

UPDATE ON OPERATIONS AT OSI-BRUSSELS

To end of September 2012

ADVOCACY

EU external action

Burma: In recent months, EU policy has swung from smart sanctions and constructive engagement to no sanctions and competitive engagement. The suspension of EU sanctions on Burma in April was followed by the US reduction of financial sanctions in July. The suspension of EU trade preferences for low income countries is also set to be lifted. That sanction was out of the EU's hands as it depended on an ILO review of forced labour practices in Burma. International financial institutions, including the European Investment Bank and European development agencies, are preparing financial assistance. The EU also drafted the UNGA resolution on human rights in Burma for the 3rd Committee.

Normalisation of relations is now the primary motivation for EU policy towards Burma. OSF had concerns that normalisation moved too fast, reducing international leverage before some key reforms were implemented. These concerns were confirmed by the violence in Rhakine state, and a poor national and international response. EU officials privately acknowledged to us that the rush to engage was not based on evidence and is potentially detrimental to the release of political prisoners and establishment of an independent and effective national human rights commission.

The six-month review of the EU's April decision on Burma comes up in October. OSI-Brussels will work with partner organisations, including Human Rights Watch, FIDH, Amnesty and organisations under the banner of the Euro-Burma Network, to ensure that observations and concerns from our Burma Initiatives colleagues and their partners in the region and in-country are integrated into the EU review.

New EU human rights envoy: The EU continued supporting the new Strategic Framework on human rights and democracy with the appointment of a new Special Representative for Human Rights. <http://www.soros.org/voices/eu-human-rights-strategy-bears-lessons-burma-and-arab-revolutions>. Stavros Lambrinidis, a former member of the European Parliament and Greek Foreign Minister, has the credentials to develop the role into an effective part of the EU's approach to human rights in its external relations. Lambrinidis had an introductory conversation with Heather Grabbe and Jim Goldston regarding concrete collaboration just before he took office on 1 September.

Anti-discrimination law in Moldova: After three years of OSF advocacy in Chisinau and Brussels, the Moldovan parliament adopted the anti-discrimination law on 25 May. The law was one of the key EU requirements in the process of granting Moldovan citizens visa-free travel to its territory. The general public strongly opposed the adoption of the law, rejecting the idea of giving legal protection to LGBTI or people with HIV/AIDS. Politicians resisted international pressure until the last deadline set up by the EU. The law is generally in line with the EU standards and will provide a useful tool for future litigation (see [How the EU persuaded Moldova to fight discrimination](#)). OSF is now supporting monitoring and the use of the law by victims of discrimination and their defenders. OSI-Brussels is informing the EU about the implementation of the law to contribute to its regular monitoring of Moldova.

Anti-discrimination law in Ukraine: OSI-Brussels sought EU intervention to prevent a rush adoption of the antidiscrimination law in Ukraine. In June, the parliament adopted the draft law in a first

reading without proper consultation with civil society. We worked with the local foundation to call on the parliament to amend the draft law before the final vote in order to meet the EU standards.

European Integration Index on the EU's eastern neighbourhood: The 2012 edition was published in June in a joint publication of the International Renaissance Foundation and OSI-Brussels. The [report](#) revealed that Moldova and Georgia remain the best reformers in the EU's Eastern neighbourhood and thus deserve increased EU support. The situation in Ukraine, Belarus and Azerbaijan has deteriorated over the last year. The EU became more consistent in rewarding good performers and sanctioning regressing governments, with the exception of Azerbaijan. The report will be used to highlight weaknesses of reform agenda in countries under scrutiny. First debates were held in Kyiv and Erevan. A debate with EU officials is planned in Brussels for October.

Visa-free travel to the EU: OSI-Brussels worked with the Stefan Batory Foundation to appeal to the EU to advance Moldova to the second stage of visa liberalisation process. Monitoring by the Visa-free Coalition showed that Moldova made considerable progress in adopting the EU requirements spelled out in the Action Plan on Visa Liberalisation. Viorel Ursu facilitated [letters](#) of support sent to Commissioner Malmström and the High Representative Ashton, who in response announced that Moldova has been moved to the monitoring phase of the visa liberalisation process.

Belarus: In June the UN Human Rights Council created the position of Rapporteur on Belarus. The EU and US were the driving forces behind the decision. Subsequently, in coordination with colleagues in DC and London, OSI-Brussels lobbied the EU and the Slovak foreign ministry (the country in the selection committee) to nominate one of the most appropriate candidates, to be appointed shortly.

