



The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement

Ex-Post Impact Assessment

STUDY

EPRS | European Parliamentary Research Service

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Ex-Post Impact Assessment Unit

PE 558.764 – February 2017

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Study

On 18 December 2014 and 26 January 2015 respectively, the coordinators of the Committee on International Trade (INTA) and the Subcommittee on Human Rights (DROI) jointly requested a 'European Implementation Assessment of the implementation and effects of clauses pertaining to human rights in the EU-Mexico Free Trade Agreement (FTA) and the EU-Chile Association Agreement'.

This analysis was prepared in-house by the Ex-Post Impact Assessment Unit of the Directorate for Impact Assessment and European Added Value, within the European Parliament's Directorate General for Parliamentary Research Services.

An advance draft covering the first of two case studies, namely that of the EU-Mexico FTA, was provided in the context of the INTA Public Hearing on 'Trade and economic relations with Latin America – Implementing the trade agreement with the Andean countries' that took place on 15 March 2016.

This analysis aims to feed into ongoing discussions in INTA on the modernisation of these two agreements, and more generally, into INTA's ongoing monitoring of the benefits and challenges of the EU's trade and association agreements that are in force with third countries. It also seeks to feed into DROI's work of parliamentary oversight of the respect of human rights, the protection of minorities and the promotion of democratic values in the EU's relations with third countries and, in particular, in its trade relations.

Abstract

The European Union-Mexico Economic Partnership, Political Cooperation and Cooperation Agreement (known as 'Global Agreement'), also established a Free Trade Agreement (FTA). To safeguard respect for fundamental human rights, it includes a standard democracy clause. In case of a breach of the democracy clause, the Global Agreement contains a sanctioning clause, which has never been invoked. The Global Agreement also includes two provisions on cooperation, the results of which are not binding: one on human rights related issues and one on social affairs and poverty.

The EU-Chile Association Agreement (AA) includes a comprehensive FTA, which is subject to the democracy clause. This clause, which is more developed than that in the Global Agreement, calls for respect of fundamental human rights; promotion of sustainable economic and social development and equitable distribution of the benefits of the AA; and the parties' attachment to the principle of good governance. The AA also includes a suspension clause in case of breach of the democracy clause, and cooperation provisions, whose results are also however non-binding, on the environment, employment, social rights, vulnerable groups and ethnic minorities, and gender equality.

In both cases the monitoring mechanisms of the EU agreements are rather comprehensive and have been implemented properly overall – albeit that in the Chilean case, civil society participation was institutionalised late. These mechanisms have played an important role in nurturing cooperation and creating incentives for change, but those incentives have not translated into sufficient pressure for human rights reforms. Reform has been encouraged by the cumulative effect of the liberalisation of trade in the two countries (FTAs they have signed with third countries/partners, including the EU FTAs), the EU-Mexico Strategic Partnership, the role of other global players, and cooperation with other international donors, rather than the EU FTAs per se impacting on ensuring the respect of human rights in Mexico and Chile. Ultimately, the need to adopt and implement reforms in favour of respect of human rights has remained in the hands of the national authorities in Mexico and Chile.

General lessons drawn from the study include:

- 1. The importance of political dialogue and engagement with third countries:** The cooperation that has flowed from political dialogue has provided Mexico and Chile with substantial incentives to move forward on reforms.
- 2. The importance of conditionality and a targeted approach:** A greater role could be given to EU delegations in the definition of conditionality tools; they should also consult with local stakeholders (including civil society). This approach would provide for a tailored approach to the needs of the country, help build alliances with key stakeholders at all levels in the country, provide pressure points at local/state level, and build in legitimacy in the EU approach.

3. The complementarity and parallel use of the different instruments that the EU has at its disposal, rather than the effects of the EU's trade agreements per se, has resulted in reform of human rights provisions in Mexico and Chile. In both agreements, the inclusion of more detailed provisions concerning human rights cooperation, including the possibility to establish dedicated human rights dialogues, have boosted reform efforts. The EU-Mexico Strategic Partnership, other FTAs Chile and Mexico has signed, and the role of UN agencies, among other considerations, have provided key incentives for reform in both countries.

4. Political declarations are important to maintain partner accountability. More pressure could be put on Mexico at the level of the Joint Council and the Joint Committee to encourage the authorities to commit to the implementation of important human rights reforms undertaken, especially at state level.

5. The use of stronger monitoring mechanisms: In order to strengthen human rights monitoring, experts suggest creating a mechanism for periodic human rights impact assessments; giving civil society a more active role (complaint mechanism); establishing a permanent human rights committee to monitor parties' compliance with their human rights obligations under the agreement. This last suggestion which was echoed by the European Parliament, was nevertheless refuted by the European Commission, which argued that the existing monitoring mechanisms foreseen by the EU agreements are sufficient.

5. The evaluation of human rights is still not sufficiently considered in the ex-post impact assessments prepared by/for the European Commission on EU trade agreements. The 2012 evaluation of the EU-Chile AA did not consider human rights, while 2015 evaluation of the Global Agreement examined human rights insufficiently.

6. Ensuring substantive (not only substantial) civil society participation in the monitoring of the EU-Mexico Global Agreement and the EU-Chile AA. Although joint consultative structures that include local partners and civil society in monitoring the implementation of the sustainable development chapters are in place, it is not clear to what extent their contribution actually feeds into policy-making.

7. Building stronger regional policies in favour of social justice and human rights protection is key. The European Commission's efforts to establish exchange of knowledge, expertise and good practices at regional level has been key to pushing forward on social policy reform. These efforts should be maintained and boosted, also as they have potential to help further develop south-south cooperation.

8. Human rights protection is ultimately linked to the political commitment of third countries towards their citizens. In that sense, the EU's influence will always have its limits in policies linked to democratisation policies, which intrinsically touch on issues of sovereignty.

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The author would like to express her particular thanks to Simona Guagliardo, Trainee in the Ex-Post Impact Assessment Unit, for her valuable research assistance on this study and for producing the first draft of Annexes 3 and 4. The author is also grateful to EU officials (especially in the European Commission Directorate General for International Cooperation and Development) in Brussels, Mexico and Chile, officials from the Missions to the EU of respectively Mexico and Chile, human rights activists and EESC officials, who generously offered their time and shared their insights on the topic. Any errors and/or omissions are the sole responsibility of the author.

ABOUT THE PUBLISHER

This paper has been drawn up by the Ex-Post Impact Assessment Unit of the Directorate for Impact Assessment and European Added Value, within the Directorate-General for Parliamentary Research Services of the Secretariat of the European Parliament.

LINGUISTIC VERSIONS

Original: EN

Translation: ES

This document is available on the internet at: <http://www.europarl.europa.eu/thinktank>

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Manuscript completed in January 2017.

Brussels © European Union, 2017.

PE 558.764

ISBN 978-92-846-0554-5

doi:10.2861/71058

QA-02-17-045-EN-N

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Abbreviations

AA	Association Agreement, EU-Chile
APEC	Asia-Pacific Economic Cooperation
BMZ	Federal Ministry for Economic Cooperation and Development, Germany
CAN	Andean Community (Peru, Colombia and Ecuador)
CNDH	National Human Rights Commission (Comisión Nacional de los Derechos Humanos), Mexico
CELAC	Community of Latin American and Caribbean States
CEPAL	Economic Commission for Latin America and the Caribbean (Comisión Económica para América Latina y el Caribe)
CFSP	Common Foreign and Security Policy
CONADI	National Indigenous Development Corporation (Corporación Nacional de Desarrollo Indígena), Chile
CONEVAL	National Council for the Evaluation of Social Development Policy (Consejo Nacional de Evaluación de la Política de Desarrollo Social), Mexico
COP	Conference of the Parties, United Nations Framework Convention on Climate Change
COPOLAD	Cooperation Programme on Drugs Policies between Latin American, Caribbean countries and the European Union, European Commission
CRPD	UN Convention on the Rights of Persons with Disabilities
CSO-LA	Civil Society Organisations and Local Authorities, DCI, European Commission
CSD	Civil Society Dialogue
CDSP	EU Common Security and Defence Policy
DCI	Development Cooperation Instrument, European Commission
DG	Directorate General, European Commission
DG DEVCO	DG for International Cooperation and Development, European Commission
DG HOME	DG for Migration and Home Affairs, European Commission
DG JUST	DG for Justice, European Commission
DROI	EP Committee on Human Rights
EC	European Commission
EEAS	European External Action Service
EESC	European Economic and Social Committee
EIDHR	European Instrument for Democracy and Human Rights, European Commission
ELAN	Latin America Business Services and Innovation Network Project, European Commission
EP	European Parliament
EPRS	European Parliamentary Research Service
EU	European Union
FDI	Foreign Direct Investment
FTA	Free Trade Agreement
GATT	General Agreement on Tariffs and Trade

GDP	Gross Domestic Product
GHG	Greenhouse Gas
GNI	Gross National Income
GSP	Generalised Scheme of Preferences
HLD	High Level Dialogue
HRCS	Human Rights Country Strategy
HRIA	Human Rights Impact Assessment
ICC	United Nations International Criminal Court
ILO	International Labour Organization
INDH	National Human Rights Institute (Instituto Nacional de Derechos Humanos), Chile
INEGI	National Institute for Statistics and Geography (Instituto Nacional de Estadística y Geografía), Mexico
INMUJERES	National Women's Institute (Instituto Nacional de las Mujeres), Mexico
INTA	EP Committee on International Trade
JCC	Joint Consultative Committee
JPC	Joint Parliamentary Committee
KP	Kimberley Process
LA	Latin America
LAC	Latin America and Caribbean
LAIF	Latin American Investment Facility, European Commission
NAALC	North American Agreement on Labor Cooperation
NAFTA	North American Free Trade Agreement
NGO	Non-Governmental Organisation
NIP	National Indicative Programme
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONEMI	National Office of Emergency (Oficina Nacional de Emergencia), Chile
PAN	National Action Party (Partido de Acción Nacional), Mexico
PRI	Institutional Revolutionary Party (Partido Revolucionario Institucional), Mexico
SEDENA	Secretariat of National Defence (Secretaría de la Defensa Nacional), Mexico
SEDESOL	Secretariat of Social Development (Secretaría de Desarrollo Social), Mexico
SERNAM	National Service for Women (Servicio Nacional de la Mujer), Chile
SIA	Sustainability Impact Assessments
SITC	Standard International Trade Classification
SPS	Sanitary and Phytosanitary
SWD	Staff Working Document, European Commission
TBT	Technical Barriers to Trade
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TPP	Trans-Pacific Partnership
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme

UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
USA	United States of America
US	United States
WFCL	Worst forms of child labour
WTO	World Trade Organization

1. Introduction

The Economic Partnership, Political Coordination and Cooperation Agreement between the European Union (EU) and Mexico (henceforth 'Global Agreement') and the EU-Chile Association Agreement (henceforth 'AA') include free trade agreements (FTAs) that have been fully in force since 2001 with Mexico and since 2003 with Chile. Both agreements are more than FTAs: they are also aimed at serving as platforms that deepen the relationship between the EU and these countries, revitalising bilateral political and cooperation exchanges, and providing necessary incentives for reforms in Chile and Mexico, including on human rights.

Having been among the first EU trade agreements signed with third countries, the Global Agreement and the EU-Chile AA have served as a benchmark for EU trade relations with other partners. However, since their signature, changes have occurred meriting their revision, not least the signature of the 'new generation' agreements the EU has concluded with South Korea, Singapore and Canada, which are broader in scope and more ambitious, fostering trade and investment relations.

Since the signature of the Global Agreement, Mexico became an EU strategic partner in 2008, further increasing cooperation and dialogue, and particularly enhancing EU-Mexico cooperation on global issues such as multilateralism, climate change, and terrorism. In parallel, Mexico's economy, as a result of the North American Free Trade Agreement (NAFTA), has become increasingly integrated with that of the United States. Moreover, like the EU itself, Latin America has benefited from new economic opportunities offered by the burgeoning Asian-Pacific region. This is evidenced by the participation of Chile, Mexico and Peru in the multilateral negotiations on the Trans-Pacific Partnership (TPP), which is also used as a benchmark in the negotiations on the modernisation of the Global Agreement (see [section 8](#)). It is also reflected in the countless bilateral FTAs concluded between Chile and Mexico, on the one hand, and other Latin American and Asian countries, on the other.

Nonetheless, experts have argued that the China-Chile and China-Peru FTAs have not allowed Latin American economies to diversify their exports and attract investment in non-mining activities, as was expected.¹ Moreover, with the advent of a new administration in the White House that is likely to retreat from trade liberalisation (with possible consequences for NAFTA) and ongoing threats from the Trump administration to impose a tax on goods entering the United States from Mexico to pay for a wall at the US-Mexico border, trade relations between the two countries could potentially be affected. In this context, the EU is seen as an actor capable of balancing China's outreach to the region and compensating for any potential loss incurred by a decrease in US-Mexico trade.

On the EU side, a 'Global Europe' strategy was adopted in 2006 that called for the modernisation of the EU trade policy agenda and sought deeper trade agreements that also

¹ Grieger, Gisela, [EU-Latin America Relations](#), Reference no 140763REV2, European Parliamentary Research Service, European Parliament, Brussels, 26 March 2014.

cover, among other things, sustainable development (i.e., decent work, including labour standards and environmental protection). Taking this a step further, the 2015 EU trade and investment strategy entitled *Trade for All: Towards a More Responsible Trade and Investment Policy* provides the impetus for modernising trade agreements with key partners, including the existing agreements with Mexico and Chile to ‘be comparable to, and compatible with, our FTA with Canada and the future agreement with the United States’.² In the same document, one of the EU three key principles is ‘to promote, around the world, values like sustainable development, human rights, fair and ethical trade and the fight against corruption’.³ The EU therefore places trade agreements as levers to ensure that EU trading partners implement provisions on core labour standards, such as the right of workers to organise and the abolition of child labour. This approach is supported in the European Parliament and resonates with other EU institutions.⁴

In this context, the EU and Chile agreed, at the EU-Chile Summit of 15 November 2012, to explore options to upgrade the Association Agreement after 10 years of implementation.⁵ Similarly, in the context of the EU- CELAC Summit (Latin America and Caribbean states), in Santiago de Chile, in January 2013, the EU and Mexico decided ‘to explore the options for a comprehensive update of’ the Global Agreement.⁶ Since the Council gave the European Commission (EC) a mandate to launch negotiations with Mexico for the modernisation of the Agreement on 4 May 2016,⁷ the two parties have met twice (in Brussels, on 13-14 June 2016, and on 22-25 November 2016, in Mexico City). The EU and Chile are currently examining the possibility to modernise the existing FTA pillar to ensure that it addresses all relevant aspects of the trade and investment relationship between the two parties. The Council has not yet given the European Commission a mandate to launch the negotiation, nor has a timeframe been agreed.

In this context, and to inform oversight of the negotiations on the modernisation of these agreements, the INTA Committee and the DROI Subcommittee jointly requested an

² European Commission, [Trade for All: Towards a More Responsible Trade and Investment Policy](#), Reference no COM(2015) 497, Brussels, October 2015, p. 33.

³ European Commission, [Trade for All: Towards a More Responsible Trade and Investment Policy](#), Reference no COM(2015) 497, Brussels, October 2015, p. 5.

⁴ See, for example, Committee of the Regions, [A More Responsible Trade and Investment Policy](#), Rapporteur: Cllr. Neale Richmond, Dun Laoghaire Rathdown County Council, Draft Opinion, Reference no ECON-VI/009 Commission for Economic Policy, 7th Commission Meeting, 29 February 2016, p. 4.

⁵ European Council, [11th EU-Chile Association Committee, Joint Communiqué](#), Brussels, 3 October 2013.

⁶ Council of the European Union, [EU-CELAC Summit - Santiago Declaration](#), Reference no 5747/13 PRESSE 31, Santiago de Chile, 27 January 2013.

⁷ Council of the European Union, [Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate, on behalf of the European Union, the provisions that fall within the competence of the Union, of a modernised Global Agreement between the European Union and its Member States, of the one part, and Mexico, of the other part](#), Reference no 7825/16, Brussels, 4 May 2016.

‘Assessment on the implementation and effects of clauses relevant to human rights in the EU-Mexico Free Trade Agreement and EU-Chile Association Agreement’.

2. Defining human rights in EU trade agreements

The EU links respect for human rights with trade according to the premise that ‘an openness to trade, combined with good governance and sound domestic policies, is a major contributor to inclusive growth and sustainable development, and thus to improved human rights conditions’.⁸

Good governance is defined here according to the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR). It is seen as encompassing the full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, political empowerment of people, equity, sustainability, and values that foster tolerance. In that sense, there is significant consensus that good governance is the process whereby public institutions guarantee the realisation of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law. Moreover, the true test of ‘good’ governance is the degree to which it also delivers on the promise of economic and social rights.⁹

As the 2015 UN Human Development Report explains, work is a broader concept than jobs or employment as a means of contributing to the public good, reducing inequality, securing livelihoods and empowering individuals. Work can enhance human development when policies are taken to expand productive, remunerative and satisfying work opportunities; enhance workers’ skills and potential; and ensure their rights, safety, and well-being. Measuring aspects of work, both positive and negative, can help shape policy agendas and track progress toward human development enhancing work. The link between work and human development can be broken in cases of exploitative and hazardous conditions, where labour rights are not guaranteed or protected, where social protection measures are not in place, and when unequal opportunities and work related discrimination increase and perpetuate socioeconomic inequality.¹⁰ These issues are tackled in the ILO decent work agenda, which includes job creation, rights at work, social protection, social dialogue and gender equality – the latter being a cross-cutting objective.

EU free trade negotiations have been accompanied by increasing demands for greater consideration of human rights aspects because of concerns that trade liberalisation does not automatically reduce poverty and improve standards of living in third countries. As

⁸ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 47.

⁹ United Nations High Commissioner for Human Rights (OHCHR), [Good Governance and Human Rights](#), November 2016.

¹⁰ United Nations Development Programme, [Human Development Report 2015: Work for Human Development](#), New York, 2015, p. 1.

the argument goes, while the liberalisation of foreign trade has often contributed to stimulating development and increasing prosperity, it can also contribute to violations of human rights, such as unemployment and social problems flowing from the displacement of local population and migration to urban cities, and environmental degradation due to land extraction and exploitation of agricultural land by business, leading to threats to food security and poverty.¹¹ Amartya Sen, winner of the Nobel Prize in Economics, has thus argued that 'the contribution of economic growth has to be judged not merely by the increase in private incomes, but also for the expansion of social services (including in many cases, social service nets) that economic growth may make possible.'¹²

Seeking to achieve trade openness while ensuring respect for human rights and the principles of democracy, including the ramifications for wider social and environmental issues, in the post-Cold War era the EU reached a growing consensus on the role of norms and political conditionality in trade policy. Scholars argue that for trade to operate smoothly, respect for the rule of law is essential to provide a stable and predictable legal environment.¹³ Although only a small portion of international trade is linked to child labour, the elimination of the worst forms of child labour must also be ensured.¹⁴ In response, human rights clauses have been introduced in more than 50 EU agreements (of which 40 agreements contain a suspension clause) and apply to more than 120 countries.¹⁵ In that context, the EU considers that 'the principal value of a human rights clause is to demonstrate the shared commitment of the parties to human rights, while it also constitutes the legal basis for appropriate measures, including the suspension of the agreements, in the event of grave human rights violations.'¹⁶

3. Objectives and structure

This study is predicated on the promise that EU trade and investment strategy makes to ensure that trade is linked to human rights and social and environmental standards, as well as the need to make those rights and standards an integral part of the Union's economic and commercial relations. Given that the trade pillar of both the EU-Mexico Global Agreement and the EU-Chile Association Agreement is part and parcel of a political

¹¹ See, for example, Schmiege, Evita, [Human Rights and Sustainability in Free Trade Agreements: Can the Cariforum-EU Economic Partnership Agreement Serve as a Model?](#), SWP Comments 24, Stiftung Wissenschaft und Politik (SWP), Berlin, May 2014, p. 2.

¹² Sen, Amartya, *Development as Freedom*, Oxford, Oxford University Press, 1999, p. 40.

¹³ European Commission, *The European Union Explained: Trade*, Publications Office of the European Union, Luxembourg, November 2014, p. 6.

¹⁴ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 47.

¹⁵ European Parliament, [Resolution on the Human Rights and Democracy Clause in European Union Agreements](#), Reference no T6-0056/2006, Strasbourg, 14 February 2006, pp. 107-113.

¹⁶ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 47.

cooperation framework within which the FTAs are embedded and which includes human rights related provisions, this study goes beyond analysing the FTAs of the two agreements.

The primary objective of this study is to assess if and how the legal obligations on human rights included in the EU-Mexico Global Agreement and the EU-Chile Association Agreement, to which the FTAs included in each of these agreements are subject, impact negatively and/or positively, directly and/or indirectly, on human rights protection in Mexico and Chile. Accordingly, this study seeks to identify and assess whether there is a causal link between the implementation of human rights related clauses in the two agreements and the state of affairs regarding respect of human rights in Mexico and Chile respectively.

