strategy by the EC. The European Commission used our supply of detailed information to challenge the Italian authorities' responses about rights violations and ask for more information.

Roma in the European Parliament: OS-Brussels continued to engage the chairs of the political groups in the European Parliament regarding the establishment of a Roma cross-party working group. Martin Demirovski persuaded a number of European political parties (Party of the European Socialists, Socialist & Democrats group in the EP) to publish press statements to coincide with International Roma Day (8 April), highlighting the Roma situation and need for ambitious and coherent national strategies. He organised a meeting between Roma youth leaders and EP President Martin Schulz. OS-Brussels, Roma Initiatives and the Decade of Roma Secretariat organised a preparatory meeting for civil society ahead of the Extraordinary Roma Platform meeting organised by the European Commission.

EU Roma Framework and national strategies: All member states have now submitted their strategies to the European Commission. We are analysing the specific policy goals within them, in particular the anti-discrimination provisions and budget allocation. Martin has used the Open Society blog to respond to developments. His recent commentary on the launch of the outgoing Council of Europe's Human Rights Commissioner's report, 'The Human Rights of Roma and Travellers in Europe', and the need for real inclusion of Roma in policy debates, have generated a strong online debate.

OPERATIONAL AND GRANT-MAKING ACTIVITIES

Political fallout of the euro crisis: OSIFE has changed its name to "iPOPPER to distinguish its work from that of the new Europe Foundation, henceforth to be called OSIFE. iPOPPER hosted jointly with the Think Tank Fund a pan-European brainstorm with think tankers on the political fallout of the Euro crisis. It examined where the crisis is being felt and how to respond to it, and researchers from fifteen different European countries developed ideas to support open society through advocacy and pilot projects. Proposals will be received and reviewed in the coming months. A report on the online supporters of the Sweden Democrats was presented in Stockholm jointly with the Swedish think tank FORES and a briefing was organised for the Liberal Party in the Swedish Parliament. Jointly with Counterpoint, iPOPPER organised a seminar in London to discuss the upcoming French elections and the 'Vague Blumarine' (FN), which was attended by policy makers and journalists.

Italy Program: The Italy Program was attached to the new Fund to Counter Xenophobia in Western Europe (the Xen Fund) in February 2012. It now continues working as a separate entity under the supervision of the Xen Fund. A number of projects funded with the 2010 and 2011 budgets were recently completed and several more are due to become public soon. The visibility of OSF's work is being substantially heightened as a result. Recent releases to the public include two documentaries, Closed Sea, denouncing the push back of migrants at sea by Italian authorities, and Welcome to Italy, a view of migration in Italy from the perspective of the migrants themselves. A project involving Italian NGOs in international mechanisms was also launched, as well as a campaign to ensure the access of media and NGOs to detention facilities for illegal migrants, within the European campaign Open Access Now. Four policy reports are due out in the coming two months, as well as two more campaigns.

Fund to Counter Xenophobia in Western Europe (Xen Fund): The Xen Fund is paying special attention to OSF relations with other donors in Europe and has presented its approach to the European Human Rights Funders Network, Ariadne during its last meeting in The Hague. In order to establish the operational basis for its grant-making, the Xen Fund prepared its working documents (public overview of the Fund in English, Dutch and French and a concept note template for applications with full proposal and budget templates) and launched its proactive outreach with two mapping visits to France and the Netherlands. As a result, the Xen Fund has a contact database of approximately one hundred potential allies from each country (NGOs, activists, academics, journalists, donors, elected officials, etc.) and applications have been encouraged from a number of French and Dutch associations. Some relatively small projects (less than twenty five USD) have already been identified and supported. For instance media coverage of the Breivik's trial was used by Hope not Hate as a hook to put the spotlight on the international anti-Muslim network. Also, the European Research Programme of the Institute for Race Relations is about to release a publication on Far Right Violence in Europe and the Diversity Migration Integration Interest Group (DMIIG) of the European Foundations Centre (EFC) has been encouraged to focus on how foundations in Europe can counter the rise of xenophobia and intolerance.