Russia: OSI-Brussels raised concerns with EU officials on a new anti-NGO law which would force Russian NGOs receiving funds from abroad to be labelled as "foreign agents". The EU issued a very critical statement, while EU diplomats approached Russian authorities at the highest level to prevent the adoption of the law. The parliament still voted the new restrictions, though a few exceptions were made to the initial draft. Both OSF and EU funding of civil society in Russia will be affected. We also brought to the attention of EU officials the on-going intimidation of the Committee against Torture in Russia and a new attempt by the Federal Security Service to instigate criminal proceedings against its chairperson Igor Kalyapin. Following this, EU diplomats raised the issue during the EU-Russia Human rights consultations in July. A formal response from the Russian authorities is expected soon.

Uzbekistan forced child labour: OSI-Brussels worked with partners Anti-Slavery International and HRW to organise a seminar in the European Parliament in which we pushed parliamentarians to maximise pressure on Uzbekistan in advance of the June International Labour Conference (late May). Following our visit, the European Parliament's International Trade Committee held a debate in June calling for an independent monitoring mission to be allowed access to the country. Uzbekistan is considering a request by the ILO for access in autumn 2012.

Azerbaijan – Eurovision campaign: OSI-Brussels continued its efforts on Azerbaijan, as part of a network advocacy strategy leading up to Eurovision in late May. OSI-Brussels worked with the Foreign Policy Centre to present Spotlight on Azerbaijan in Brussels; launched a policy brief on EU policy towards Azerbaijan arguing that the EU underuses its leverage toward the country because of its energy interests and placed an op-ed in the European Voice timed with the review of the Neighbourhood Policy and Eurovision. OSI-Brussels briefed the Council of Europe – whose corruption by lobbyists for Azerbaijan is the subject of a report written by our grantee ESI. We argued that the Council should sanction Azerbaijan.

EU Central Asia strategy review: OSI-Brussels worked with partners to feed recommendations on human rights and civil society to policy makers around the EU's 5 year progress report on its Central Asia Strategy. A statement, signed by 38 organisations from the Former Soviet Union, was disseminated calling for human rights to be placed at the heart of EU action in Central Asia. It makes detailed recommendations for improvements to EU human rights tools and strategies in the region. OSI-Brussels also contributed to a piece by grantee EUCAM denoting 10 Tasks for the new EUSR on Central Asia and calling for more robust and normative approach to EU action in the region in the strategy's second phase.

Central Asia borders: OSI-Brussels hosted a seminar on Central Asia's border problems and the impacts of international assistance, to present a report commissioned by OSF's Central Eurasia Project. The report makes a series of concrete recommendations to the EU, including ensuring in the run-up to the Afghan drawdown that efforts to ensure open and secure borders do not compromise human rights standards; and pay attention to soft infrastructure, notably by working with local communities. The seminar, attended by NATO and EU officials, was timely in advance of the EU's review of the Central Asia strategy.

Africa: Marta Martinelli gave a presentation on the securitisation of donors' policies trends and their impact on open society values at the Africa Advocacy Group meeting. ([when development meets security challenges](#)) and advised Afrimap as a member of their advisory board on the monitoring and evaluation of their initiatives as well as on proposals for future work. Together with OSIWA, the Observatoire pour l'Afrique and the European Institute for Security Studies, OSI-Brussels organised a workshop for EU decision-makers on recent developments in Nigeria, advising the EU on ways forward (<http://www.soros.org/voices/why-eu-has-stake-nigeria-s-democracy>). OSI-Brussels participated in several meetings to coordinate EU civil society action regarding a European legislation designed to increase transparency of EU extractive industries. Marta participated in the EU-Africa Union Joint Expert Group meeting of the partnership for Democratic Governance and Human Rights (Geneva, June 2012) and informed the civil society steering group working on AU-EU relations. She also edited contributions from civil society evaluating progress in the partnership. She contributed to a conversation with the London office on the impact of armed conflict on OSF activities and values and took part in an expert workshop on the setting up of a European Institute of Peace in the European Parliament.

For AAG elections-related work, Marta carried out fact-finding in Kenya and organised, together with OSISA and the Zimbabwe Europe Network, a briefing on Zimbabwean expectations for international involvement in the electoral process. Recently, she developed a concept for an EU advocacy day to train African colleagues on how to influence EU decision makers. Marta also organised a briefing with civil society experts for the EU Crisis Management and Planning Directorate in view of the strategic review on EU security approaches to DRC.