A second objective is to assess whether the provisions in the two agreements as they currently stand:

- provide the EU with the necessary political leverage to ensure respect of fundamental rights in Mexico and Chile;
- are effective in providing the conditions for EU to support Mexico and Chile in carrying out the necessary reforms; and
- allow for effective pressure to be applied on Mexico and Chile – when appropriate – i.e. to encourage the two countries to carry out reforms that ensure respect of human rights.

Thirdly, the study draws conclusions that could inform the modernisation of human rights provisions in the Global Agreement and the EU-Chile AA. It does so:

- by identifying lessons learned as to the performance of Mexico and Chile in respecting human rights as a result of the respective EU agreements;
- and through a comparative analysis of the language used and level of commitment made in the relevant provisions in the two agreements with those in more modern EU trade agreements.

In doing so, this study concentrates on aspects of human rights that are linked to the well-being of the Mexican and Chilean population that may impact on poverty and inequality, including rule of law, labour, sustainable development and environment. Because the FTAs for both the Mexico and Chile agreements are embedded in a political framework agreement, the study also examines the quality of governance insofar as it is related to trade issues and affects the population's well-being. The study focuses on key vulnerable groups of society (e.g. ethnic minorities, indigenous people and women). In order to limit the scope of the study to those rights that are relevant to the EU-Mexico FTA and the EU-Chile AA, the report focuses on examining aspects of the four strategic pillars of the decent work agenda – that is, full and productive employment, rights at work, social protection and the promotion of social dialogue.

This **introductory part of the study** explains the EU legal basis and international legislative framework underpinning EU trade, lays out the link made in EU strategic documents between trade and human rights, and outlines the role of the European Parliament (EP) in monitoring human rights related provisions in EU trade agreements. It then briefly

outlines which provisions are examined in this study: the ‘essential elements’ clause, the suspension clause, the clauses on social and labour rights, and the environment provisions. Subsequently, it analyses commitments the European Commission has made to evaluating human rights in trade agreements. The two last sections provide **options for improving human rights related provisions during the negotiations on the modernisation of the two agreements**. A comparative analysis of the human rights related provisions in the Global Agreement and the EU-Chile AA outlines their strengths and weaknesses. This is followed by the identification of lessons learned from the two case studies regarding the effectiveness of the provisions and of the monitoring mechanisms set up in the framework of these two agreements.

Each of the two case studies – first Mexico, followed by Chile – are structured in the same manner and can be read as stand-alone studies. They firstly sketch out the economic benefits resulting from EU trade with both Mexico and Chile and how this compares to trade with other major economic players. Secondly, the two case studies examine the political and institutional reforms adopted in Mexico and Chile to ensure respect of human rights. They then go on to critically assess whether the governance framework and legislative reforms adopted are implemented and effectively protect human rights in the two countries. The study also explains and evaluates the implementation of the mechanisms set up for monitoring the implementation of the Global Agreement and the EU-Chile AA. In a final section, EU development aid in support of human rights promotion in Mexico and Chile is examined, to assess whether it responds to relevant concerns raised by the EP.

4. Methodology

This section outlines the sources consulted when drafting this study and the standards and benchmarks used for comparison, as well as the assessment strategies employed. It also presents the research limits set for this study. The section explains why the two case studies are studied independently, limiting the comparison only to the provisions relevant to human rights included (or not) in each of the EU agreements with Mexico and Chile respectively. This means that each case study can be read as a stand-alone analysis.

4.1. Differences between Mexico and Chile

Mexico and Chile are specific and different cases, in terms of their political history (and governance structure), size (both territory and population), bordering countries and thus regional interests, and security and human rights challenges.

[Table 1](#) presents the differences between Chile and Mexico by examining the human development indicators in each of the two countries. The Table clearly points to the large divergences in population size and human security and the relative dissimilarities in levels of human development and environmental sustainability.

Table 1: Differences in human development indicators for Chile and Mexico

Human development indicators	Chile	Mexico
Overall ranking	Very high human development	High human development
Population (millions)	17.8	123.8
Human security (homicide rate per 100 000 people)	3.1	21.5
Gross national income (GNI) per capita	21 290.2 (2011 PPP\$)	16 056
Inequality-adjusted HDI	0.672	0.587
Gender Development Index (GDI)	0.967	0.943
Employment to population ratio (% aged 15 and older)	58.1	58.5
Trade and financial flows (% of GDP)	65.5	64.2
Environmental sustainability (carbon dioxide emissions per capita in tonnes)	4.6	3.9

Source: United Nations Development Programme, [Human Development Report 2015: Work for Human Development](#), New York, 2015, p. 208.

In addition, Mexico's distinctive feature over recent decades has been its membership in NAFTA, together with the United States and Canada since 1994. This has determined Mexico's foreign policy at a regional and global level, with Mexico presenting itself as a 'bridge' between North America and Latin America – and that despite the asymmetric relationship with the USA. More recently, Mexico joined a Latin American trade block, the Pacific Alliance (created in 2011 by Chile, Colombia, Mexico and Peru). Moreover, there are notable distinctions in the composition of the populations of Chile and Mexico. Although there is not a large difference between the percentages of indigenous communities – 11 % for Chile and 15.1 % for Mexico– the actual figures differ greatly: 1.8 million indigenous peoples in Chile as opposed to 17 million in Mexico.¹⁷ These figures come with corresponding integration challenges in each of the two countries. Because of these differences and the specificity of Mexico and Chile, this study limits the comparative aspects to the examination of the human rights related provisions in the Global Agreement

¹⁷ Economic Commission for Latin America and the Caribbean, [Indigenous Peoples in Latin America](#) (data from 2010), Infographics, Santiago de Chile, 22 September 2014.

and the EU-Chile Association Agreement insofar as they have been effective in Mexico and Chile respectively (see [section 8](#)).

4.2. Sources consulted

The author of this study first examined the relevant EU legal texts: verified the existence, scope and objectives of the obligations on human rights in the Global Agreement and the EU-Chile AA. Equally, analysis was made of the implementing decisions issued by the monitoring bodies of the two agreements, and more specifically the two EU-Mexico Joint Council Decisions that provide clear implementing measures for the Global Agreement (see [Annex 1](#)).

In order to draw relevant comparisons to inform potential improvement of the human rights related provisions in the modernisation of the EU agreements with Mexico and Chile, the author examined EU agreements signed with countries in the Latin American region (i.e., the EU-Colombia/Peru Trade Agreement and the EU-Central America Agreement) (see [Annex 2](#)). Furthermore, in an effort to draw conclusions on ways to improve the human rights related provisions, the language used in equivalent provisions in the Trans-Pacific Partnership (TPP) was also examined, particularly since Mexico referred to its experiences under the TPP during the ongoing negotiations on the upgrade of the Global Agreement (see [section 8](#)).

An overview of the economic benefits of EU-Mexico and EU-Chile trade relationships was produced by consulting both international and national statistical sources, and economic analyses. Sources consulted include data from the Mission of Mexico to the EU, the Banco de México, and the National Institute for Statistics and Geography (INEGI), trade statistics from the UN COMTRADE database, Eurostat, reports by the World Trade Organization (WTO), the International Labour Organization (ILO), the United Nations Development Programme (UNDP), and other relevant economic evaluations.

In line with the European Commission's guidelines on the human rights impact assessments of trade agreements (see [Table 4](#)), this study evaluates the implementation and effects of the social agenda and protection of core labour rights in Mexico and Chile, as these are the rights that are most likely to be positively or negatively affected by a trade agreement. In this context, gender equality and non-discrimination are considered as cross-cutting issues. Given that, in both Mexico and Chile, the FTAs are linked to a political framework agreement (partnership and cooperation agreement), this study also evaluates the state of and effects on governance institutions, as well as the implementation of the legislative framework of both countries. It also examines the effects of EU human rights dialogues and other EU human rights tools used in the two countries.

In doing so, this study has considered policy and academic documentation, such as the EU annual reports on the state of human rights and democracy in the world, the European Commission country strategies, EU development cooperation programme descriptions, as

well as UN and ILO reports.¹⁸ In order to assess the monitoring mechanisms set up in the framework of the two EU agreements with Mexico and Chile, the Joint Declarations and press releases issued by the monitoring bodies have been taken into account: in particular, the declarations of the EU-Chile Association Council and Committee and the EU-Mexico Joint Council and Committee, and the working documents of the two Joint Parliamentary Committees.

To assess the European Commission (EC) response to European Parliament (EP) concerns raised on human rights protection in Mexico and Chile, the study juxtaposes the challenges elaborated in EP resolutions with the European Commission follow-up and the objectives of European Commission development cooperation aid (programmes and projects) implemented in these two countries (see Annexes 3 and 4). Data on EU aid on human rights since the early 2000s (covering the last four EP legislative terms) was provided by the EU Delegations in Mexico and Chile.¹⁹ This information was complemented by data retrieved from the websites of the Directorate General for International Cooperation and Development (DG DEVCO) in the European Commission and the European External Action Service (EEAS) (see Table 7 and Table 11).

Throughout the study, evaluations prepared for the European Commission were used either as a comparative element or to provide complementary information on relevant aspects of this study. Where these evaluations have been of added value is in their econometric analysis, and the results of consultations organised at different stages during their evaluation process. These consultations involved, for example, representatives of private sector associations, including chambers of commerce, trade and business associations, small and medium-sized enterprises and their associations/organisations, non-governmental social and environmental organisations, academia, think tanks, and trade unions.

Where and when vital information was not publicly available, relevant stakeholders were consulted. Accordingly, extensive and recurrent exchanges took place with the EU Delegations in Chile and Mexico, as well as DG DEVCO. Furthermore, the Missions to the EU of respectively Mexico and Chile were contacted to collect information on relevant reforms and the state of implementation in their countries. Other interlocutors included the European Commission DG for Trade, the EEAS, the European Economic and Social Committee (EESC), and human rights watchdogs working on/in the two countries in question.

¹⁸ These included, among others, the UN periodic review reports of the United Nations Committee on the Elimination of Discrimination against Women and of the United Nations Committee on the Elimination of Racial Discrimination, of the UN Human Rights Council, as well as the United Nations Development Programme's Human Development Reports.

¹⁹ The EC financial instruments used in Chile and Mexico are essentially the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR), and the Partnership Instrument.

4.3. Limits to evaluating the effectiveness of human rights related clauses in trade agreements

Human impact assessments, which are designed to measure the potential impact of a trade agreement on internationally accepted human rights standards, are rather new and there are therefore general methodological limitations to evaluating human rights provisions in trade agreements. It is unknown whether human rights provisions in trade agreements lead to greater trade distortions.²⁰ In recent years, Trade Sustainability Impact Assessments (SIA) have faced similar criticism by human rights advocates. In line with these concerns, a cross-cutting challenge throughout this analysis was to disentangle, among the changes that have taken place since 2000 in Chile and Mexico, those which can be attributed to the two EU Agreements.

Another limitation to this study is the difficulty of clearly linking the impact of EU trade agreements with Mexico and Chile with the human rights situation in the two countries, due to the relatively small size of the EU market share in Mexico and Chile (compared to the USA and other partners). Social analyses of the effects of the EU-Mexico FTA and qualitative attributions of effects to the EU-Mexico FTA need to be seen against a background of other influences, such as implementation of other trade agreements (notably NAFTA), the political and cooperation pillars of the Global Agreement, and domestic policy considerations in Mexico per se. Similarly, when assessing the effects of the EU-Chile AA, it is important to consider the non-trade pillars of the agreement and the numerous other FTAs that Chile has signed.

Two other specific limitations surfaced during data collection. Firstly, on the economic analysis illustrating the international trade flows of Mexico and Chile with their partners, the main limitation faced was the availability of comparable data within the same timeframe. On the one hand, the economic reports published by Chilean Foreign Affairs Ministry provided extensive and comprehensive data on Chilean international trade in goods, but despite their completeness, the data could not be manipulated to serve the purpose of this study. On the other hand, the Eurostat database only provides statistical indicators and trade figures for Chile to 2013. The UN COM TRADE database (updated to 2014) provides the latest available data for the purpose of this study, even if complete and consistent figures were only available on Chile's trade in goods.

Secondly, certain limits were set to the scope of the purpose of [Table 7](#) and [Table 11](#) examining the response of the European Commission to EP concerns related to human rights in Mexico and Chile. Specifically, it is beyond the remit of the study to evaluate the effectiveness of EU development aid to Mexico and Chile on human rights related programmes/projects and/or whether sufficient funds are allocated to these issues for the two countries. A causal link is not established between EP resolutions and the output of EU development aid; instead, a correlation between the two is established. This exercise sought to counter-balance the neutrality in the language used in the Joint Council and Joint

²⁰ Ariel Aaronson, Susan, Chapter 21 - Human Rights, in Jean-Pierre Chauffour and Jean-Christophe Maur (eds), [*Preferential Trade Agreements Policies for Development: A Handbook*](#), World Bank, Washington, DC, June 2011, pp. 446-447.

Committee press releases, which did not allow for a qualitative assessment of the parties' discussions. In addition, country strategy papers (apart from the 2007-2013 Country Strategy Paper) and the minutes of the High Level Dialogue meetings were not available.

5. EU human rights framework

5.1. The EU legal basis

Since the 1990s, human rights have been part and parcel of negotiation of international agreements, and have progressively also been included in EU agreements that have a trade dimension.²¹ In practice, the EU has aimed to systematically insert an 'essential elements' clause in all political framework agreements (association agreements, partnership and cooperation agreements) with third countries, stipulating that respect for human rights and democratic principles forms the basis for the agreement (see [section 6.1](#)).

The Council of Ministers has also urged the use of such 'essential elements' clauses in free trade agreements (FTA), except for trade agreements that are linked to a related framework agreement, as is the case for the EU's agreements with Mexico and Chile. In these circumstances, a separate 'essential elements' clause is unnecessary; rather, a legal link is made between the FTA and framework agreement. The 'essential elements' clause provides the legal basis for both positive measures, such as human rights dialogues, and restrictive measures in case of serious and persistent violations of human rights.

The legal foundations for the inclusion of an 'essential elements' clause are based on the Preamble and three articles of the Lisbon Treaty that confirm that the EU's trade relations and agreements are part of EU external action, and point to the commitment made that EU trade relations seek to promote human rights. (See [Box 1](#).)

Box 1: EU legal basis

- Preamble of the Charter of Fundamental Rights of the European Union: 'the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law.'
- Article 3(5) TEU, which explicitly encompasses trade as part of the EU 'relations with the wider world', is clearly linked to Article 21 TEU.
- Article 21(1) TEU: 'The Union's action on the international scene shall be guided by the principles which have inspired its own creation [...] 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 UN Charter and international law [...]'.

²¹ In the Rome Declaration (1990), the Ministers of Foreign Affairs of the Rio Group and the European Union decided to undertake an institutionalised dialogue every two years. At the time, almost all of the countries in the Latin American region had ties with the EU through cooperation agreements, which included a democratic clause.

- Article 207(1) TFEU: '[t]he common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action.'

Finally, the importance of effective, consistent and coherent implementation of EU human rights policy is outlined in Article 9 TEU: 'The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions'.

5.2. The international legal framework

In line with the EU Treaties, free trade agreements also follow the relevant international conventions. The Preamble of the Universal Declaration of Human Rights (UDHR) stipulates that its member states pledge 'to achieve, in cooperation with the United Nations, the promotion of universal respect for the observance of human rights [...] for all peoples and all nations' without making a distinction among economic, social civil and political rights. In parallel, Article 28 of the Declaration states that 'everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised'. Accordingly, EU Member States, Chile and Mexico, as parties to the UDHR, have an obligation to ensure that this pledge is implemented. In addition to the UDHR, nine core international treaties involving specific aspects of human rights, outlined in [Table 2](#), have been adopted, and must also be respected in trade relations.

Table 2: International conventions on human rights issues

Treaty Description	Treaty Name	Date of Adoption
International Convention on the Elimination of All Forms of Racial Discrimination	ICERD	21 Dec 1965
International Covenant on Economic, Social and Cultural Rights	ICESCR	16 Dec 1966
International Covenant on Civil and Political Rights	ICCPR	16 Dec 1966
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	18 Dec 1979
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	10 Dec 1984
Convention on the Rights of the Child	CRC	20 Nov 1989
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	ICMW	18 Dec 1990

Treaty Description	Treaty Name	Date of Adoption
International Convention for the Protection of All Persons from Enforced Disappearance	CPED	20 Dec 2006
Convention on the Rights of Persons with Disabilities	CRPD	13 Dec 2006

Source: The United Nations Office of the High Commissioner for Human Rights, [The Core International Human Rights Instruments and their monitoring bodies](#)

Some of the treaties are supplemented by optional protocols dealing with specific concerns, whereas the Optional Protocol to the Convention against Torture establishes a committee of experts. Not all the optional protocols have been ratified, as [Table 3](#) shows.

Table 3: Optional protocols relevant to human rights issues

Treaty Description	Treaty Name	Date of Adoption
Optional Protocol to the International Covenant on Civil and Political Rights	ICCPR-OP1	16 Dec 1966
Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty	ICCPR-OP2	15 Dec 1989
Optional Protocol to the Convention on the Elimination of Discrimination against Women	OP-CEDAW	10 Dec 1999
Optional protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	OP-CRC-AC	25 May 2000
Optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	OP-CRC-SC	25 May 2000
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	OP-CAT	18 Dec 2002
2006 Optional Protocol to the Convention on the Rights of Persons with Disabilities	OP-CRPD	12 Dec 2006
Optional Protocol to the Covenant on Economic, Social and Cultural Rights	ICESCR-OP	10 Dec 2008
2014 Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure	OP-CRC-IC	14 Apr 2014

Source: The United Nations Office of the High Commissioner for Human Rights, [The Core International Human Rights Instruments and their monitoring bodies](#)

To these can be added the core ILO labour standards, which consist of five standards laid out in eight conventions, as outlined in [Box 2](#).

Box 2: Core ILO labour standards and corresponding conventions

- Freedom of association and the effective recognition of the right to collective bargaining (Convention No 87 & No 98)
- The elimination of all forms of forced and compulsory labour (Convention No 29 & No 105)
- The effective abolition of child labour (Convention No 138 & No 182)
- The elimination of discrimination in respect of employment and occupation (Convention No 100 & No 111)

5.3. The EU political framework

At the EU policy level, trade-related human rights concerns were recognised and addressed in the Council's 2012 EU Strategic Framework and Action Plan on Human Rights and Democracy, which stipulates that: '[t]he European Union is founded on a shared determination to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law. These principles underpin all aspects of the internal and external policies of the European Union'.²² This document goes a step further in the Action Plan for Human Rights and Democracy, updated in 2015,²³ where it lists a number of actions to 'make trade work in a way that helps human rights'.²⁴ Importantly, this document provides a roadmap for mainstreaming human rights into 'all areas of its external action without exception' and commits the EU to 'develop methodology to aid consideration of the human rights situation in third countries in connection with the launch or conclusion of trade and/or investment agreements'.²⁵ (See [section 7](#).)

In a similar vein, in its Communication on Trade, Growth and Development,²⁶ the European Commission affirms the need for change in order to foster growth, develop synergies between trade and development policies, and points to the importance of projecting the EU's values and interests in the world, highlighting how respect of human rights represents one of the EU's core values in its external action. In the new EU trade

²² Council of the European Union, [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), Reference no 11855/12, Luxembourg, 25 June 2012, p. 1.

²³ Council of the European Union, EU Action Plan on Human Rights and Democracy, [Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019](#), Reference no 10897/15, Brussels, 20 July 2015, p. 23.

²⁴ Council of the European Union, [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), Reference no 11855/12, Luxembourg, 25 June 2012, Action 11.

²⁵ Council of the European Union, [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), Reference no 11855/12, 25 June 2012, Luxembourg, pp. 2 and 11 (respectively).

²⁶ European Commission, [Trade, Growth and Development: Tailoring Trade and Investment Policy for Those Countries Most in Need](#), Luxembourg, 2012.

strategy²⁷ this shift in focus is further expanded to include a parallel concern for the environment and human rights, including social rights. In addition, the strategy argues for the use of trade agreements and trade preference programmes as levers to promote sustainable development, human rights, fair and ethical trade, and the fight against corruption, as well as improve the responsibility of supply chains, around the world. Such promises respond to the now widely recognised fact that business operations affect the public interest and can impact on a range of human rights.²⁸

To ensure its partners' commitment to human rights, the EU has set the nexus between respect for human rights and trade as the 'silver thread' in all EU external relations. While both positive (political dialogue and funding) and negative incentives (suspension clauses) exist in EU trade agreements, 'the EU approach to trade policy focuses on using positive incentives, making use of trade preferences to promote human rights, coupled with a process of dialogue about the conditions to maintain those preferences.'²⁹ (See [section 6.2](#).)