Forthcoming priorities for May and June

- Exploratory meetings with members of the European Commission and European Council on how to improve the process of checking that legislative proposals are compliant with fundamental rights standards.
- Launch of a report by the Mental Health Initiative on the right to community living under the UN Convention on the Rights of Persons with Disabilities, and the EU's obligations under this treaty in relation to the use of structural funds. Follow-up of the report with advocacy work on current reforms of structural funds, in the European Parliament.
- Establishing a launch event for recent publications of the Global Drugs Policy Programme that can feed into the formulation of the Commission's new EU Drugs Strategy.
- Explore opportunities to contribute to the reporting process on implementation of the European Convention on Human Rights at the national level. Consult with human rights litigators and practitioners on concrete proposals to alleviate the Court's backlog of well-founded cases.
- Advise the Public Health Program on advocacy priorities and suggest approaches to Brussels.
- Target the final debates on the extractives transparency legislation in May and June with the PWYP campaign in Europe.
- Analyse the next programming period of EU funds and how they will benefit Roma, especially *ex ante* conditionality.
- Assess how the EU visa liberalisation process for the Western Balkans is leading to racial profiling at borders targeting Roma.
- Build a dialogue with the Commission prior to the 2013 review of the Race Equality Directive, Framework Employment Directive (discrimination on grounds of sexual orientation, religion, age, disability), proposal of accessibility in the internal market (disability), proposal for an Horizontal

Equality Directive, and review of the Framework Decision on Racism and Xenophobia, through the organisation of meetings on specific topics and countries.

- Explore cooperation with the European Commission to support the creation of public interest law clinics in Western Europe.
- Present OSJI research on effective criminal defence rights in Bulgaria, Georgia, Lithuania, Moldova and Ukraine (7th June).
- Work in cooperation with IMI and MPI to select and pursue a limited number of advocacy targets in the field of migration at the EU level (reform of the asylum system, migrant detention).
- Facilitate input and attendance of grantees and foundation staff to European Commission consultations prior to the progress reports for countries in the enlargement process (Balkans and Turkey) at the end of May.
- Ensure a productive relationship both in Brussels and in Yangon with the EU while it is defining its rules of engagement on Burma on capacity-building, legislative reform, donor coordination, enhanced humanitarian assistance and peace-building. EU officials see OSF as a key partner in the country.
- Provide briefings from Ukrainian partner organisations in advance of EU-Ukraine Human Rights dialogue (June).
- Finalise and present the findings of the European Integration Index in Brussels.
- Hold a joint roundtable with ILGA-Europe on prohibiting information on LGBTI issues in Eastern Europe. Co-host the launch of ILGA-Europe's annual review of the human rights situation of LGBTI people in Europe.
- Develop arguments for increased students mobility and possible extension of EU scholarships program to eastern neighbourhood countries.
- Develop and conduct joint advocacy with ECFR based on its forthcoming report on Transnistria.
- Organise a workshop on Nigeria for EU decision-makers. Set up a Brussels-focused advocacy plan with the Nigerian Advocacy Officer and the Africa Advocacy Group, including a briefing for the EU Council Working Group on Africa (COAFR).
- Heather Grabbe and Marta Martinelli to take part in the Africa Advocacy Group Meeting; participate in Afrimap's Advisory Board Meeting and contribute to the Open Forum in Cape Town.
- Conduct a fact-finding trip to Kenya, together with AAG colleagues, and identify advocacy priorities for the up-coming elections. Document OSF support to civil society in times of elections to inform EU practices.
- Push for a European Parliament oral question on Uzbekistan and forced child labour in advance of the June International Labour Conference.
- Present the 'Spotlight on Azerbaijan' advocacy project, together with Foreign Policy Centre in Brussels mid-May, and complete related work on energy and human rights.

- Visit Tajikistan for interviews with young activists about their views on human rights and democracy to present in Brussels.
- Advocacy on EU-Kazakhstan negotiations and possible intervention on EU-Turkmenistan Partnership and Cooperation Agreement (if it is resurrected).
- iPOPPER to co-organise a workshop on the implications of the rise of populism in the EU and the US for transatlantic relations following an invitation from the French foreign ministry's policy planning unit.
- iPOPPER to deliver seminars for politicians on how to respond to racism to Sweden and the Netherlands, as well as at the European Green Council in Copenhagen in May.
- iPOPPER to launch a report on the online supporters of populist parties in Denmark jointly with the Danish think-tank CEVEA. A report on the Netherlands (Clingendael/The Hague) and France (Counterpoint/Paris) will follow end May. The launches aim at triggering debates within the mainstream parties and political elites about how to respond more effectively to the growth in support to populist parties and rising intolerance among the under-30s.