EU internal

Romania and Bulgaria: In July a political crisis emerged in Romania, resulting in a second attempt to impeach the president, and disrespect for the rule of law from the governing party. The EU's political reaction was swift and forceful. Romania and Bulgaria are the only two EU members still under a special EU mechanism to monitor the judiciary, fight against corruption and organised crime. The Commission's reports published in July pointed to many remaining shortcomings in both countries, and gave clear recommendations on how to overcome them. At the same time in Bulgaria, colleagues raised concerns about a new attack on judiciary after Judge Miroslava Todorova, a strong

critic of judicial corruption, was dismissed. OSI-Brussels is in dialogue with EU officials about how to increase leverage to improve the rule of law in both countries.

LGBTI rights in Europe: OSI-Brussels co-hosted the launch of ILGA-Europe's first review of the human rights of LGBTI in Europe, at which Heather Grabbe and Commissioner Cecilia Malmström spoke. We organised a roundtable on laws banning "propaganda" on homosexuality in Eastern Europe. Activists from Russia, Ukraine and Moldova shared their concerns of shrinking space for freedom of expression and recent cases of violence against activists (see [LGBTI Rights in Eastern Europe: Between Hope and Despair](#)). In May the European Parliament adopted a resolution on LGBTI rights calling on governments of Russia, Ukraine and Moldova to reconsider these laws and proposals in light of international human rights law.

Extractives industry disclosure requirements for EU countries: The decision by the US Security and Exchange Commission in August which defined the rules on extractives industry disclosure was a key moment for the EU campaign. The result – no exemptions, a lower than expected threshold for payments, and clear guidelines on project definition – was very helpful for the campaign to ensure the EU agrees to a strong set of rules by the end of the year. One of the motivating factors of EU lawmakers is that their rules support the development of a global standard. The US approach has encouraged them towards a standard advocated by the PWYP coalition rather than one suggested by some EU states, namely Germany, Finland and Holland, who fear that disclosure rules will harm the competitiveness of European firms.

On the 17-18 September, in the European Parliament the lead committee on the extractives disclosure rules voted on its response to the European Commission's proposals. Negotiations with the member-states have now started and should come to a conclusion by the end of the year. OSI-Brussels will continue to prioritise the issue in the coming months.

EU support for democracy and civil society: Jacqueline Hale spoke at a conference on the substance of EU democracy promotion as part of OSI-Brussels' on-going advocacy pushing for EU policy and funding to be more receptive to the needs of local civil society actors on the ground (see www.youtube.com). In particular, OSI-Brussels continues to work to shape the planned European Endowment for Democracy – which, following the Arab Spring, will concentrate its efforts on the EU's Eastern and Southern neighbourhood. Heather and Jacqui were consulted by the Polish government and the External Action Service for advice on how to set up the new Endowment as a Belgian foundation.

EU advocacy guidance for the media programme: Media freedom in Europe is currently under threat owing to concentration of ownership and governmental control in some countries. Tight regulation of the media introduced in Hungary highlighted the problem, leading to the European Commission and Parliament both examining the extent of the threat to media pluralism and possible legislation in this area. Following his presentation on advocacy opportunities in Brussels at the Mapping Digital Media (MDM) conference in Turkey, Israel Butler has drawn up an advocacy strategy for the Media Programme with guidance on how its current research on MDM can feed into the reports of the Commission and the Parliament, and how grantees can be best supported in campaigning for legislation in this area.

EU Charter of Fundamental Rights: As the EU continues its negotiations for accession to the European Convention on Human Rights, questions about the relationship between the European Court of Human Rights and the Court of Justice of the EU have arisen, particularly how liability can be divided between the EU and its member countries, and how the European Convention will fit with the EU's Charter of Fundamental Rights. Israel Butler has been working with the University

College London to host an event on 4th December to bring together policy-makers, diplomats, negotiators and judges from the two courts to examine these issues and influence the direction of negotiations.

Since the EU Charter of Fundamental Rights became legally binding in the EU, the three main institutions involved in law-making (the Commission, Council and Parliament) have introduced internal procedures to ensure that legislative proposals are in line with the Charter. Israel has recently published new research examining practices within the Commission. On the basis of this research and interviews with officials from the three institutions and other bodies working with the EU, such as the Council of Europe, he has drafted a background paper to serve as basis of discussions with officials at a roundtable event on 3rd October.