More recently, in their Political Declaration entitled 'A Partnership for the Next Generation' and Brussels Declaration titled Shaping our Common Future: Working Together for Prosperous, Cohesive and Sustainable Societies for our Citizens, the members of the 2015 EU-CELAC Summit underlined their resolve to 'deepen our long-standing strategic bi-regional partnership based on historical, cultural and human ties, international law, full respect for human rights, common values, and mutual interests'.³⁰ Moreover, the Brussels Declaration explicitly calls for 'all States to observe the United Nations Declaration on the Rights of Indigenous Peoples and other international human rights covenants and conventions to which they are Parties'.³¹

At the operational level, the EU-CELAC participants welcomed the expansion of bi-regional cooperation and committed to the effective implementation of the updated EU-CELAC Action Plan, which will guide joint work on issues of common interest, including

²⁷ European Commission, [Trade for All: Towards a More Responsible Trade and Investment Policy](#), Reference no COM(2015) 497, Brussels, October 2015.

²⁸ Wouters, Jan and Nicolas Hachez, When Rules and Values Collide: How Can a Balanced Application of Investor Protection Provisions and Human Rights Be Ensured?, *Human Rights & International Legal Discourse* No 3, 2009, pp. 301, 316.

²⁹ European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, [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](#), Reference no COM(2011) 886 final, Brussels, 12 December 2011, p. 11.

³⁰ EU-CELAC Political Declaration, ['A Partnership for the Next Generation'](#), EU-CELAC Summit, Brussels, 11 June 2015; [EU-CELAC Brussels Declaration, "Shaping our Common Future: Working Together for Prosperous, Cohesive and Sustainable Societies for our Citizens"](#), Reference no 9839/15, EU-CELAC Summit, Brussels, 10-11 June 2015.

³¹ EU-CELAC Political Declaration, ['A Partnership for the Next Generation'](#), EU-CELAC Summit, Brussels, 11 June 2015; [EU-CELAC Brussels Declaration, "Shaping our Common Future: Working Together for Prosperous, Cohesive and Sustainable Societies for our Citizens"](#), Reference no 9839/15, EU-CELAC Summit, Brussels, 10-11 June 2015, p. 3.

achieving ‘higher levels of social inclusion and economic, social and territorial cohesion, equality and access to public services, in accordance with national policies and bi-regional programmes **on a voluntary basis**, such as the Eurosocial programme’.³² Leaders also committed to ensure support for implementation and promotion of decent work (including labour rights, workplace safety and health), in line with the relevant obligations derived from conventions of the International Labour Organization (ILO).

5.4. The European Parliament and human rights

The European Parliament strongly supports integrating human rights in trade agreements, and pushes for the promotion of human rights conditionality in development cooperation both at EU and international levels. MEPs, as will be analysed in the two case studies, monitor the implementation of the human rights clause through resolutions on the EU’s annual reports on human rights, other numerous resolutions and urgency resolutions on individual cases and specific aspects of human rights protection, parliamentary questions to the European Commission and the Council of the EU, parliamentary diplomacy exercised through delegations and interparliamentary committees, and the Sakharov prize for freedom of thought.

In this regard, Parliament has often stood up for more forceful policies on the right to food, large-scale land deals for plantation agriculture (‘land grabbing’), the human rights obligations of businesses, the use of sustainable development clauses and paying equal attention to social, economic and cultural rights.³³ As a result, EP resolutions call for support for human rights defenders, the strengthening of the human rights clause itself, or provisions providing for cooperation activities on the social agenda, in favour of employment rights, closing the gender gap, protecting vulnerable groups, and tackling deficiencies in the social agenda.³⁴ On the EP’s action on human rights protection in Mexico, see [section 15.3](#), and in Chile, see [section 22.3](#).

The EP systematically scrutinises how human rights related clauses are implemented and the purpose that they serve. The EP made proposals on the human rights clause in 2000,

³² EU-CELAC Political Declaration, *‘A Partnership for the Next Generation’*, EU-CELAC Summit, Brussels, 11 June 2015; *EU-CELAC Brussels Declaration, “Shaping our Common Future: Working Together for Prosperous, Cohesive and Sustainable Societies for our Citizens”*, Reference no 9839/15, EU-CELAC Summit, Brussels, 10-11 June 2015, p. 13.

³³ Lerch, Marika, *The European Year for Development: Human Rights*, Reference no PE 570.451, Policy Department, Directorate General for External Policies, and European Parliamentary Research Service, European Parliament, Brussels, 1 December 2015, p. 3.

³⁴ See for example, European Parliament, *Resolution of 25 November 2010 on Human Rights and Social and Environmental Standards in International Trade Agreements*, Reference no T7-0434/2010, Strasbourg, 25 November 2010.

which were described in detail in its Annual Report of 2002.³⁵ For example, in 2003, the Committee on Foreign Affairs, Human Rights and the Common Security and Defence Policy reported on the results achieved and pending issues regarding the human rights clause in the ACP-EC Partnership Agreement (Cotonou) and Association and Cooperation agreements.³⁶ The EP's support for human rights conditionality in trade agreements and the importance of respecting and implementing human rights clauses was also recalled in a 2016 resolution, which pointed out the limitations of human rights clauses and monitoring mechanisms as they currently stand.³⁷

6. Use of provisions related to human rights in FTAs

The wording, scope and effectiveness of treaty provisions specifically referring to human rights in EU agreements have evolved significantly over time.³⁸ This section briefly explains the use of the clauses relevant to human rights.

6.1. The 'essential elements' clause

A method which is increasingly used – the Council's preferred method – that aims at placing respect for human rights at the centre of all treaty relations between the EU and particular partners, is to conclude 'Framework Agreements' which contain a comprehensive 'essential elements' clause, a non-execution (suspension) clause, and possibly a dispute settlement mechanism.³⁹ A Council decision of May 1995 spells out the basic modalities of this clause, with the aim of ensuring consistency in the text used and its application. As a result, a number of standard formulations have emerged in regard of the

³⁵ European Parliament, [Annual Report on Human Rights in the World in 2002 and European Union's Human Rights Policy](#), Rapporteur: Bob van den Bos, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Reference no PE 329.281, Brussels, 16 July 2003.

³⁶ European Parliament, [Proposals made by the European Parliament to the Council and the Commission in the Field of Human Rights and Democracy during the 5th Legislature \(1999-2004\): Achievements and Issues Pending](#), Reference no PE 329.361, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, 2004.

³⁷ European Parliament, [Resolution of 5 July 2016 on Implementation of the 2010 Recommendations of Parliament on Social and Environmental Standards, Human Rights and Corporate Responsibility](#), Reference no P8_TA-PROV(2016)0298, Strasbourg, 5 July 2016.

³⁸ For a brief outline of this evolution and a comparative assessment of the human rights provisions which can be found in the EU trade agreements currently in force, see Hachez, Nicolas, ['Essential Elements' Clauses in EU Trade Agreements Making Trade Work in a Way that Helps Human Rights?](#), Working Paper No 158, Leuven Centre for Global Governance Studies, KU Leuven, Leuven, April 2015, pp. 7-22.

³⁹ See Bartels, Lorand, [The European Parliament's Role in Relation to Human Rights in Trade and Investment Agreements](#), Reference no PE 433.751, Directorate B, Policy Department, Directorate General for External Policies of the Union, European Parliament, Brussels, February 2014, pp. 6-7.

various phrases of the 'essential elements' clauses.⁴⁰ Since this Council decision, the human rights clause has been included in all subsequently negotiated bilateral agreements of a general nature. These are both difficult to negotiate, as will be illustrated in the case study on the EU-Mexico Global Agreement, and to implement, and are governed by the 2009 Council Guidelines on Use in Trade Agreements.⁴¹

It is important to note that this human rights clause does not transform the basic nature of agreements, which deal with matters not directly related to the promotion of human rights. It simply constitutes a mutual reaffirmation of commonly shared values and principles, a precondition for economic and other cooperation under the agreements, and expressly allows for and regulates suspension in case of non-compliance with these values. Purely in legal terms, such a clause does not seek to establish new standards in the international protection of human rights. It merely reaffirms existing commitments which already bind all states, as well as the EU, in its capacity as a subject of international law. The basic term of reference for the human rights clause is the Universal Declaration of Human Rights, proclaimed by the UN General Assembly in 1948, which means that it is not, as such, a legally binding instrument.⁴²

6.2. The suspension clause

Coupled with including an 'essential elements' clause in agreements with third countries, EU free trade agreements have also progressively, but not systematically, adopted the practice of including 'non-execution' clauses. These spell out the EU's right to suspend or terminate an agreement for reasons connected with non-respect of human rights by the third country concerned.

These clauses allow either party to 'take appropriate measures' in case of breach by the other party, after proper consultation of that party and/or referral to a committee established by the treaty. This means that, in cases of grave human rights violations by one party, the other is allowed to immediately take measures in response. Where such measures are eventually taken after careful assessment of the particular situation in a country, the European Commission explains that it is not only important to consider the impact of the measures, but also to contemplate what conditions will govern the

⁴⁰ Bartels, Lorand, [A Model Human Rights Clause for the EU's International Trade Agreements](#), German Institute for Human Rights, Berlin and Misereor, Aachen, February 2014, p. 10.

⁴¹ For an overview of the EU's current policy and practice in relation to human rights clauses in trade agreements, see Bartels, Lorand, [The European Parliament's Role in Relation to Human Rights in Trade and Investment Agreements](#), Reference no PE 433.751, Directorate B, Policy Department, Directorate General for External Policies of the Union, European Parliament, Brussels, February 2014.

⁴² Brandtner, Barbara and Allan Rosas, [Human Rights and the External Relations of the European Community: An Analysis of Doctrine and Practice](#), *European Journal of International Law* vol. 9, 1998, pp. 474-475.

subsequent lifting of the measures.⁴³ Accordingly, the suspension clause almost always specifies that the measures chosen must be those which ‘least disturb’ the normal operation of the agreement. They also sometimes state that those measures must be ‘proportional’, making suspension of the entire agreement an unlikely outcome.⁴⁴ No mechanism is set to objectively measure when a serious violation occurs, leaving this determination to the parties’ discretion.

These clauses, however, have been invoked sparsely, and have not always led to sanctions proper but rather to consultations. The EU has initiated official consultations in accordance with the human rights clause in broad cooperation agreements regulating the trading rules between the EU and third states, affecting only developing countries.⁴⁵ However, while the suspension clause has been invoked in the framework of approximately twenty agreements since 1995 to justify restrictive measures – most notably in response to a *coup d’Etat*, flawed electoral processes, and to a lesser degree in the case of human rights and/or rule of law violations – it has never been invoked to justify restrictive trade measures.⁴⁶ Instead, negative conditionality was limited to the ‘suspension of meetings and technical cooperation programmes’.⁴⁷ This is difficult to reconcile with the Strategic Framework and Action plan statement that stipulates that ‘when faced with violations of human rights, the EU will make use of the full range of instruments at its disposal, including sanctions or

⁴³ European Commission, [Communication on the Inclusion of Respect for Democratic Principles and Human Rights in Agreements between the Community and Third Countries](#), Reference no COM(95) 216 final, Brussels, 23 May 1995, pp. 7-8.

⁴⁴ Hachez, Nicolas, [Essential Elements’ Clauses in EU Trade Agreements Making Trade Work in a Way that Helps Human Rights?](#), Working Paper No 158, Leuven Centre for Global Governance Studies, KU Leuven, Leuven, April 2015, p. 10.

⁴⁵ These countries are: Guinea-Bissau (2011, 2003 and 1999), Niger (2010, 2009, 1999 and 1996), Madagascar (2009), Guinea (2009 and 2004), Mauritania (2008 and 2005), Fiji (2007 and 2000), Togo (2004 and 1998), Central African Republic (2003), Zimbabwe (2009), Liberia (2001), Côte d’Ivoire (2001 and 2000), Haiti (2000) and Comoros (1999).

⁴⁶ The suspension of trade provisions in the 1977 EU-Syria Agreement in September 2011 are not linked to an ‘essential elements’ clause, since this particular agreement does not contain one. See European Commission, [Using EU Trade Policy to Promote Fundamental Human Rights – Current Policies and Practices](#), Non-Paper, Brussels, 2012, p. 3. Also see Saltnes, Johanne Døhlie, [The EU’s Human Rights Policy: Unpacking the Literature on the EU’s Implementation of Aid Conditionality](#), Working Paper No 2, ARENA Centre for European Studies, University of Oslo, Oslo, March 2013, p. 7.

⁴⁷ See European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, [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](#), Reference no COM(2011) 886 final, Brussels, 12 December 2011. The document mentions in its Annex II a ‘summary of the measures that may be taken in response to serious human rights violations or serious interruptions of democratic process’, and which, surprisingly, does not list the lifting of trade preferences, but mentions ‘trade embargoes’.

condemnation. The EU will step up its effort to make best use of the human rights clause in political framework agreements with third countries'.⁴⁸

Overall, the EU encourages a positive sanctions approach through dialogue with an offending government and the channelling of aid to non-government organisations, rather than total suspension of the agreement. The wording of the human rights clause has developed to reflect this approach.⁴⁹ The European Commission argues that structured exchanges on the basis of the human rights clause with third countries offer a more realistic manner of achieving the goals of the clause, rather than the application of rigid criteria for the suspension of parts of an agreement.

The EU is often accused by civil society actors and academia of not activating conditionality often enough, and of regularly letting human rights violations by partner countries go unpunished. The European Parliament has made this an issue, insisting that 'negative' conditionality mechanisms are only be credible if activated.⁵⁰

6.3. Clauses on social and labour rights

Building on the 'essential elements' clause, the EU has added core labour standards and, since 2008, 'sustainable development' chapters to its normative trade agenda. These provisions constitute a new form of conditionality and contain obligations, modelled on similar provisions in United States and Canadian free trade agreements, requiring the parties to comply with labour and environmental standards (including ILO core labour standards), and, conversely, not to use labour and environmental regulation as a means of economic protection.

The inclusion of social rights, specifically the core labour standards of the International Labour Organization (ILO), is regarded as essential to avoid the burden of heightened competition (produced by the agreement) being borne by labour and employment. In line with the ILO, the European Commission also aims to ensure that decent work conditions – defined as consisting of four areas covering productive and freely chosen work, rights at work, social protection, the social dialogue and the promotion of gender equality as horizontal objectives – are also implemented.

⁴⁸ Council of the European Union, [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), Reference no 11855/12, Luxembourg, 25 June 2012, p. 3.

⁴⁹ Miller, Vaughne, [The Human Rights Clause in the EU's External Agreements](#), Research Paper 04/33, International Affairs and Defence, House of Commons Library, London, 16 April 2004.

⁵⁰ See European Parliament, [Resolution of 4 September 2008 on the Evaluation of EU Sanctions as Part of the EU's Actions and Policies in the Area of Human Rights](#), Reference no T6-0405/2008, in which it '[c]onsiders that failure to take appropriate or restrictive measures in the event of a situation marked by persistent human rights violations seriously undermines the Union's human rights strategy, sanctions policy and credibility', para. 21.

Other social rights can also be affected by free trade agreements. Rules for foreign trade and direct investment can have immediate repercussions on the individual's right to food, housing, healthcare, education and social security. In addition, within the context of the goal of developing trade relations with a third country, often stipulated in the preamble of the agreement, raising of populations' standard of living (economic and social rights) is also incorporated.⁵¹

Insofar as social issues are concerned, the main aim of the FTA chapters is to engage partner countries in a cooperative process based on constructive dialogue and engagement, to strengthen domestic compliance with domestic and international labour standards, as set out in these fundamental Conventions, and promote the development and implementation of the ILO's decent work agenda at national level. However, some aspects of labour rights included in international instruments, such as the Universal Declaration on Human Rights, have not so far been taken up explicitly in sustainable development chapters. Where FTAs sometimes – but not systematically – go further than the WTO General System of Preferences (GSP+) is in setting specific mechanisms and structures to monitor the implementation of these provisions involving civil society representatives from both parties in those processes, and a possibility for independent and impartial arbitration by a group of experts, rather than relying on UN and ILO official reports as is the case under GSP+.⁵²

6.4. Environmental provisions

Early agreements concluded in the late 1990s limit their references to general environmental clauses, which either identify environmental issues for cooperation, or mandate the incorporation of environmental concerns into other cooperation areas (such as fisheries, transport and agriculture). This is for example the case with the EU-Chile Association Agreement. In addition, these early agreements only linked trade and the environment through a general exception clause, allowing parties to pursue environmental protection objectives through trade measures.

This 'light-touch approach', also chosen for Mexico, implies that such provisions were drafted as open-ended clauses, allowing for ongoing reassessment of environmental cooperation priorities at the implementation stage through policy dialogue. These early agreements did not therefore create a particular institution in charge of monitoring the implementation of environmental clauses, nor did they provide for environment-specific dispute settlement procedures.⁵³

⁵¹ Fierro, Elena, *The EU's Approach to Human Rights Conditionality in Practice*, Kluwer Law International, The Hague, 2003, p. 260.

⁵² European Commission, [*Using EU Trade Policy to Promote Fundamental Human Rights – Current Policies and Practices*](#), Non-Paper, Brussels, 2012, pp. 2-3.

⁵³ Jinnah, Sikina and Morgera, Elisa, Environmental Provisions in American and EU Free Trade Agreements: A Preliminary Comparison and Research Agenda, *Review of International Community & International Environment Law* 2013, vol. 22(3), p. 332.

Nevertheless, a change in approach is clearly observed in later agreements concluded since the mid-2000s, which notably include whole chapters devoted to trade and sustainable development and a focus on the domestic environmental performance of multilateral environmental agreements. In addition, climate change in particular has gradually emerged as the key cooperation priority common to most EU agreements and a distinct and ambitious area of environmental cooperation.⁵⁴

7. Evaluating human rights in EU trade agreements

There is no internationally agreed methodology for measuring the impacts of free trade agreements. Trade agreements and the implementation of human rights (economic, social, political civil and cultural rights) are seen to be divorced from each other. A disconnect exists between human rights activists and economists on this issue. Human rights activism and advocacy typically focus on the violations and deprivations suffered by individuals and social groups, but have little to say on the ways in which economic analysis and policies may contribute to these problems. Heterodox economists, on the other hand, have provided alternative analysis and policy advice, but have typically not linked this explicitly to an ethical framework. The only exception are Marxist economists.⁵⁵

Critics have argued that current trade sustainability impact assessment methodology and practice fail to yield an adequate assessment of how a given trade agreement will impact on human rights.⁵⁶ They have argued that the monitoring and enforcement of the sustainable development chapters that specifically address labour rights are particularly erratic, leading to suspicions of weak political commitment and double standards.⁵⁷

When the EU Action Plan for Human Rights and Democracy was adopted in 2012, the European Commission also committed itself to incorporating human rights in its impact assessments of trade agreements, considering that these have significant economic, social

⁵⁴ Jinnah, Sikina and Morgera, Elisa, Environmental Provisions in American and EU Free Trade Agreements: A Preliminary Comparison and Research Agenda, *Review of International Community & International Environment Law* 2013, vol. 22(3), pp. 325, 332.

⁵⁵ Balakrishnan, Radhika and Diane Elson (eds), Introduction: Economic Policies and Human Rights Obligations, in *Economic Policy and Human Rights: Holding Governments to Account*, Zed Books, London, 2011, p. 3.

⁵⁶ Bürgi Bonanomi, Elisabeth, [EU Trade Agreements and Their Impacts on Human Rights](#), Study commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ), CDE Working Paper No 1, Centre for Development and Environment, University of Bern, Switzerland, 2014, p. 9.

⁵⁷ Beke, Laura et al., [Report on the Integration of Human Rights in EU Development and Trade Policies](#), Large-Scale FP7 Collaborative Project GA No 320000: Fostering Human Rights among European Policies, Work Package No 9 – Deliverable No 1, Leuven Centre for Global Governance Studies, Leuven, September 2014.

and environmental impacts or define future policies.⁵⁸ Although the EU subsequently began to slightly adapt its social impact assessment (SIA) methodology, and aimed at defining more adequate human rights-consistent procedures, the impact assessment conducted on the EU-Chile Association Agreement did not consider the impact of the (non)-implementation of clauses relevant to human rights.

In July 2015, welcoming the Joint Communication of the High Representative of the European Union for Foreign Affairs and Security Policy and the European Commission entitled Keeping Human Rights at the Heart of the EU Agenda, the Council adopted a new Action Plan on Human Rights and Democracy for the period 2015-2019, in which it called for the inclusion of human rights in all impact assessments and explicitly referred to trade agreements (see Table 4). In order to standardise the assessment of the human rights impact of trade and investment initiatives, the European Commission developed specific guidelines for the evaluation of human rights in EU trade agreements in 2015.⁵⁹

Table 4: EU Action Plan on human rights and democracy and EU trade

Trade/Investment Policy		
Action	Timeline	Responsibility
Provide support for and strengthen effective implementation, enforcement and monitoring of GSP+ beneficiaries' commitments (relevant HR [human rights] treaties and ILO conventions), including through projects with key international bodies and civil society, including social partners.	Ongoing	EEAS, European Commission
Continue to develop a robust and methodologically sound approach to the analysis of human rights impacts of trade and investment agreements, in ex-ante impact assessments, sustainability impact assessments and ex-post evaluations; explore ways to extend the existing quantitative analysis in assessing the impact of trade and investment initiatives on human rights.	By 2017	EEAS, European Commission, Council, Member States

⁵⁸ Council of the European Union, [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), Reference no 11855/12, Luxembourg, 25 June 2012.