Global drugs campaign: EU member countries are currently polarised on their approach to drugs policy, with some favouring repression through the criminal justice system, others adopting an approach centred on harm prevention and reduction. Public spending cuts risk undermining the ability of some countries to pursue harm prevention and reduction policies. While the EU is drafting its new drugs strategy for 2013-2020, Israel worked with the Global Drugs Program to target members of the Horizontal Drugs Group drafting the new strategy. OSI-Brussels will host and co-chair an event for the GDP to showcase its research on good practices among some EU countries pursuing harm reduction and prevention policies. OSI-Brussels has also been working to identify the position of different national governments and explore successful advocacy strategies to advise the GDP on its future work on this issue.

Mental Health Initiative: The EU provides significant financial support (through the structural funds) to its member countries for the improvement of infrastructure and social cohesion. Many governments have used these funds to support projects that violate human rights standards and propagate social exclusion by building new and renovating existing institutions. This means that they provide separate housing for persons with mental health problems rather than promote their integration in the community, in line with their commitments under the UN Convention on the Rights of Persons with Disabilities. Negotiations on the new round of legislation on structural funds have presented an opportunity to prevent these funds being used for such purposes. Israel Butler has been supporting the Mental Health Initiative to lodge a petition before the European Parliament, asking it to investigate this misuse of EU funds.

Roma: Despite indications to the contrary while in opposition, the new government of Francois Hollande continued President Sarkozy's policy of dismantling unauthorised Roma settlements and giving Roma families cash and plane tickets to return to Romania and Bulgaria. OSI-Brussels and colleagues used the evictions and voluntary repatriations reports to spark renewed concern in the Commission about French policy towards Roma, alleging that the Socialist coalition not discontinued the Sarkozy approach. More specifically, French and EU press reported police actions aimed at clearing camps in Lille, Lyon and in the outskirts of Paris and local programmes offering monetary and non-pecuniary incentives for voluntary returns of Roma to Romania and Bulgaria. In spite of Commissioner Reding's 2010 declaration on Sarkozy's Roma policy, an EU Commission spokesperson reaffirmed in August that France was being kept under observation. The French Minister of the Interior announced in August that he would anticipate the lifting of visa barriers that still hinder access to employment for Bulgarian and Romanian citizens in France.

Equality in the EU: In 2013 the European Commission is due to review the national implementation of EU legislation adopted in 2000 to counter discrimination on ground of racial and ethnic origin, disability, religion, sexual orientation and age. The internal process leading to a Commission report on the national review of the implementation started in June 2012, with a questionnaire sent to the

27 member states. Costanza Hermanin prepared a briefing for the Commission suggesting contentious issues that need to be addressed with respect to racial discrimination in the context of the review. See <http://www.soros.org/sites/default/files/europe-discrimination-20120501.pdf>. Among other initiatives aimed to influence the upcoming review of the Equality Directives, OSI-Brussels promoted an internal consultation among OSF programmes to devise a joint strategy to advocate for more equality data in the EU. The Justice Initiative, RIO, HRGGP, At Home in Europe and the Disability Rights initiative took part in the process highlighting their current needs in terms of ethnic data, data on religious affiliation and disability data. As an initial step, the programmes agreed on commissioning a report focusing on monitoring ethnic and disability data, data protection provisions and access to information rules in four EU member states. The aim is to influence key EU and national stakeholders to support the view that anti-discrimination policy cannot be effective in the absence of reliable data.

Justice in the EU: The EU Fundamental Rights Agency (FRA) invited OSF to take part in two events in Brussels, including its annual conference with the theme of access to Justice. This year the EU is adopting a major package of legislation on access to justice, including statutes on translation rights, a letter of rights, access to a lawyer and legal aid (still pending). The FRA invited OSF to present work on clinical legal education, as public interest legal clinics do not exist in most continental EU countries.

Human rights in Italy: After a third briefing from the Justice Initiative on Discrimination against Roma in Italy (<http://www.soros.org/litigation/ec-v-italy>) and further advocacy by AI, DG Justice of the European Commission informally requested information from Italian authorities to check compliance of the current Italian emergency approach towards Roma with EU anti-discrimination law. In the meantime, Justice Initiative filed a further case with Italian courts alleging the ethnically discriminatory character of the 2008 Roma census and fingerprinting and seeking the deletion of the "Roma database".

In October 2012, OSF will organise a civil society consultation with the UN Special Rapporteur on Migrants' Rights in Florence, in the context of the Special Rapporteur's fact-finding mission on detention of migrant and externalization of borders in Southern Europe. This event and a strategic meeting among statelessness experts on 5 October will feed the next advocacy efforts aimed at influencing the Italian government toward reforming the current regimes on statelessness and migrant detention.

In July 2012 the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks organised one of his first country visits in Italy and issued a strongly worded report in September. The Commissioner strongly relied on OSF's input for both the organisation of the visit and in his final policy statement, in which he deeply criticised measures targeting Roma, migrants and refugees as security concerns and noted that the Monti government had done little to discontinue previous policies.

Muižnieks participated in OSI-Brussels' annual large-scale event, whose centre-piece was a debate about freedom of expression and how to stop the rise of intolerance in Europe on 27 September. Aryeh Neier and Emma Bonino were also speakers at this event, which attracted 130 participants and was reported in the European media and widely tweeted.

OPERATIONAL AND GRANT-MAKING ACTIVITIES

The Fund to Counter Xenophobia organised a scouting visit to Spain in July, including a roundtable attended by more than a dozen CSOs, in coordination with the Justice Initiative. Xen Fund staff met NGOs, academics and officials to understand the situation and challenges in the country, and to identify potential grantees and projects to support. As a result, applications have been submitted to the Fund that will be considered at the next sub-board meeting. Xen Fund staff did a field visit to the Netherlands on 4-5 September (combined with the Demos conference on digital populism in Amsterdam on 5 September) and France at the beginning of October (in coordination with Roma Initiatives and the Justice Initiative, to see how best to respond jointly to Roma discrimination and deportations by the French government). The Fund to Counter Xenophobia has also been looking into the situation in Germany, Greece and Cyprus, noticing a rise in extremism, hate crime, and hate speech as well as a paucity of funding for CSOs engaged in the fight against racism and xenophobia.

Several Xen Fund grantees held events in September: Al Nisa (NL) held a symposium complementing its campaign aimed to promote a positive image of Muslim women in Dutch society on 22 September in Amsterdam; Xen Fund grantees took part in the Foresight Programme's launch event for the report on recapturing the reluctant radicals on 24 September in Brussels; ENAR, in collaboration with the Institute of Race Relations and OSF, held a two-day symposium on "Varieties of European Racism" on 27-28 September in Brussels, which was timed to coincide with OSI-Brussels' debate on rising intolerance.

The Italy Program of the Fund to Counter Xenophobia: Over the last months, grantees in Italy have been involved in many public activities. Three reports supported by OSF were released in June-July: one on the situation of migrants and refugees in Italy, one on the situation of migrants in the South of Italy, and one on the situation of NGOs that help migrants in Italy. All three, and particularly the first, received much public attention. The movie "Closed Sea" continued to be screened widely and was chosen by the Council of Europe as the human rights movie to be screened at a regular special event held during the Venice Film Festival. OSF was among the funders of the Lampedusa festival in July where the proposal to create a museum on migration to Europe was discussed, to use Lampedusa as a symbolic landmark. MEDU, Doctors for Human Rights, started monitoring conditions in detention facilities in Italy, which will lead to a report and other activities.

A legal case brought by the OSF-funded territorial focal point of ASGI in Rome on the illegality of a new ethnically segregated Roma camp was upheld by the court of first instance. The case, the first where the racially discriminatory character of Roma camps has ever been sanctioned in Italy, calls into question the responsibility of the municipality of Rome. The appeal is due to be heard in the coming weeks. A group of Italian NGOs, most of them OSF grantees, presented a joint submission for the UN CERD thematic discussion on hate speech. This document was prepared within the framework of an OSF-supported project directed at encouraging larger participation of Italian civil society in international mechanisms.

Moldova government capacity-building projects: Viorel Ursu (our senior advocate responsible for Eastern Europe and Russia, as well as education) is working part-time to support grant-making in Moldova by monitoring the implementation of the Emergency Fund projects enhancing the capacity of the Moldovan government. In August, Viorel participated in the selection of a new cohort of scholars among public servants. In two years, twenty eight scholarships were awarded for MA studies in the U.S., Canadian and European universities. The graduates have to commit to work in the public sector in Moldova for at least three years after graduation.