⁵⁹ European Commission, [Guidelines on the Analysis of Human Rights Impacts in Impact Assessments for Trade-related Policy Initiatives](#), Directorate General for Trade, Brussels, 2015.

Trade/Investment Policy		
Action	Timeline	Responsibility
EU Member States to strive to include in new or revised Bilateral Investment Treaties (BITs) that they negotiate in the future with third countries provisions related to the respect and fulfilment of human rights, including provisions on Corporate Social Responsibility, in line with those inserted in agreements negotiated at EU level.	Ongoing	Member States
Aim at systematically including in EU trade and investment agreements the respect of internationally recognised principles and guidelines on Corporate Social Responsibility, such as those contained in the OECD Guidelines for Multinational Enterprises, the UN Global Compact, the UN Guiding principles on business and human rights (UNGPs), the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and ISO 26000.	Ongoing	European Commission
Regularly review the Regulation on trade in goods that can be used for capital punishment or torture (1236/2005), and the Dual Use goods Regulation (428/2009) to mitigate the potential risks associated with the uncontrolled export of [information and communication technology] ICT products that could be used in a manner that leads to human rights violations.	Ongoing	EEAS, European Commission

Source: Council of the European Union, EU Action Plan on Human Rights and Democracy, [Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019](#), Reference no 10897/15, Brussels, 20 July 2015, p. 23.

The terms of reference for the ex-post evaluation of the EU-Mexico Free Trade Agreement commissioned by the European Commission included – for the first time – an analysis of the impact on human rights, which will become the norm for future European Commission ex-post evaluations of the EU’s trade agreements. While the principles were developed for the ex-ante impact assessments that the European Commission prepares during the negotiation of trade agreements, the approach could also be used at other points of the policy cycle, including ex-post evaluations. According to this document ‘an impact assessment should verify the existence of a problem, identify its underlying causes, assess whether EU action is needed, and analyse the advantages and disadvantages of available solutions’.⁶⁰

⁶⁰ European Commission, [Guidelines on the Analysis of Human Rights Impacts in Impact Assessments for Trade-related Policy Initiatives](#), Directorate General for Trade, Brussels, 2015, p. 2.

8. Comparative analysis of human rights provisions between the Mexican and Chilean cases

This section analyses the provisions in the EU-Mexico Global Agreement and those in the EU-Chile Agreement in an effort to identify the strengths of these clauses and find mitigating factors for their weaknesses. A comparison is also made with the Trans-Pacific Partnership Agreement (TPP), a new generation trade agreement between Pacific Rim countries, including Mexico and Chile.⁶¹ This particular trade agreement has been chosen as a benchmark because Mexico has referred to its experiences under the TPP during the ongoing negotiations on the upgrade of the EU-Mexico Global Agreement.⁶² It should be noted that newer EU FTAs also include references to international labour and environmental norms to which the parties to a given agreement have subscribed.⁶³

- **While it is standard practice to include the ‘essential elements’ (also known as democracy) clause in trade agreements, the level of commitment can vary. The provisions on democracy and human rights protection are stronger in the EU-Chile Association Agreement than in the EU-Mexico Global Agreement.** On the one hand, the EU-Mexico Global Agreement includes a basic ‘democratic clause’ that stipulates ‘[r]espect for democratic principles and fundamental human rights, proclaimed by the Universal Declaration of Human Rights, underpins the domestic and external policies of both Parties and constitutes an essential element of this Agreement.’ It is complemented by rather general cooperation provisions on human rights and democracy, which commit parties to cooperation but generate non-binding actions of cooperation.

On the other hand, the EU-Chile Association Agreement, in addition to the basic ‘democratic clause’ – the same as that in the Global Agreement – also includes in its principles that, ‘[t]he Parties reaffirm their attachment to the principle of good governance.’ The mention of good governance is significant because it is a broader concept, which according to the definition (see [section 2](#)), is seen as encompassing: the full respect of human rights; the rule of law; effective participation; multi-actor partnerships; political pluralism; transparent and accountable processes and institutions; an efficient and effective public sector; legitimacy; access to knowledge; information and education; political empowerment of people; equity; sustainability; and attitudes and values that foster responsibility, solidarity and tolerance. The EU-Central America Association Agreement also includes a more comprehensive

⁶¹ The overview of the Trans-Pacific Partnership Agreement (TPP) can be found on the webpage of the [Office of the United States Trade Representative](#), December 2016.

⁶² European Commission, [Report from the 1st Round of Negotiations for Modernising the Trade Pillar of the EU-Mexico Global Agreement](#), Brussels, 13-14 June 2016.

⁶³ For example, the Economic Partnership Agreement (EPA) signed on 10 June 2016 between the EU and the [SADC](#) EPA Group comprising Botswana, Lesotho, Mozambique, Namibia, South Africa and Swaziland.

democracy clause, which adds more explicit elements of good governance that could be of inspiration for upgrading the EU-Mexico Global Agreement. (See [Annex 2](#).)

Another way of strengthening the human rights clause would be to make it more specific, using formulations similar to those included in EU association agreements with neighbourhood countries. For instance, Article 2 of the General Principles of the EU-Georgia Association Agreement links human rights obligations to international conventions. It reads: '[r]espect for the democratic principles, human rights and fundamental freedoms, as proclaimed in the United Nations Universal Declaration of Human Rights of 1948 and as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe of 1990 shall form the basis of the domestic and external policies of the Parties and constitutes an essential element of this agreement.'⁶⁴

The same article also more clearly defines the areas of human rights that parties to the agreement are to protect: '[t]he Parties commit themselves to the rule of law, good governance, the fight against corruption, the fight against the various forms of transnational organised crime and terrorism, the promotion of sustainable development, effective multilateralism'.⁶⁵

- **New generation EU free trade agreements include a chapter on trade and sustainable development, which includes references to labour and environmental provisions that should be respected in the framework of the agreement as a whole.** This novelty was introduced in the context of the growing recognition of the linkages between trade and sustainable development. Such chapters do not exist in either the EU-Mexico Global Agreement nor in the EU-Chile Association Agreement. When outlining the European Union's external policy objectives (Article 3, paragraph 5 TEU), the Lisbon Treaty links 'fair' with 'free' trade. It also stipulates that the EU's trade policy 'shall be conducted in the context of the principles and objectives of the Union's external action' (Article 207, paragraph 1 TFEU).⁶⁶ The European Commission's Trade for All strategy also strongly emphasises 'values' and 'responsible trade'.⁶⁷

⁶⁴ [Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part](#), *Official Journal* L 261, 30 August 2014, p. 7.

⁶⁵ [Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part](#), *Official Journal* L 261, 30 August 2014, p. 8.

⁶⁶ Douma, Wybe, The Promotion of Sustainable Development through EU Trade Instruments, in Pantaleo, Luca and Mads Andenas (eds.), *The European Union as a Global Model for Trade and Investment*, Research Paper Series No 2016-02, University of Oslo, Faculty of Law Legal Studies, 2016.

⁶⁷ European Commission, [Trade for All: Towards a More Responsible Trade and Investment Policy](#), Reference no COM(2015) 497, Brussels, October 2015.

The case can be made that, in addition to general human rights clauses, human rights questions in trade can be regulated by inserting precise statements on labour standards and investor obligations in the agreement texts, in accordance with the parties' international obligations under the UN and ILO conventions. General formulations can potentially leave room for dispute over the extent to which they apply to labour and environmental standards.⁶⁸ Among the 136 countries that have included labour provisions in their trade agreements, the EU and Chile are particularly active, with Chile having willingly included labour provisions in 12 out of its 26 agreements in force.⁶⁹

- **More specifically, on social, equitable and sustainable development, the commitment made in the EU-Chile Association Agreement is stronger than that of the EU-Mexico Global Agreement.** The EU-Chile AA stipulates, as one of the binding principles, in Article 1: '[t]he promotion of sustainable economic and social development and the equitable distribution of the benefits of the Association are guiding principles for the implementation of this Agreement.' This principle is further complemented by specific non-binding provisions on cooperation in the area of sustainable development and labour and employment rights. Particularly noteworthy is the focus in the EU-Chile FTA on specific groups of workers, typically vulnerable groups of workers. It is also considered one of the most comprehensive in scope in EU FTAs, as it not only refers to employment policies for young (Article 44.4.b) and disabled workers (Article 38) but also addresses training for ethnic minorities (Articles 44.4.b and 38).⁷⁰ To the contrary, the EU-Mexico Global Agreement does not include chapters on sustainable development and labour. There is only one cooperation article (Article 36) in the Global Agreement on social affairs and poverty.

Ultimately, the results of the activities in which parties engage, on the basis of chapters on cooperation, are non-binding. In practice, Chile compared to Mexico has made more progress on social and labour reforms, although on some fronts (e.g. maternity and paternity leave) the level of reforms is comparable. Furthermore, the effects of redistribution of social benefits and lifting workers (including women) out of poverty in Chile and Mexico are also comparable and, in both cases, are quite small compared to the average effects in other OECD countries. More specifically, in Chile, 17.8 % of all women remain in poverty after accounting for taxes and transfers, a level very similar to that in Mexico, at 17.2 %, while the OECD average is around 11 %.⁷¹

⁶⁸ Schmiege, Evita, [Human Rights and Sustainability in Free Trade Agreements: Can the Cariforum-EU Economic Partnership Agreement Serve as a Model?](#), SWP Comments 24, Stiftung Wissenschaft und Politik (SWP), Berlin, May 2014, p. 6-7.

⁶⁹ International Labour Organization, *Handbook on Assessment of Labour Provisions in Trade and Investment Arrangements*, Studies on Growth and Equity, 2016 (Preprint version), pp. 10, 49.

⁷⁰ Delpech, Quentin and Franz Ebert, [Labour Market Concerns and Trade Agreements: The Case of Employment Policy Provisions](#), International Labour Office, February 2014, p. 12.

⁷¹ Organisation for Economic Cooperation and Development, [Gender Equality in the Pacific Alliance: Promoting Women's Economic Empowerment](#), OECD Publishing, Paris, 2016, pp. 23, 26.

- **The Trans-Pacific Partnership Agreement (TPP), to which both Chile and Mexico are parties, could provide fertile ground for inspiration for the modernisation of provisions related to ILO decent work standards.** The chapter on labour specifies that:
 - The TPP parties agree to adopt and maintain in their laws and practices the fundamental labour rights as recognised in the 1998 ILO Declaration, namely freedom of association and the right to collective bargaining; elimination of forced labour; abolition of child labour and a prohibition on the worst forms of child labour; and elimination of discrimination in employment. They also agree to set laws governing minimum wages, hours of work, and occupational safety and health.
 - The parties agree not to waive or derogate from laws implementing fundamental labour rights in order to attract trade or investment, and to effectively enforce their labour laws in a sustained or recurring pattern that would affect trade or investment between the TPP parties. In addition to commitments by parties to eliminate forced labour in their own countries, the labour chapter includes commitments to discourage the import of goods that are produced by forced labour or child labour, or that contain inputs produced by forced labour, regardless of whether the source country is a TPP party.
 - All TPP parties, including Chile and Mexico, commit to ensure access to fair, equitable and transparent administrative and judicial proceedings and to provide effective remedies for violations of its labour laws.

- **The TPP, to which both Chile and Mexico are parties, could also provide fertile ground for inspiration for the modernisation of provisions related to the environment.** More specifically:
 - The parties, including Chile and Mexico, agree to effectively enforce their environmental laws and not to weaken environmental laws in order to encourage trade or investment.
 - They reaffirm their commitment to implement the multilateral environmental agreements they have joined.
 - The parties commit to provide transparency in environmental decision-making, implementation and enforcement.
 - The parties also agree to encourage voluntary environmental initiatives, such as corporate social responsibility programmes.
 - Finally, the parties commit to cooperate to address matters of joint or common interest, including in the areas of conservation and sustainable use of biodiversity, and transition to low-emissions and resilient economies.

- **The TPP, to which both Chile and Mexico are parties, could also provide fertile ground for inspiration for the modernisation of provisions related to development.** Concretely:
 - TPP parties, including Mexico and Chile, seek to ensure that the agreement will constitute a high-standard model for trade and economic integration, and in particular ensure that all TPP parties can obtain the complete benefits of the TPP, are fully able to implement their commitments, and emerge as more prosperous societies with strong markets.

- Two of the areas of the development chapter for collaborative work by each party are: (a) broad-based economic growth, including sustainable development, poverty reduction, and promotion of small businesses; (b) women and economic growth, including helping women build capacity and skill, enhancing women's access to markets, obtaining technology and financing, establishing women's leadership networks, and identifying best practices in workplace flexibility.
 - The chapter on development establishes a TPP Development Committee that will meet regularly to promote voluntary cooperative work in these areas and new opportunities as they arise.
- **In the case of Mexico, where rampant cartel violence has been linked to the corruption of officials working for the security forces, the TPP chapter on transparency and anti-corruption could prove to be useful for the EU-Mexico Global Agreement.** More specifically, the transparency and anti-corruption chapter specifies:
 - TPP parties, including Mexico and Chile, need to ensure that their laws, regulations, and administrative rulings of general application with respect to any matter covered by the TPP are publicly available and that, to the extent possible, regulations that are likely to affect trade or investment between the parties are subject to notice and comment.
 - TPP parties agree to ensure certain due process rights for TPP stakeholders in connection with administrative proceedings, including prompt review through impartial judicial or administrative tribunals or procedures. They also agree to adopt or maintain laws criminalising offering to, or solicitation of, undue advantages by a public official, as well as other acts of corruption affecting international trade or investment.
 - Parties also commit to effectively enforce their anticorruption laws and regulations. In addition, they agree to endeavour to adopt or maintain codes or standards of conduct for their public officials, as well as measures to identify and manage conflicts of interest, to increase training of public officials, to take steps to discourage gifts, to facilitate reporting of acts of corruption, and to provide for disciplinary or other measures for public officials engaging in acts of corruption.
 - **The TPP also includes more forceful mechanisms for the monitoring of the implementation of the labour and environment chapters that could be considered during the upgrade of the Global Agreement and the EU-Chile AA.** The dispute settlement mechanism (Article 50) in the EU-Mexico Global Agreement is only relevant to issues pertaining directly to trade and not the FTA's social impact, and by extension, impact on the human rights situation in Mexico. The provision on dispute settlement scope (Article 182) in the EU-Chile AA is more developed, but also tackles 'trade and trade related matters' only. Thus, even if at the time of its negotiation the EU agreement with Chile was considered 'the most innovative and ambitious results ever negotiated by the EU' because of the strong and detailed institutional structure to prevent or settle

disputes between the parties, the monitoring mechanisms the TPP proposes could be relevant.⁷² More concretely, the TPP specifies that:

- The **commitments in the labour chapter** are subject to the dispute settlement procedures laid out in the dispute settlement chapter. The labour chapter establishes a mechanism for cooperation on labour issues, including opportunities for stakeholder input in identifying areas of cooperation and participation, as appropriate and jointly agreed, in cooperative activities.
 - An **Environment Committee is established to oversee chapter implementation**. The parties also commit to provide opportunities for public input in the implementation of the environment chapter, including through public submissions and public sessions of the Environment Committee. The chapter is subject to the dispute settlement procedure laid out in the dispute settlement chapter.
- **While the introduction of labour rights chapters in trade agreements is welcomed, it is essential that ILO decent work standards are enforceable.** As these currently stand, the EU lags behind in the enforcement of guaranteed rights in international agreements.⁷³ The European Economic and Social Committee (ESSC) calls for 'parties to ratify and enforce the ILO conventions and resolutions on fundamental social rights and principles, which encompass the ILO 'decent work' objectives, and particularly, ILO Convention 98 on the application of the principles of the right to organise and collective bargaining.'⁷⁴ Specific and enforceable provisions would also facilitate ex-post monitoring in that they ensure compliance with human rights obligations.⁷⁵ In support of this option, a recent ILO assessment of labour provisions in trade and investment agreements found that labour provisions ease labour market access, in particular for working age women; they impact on the narrowing of the gender wage gap; and they do not divert or decrease trade flows.⁷⁶

⁷² Szepesi, Stefan, [Comparing EU Free Trade Agreements Dispute Settlement](#), European Centre for Development Policy Management, Maastricht, July 2004.

⁷³ Carr, Liina (ETUC Confederal Secretary), *Presentation at INTA Public Hearing titled 'EU's Future Trade and Investment Strategy'*, Brussels, 12 November 2015.

⁷⁴ [Opinion of the Economic and Social Committee on the Revision of the EU-Mexico Association Agreement \(Own-Initiative Opinion\)](#), *Official Journal C 13*, 15 January 2016, pp. 121-127.

⁷⁵ Bürgi Bonanomi, Elisabeth, [EU Trade Agreements and Their Impacts on Human Rights](#), Study commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ), CDE Working Paper No 1, Centre for Development and Environment (CDE), University of Bern, Switzerland, 2014, p. 7.

⁷⁶ International Labour Organization, *Handbook on Assessment of Labour Provisions in Trade and Investment Arrangements*, Studies on Growth and Equity, 2016 (Preprint version).

9. Lessons identified from the case studies

- **The importance of political dialogue and engagement with third countries.** Since the negotiation of the EU agreements with Mexico and Chile, there has been consensus among European partners that engagement is the best way to assist, promote and encourage these countries to engage in the necessary reforms for human rights protection. Political engagement and partnership, with the cooperation that has entailed, has provided Mexico with the incentives to move forward on necessary human rights reforms. Similarly, the EU-Chile Association Agreement and the pressure it places on human rights protection have encouraged Chile to undertake the reforms necessary to tackle the legacy of the military dictatorship of 1973-1990. The approach chosen, which entails using incentives rather than sanctions, appears to have helped push forward with necessary institutional and legislative reforms. However, further work is still needed in Mexico to implement the laws adopted.

Experts have not conclusively demonstrated whether such incentives are really effective, nor when they should be offered. They argue, nonetheless, that sanctions or fines can do little to increase the targeted country's commitment to human rights over time, to build demand for human rights, or to train governments in how to respect human rights.⁷⁷ In that context, the sanction provisions in both the EU-Mexico and the EU-Chile agreements are vague and stipulate that sanctions that might be taken by the Council in the event of a breach of Article 1 should be 'appropriate measures' that would 'be taken in accordance with international law'.

- **The importance of conditionality and a targeted approach.** The EU can increase the effectiveness of its external action in two ways: by formulating and applying the conditions linked to assistance in an unambiguous manner, and by deciding on a country-by-country basis which instruments should be used. Many external policy instruments adopt an incentive-based approach in which respect for human rights, democracy, and the rule of law play a major role. EU local representatives, particularly the relevant desk officers in the EU Delegations in Santiago and Mexico City could be key partners, both for defining the conditionality tools but also in participating in ex-post monitoring/evaluation. EU Delegation involvement not only provides a greater sense of legitimacy to the exercise, but may be necessary to persuade some stakeholders – particularly national government and business – to engage in necessary reforms. Similarly, international or local partner organisations (such as the ILO) can provide important assistance, including with respect to meeting arrangements, and provide greater legitimacy or neutrality to the exercise in the eyes of stakeholders.⁷⁸

⁷⁷ Ariel Aaronson, Susan, Chapter 21 - Human Rights, in Jean-Pierre Chauffour and Jean-Christophe Maur (eds), *Preferential Trade Agreements Policies for Development: A Handbook*, World Bank, Washington, DC, June 2011, p. 446.

⁷⁸ Newitt, Kirsten and Steve Gibbons, *Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms*, Final Report for Directorate General for Employment, Social Affairs and Inclusion, European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, p. 13.

- **The complementarity and parallel use of the different instruments that the EU has at its disposal, rather than the effects of the EU's trade agreements per se, has resulted in Mexico and Chile undertaking human rights reforms.** In both agreements, the inclusion of more detailed provisions concerning human rights cooperation, including the possibility to establish dedicated human rights dialogues, has boosted reform efforts. However, in addition to these, the 2010 Joint Executive Plan, falling under the Strategic Partnership, has established commitments to collaborate on the ILO decent work agenda and then included activities such as occupational safety and health. Furthermore, a number of other actors are involved in providing technical assistance on human rights related issues, whether the rights of minorities, gender equality, or other governance aspects (e.g. demilitarisation of the police in Mexico). For example, the Office of the United Nations High Commissioner for Human Rights (OHCHR), which is funding human rights programmes developed in Jalisco, Oaxaca and Baja California through a participatory process involving local authorities, civil society organisations and academics.⁷⁹
- **Political declarations are important to maintain partner accountability.** More pressure could be put on Mexico at the level of the Joint Council and the Joint Committee to encourage the authorities to commit to the implementation of important human rights reforms, especially at state level. At the regional level, for example, the EU-CELAC (Latin America and Caribbean) Summit held on 26-27 January 2013 in Santiago de Chile saw the participating States reiterate their commitment to respect human rights as enshrined in the international conventions. They acknowledged the need to improve practical application of labour standards and working conditions, including health and safety at work, in line with the principles of the ILO conventions.⁸⁰
- **The use of stronger monitoring mechanisms.** In lieu of strengthening sanctions and the suspension of trade agreements, experts suggest the following ways of strengthening human rights monitoring:⁸¹
 - the creation of a mechanism for periodic human rights impact assessments;
 - the establishment of a mechanism for civil society to bring complaints to the parties to initiate an investigation by the European Commission into human rights issues arising under the agreement.
 - the creation of a permanent human rights committee with a mandate to consider the compliance of the parties with their human rights obligations under the agreement;

In line with this last recommendation, the European Parliament called on the European Commission and the Council 'to consider the inclusion of a committee for human rights

⁷⁹ Office of the United Nations High Commissioner for Human Rights, [OHCHR in the Field: Americas](#), in *OHCHR Report 2014*, not dated, p. 197.

⁸⁰ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 57.

⁸¹ Bartels, Lorand, [A Model Human Rights Clause for the EU's International Trade Agreements](#), German Institute for Human Rights, Berlin and MISEREOR, Aachen, February 2014, p. 9.

in all EU trade agreements in order to ensure serious and systematic follow-up on human rights issues in relation to the agreement. [...] This recommendation stem[med] from the consideration that, so far, current clauses have had a limited impact on the fulfilment of [human rights] HR obligations and commitments'.⁸² In refusing this recommendation, the European Commission argued that it 'considers that the implementation of essential elements clauses is best overseen in the framework of the institutional bodies established under the political agreements themselves. These provide for a comprehensive and structured channel to discuss with partner countries any human rights issue, including those that may emerge in connection to trade. The creation of additional human rights committees in trade agreements would duplicate these structures.'⁸³

- **The evaluation of human rights is still insufficiently considered in the ex-post impact assessments prepared by/for the European Commission on EU trade agreements.** The evaluation of the EU-Chile Association Agreement commissioned by the European Commission in 2012 did not include a human rights dimension.⁸⁴ While the evaluation of the EU-Mexico Global Agreement contained a human rights dimension in the interim report – the final report not being publicly available – it is insufficiently developed.⁸⁵ Experts argue that the inclusion of a clear assessment of human rights aspects would strengthen the legitimacy of trade agreements. The upcoming new generation of trade agreements include some interesting first attempts to capture human rights impacts. However, these attempts do not yet follow a methodology that would enable comprehensive integration of human rights concerns, despite the existence of DG Trade guidelines on this issue.⁸⁶ It is suggested that the experience of NGO/civil society actors that conduct human rights impact assessments, also be taken into consideration.⁸⁷

⁸² Paragraph 20(c), in European Parliament, [Resolution of 5 July 2016 on Implementation of the 2010 Recommendations of Parliament on Social and Environmental Standards, Human Rights and Corporate Responsibility](#), Reference no P8_TA-PROV(2016)0298, Strasbourg, 5 July 2016, pp. 9-10.

⁸³ European Commission, *Follow up to the European Parliament Resolution on Implementation of the 2010 Recommendations of Parliament on Social and Environmental Standards, Human Rights and Corporate Responsibility, Adopted by the Commission on 16 November 2016*, Brussels, 16 November 2016.

⁸⁴ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012.

⁸⁵ Ecorys, [Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report](#), Report prepared by Directorate General for Trade, European Commission, Rotterdam, The Netherlands, 11 May 2015.

⁸⁶ European Commission, [Guidelines on the Analysis of Human Rights Impacts in Impact Assessments for Trade-related Policy Initiatives](#), Directorate General for Trade, 2 July 2015.

⁸⁷ Beke, Laura et al., [Report on the Integration of Human Rights in EU Development and Trade Policies](#), Large-Scale FP7 Collaborative Project GA No 320000: Fostering Human Rights among European Policies, Work Package No 9 – Deliverable No 1, Leuven Centre for Global Governance Studies, Leuven, September 2014, p. 25.

- **Ensuring substantive (not only substantial) participation of civil society in the monitoring of the EU-Mexico Global Agreement and the EU-Chile AA.** An important aspect of trade agreement monitoring mechanisms is civil society participation in joint consultative structures to monitor the implementation of the agreements' provisions relevant to the social agenda. Admittedly, mechanisms for monitoring international trade agreements by consulting civil society organisations were created and reinforced over the life of the two agreements, both in Chile and in Mexico. Furthermore, in the area of trade, the European Commission has set mechanisms for regular meetings with European civil society through the Civil Society Dialogue (CSD), which included 381 civil society organisations as of July 2014. The CSD contact group, an informal steering body composed of 10 to 15 organisations that represent the different CSD constituencies, acts as the interface between DG Trade of the European Commission and civil society organisations. It is not clear, however, whether and to what extent the consultative role of civil society feeds into the policy-making.
- **Building stronger regional policies in favour of social justice and human rights protection is key.** Regional cooperation has been key in Latin America for promoting gender equality, either through the adoption of regional standards for the investigation of crimes of violence against women, comprehensive care for victims of violence, or social insertion and employment of women prisoners, thereby achieving significant progress. Accordingly, the European Commission has consistently aimed to support policies on the prevention of violence through interventions on public security both at the national and local levels, as well as fighting inequality and its impacts on social cohesion.⁸⁸ Regional cooperation should also be maintained and boosted for its potential to help further develop south-south cooperation.⁸⁹
- **The protection of human rights is ultimately linked to the political commitment of third countries towards their citizens. In that sense, the EU's influence will always have its limits on policies linked to democratisation policies, which intrinsically touch on issues of sovereignty.** The Global Agreement is only one instrument for the EU to assist Mexico in promoting human rights. Its limitations are addressed to a certain degree through the Strategic Partnership the EU has signed with Mexico, but also through the EU-LAC interregional partnership, which has specific coordination mechanisms for addressing human rights challenges.⁹⁰ Equally, the impact of other FTAs signed by both Mexico and Chile, the cumulative effect of the opening of their markets, and the role of other international organisations and global/regional players,

⁸⁸ Butkeviciene, Jolita, Editorial: Acceso a la Justicia y prevención de la violencia, pilares de una sociedad cohesionada, [Justys - La Revista de Justicia y Seguridad Ciudadana de EUROsocial II](#), October 2015, p. 3.

⁸⁹ European Commission, *Regional (Continental) Programmes, Latin America, General Overview*, Brussels, May 2016.

⁹⁰ On fighting drug crime, for example, the EU-LAC established the Cooperation and Coordination Mechanism on Drugs (since 1999) and the EU-CAN High Level Specialised Dialogue in Drugs (since 1995).

play a role in supporting and encouraging the two countries to carry out necessary human rights reforms.

CASE STUDY 1:

Assessing human rights related clauses in the EU-Mexico Global Agreement

Executive summary

The European Union-Mexico Economic Partnership, Political Cooperation and Cooperation Agreement (known as the 'Global Agreement'), also established a Free Trade Agreement (FTA). To safeguard respect for fundamental human rights, it includes a standard democracy clause and an article on cooperation on human rights related issues. In case of a breach of the democracy clause, the Global Agreement contains a sanctioning clause, which has never been invoked. Rather, political dialogue was used to tackle the recurrent violations of human rights in Mexico. This study shows that:

1. It is difficult to establish a causal link between the EU-Mexico FTA and the human rights situation in Mexico. This is because the potential effects of the human rights related clauses in the EU FTA cannot be isolated from the effects of such clauses contained in other FTAs Mexico has signed – particularly the NAFTA side agreements. Moreover, the Mexican authorities may have adopted reforms to protect human rights in the country on their own initiative, to improve the business climate in Mexico. These decisions are unrelated to the FTAs they have signed (including the EU-Mexico FTA).

2. While Mexican governments have engaged in legislative reforms over the years (especially at federal level) to protect human rights, their implementation has been slow, particularly at state level. Although the cartel violence that affected the formal economy has fallen since 2012, it remains worse than in 2003 and far from being under control. The Global Agreement has not provided any leverage on labour reforms, since it does not contain any obligation on the parties to comply with international labour provisions. The difficulties in delivering reforms on labour legislation in Mexico are therefore largely attributable to domestic politics. These challenges have negatively impacted capitalising on the potential for a transition to a green economy in Mexico. Again, the initiatives that the Mexican government has taken (or not taken) on social dialogue and social protection, have effected change, rather than the clauses in the Global Agreement. The impact of trade liberalisation on tackling inequality and poverty, especially indigenous peoples' and women's rights, has also been modest.

3. The EU-Mexico FTA monitoring framework is rather comprehensive in general terms, but has insufficiently considered respect for human rights. Initiatives and discussions on human rights protection have primarily taken place through the EU-Mexico Joint Parliamentary Committee, the High Level Dialogues (on Human Rights, and on Law and Law Enforcement), the European Delegation's activities, and the EU-Mexico Joint Council and Joint Committee meetings. The latter, however, have mainly concentrated on the economic benefits to each party and benefits to business, rather than on the Global Agreement's impact and the impact trade liberalisation may have had on society at large, and on respect for human rights more specifically.

4. The Global Agreement appears to have had more positive implications on human rights when it has acted as a path-finder for further partnerships, which **boost Mexico's standing as an actor on the world stage.** The incentives for cooperation included in the Global Agreement have thus functioned in favour of the potential improvement of human rights conditions in Mexico.

10. The EU-Mexico Global Agreement and human rights

10.1. Introduction

On 8 December 1997, the European Union (EU) and Mexico signed an Economic Partnership, Political Cooperation and Cooperation Agreement (known as the 'Global Agreement'), which entered into force on 1 October 2000.⁹¹ This agreement included trade provisions, developed in a Free Trade Agreement (FTA), placing bilateral trade relations in a preferential framework that would enhance bilateral economic ties between the EU and Mexico. More specifically, pending the ratification of the Global Agreement, the parties decided to speed up the liberalisation process by signing an Interim Agreement⁹² on the same day (8 December 1997), which exclusively contains trade and trade-related provisions, and entered into force on 1 July 1998. In this context, the EU-Mexico Joint Council adopted the two decisions implementing the liberalisation of trade in goods and services (respectively on 1 July 2000⁹³ and on 1 March 2001⁹⁴).

The Global Agreement is of paramount importance to both parties: it was the most comprehensive trade agreement ever signed by the EU, the first to create a free trade area, and its first transatlantic free trade accord, including its first partnership agreement with a country in Latin America. In contrast to other agreements in the Western Hemisphere – and particularly the 1994 North American Free Trade Agreement (NAFTA) between Mexico, Canada and the United States of America (USA) – the Global Agreement went beyond the liberalisation of trade, to institutionalise political dialogue and broaden cooperation between the EU and Mexico.

Complementing the Global Agreement, the EU signed a Strategic Partnership with Mexico in 2008, which further expanded cooperation by introducing new regular high-level dialogue areas, among others, multilateral issues, security and law enforcement, and

⁹¹ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal* L 276, 28 October 2000, pp. 45-61.

⁹² [Interim Agreement on Trade and Trade-related Matters between the European Community, of the one part, and the United Mexican States, of the other part](#), *Official Journal* L 226, 13 August 1998, pp. 25-30; [Council Decision of 29 June 1998 concerning the Conclusion of the Interim Agreement on Trade and Trade-related Matters between the European Community, of the one part, and the United Mexican States, of the other part](#), *Official Journal* L 226, 13 August 1998, p. 24.

⁹³ EU-Mexico Joint Council, [Decision No 2/2000 of the EC-Mexico Joint Council of 23 March 2000 \(2000/415/EC\) - EU- Mexico Agreement on the Free Trade of Goods](#), *Official Journal* L 157, 30 June 2000, pp. 10-28.

⁹⁴ EU-Mexico Joint Council, [Decision No 2/2001 of the EU-Mexico Joint Council of 27 February 2001 Implementing Articles 6, 9, 12\(2\)\(b\) and 50 of the Economic Partnership, Political Coordination and Cooperation Agreement \(2001/153/EC\) - EU Mexico Agreement on the Free Trade of Services](#), *Official Journal* L 70, 12 March 2001, pp. 7-50.

human rights.⁹⁵ It therefore offered the explicit potential to intensify interchanges between the EU and Mexico on human rights, stipulated in the Global Agreement.⁹⁶

10.1.1. Human rights related provisions in the Global Agreement

The EU-Mexico Global Agreement was the first agreement in which Mexico accepted to condition its trade relationship on respect for democracy and human rights by including a standard democratic clause.⁹⁷ More precisely, Article 1 of the Global Agreement (see [Annex 1](#)) stipulates: ‘Respect for democratic principles and fundamental human rights, proclaimed by the Universal Declaration of Human Rights, underpins the domestic and external policies of both Parties and constitutes an essential element of this Agreement.’⁹⁸ This clause is reinforced by Article 39 on ‘Cooperation on human rights and democracy’ (see [Annex 1](#)), which establishes cooperation in this field to promote the principles referred to in Article 1. It specifies that cooperation, which will be carried out between the two parties as well as ‘bodies responsible for monitoring and encouraging the observance of human rights’ – analysed in [section 14](#) – shall focus on:

- a) the development of civil society by means of education, training and public awareness programmes;
- b) training and information measures designed to help institutions function more effectively and to strengthen the rule of law;
- c) the promotion of human rights and democratic principles.’

The Global Agreement also provides for the suspension of trade relations in case of human rights violations. Article 58 states that if there is a ‘breach of the essential elements of the Agreement referred to in Article 1’ by one party, then the other party may take measures against it, respecting international law and giving ‘priority [...] to those measures which least disturb the functioning of this Agreement’ (see [Annex 1](#)). The insertion of such a clause was, at the time, an innovative feature and marked the beginning of increased focus on human rights in EU trade agreements. In practice, however, this clause has never been invoked, despite observed human rights violations, as described in this study.

⁹⁵ European Commission, [Communication from the Commission to the Council and the European Parliament, Towards an EU-Mexico Strategic Partnership](#), Reference no COM(2008) 447 final, Brussels, 15 July 2008.

⁹⁶ European Commission, [Communication from the Commission to the Council and the European Parliament, Towards an EU-Mexico Strategic Partnership](#), Reference no COM(2008) 447 final, Brussels, 15 July 2008; Council of the European Union, [Mexico-European Union Strategic Partnership Joint Executive Plan](#), Reference no 9820/10, PRESSE 126, Comillas, 16 May 2010.

⁹⁷ Szymanski, Marcela and Michael E. Smith, *Coherence and Conditionality in European Foreign Policy: Negotiating the EU-Mexico Global Agreement*, (unpublished paper presented at the European Union Studies Association, Madison, WI), 1 June 2001.

⁹⁸ The language used is exactly the same as in the Interim Agreement, which is no more in force. Article 16 of the Interim Agreement stipulates that ‘this Agreement shall be applicable until the entry into force of the Global Agreement signed on 8 December 1997’.

Moreover, human rights are also included in the Articles of Exceptions in the Decisions of the European Union-Mexico Joint Council. Specifically, Decision No 2/2001 refers to the rights to health, life, liberty and security, protection of personal data, the right to work, the right to fair and just working conditions (Article 27 on exceptions).⁹⁹ In addition to these rights, which are also mentioned in Decision No 2/2000, this decision additionally mentions the right to a clean environment in Article 22 on general exceptions to the Title on free movement of goods, and in Article 34 on exceptions to the Title on government procurement.¹⁰⁰

10.1.2. Negotiation of human rights related provisions in the Global Agreement

The inclusion of a human rights dimension in the agreement was the result of EU insistence, which succeeded in overcoming Mexico's reticence. In June 1996, a year before the agreement's signature, Mexico and the European Commission had agreed on the terms of the pact, but the EU Council rejected the deal on the grounds that Mexico had removed the standard human rights and democracy clause from the agreement. Mexico had objected to the clause's inclusion, which touched on domestic policies, since its implementation would be open to EU evaluation.

While negotiating teams were agreeing on a text, Members of the European Parliament focused their attention on the numerous allegations of human rights abuses made by Mexican and international NGOs regarding discrepancies in the rule of law, and the need for an enquiry into 'the massacre of 45 indigenous peasants by paramilitary groups in Acteal in the State of Chiapas' in December 1997.¹⁰¹ As early as 1995, the EP called for the inclusion of 'a democratic clause whereby the applicability of the agreement would be conditional on the parties' respect for the fundamental principles of a democratic state founded on the rule of law, particularly respect of human rights'.¹⁰² The EP Committee on External Economic Relations, the Committee on Foreign Affairs, Security and Defence Policy, and the Committee on Development and Cooperation had urged the EU Council of Ministers, before the agreement entered into force, to ensure that funds on democracy and

⁹⁹ EU-Mexico Joint Council, [Decision No 2/2001 of the EU-Mexico Joint Council of 27 February 2001 Implementing Articles 6, 9, 12\(2\)\(b\) and 50 of the Economic Partnership, Political Coordination and Cooperation Agreement \(2001/153/EC\) - EU Mexico Agreement on the Free Trade of Services](#), *Official Journal* L 70, 12 March 2001, pp. 7-50.

¹⁰⁰ EU-Mexico Joint Council, [Decision No 2/2000 of the EC-Mexico Joint Council of 23 March 2000 \(2000/415/EC\) - EU- Mexico Agreement on the Free Trade of Goods](#), *Official Journal* L 157, 30 June 2000, pp. 10-28.

¹⁰¹ European Parliament, [Resolution of 15 January 1998 on the Murder of 45 Indigenous Peasants in the State of Chiapas, Mexico](#), Reference no T4-0033/1998, Strasbourg, 15 January 1998.

¹⁰² European Parliament, [Resolution of 17 November 1995 on EU/Mexico Relations: Closer Relations](#), Reference no T4-0571/1995, Strasbourg, 17 November 1995.

human rights projects would become available at the same time as the agreement became effective.¹⁰³

Specific to the EU-Mexico FTA – compared to NAFTA, signed in 1994 between Mexico, Canada and the United States of America – was that it also included institutionalised political dialogue and broadened cooperation on a range of different areas.¹⁰⁴ In fact, in 1998, the European Parliament had already urged the Council to take steps to ensure that explicit attention was paid to human rights during the annual meetings of the Joint Committee, which reviews the implementation of the Global Agreement.¹⁰⁵ In that regard, challenges in ensuring protection of human rights have not only been a part of a political agenda, but also a component of cooperation with a multilateral, regional, and bilateral dimension.

As relations between the EU and Mexico are gradually strengthened, so are opportunities to reinforce the monitoring of the implementation of the clauses related to human rights. In this spirit, at the seventh EU-Mexico Summit in Brussels on 12 June 2015, the leaders of the EU and Mexico agreed to foster a closer and stronger strategic partnership by launching the process for negotiations to modernise the EU-Mexico Global Agreement. In so doing, they also committed to strengthening political dialogue on global and regional issues of common concern, such as reinforcing security, countering the global illicit drug trade and the fight against transnational organised crime, as well as protecting human rights.

10.2. Objectives and structure

In this context, and in line with the request to the European Parliamentary Research Service by the Committee on International Trade (INTA) and the Subcommittee on Human Rights (DROI), Case Study 1 evaluates how the EU-Mexico FTA has impacted on Mexico's human rights performance, and consequently on the state of democracy and poverty alleviation in the country. This evaluation is carried out in full recognition of two important variables:

- Firstly, the influence of other trade agreements signed by Mexico and particularly the signature of the 1994 NAFTA with the United States and Canada. Beyond the fact that the United States is Mexico's biggest source of imports and biggest export market (examined in [section 11](#)), NAFTA also includes human rights provisions in the form of additional chapters and language focused on encouraging transparency (access to information) and public participation, as well as a side agreement on labour rights.

¹⁰³ Szymanski, Marcela and Jean Paul Marthoz, [México y los Derechos Humanos, Puesta en Escena Internacional](#), not dated.

¹⁰⁴ Domínguez, Roberto and Monica Velasco Pufleau, [The Modernisation of the European Union-Mexico 'Global Agreement'](#), Reference no PE 534.985, Policy Department, Directorate B, Directorate General for External Policies of the Union, European Parliament, Brussels, January 2015, p. 11.

¹⁰⁵ Human Rights Watch, Chapter IX. The Role of the International Community in *Systemic Injustice: Torture, "Disappearance", and Extrajudicial Execution in Mexico*, New York/London, January 1999, pp. 120-121.

These obligations go beyond the provisions of the General Agreement on Tariffs and Trade (GATT) and its successor organisation, the World Trade Organization (WTO+). Moreover, NAFTA leaders meet regularly, and human rights and the rule of law have become important elements of their discussions. While the United States is selective in the human rights it advocates, the provisions on progress on governance that aim to protect foreign investors have had human rights spill-overs (increased transparency, greater even-handedness, and the promotion of due process rules).¹⁰⁶ It is therefore particularly difficult to disaggregate the potential effect the EU's clauses relevant to human rights may have had on the human rights situation in Mexico, from that of the clauses included in NAFTA and its side agreements.

- Secondly, one cannot disregard that the Mexican government may have unilaterally (and independently of any of the above-mentioned international agreements) adopted reforms to protect human rights in the country, control cartel violence, and improve the rule of law governance in Mexico. Such good governance reforms would likely improve the business climate in the country, as stable and transparent institutions would encourage investors' trust in the Mexican market. Reforms may therefore have been carried out on the Mexican government's own initiative and are not linked to the clauses relevant to human rights included in the EU-Mexico Global Agreement.

Given these circumstances, it is difficult to establish a clear link – let alone a causal link – between the EU-Mexico FTA and human rights reforms and their implementation in Mexico. On a similar, yet slightly more optimistic note, the interim evaluation report¹⁰⁷ of the EU-Mexico FTA carried out for the European Commission states that given 'the relatively small but largely positive changes identified in the economic and social analysis, effects of the FTA on human rights are not found to be large, and where there are effects, these are mostly positive'.¹⁰⁸

The study uses the 2012 EU Strategic Framework on Human Rights and Democracy and accompanying Action Plan (2015-2019) to implement this framework, as a starting point.¹⁰⁹ While not legally binding, the EU Guidelines on Human Rights are used as reference when assessing the extent to which the Mexican legislative and institutional apparatus is able to protect human rights in the country. These guidelines provide practical instructions, among other issues, on the dialogues on human rights, the rights of the child, the protection

¹⁰⁶ Ariel Aaronson, Susan, Chapter 21 - Human Rights, in Jean-Pierre Chauffour and Jean-Christophe Maur (eds), *Preferential Trade Agreements Policies for Development: A Handbook*, Washington, DC: World Bank, June 2011, pp. 429, 441.

¹⁰⁷ At the time of the writing of this study, the final report of this evaluation had not been finalised by the European Commission's contractor.

¹⁰⁸ Ecorys, *Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report*, Report prepared for Directorate General for Trade, European Commission, Rotterdam, The Netherlands, 11 May 2015, p. 10.

¹⁰⁹ Council of the European Union, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, Reference no 11855/12, Luxembourg, 25 June 2012; Council of the European Union, *EU Action Plan on Human Rights and Democracy*, Brussels, 2015.

of human rights defenders, women and girls, and the safeguarding of freedom of expression. Also, this study concentrates on aspects of human rights that are linked to the economic well-being of the Mexican population and which may impact on poverty and inequality, especially when considering the rights of indigenous peoples and women. In order to limit the study of human rights to those rights that are relevant to the EU-Mexico FTA, the report focuses on examining aspects of the four strategic pillars of the decent work agenda – that is, full and productive employment, rights at work, social protection and the promotion of social dialogue – to the degree that they are covered in the provisions of the Global Agreement.¹¹⁰

Case Study 1 firstly sketches out the economic benefits of the EU-Mexico trade for Mexico and then analyses the political and institutional reforms adopted in Mexico in favour of protection of human rights, including environmental jobs, labour and employment, indigenous peoples' rights and women's rights. The study goes on to critically assess whether this governance framework, and instruments created in Mexico, effectively protect human rights. The study also evaluates the monitoring framework and mechanisms that have been set up as a result of the EU-Mexico Global Agreement for monitoring its implementation, as well as the EU financing and tools that have been mobilised in support of protection of human rights in Mexico, to assess whether it has gone far enough in accomplishing its objectives and whether they have responded to EP human rights concerns in the country.

11. Snapshot of economic benefits of the EU-Mexico FTA

Although assessing the economic benefits of the EU-Mexico FTA is beyond the remit of this study, it is worth providing an overview of the noteworthy progress that Mexico has achieved. While it is not always possible to ascertain a causal link between the EU FTA with Mexico and the evolution of human rights protection in Mexico, it is clear that trade liberalisation (of which the EU-Mexico FTA is part) has impacted on the human rights situation in the country.

Mexico is a rapidly developing economy, having successfully implemented many deep reforms and opened up its economy via its memberships of the WTO, NAFTA, and the Asia-Pacific Economic Cooperation (APEC), among others. It is the most prolific signatory to trade agreements among Latin American countries, with a total of 20 trade agreements with third parties (both regional blocks and individual countries). Most of Mexico's trade is with countries with which it has trade agreements: the EU-Mexico FTA represents 8.1 % of Mexico's total trade and 12.4 % of its total foreign direct investment. To contextualise

¹¹⁰ International Labour Organization, [Decent Work Indicators: Concepts and Definitions](#), ILO Manual, First version, Geneva, May 2012.

this figure and the potential impact of the FTA, it is worth noting that NAFTA represents 67 % of Mexico's total trade and 54.9 % of its total foreign direct investment.¹¹¹

Mexico's economic development is closely linked to political instability in the country, particularly cartel violence, the ramifications of which will be analysed later in this part of this study. Although it is difficult to accurately measure whether reductions in violence have had a positive impact on the economy, the World Bank has attempted to demonstrate this by comparing Mexico's share of global economic growth prior to the drug war (1990-1999), during the period that includes the drug war (2000-2009), and for the last four-year period of available data (2010-2013), finding that:¹¹²

- between 1990 and 1999, Mexico was the 9th largest contributor to global economic growth;
- between 2000 and 2009, Mexico was the 15th largest contributor to global economic growth;
- for the years 2010 to 2013, Mexico was the 12th largest contributor to global economic growth.

Since the entry into force of the trade pillar of the Global Agreement, EU-Mexico trade has nearly doubled, with EU-Mexico trade passing from €21.7 billion in 2000 to €47.1 billion in 2014 and representing 8 % of Mexico's total foreign trade. More specifically, EU imports from Mexico amounted to over €18 billion, and EU exports to Mexico reached a value of more than €28 billion.¹¹³ This ranks Mexico as the EU's 17th largest trading partner, accounting for 1 % of the EU's total imports and 1.7 % of the EU's total exports. While these figures are still below Mexico's 2 % share of world GDP, the European Union is Mexico's third largest trading partner after the United States and China. It is important to point out that Mexico is nonetheless economically dependent on the United States, since the country continues to follow the US business cycle. In 2014 (to compare with the data above), the USA alone accounted for 64 % of Mexico's foreign trade, with the USA accounting for 80 % of Mexican exports and 51 % of Mexican imports.¹¹⁴

Moreover, the European Union has made substantial direct investments in Mexico (€11 138 billion in 2008-2012 alone) and by Mexico in the European Union (particularly in sectors such as cement, telecommunications and foodstuffs). Generally speaking, Mexico has signed bilateral investment protection treaties with all the countries of the European Union, including a bilateral agreement between Mexico and the European Investment Bank to fund activities in Mexico, which has meant that credit facilities amounting to

¹¹¹ Ecorys, *Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report*, Report prepared for Directorate General for Trade, European Commission, Rotterdam, The Netherlands, 11 May 2015, pp. 34-36.

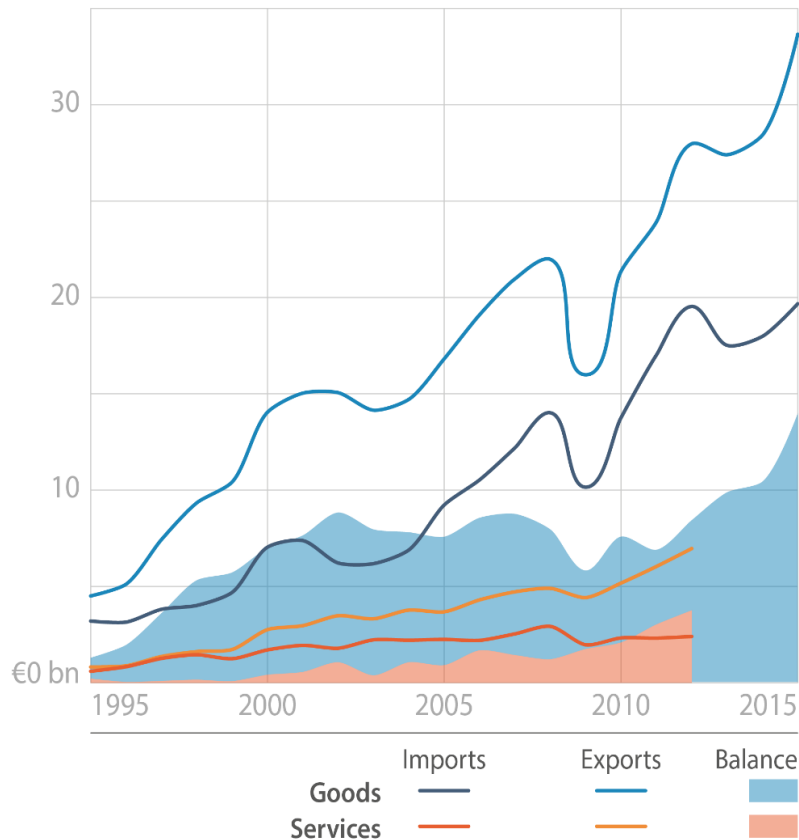
¹¹² The figures are expressed in Purchasing Power Parity. The database for [Mexico](#) is available on the World Bank website.

¹¹³ Konrad, Anne, *EU Trade and Investment in Mexico: Facts and Figures*, Wilson Center, Washington, DC, 15 July 2015.

¹¹⁴ See [Instituto Nacional de Estadística y Geografía](#)

€495 million have been granted since 2000.¹¹⁵ Nevertheless, not enough progress has been made on tackling tax fraud and tax evasion.¹¹⁶

Figure 1: EU imports from Mexico and EU exports to Mexico



Source: Christian Dietrich, EPRS using data from Eurostat, services ([up to 2003](#), [since 2004](#)); [goods](#).

As [Figure 1](#) shows, EU imports from Mexico and EU exports to Mexico have considerably increased with the signature of the EU-Mexico FTA. Trade flows between the EU and Mexico have significantly grown to about US\$65 000 million per year, and that in spite of the Mexican bilateral trade deficit, which is not considered a problem or a negative signal in itself. Accumulated EU investment in Mexico amounts to over US\$145 billion or nearly 40 % of all foreign direct investment in Mexico.¹¹⁷ The trend, shown in [Figure 1](#), is an ascending one.

¹¹⁵ [Opinion of the Economic and Social Committee on the Revision of the EU-Mexico Association Agreement \(Own-Initiative Opinion\)](#), *Official Journal* C 13, 15 January 2016, pp. 121-127.

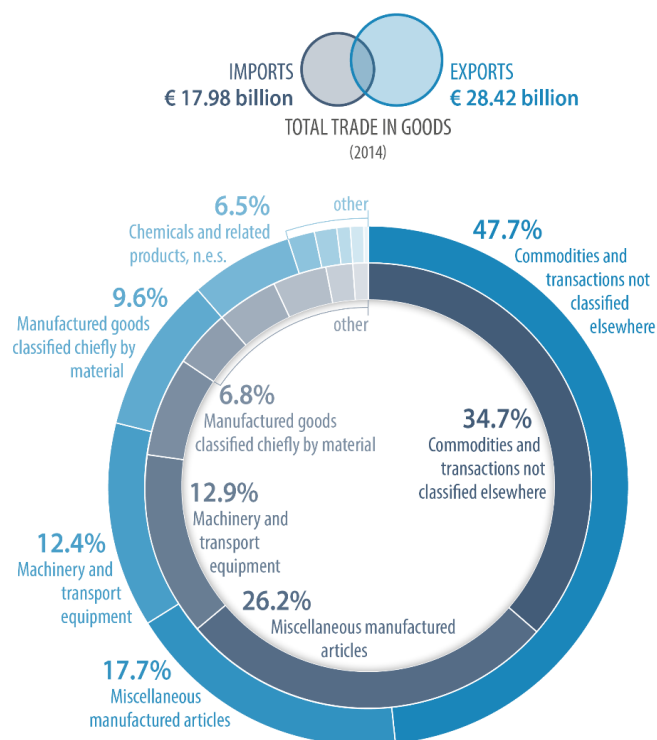
¹¹⁶ Ioannides, Isabelle, [The Inclusion of Financial Services in EU Free Trade and Association Agreements: Effects on Money Laundering, Tax Evasion and Avoidance](#), Reference no PE 579.326, Directorate for Impact Assessment and European Added Value, European Parliamentary Research Service, European Parliament, Brussels, June 2016.

¹¹⁷ European Council, [Factsheet, EU-Mexico Relations and VII EU- Mexico Summit](#), Brussels, 12 June 2015, p. 1.

At the same time, as [Figure 1](#) demonstrates, the economic crisis severely affected Mexico in 2008 and 2009. 'It brought increased unemployment and inflation in its wake, reducing incomes and partially wiping out the feeble gains in poverty alleviation and income distribution obtained during the 2002-2007 period.'¹¹⁸

Mexico's case was not an isolated one, since the economic crisis put the political and social stability of Latin American countries in general at risk, undermining the consolidation of democratic processes necessary for effective cooperation with Europe.

Figure 2: Main areas of EU-Mexico trade in goods (according to SITC categories)



Source: Christian Dietrich, EPRS, using data from [Eurostat](#).

[Figure 2](#) illustrates the relationship between EU imports from Mexico (lower) and exports to Mexico (higher) (using data from 2014), and provides an overview of the key sectors of goods that are affected by EU-Mexico trade.

The 'growth stability' at moderate rates has been insufficient to tackle such major problems as poor formal employment and poverty.¹¹⁹ In this economic spirit, President Enrique Peña Nieto has not so far pushed through significant reforms to strengthen the

¹¹⁸ Puyana, Alicia, [Economic Growth, Employment and Poverty Reduction: A Comparative Analysis of Chile and Mexico](#), Employment Working Paper No 78 2011, Employment Sector, International Labour Organization, Geneva, 2011, p. V.

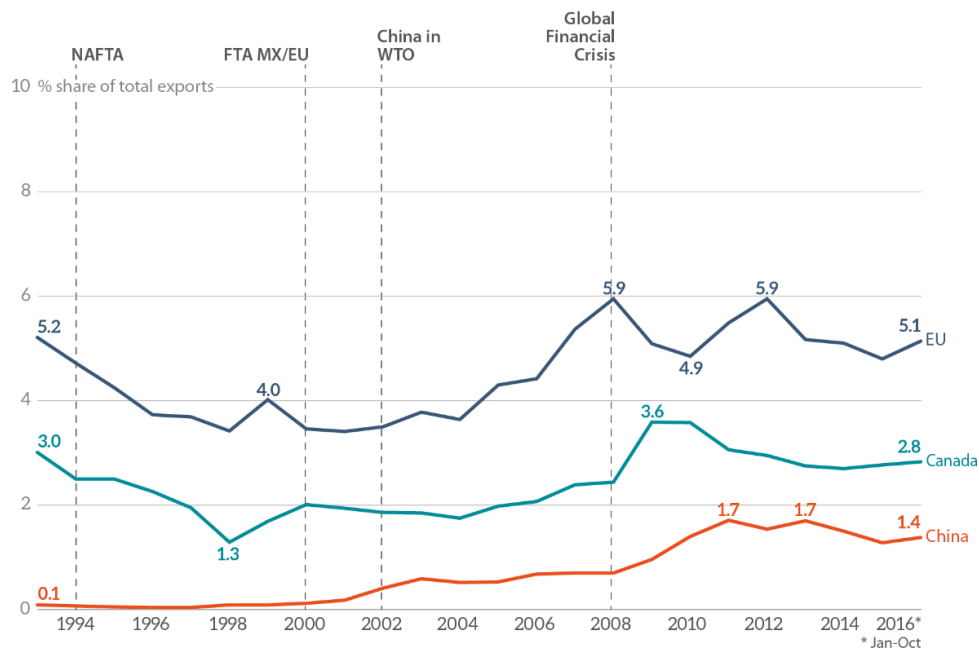
¹¹⁹ IHS Economics and Country Risk, [Country Report: Mexico](#), 26 January 2016.

'mild' versions of pension and tax reforms passed by his predecessor, Felipe Calderón. (See [section 12.2.](#))

Although Mexico has made considerable progress on economic development indicators, wide social and regional disparities (particularly, a north-south gap in growth and income) remain. The difficulty in overcoming these challenges impacts on the human rights situation in the country, as will be explained. In 2008, the European Commission, assessing the state of affairs in Mexico in view of the signature of a Strategic Partnership with the EU,¹²⁰ noted the persisting historical problem of inequality and unsatisfactory distribution of wealth that contributed to problems in governance and human rights protection at local level in Mexico, as discussed in this study. These are persisting problems in Mexico.

[Figure 3](#), [Figure 4](#) and [Figure 5](#) compare Mexico's trade (imports and exports) vis-à-vis major partners, including the EU and China and Canada. The USA was not used in this case because of the dependence, as already stated, of Mexico's economy on the United States. The bulk of trade between these two countries is so important that it dwarfs Mexico's other trade partners, which explains the choice, in the three following Figures, of Canada as a representative of NAFTA rather than the USA, where the level of trade with Mexico is comparable with the EU and China.

Figure 3: Comparison of EU, China and Canada as Mexico's main export markets (share of total exports of goods in %)

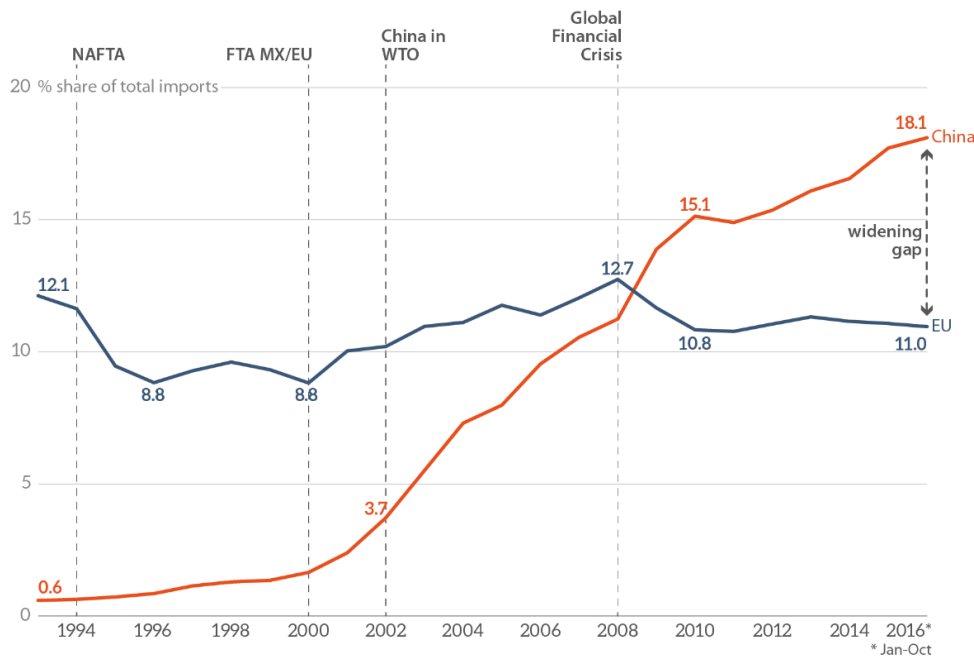


Source: Christian Dietrich, EPRS, using data from the Mission of Mexico to the EU, Banco de México and INEGI.

¹²⁰ European Commission, [Communication from the Commission to the Council and the European Parliament, Towards an EU-Mexico Strategic Partnership](#), Reference no COM(2008) 447 final, Brussels, 15 July 2008, p. 2.

Figure 3 shows that the EU-Mexico FTA boosted imports from Mexico and that while the global economic crisis led to a reduction of imports to Mexico, this was reversed as of 2010 (but at a slower rate for the EU market). Notably Mexico's exports to the EU, China and Canada are rising, with the EU market being a preferred market (second to the United States) with a large difference with Canada (third) and China (fourth). To the contrary, when it comes to comparing Mexico's import supplier market from the EU with China, the difference is flagrant. Figure 4 shows a widening gap between rapidly rising Mexican imports from China as opposed to declining imports from the EU. Figure 4 shows that, contrary to EU exports, China's exports to Mexico were not affected by the global financial crisis.

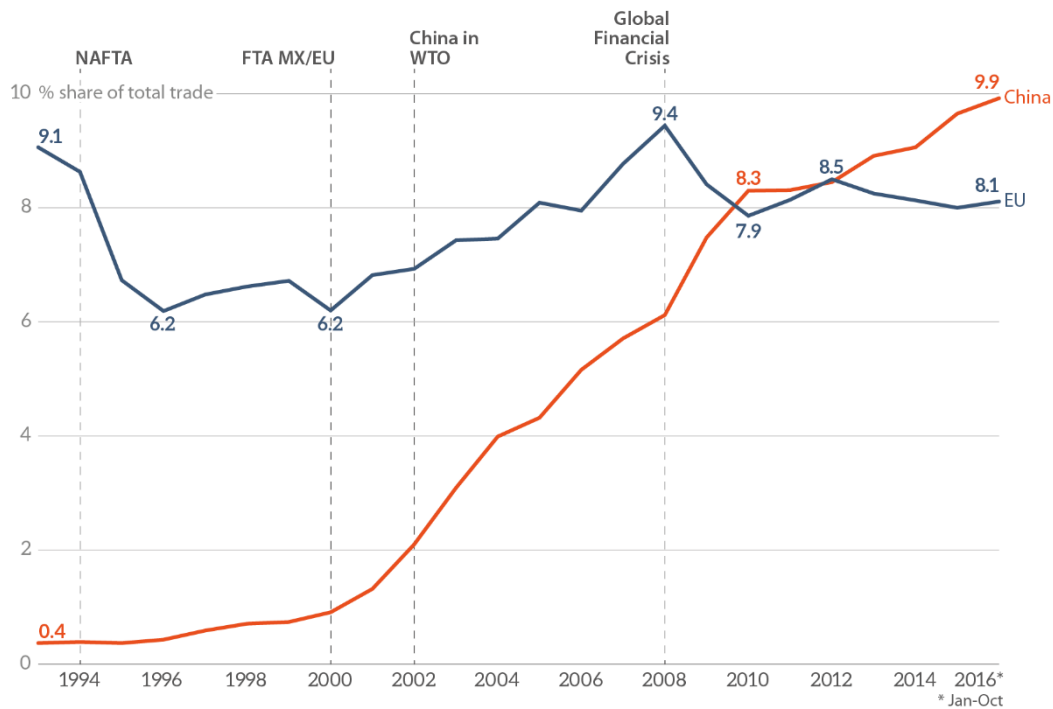
Figure 4: Comparison of EU and China as Mexico's main import suppliers (share of total imports of goods in %)



Source: Christian Dietrich, EPRS, using data of Mission of Mexico to the EU, Banco de México and INEGI.

The overall trade difference between EU-Mexico and China-Mexico is less dramatic, especially considering that EU-Mexico trade is on an ascending trajectory, as shown in Figure 5. While EU-Mexico trade suffered from the consequences of the global economic crisis – as opposed to Mexico-China trade – it is once again growing, albeit slowly. Figure 5 also shows that while in 2012, the EU was on its way to becoming Mexico's second largest trading partner (after the United States) once more, it quickly fell back to third place.

Figure 5: Comparison of EU and China as Mexico’s main trade partners (share of trade in %)



Source: Christian Dietrich, EPRS, using data of Mission of Mexico to the EU, Banco de México and INEGI.

12. Political setting and human rights reforms in Mexico

Mexico’s positive economic performance in the last decade and a half is in stark contrast to the quality of governance and rule of law performance during the same period. When reading this section, one should keep in mind that a number of regulatory reforms related to respect of human rights, democratic governance and rule of law were adopted by the Mexican government on their own initiative, in full recognition of the need to improve governance in the country. The reforms undertaken may therefore not be connected to human rights related clauses in the Global Agreement. Mexico’s judicial system is based on the Mexican Constitution, the highest ranking legal instrument, which recently accorded precedence to international agreements/treaties on human rights to which Mexico has agreed.

In addition, reforms may be the result of provisions included in other FTAs signed by Mexico, such as NAFTA, which, as explained, has a more substantial impact on Mexico’s trade (and by extension possibly also on domestic reform, including on human rights) than the Global Agreement. Accordingly, the Mexican government makes an effort to harmonise the main domestic legal instruments with international trade agreements provisions, as well as those of the multilateral ruling system governed by the WTO.

12.1. International human rights conventions

As Table 5 shows, at the UN level, Mexico has ratified the nine core international human rights instruments and most of their optional protocols. In 2013, the UN Human Rights Council carried out its second Universal Periodic Review of Mexico.

Table 5: Mexico ratification status of UN/international treaties

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT	18 Mar 1985	23 Jan 1986
Optional Protocol of the Convention against Torture	OP-CAT	23 Sep 2003	11 Apr 2005
International Covenant on Civil and Political Rights	ICCPR	-	23 Mar 1981(a)
Optional Protocol to the International Covenant on Civil and Political Rights	ICCPR-OP1	-	15 Mar 2002(a)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	ICCPR-OP2	-	26 Sep 2007(a)
Convention for the Protection of All Persons from Enforced Disappearance	CPED	06 Feb 2007	18 Mar 2008
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	17 Jul 1980	23 Mar 1981
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	OP-CEDAW	10 Dec 1999	15 Mar 2002
International Convention on the Elimination of All Forms of Racial Discrimination	ICERD	01 Nov 1966	20 Feb 1975
International Covenant on Economic, Social and Cultural Rights	ICESCR	-	23 Mar 1981(a)
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	ICMW	22 May 1991	8 Mar 1999
Convention on the Rights of the Child	CRC	26 Jan 1990	21 Sep 1990

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	OP-CRC-AC	7 Sep 2000	15 Mar 2002
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	OP-CRC-SC	7 Sep 2000	15 Mar 2002
Convention on the Rights of Persons with Disabilities	CRPD	30 Mar 2007	17 Dec 2007
Optional Protocol to the Convention on the Rights of Persons with Disabilities	OP-CRPD	30 Mar 2007	17 Dec 2007

Source: United Nations Office of the High Commissioner for Human Rights, Treaty Body Database, [Mexico](#), 2016.

It should also be pointed out that Mexico has ratified seven out of the eight fundamental ILO conventions on labour standards, as indicated in Table 6. The ILO convention that was not ratified and therefore not in force concerns the right of workers to organise and engage in collective bargaining (No 98).

Table 6: Mexico ratification status of the core ILO conventions

Convention	Date of Ratification	Status
Forced Labour Convention, 1930 (No 29)	12 May 1934	In force
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87)	1 Apr 1950	In force
Equal Remuneration Convention, 1951 (No 100)	23 Aug 1952	In force
Abolition of Forced Labour Convention, 1957 (No 105)	1 Jun 1959	In force
Discrimination (Employment and Occupation) Convention, 1958 (No 111)	11 Sep 1961	In force
Minimum Age Convention, 1973 (No 138)	10 Jun 2015	In force

Convention	Date of Ratification	Status
Worst Forms of Child Labour Convention, 1999 (No 182)	30 Jun 2000	In force
Right to Organise and Collective Bargaining Convention, 1949 (No 98)	-	-

Source: International Labour Organization, NORMLEX – Information System on International Labour Standards, [Mexico](#)

12.2. Legislative and institutional reforms on human rights since the signature of the EU-Mexico FTA

12.2.1. Respect for the rule of law

When considering Mexico’s successive administrations, it can be concluded that important reforms have been undertaken under current President Peña Nieto on the criminal justice system, police force integration, countering corruption, and strengthening human rights legislation. Nevertheless, concerns about impunity in Mexico persist. Too little is done to bring perpetrators of serious criminal offences to justice. In particular, organised crime appears to have infiltrated the local government of some states. As a result, there are insufficient guarantees of prosecution and efforts to tackle crime are inadequate.

The electoral victory of Vicente Fox in the 2000 Presidential elections ended 71 years of continuous government by the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI). Regarding the respect of human rights, the Fox administration’s 2001-2006 National Development Plan included an ‘order and respect’ component that pledged to eradicate corruption and create a transparent federal public service; guarantee public safety so as to reassure citizens; and guarantee that justice is properly administered. The path to reform was, however, more difficult than expected. Given the lack of a strong parliamentary majority, only a limited number of major reforms were implemented during the Fox administration. Among them, the most relevant were: 26 supplementary legal instruments for better protection of human rights, passed by the Senate (including the Law on the Reform of the Civil Service and the Law on Transparency); and the creation of the Special Prosecutor’s Office for Crimes of the Past and the Inter-Secretarial Commission on Government Policies in the area of Human Rights.¹²¹

Another important accomplishment was the setting up of the Office for the Development of Indigenous Peoples and later the National Commission for the Development of Indigenous Peoples, whose objectives are: to enable the direct participation of indigenous peoples in national development; to ensure that indigenous communities interact with all sectors of society and at all three levels of government (federal, state and municipal); and

¹²¹ European Commission, [Mexico: Country Strategy Paper 2007-2013](#), Reference no E/2007/1063, Brussels, 22 May 2007, p. 4.

to help combat the structural causes of the marginalisation of indigenous peoples in order to improve their living conditions, while respecting their customs.¹²² Similarly, in 2011, the Mexican Congress enacted an important Constitutional reform to implement international human rights treaties at the domestic level.

Mexico prides itself for the transparency of its policies. Part of this is fostered through the dialogue mechanism created for the participation in foreign policy of civil society organisations in 2005 by President Vicente Fox and Foreign Affairs Secretary Luis Ernesto Derbez. The agreement signed also expressed the Ministry of Foreign Affairs' (Secretaría de Relaciones Exteriores) commitment to report and update civil society on key foreign policy issues, promote greater civil society participation and involvement in the formulation of foreign policy, foster a higher quality relationship, improve coordination between government and civil society organisations, and to encourage transparency and consensus building in public policy.¹²³

President Felipe Calderón of the National Action Party (Partido de Acción Nacional, PAN, centre-right), who took office on 1 December 2006, launched the 'Mexico 2030' and 'Vivir Mejor' initiatives, setting the improvement of social participation through consultation with citizens, civil society, the private sector and universities, as a political priority in the context of a long-term strategy for the country. These initiatives included five thematic areas – rule of law and public security; economic competitiveness and creation of jobs; the promotion of equal opportunities; sustainable development; and effective democracy and responsible foreign policy – that were integrated into the 2007-2012 National Development Plan.¹²⁴ The impact of the 'Vivir Mejor' initiative, however, was limited, due to the persisting dispersion of social initiatives and the poor interinstitutional coordination of existing social programmes, services and funding instruments.¹²⁵

President Enrique Peña Nieto, who took office in December 2012, came from Mexico's most powerful and influential political force, the PRI (centre-left), also reflected by the majority of state governorships it holds (21 of 31).¹²⁶ This majority contributed to political stability

¹²² United Nations International Human Rights Instruments, [Core Document Forming Part of the Reports of States Parties. Mexico](#), Reference no HRI/CORE/MEX/2005, 31 January 2006.

¹²³ Domínguez, Roberto and Monica Velasco Pufleau, [The Modernisation of the European Union-Mexico 'Global Agreement'](#), Reference no PE 534.985, Policy Department, Directorate B, Directorate General for External Policies of the Union, European Parliament, Brussels, January 2015, p. 34-35.

¹²⁴ President Calderón's Government, [Mexico: Plan Nacional de Desarrollo, Desarrollo Humano Sustentable](#), National Development Plan, Mexico, not dated, pp. 24-25.

¹²⁵ European Parliament, [Memorandum to the DCI Committee concerning the 2012 Annual Action Programme in favour of Mexico covered by the programming document 'Country Strategy Paper EU-Mexico 2007-2013' for the Development Cooperation Instrument](#), Brussels, not dated; and Appel, Marco, [La ineficacia de las Políticas Sociales en México](#), *Proceso*, 16 November 2012.

¹²⁶ The country held mid-term elections in June 2015 with the PRI emerging as the most important political force in the lower house of Congress, despite losing popular support compared with the previous 2012 elections. The PRI also secured five of the nine governorships available, but lost the

and the notable continuity of long-term PRI power at all political levels nationwide, which facilitated the Mexican Congress adoption of historical reforms in 2013 and 2014. The Mexican authorities hold that the reforms introduced will improve 114 of the 144 indicators (80 %) taken into account by the World Economic Forum to develop its Global Competitiveness Index.¹²⁷ Being a pro-business politician, one of Peña Nieto's main priorities is an energy reform that allows foreign and private companies to invest in the country's hydrocarbons sector and ends the seven-decade-long monopoly held by state-run oil company PEMEX. Much attention is also placed on telecommunications, fiscal, and economic competition reforms.

Furthermore, in full recognition that drug cartel related violence (analysed in the next section) can potentially act as a deterrent to foreign investment, the Mexican government put the improvement of the country's security environment at the top of its agenda. Peña Nieto has continued the policies of his predecessor Calderón on this front, mainly through deployment of the military to key drug related violence hotspots. In parallel, acknowledging that the 'war on drugs' launched by Calderón had led to serious abuses by the security forces, Peña Nieto adopted a National Human Rights Programme outlining its policies for the next four years, and admitted that the whereabouts of more than 22 000 people, reported missing since 2006, remained unknown.

Among the measures taken by the government were the creation in 2012 of a Missing or Disappeared Persons Registry and the adoption in 2013 of the General Victims Act, designed to support victims of violence and their families. In April 2014, Mexico's Congress reformed the Code of Military Justice so that abuses committed by members of the military against civilians are handled by the ordinary criminal justice system. Previously, these cases were processed by the military justice system, which routinely failed to hold members of the military accountable for abuse.¹²⁸ Other concrete measures have been taken to strengthen security institutions, including fostering a model of police development, the gendarmerie, a unified police service for each state, and the new criminal justice system.¹²⁹

An area of concern is the trend towards increased impunity, which has deteriorated dramatically since 2007. While in 2007, there were four convictions for every five cases of homicide, by 2013 there was only one conviction for every five cases. Combined with the increases in detention without sentencing, this situation points to an overstretched judicial system, which is also supported by statistics on the overcrowding of prisons. It also highlights the challenges facing the justice system, whose 2015 federal expenditure was

important industrial hub of Nuevo León state. See IHS Economics and Country Risk, *Country Report: Mexico*, 26 January 2016.

¹²⁷ Author's interview with officials at the Mission of Mexico to the European Union, in Brussels, 10 March 2016.

¹²⁸ Human Rights Watch, *World Report 2015 (events of 2014)*, New York, 2015, p.379.

¹²⁹ Author's interview with officials at the Mission of Mexico to the European Union, in Brussels, 10 March 2016.

78 billion pesos, below the 2012 level of expenditure.¹³⁰ The Mexican government is pushing forward with fiscal reforms, which aim to strengthen state and municipal public finances, and with the fight against corruption and criminal justice.¹³¹

12.2.2. Ensuring labour, employment and social protection

The 2012 labour legislation introduced radical changes: it includes more flexible rules on contracting, makes it easier to dismiss employees and to contract workers on a trial basis, and reduces hiring costs.

Mexico's last two governments (from 2006 onwards) also recognised the challenges faced in the field of social protection. In 2011, the Mexican government created an obligation for the State to prevent, investigate, sanction and pay compensation for human rights violations as well as for all public authorities to promote, respect, protect and guarantee human rights, including children's rights. Furthermore, it gave constitutional status to the international human rights treaties ratified by Mexico.¹³² The National Council for the Evaluation of Social Development Policy (Consejo Nacional de Evaluación de la Política de Desarrollo Social, CONEVAL) reported that in 2010, 46.2 % of the population lived in poverty, inequity and discrimination. Acknowledging discrimination, intolerance and social exclusion as one of his government's biggest challenges, Peña Nieto set an imperative for public policies to create a genuinely inclusive society of equal rights and opportunities.¹³³

On the employment and labour front, the November 2012 reform of labour legislation – tabled by the outgoing government under President Felipe Calderón (2006-2012), but strongly supported by Peña Nieto – is characterised as the most radical reform of labour laws in 40 years. Previously, Mexican labour law dated from 1970 and mandated procedures that, in theory, assured effective implementation of the rights granted by the Constitution. Adopted in 1917, and still in force with some modifications, the Mexican Constitution includes an extensive list of workers' rights, especially under Article 123.¹³⁴ The new law of 2012 introduced, *inter alia*, more flexible rules on contracting, making it easier to dismiss employees and to contract workers on a trial basis, and reducing hiring

¹³⁰ Institute for Economics and Peace (IEP), [Mexico Peace Index 2016: Mapping the Evolution of Peace and its Drivers](#). IEP Report 38, Sydney, New York, Mexico City and Brussels, March 2016.

¹³¹ Author's interview with officials at the Mission of Mexico to the European Union, in Brussels, 10 March 2016.

¹³² PwC Mexico, [Labor Reform approved by Mexican Congress](#), Tax and Legal Services, 13 November 2012.

¹³³ Secretariat of Social Development (SEDESOL), [Mexico: A New Generation Social Policy, National Coordination of the Human Development Program Opportunities](#), Mexico, May 2014, p. 6.

¹³⁴ Oliver, Ranko Shiraki, Mexico's Dilemma: Workers' Rights or Workers' Comparative Advantage in the Age of Globalization?, *Pacific McGeorge Global Business & Development Law Journal*, 2012, vol. 25(1), pp. 195-244.

costs. Although watered-down in terms of union transparency, the new labour regulations allow employers to offer workers part-time work, hourly wages, and outlaws gender discrimination as well as giving workers the freedom to engage in outsourcing.¹³⁵

12.2.3. Creation of a human rights body

The autonomous National Human Rights Commission aims to ensure remedies to human rights abuses are enforced, and that necessary policy and legal reforms are undertaken and implemented. Its effectiveness, however, has varied over time.

Mexico's official human rights body is the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH), which developed as an autonomous body in 1990 from its predecessor, the 'General Human Rights Department' (created in 1989) within the Interior Ministry (Secretaría de Gobernación). Its stated mission is: (a) to ensure that the Mexican state remedies human rights abuses; and (b) to reform the laws, policies, and practices that give rise to such abuses. Each of the country's 31 states, plus the Federal District, has a state human rights commission. The state-level commissions, whose effectiveness has varied, are autonomous from state governments, and at times have worked with the CNDH to investigate human rights complaints against state and local authorities. In fact, the CNDH can take over cases from state-level commissions if it receives a complaint the commission is not adequately investigating the case.¹³⁶

Human rights watchdogs have labelled this body as 'often the only meaningful recourse available to victims seeking redress for past abuses', given the chronic problems that other state institutions face, and 'potentially the most important catalyst for the changes that are urgently needed in Mexico to prevent future human rights violations'.¹³⁷ The CNDH has made some valuable contributions to human rights promotion in Mexico over the years, providing detailed and authoritative information on specific human rights cases, usefully documenting some systemic obstacles to human rights progress, and challenging numerous laws before the Court.¹³⁸ From 2010-2014, it issued 90 recommendations on average each year, directed to an average of 122 authorities at different levels of government – including the Secretariat of National Defence (Secretaría de la Defensa Nacional, SEDENA), the Attorney General's Office and the government of the State of Mexico – of which, 53 accepted the recommendations and offered partial compliance

¹³⁵ Philip, George et al., [2014 Mexico Report](#), Sustainable Governance Indicators, Bertelsmann Stiftung, Gütersloh, p. 7.

¹³⁶ United States Department of State, [Mexico 2014 Human Rights Report](#), Country Reports on Human Rights Practices for 2014, Bureau of Democracy, Human Rights and Labor, Washington, DC, not dated, p. 24.

¹³⁷ Human Rights Watch, *Mexico's National Human Rights Commission: A Critical Assessment*, vol. 20(1B), New York, 12 February 2008.

¹³⁸ Torres, Mauricio, [4 Cifras Para Evaluar a la Comisión Nacional de los Derechos Humanos](#), CNN Mexico, 28 October 2014.

testing. It has nonetheless been criticised for a substantial backlog (an average of 12 423 cases yearly), for not having made full use of its broad mandate and immense resources, and for not standardising the human rights training it offers to state-level police academies and the military.¹³⁹

13. Implementing human rights protection in the context of the EU-Mexico FTA

This section delves into the implementation of human rights protection mechanisms in the context of the EU-Mexico FTA and its consequences, including shortcomings. Despite the legislative measures passed and instruments available to the Mexican government, difficulties with social cohesion and inclusion of Mexico's heterogeneous population persist. Regional disparities between the relatively richer and industrialised north and the poorer south are closely related to human rights issues, since they often translate into unequal access to prosperity and opportunities, and divergent levels of public services and justice, employment and security. There is also a gender and ethnic dimension of poverty and social exclusion, including challenges regarding the treatment and development of Mexico's indigenous population. Moreover, environmental degradation observed in the country has also impacted on the social cohesion situation, in contributing to social inequality, as the livelihoods of the poorest segments of the rural population are often entirely dependent on access to natural resources.

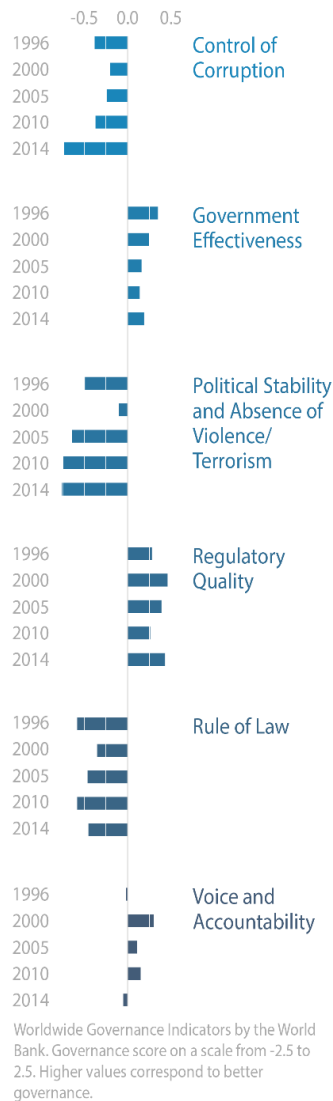
13.1. Good governance and human rights

Despite progress on relevant legislation in Mexico, the slow and incomplete implementation of key reforms aimed at transforming the judicial system to ensure justice, protection and reparations for victims of crime, negatively affects the enhancement of the human rights situation. Since the signature of the Global Agreement, rule of law has not been consolidated, while corruption and violence have not been sufficiently controlled.

As explained in the methodology of this study (see [section 4](#)), according to the United Nations Office of the High Commissioner for Human Rights (OHCHR), good governance is tightly linked to human rights. It is seen as encompassing, among other issues: full respect of human rights; rule of law; effective participation; multi-actor partnerships; political pluralism; transparent and accountable processes in institutions; an efficient and effective public sector; legitimacy; political empowerment of people; equity; sustainability; and tolerance.

¹³⁹ Human Rights Watch, *Mexico's National Human Rights Commission: A Critical Assessment*, vol. 20(1B), New York, 12 February 2008; United States Department of State, [Mexico 2014 Human Rights Report](#), Country Reports on Human Rights Practices for 2014, Bureau of Democracy, Human Rights and Labor, Washington, DC, not dated, p. 10.

Figure 6: Governance indicators, Mexico



Source: Christian Dietrich, EPRS, using data from the World Bank's [Worldwide Governance Indicators](#).

In that sense, there is significant consensus that good governance is the process whereby public institutions guarantee the realisation of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The true test of 'good' governance is the degree to which it delivers on the promise of respect of human rights, including civil, cultural, economic, political and social rights.¹⁴⁰ In this context, [Figure 6](#) illustrates the state of affairs on the key elements of good governance in Mexico, as they relate to human rights.

Admittedly, the Mexican legislation governing rule of law and the protection of human rights more specifically, has substantially evolved. However, the World Bank data show (see [Figure 6](#)) that the governance situation, and by extension the human rights situation, in Mexico have not substantially improved since the signature of the EU-Mexico Global Agreement. Rather, indicators regarding voice and accountability, political stability, and control of corruption have diminished, while violence has increased.

The challenge over the years and across the changes in government has been to translate the rhetoric and the legislative changes into more effective human rights protection measures, particularly at state level.

A – long overdue – 2008 Criminal Justice Reform aims to transform the judicial system in the Federation and all 32 state entities from a mixed (inquisitorial, written justice system) to a modern oral accusatory system by 2016. However, by November 2014, only three states had fully implemented the reform and 13 had partially transitioned to the new system. The executive has also been slow to adopt implementing regulations for the 2013 federal Victims Law, intended to ensure justice, protection, and reparations for victims of crime.¹⁴¹

¹⁴⁰ United Nations High Commissioner for Human Rights (OHCHR), [Good Governance and Human Rights](#), November 2016.

¹⁴¹ Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, p. 380.

13.2. Cartel violence impact on business

Abuse of human rights and cartel violence are important insofar as they affect Mexico's formal economy and can be linked to activities in legal trade, including those taking place under the EU-Mexico FTA. Cartel violence increased particularly in 2007-2011, but has been on the decline since Peña Nieto was voted in office in 2012. It has not, however, reached the pre-2003 levels.

Weak rule of law in Mexico, illustrated in [Figure 6](#), is to a large degree linked to the level of cartel violence in the country. Under the administration of Felipe Calderon (2006-2012), the numbers of incidents of violence associated with drug-trafficking organisations in Mexico skyrocketed, resulting in the deaths of at least 50 000, and up to 70 000, people.¹⁴² As [Figure 7](#) shows, while homicide and drug related violence in Mexico decreased from 1997 to 2007, government statistics show a 1 250 % increase in reported extortion between 2007 and 2012.¹⁴³ Although Mexico has seen a large decrease in violence since 2011, with the national level of peace improving by 16 %, the level of peace in 2015 is still 18 % lower than in 2003.¹⁴⁴ According to the latest Peace Index on Mexico, Mexico's peace only improved by 0.3 % in 2015, which is the smallest improvement in peace in the last five years.¹⁴⁵ It is worth noting that in 2015, in comparison to 2012, homicides related to organised crime decreased significantly in Monterrey (by 94 %), Nuevo Laredo (by 92 %), Tlaxcala (by 89 %), Chihuahua (by 78 %), and Juarez (by 76 %).¹⁴⁶

This widespread cartel violence is important insofar as it affects Mexico's formal economy and can therefore be linked to activities in legal trade, including those that take place as a result of the EU-Mexico FTA. Despite the substantial socioeconomic ramifications for crime and violence, the sanctioning provision in the Global Agreement (Article 58) was not used, as political dialogue was favoured. (See [section 14.2.](#))

¹⁴² International Crisis Group, [Peña Nieto's Challenge: Criminal Cartels and Rule of Law in Mexico](#), Latin America Report no 48, Brussels, 19 March 2013, p. 6; Domínguez, Roberto, The Limits and Contributions of the EU to Democracy in Latin America: The Cases of Mexico, Venezuela and Honduras, in Boeing, Astrid et al. (eds) *Global Power Europe - Vol. 2: Policies, Actions and Influence of the EU's External Relations*, Springer, Heidelberg, Germany, 2013, p. 188.

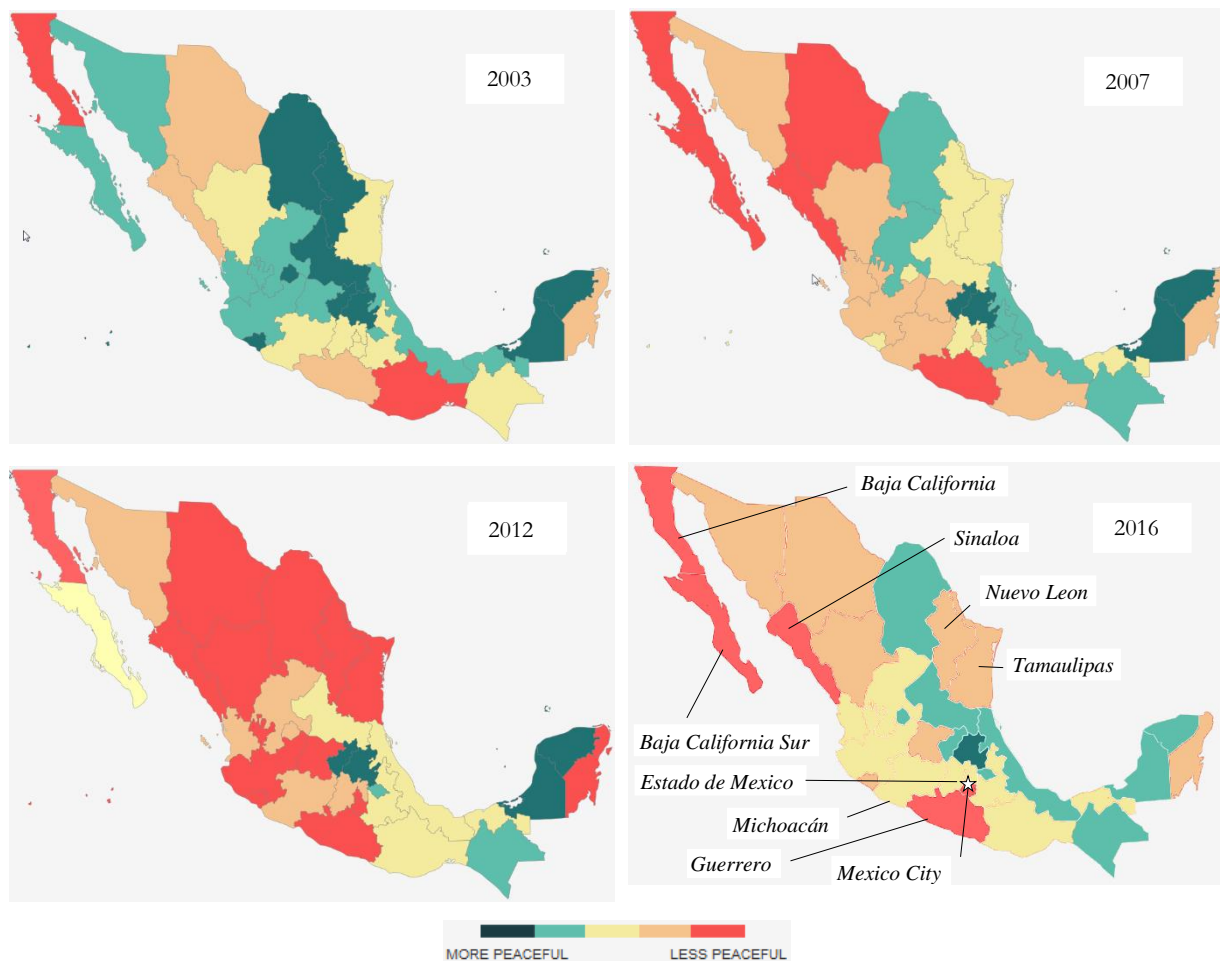
¹⁴³ United Nations Office on Drugs and Crime, *Global Study on Homicide on 2013*, Vienna, 2014, p. 9; Oxford Analytica, [Extortion will evolve in Central America and Mexico](#), *Oxford Analytica Daily Brief*, Monday, 25 January 2016.

¹⁴⁴ Institute for Economics and Peace (IEP), [Mexico Peace Index 2015: Analyzing the Changing Dynamics of Peace in Mexico](#), IEP Report 32, Sydney, New York, Mexico City and Oxford, March 2015.

¹⁴⁵ Institute for Economics and Peace (IEP), [Mexico Peace Index 2016: Mapping the Evolution of Peace and its Drivers](#). IEP Report 38, Sydney, New York, Mexico City and Brussels, March 2016.

¹⁴⁶ Data of the Mission of Mexico to the European Union, in Brussels (shared with the author in March 2016).

Figure 7: Map of milestones in violence in Mexico



Source: Author using data from [World Map of Global Peace, Mexico Peace Index](#) and [Mexico Peace Index 2016: A Snapshot of the State of Peace in Mexico](#), Institute for Economics and Peace.

Since the election of Peña Nieto, the largest decrease in violence has been in the homicide rate, which fell by almost 30 %, and the level of organised crime (particularly drug cartels), which fell by 25 %. Police funding and justice efficiency indicators have recorded very slight deteriorations, even though in the last ten years members of all security forces – particularly at the state and local level – have allegedly carried out kidnappings, extortion, and provided protection for, or acted directly on behalf of, organised crime and drug traffickers.¹⁴⁷ Although there is some doubt about the accuracy of government crime statistics used for the production of these statistics, multiple data sources support a decline in the homicide rate, suggesting that progress in peace is real.¹⁴⁸

¹⁴⁷ Since 2006, the CNDH received approximately 9 000 complaints of abuse by the army, and issued reports in over 100 cases in which it found that army personnel had committed serious human rights violations. See Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, p. 378.

¹⁴⁸ Institute for Economics and Peace (IEP), [Mexico Peace Index 2015: Analyzing the Changing Dynamics of Peace in Mexico](#), IEP Report 32, Sydney, New York, Mexico City and Oxford, March 2015.

While the deployment of the army to violent hotspots by Calderón and Peña Nieto has neutralised top drug cartel leaders, it has not been able to counter and monitor smaller criminal organisations that have splintered from large drug cartels.¹⁴⁹ These smaller groups, which resort to kidnapping and extortion as a method of diversifying revenue streams from drug trafficking, are also more violent and more difficult to control. This is particularly a problem because they seek to embed themselves in legitimate economic activities, including cargo, hydrocarbon, and mining theft.

[Figure 7](#) also demonstrates that the eastern region remains the most peaceful in Mexico, while the northern region is still the most violent – even though the gap between the north and the other regions is now at its lowest point since 2004.¹⁵⁰ The Business Security Survey carried out by the American Chamber of Commerce of Mexico indicates that the states posing the greatest security challenges for business operations are Nuevo Leon, Michoacán, Tamaulipas, Estado de Mexico and Mexico City, with the trend holding steady in recent years.¹⁵¹ It is also worth noting that while complaints of torture at the federal level have increased exponentially – from 26 in 2006 to 2 403 in 2014 – the cases under investigation have also impressively increased – from 0 in 2006 to 1 622 in 2014.¹⁵²

The UN has repeatedly called for demilitarisation of policing in Mexico,¹⁵³ but accusations of corruption and incompetence in local police forces have increased the temptation to rely on the military, which, despite facing its own scandals, is at least centrally controlled. As a result, presidential authority over the armed forces is extensive. However, the military has historically operated beyond public scrutiny, and human rights advocates, including the National Human Rights Commission, have warned that its strengthened counter-narcotics role has not been accompanied by increased clarity regarding the limitations on its conduct.¹⁵⁴

¹⁴⁹ International Crisis Group, [Peña Nieto's Challenge: Criminal Cartels and Rule of Law in Mexico](#), Latin America Report no 48, Brussels, 19 March 2013.

¹⁵⁰ The bloodshed appears to cluster around a small core of cities, including Juárez, Acapulco, Cancún, Culiacán, Monterrey, Tampico, and Tijuana. Rodriguez Mega, Emiliano, [Mapping Mexico's Deadly Drug War](#), *Science*, 30 June 2015.

¹⁵¹ American Chamber of Commerce of Mexico, [Business Security Survey in Mexico, Sixth Edition](#), Mexico City, Mexico, 2014.

¹⁵² Amnesty International, [Paper Promises, Daily Impunity: Mexico's Torture Epidemic Continues](#), London, October 2015, pp. 6-7.

¹⁵³ See, for example, Office of the United Nations High Commissioner for Human Rights, [Statement of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein on his Visit to Mexico, 7 October 2015](#); United Nations General Assembly, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns*, Reference no A/HRC/26/36/Add.1, New York, NY, 28 April 2014.

¹⁵⁴ Domínguez, Roberto, The Limits and Contributions of the EU to Democracy in Latin America: The Cases of Mexico, Venezuela and Honduras, in Boening, Astrid et al. (eds) *Global Power Europe - Vol. 2: Policies, Actions and Influence of the EU's External Relations*, Springer, Heidelberg, Germany, 2013, p. 188; Moloeznik, Marcos Pablo, Organized Crime, the Militarization of Public Security, and

The states of Guerrero, Michoacán, and Tamaulipas have weak institutions – significant levels of bureaucracy and corruption that underpin operational capacity – and organised groups in the region fight for the control of drug-trafficking corridors.¹⁵⁵ For decades the authorities in these states have faced shortcomings in law enforcement and justice.¹⁵⁶ Moreover, the latest 2016 Mexico Peace Index states that Baja California and Baja California Sur have weaknesses in well-functioning government, although Baja California has low levels of corruption.¹⁵⁷ The 2014 National Business Victimization Survey produced by Mexico's National Institute for Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI) highlights large improvements in cases of corruption, fraud and extortion, which could be linked to decreased activity by organised crime.¹⁵⁸ Nevertheless, anti-corruption measures have lacked the 'teeth' to radically improve investor sentiment and the government's reputation.¹⁵⁹

At the level of the individual citizen, the violence affects Mexicans' day-to-day quality of life and the economic choices that they might make. It affects workers with direct costs due to short-term emotional and physical impacts, which can manifest themselves in lost workdays or reduced productivity. Longer-term impact on victims of crime includes lower economic output, psychological trauma and fear. Other direct costs are associated with damage to property and medical costs.¹⁶⁰

The Institute for Economics and Peace has tried to quantify the economic loss incurred by Mexico due to the violence described and has found that while the economic impact of violence has increased by 22 % since 2003, and further degenerated, reaching 33 %, from 2007 to 2011. The economic impact of violence in Mexico has fallen by 16.7 % or 596 billion pesos from 2012. The highest annual increase in the economic impact of violence occurred in 2010, when it increased by 9 % from 2.49 to 2.71 trillion pesos. Conversely, the largest annual decline in the economic impact of violence occurred during the period of 2012 to 2013, when it dropped by 13 %, from 2.70 to 2.37 trillion pesos.¹⁶¹ To put this

the Debate on the "New" Police Model in Mexico, *Trends in Organized Crime*, June 2013, vol. 16(2), pp. 177-194.

¹⁵⁵ IHS Economics and Country Risk, *Country Report: Mexico*, 26 Jan 2016.

¹⁵⁶ Oxford Analytica, [Pope's Mexico Visit Will Highlight Unresolved Problems](#), *Oxford Analytica Daily Brief*, Monday, 8 February 2016.

¹⁵⁷ Institute for Economics and Peace (IEP), [Mexico Peace Index 2016: Mapping the evolution of peace and its drivers](#), IEP Report 38, Sydney, New York, Mexico City and Brussels, March 2016, p. 18.

¹⁵⁸ Institute for Economics and Peace (IEP), [Mexico Peace Index 2015: Analyzing the Changing Dynamics of Peace in Mexico](#), IEP Report 32, Sydney, New York, Mexico City and Oxford, March 2015, p. 65.

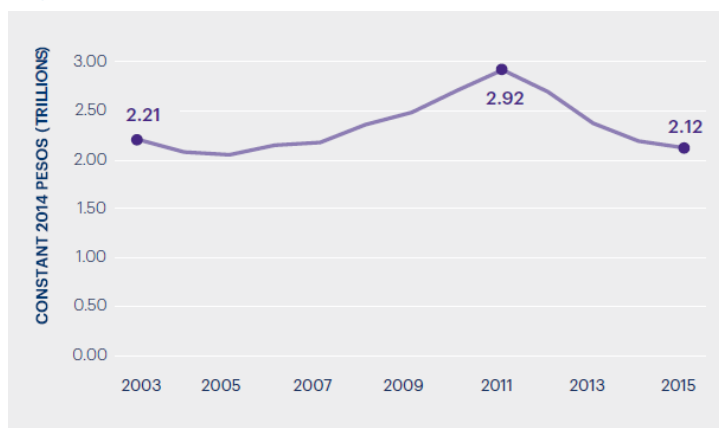
¹⁵⁹ Oxford Analytica, [Prospects for Mexico and Central America in 2016](#), *Oxford Analytical Daily Brief*, Thursday, 26 November 2015.

¹⁶⁰ Institute for Economics and Peace (IEP), [Mexico Peace Index 2015: Analyzing the Changing Dynamics of Peace in Mexico](#), IEP Report 32, Sydney, New York, Mexico City and Oxford, March 2015, p. 53.

¹⁶¹ Institute for Economics and Peace (IEP), [Mexico Peace Index 2015: Analyzing the Changing Dynamics of Peace in Mexico](#), IEP Report 32, Sydney, New York, Mexico City and Oxford, March 2015, p. 54-55;

number in perspective, 2.97 trillion pesos corresponds to 24°844 pesos (US\$1°946) for every Mexican citizen, and to three times the level of government funding on health.¹⁶²

Figure 8: Economic impact of violence in Mexico, 2003-2015



Source: Institute for Economics and Peace (IEP), [Mexico Peace Index 2016: Mapping the Evolution of Peace and its Drivers](#). IEP Report 38, Sydney, New York, Mexico City and Brussels, March 2016.

At the business level, Mexico is affected by the cartel violence inside the country, which particularly impacts the manufacturing and natural resource sectors, but also by protection rackets and extortion threats controlled by criminal groups in Central America.¹⁶³ Criminal organisations that control key narcotics production areas and transit routes crossing Mexico (see [Figure 8](#)) are a major challenge for existing businesses and new investors. Business operations requiring logistic and transport routes expose personnel to illicit checkpoints, kidnapping or death threats (see [Box 3](#)). Moreover, the infiltration of criminal organisations into the formal economic system is considered a real risk; and crime potentially increases the risk and uncertainty of the business environment.¹⁶⁴ Corruption and generally weak law enforcement capabilities render states incapable of pre-empting these threats in most business environments.

Institute for Economics and Peace (IEP), [Mexico Peace Index 2016: Mapping the Evolution of Peace and its Drivers](#), IEP Report 38, Sydney, New York, Mexico City and Brussels, March 2016, p. 67.

¹⁶² Institute for Economics and Peace (IEP), [Mexico Peace Index 2015: Analyzing the Changing Dynamics of Peace in Mexico](#), IEP Report 32, Sydney, New York, Mexico City and Oxford, March 2015, p. 54.

¹⁶³ Oxford Analytica, [Extortion Will Evolve in Central America and Mexico](#), *Oxford Analytica Daily Brief*, Monday, 25 January 25 2016.

¹⁶⁴ Verdugo-Yepes, Concepcion et al., [Crime and the Economy in Mexican States: Heterogeneous Panel Estimates \(1993-2012\)](#), IMF Working Paper, Reference no WP/15/121, International Monetary Fund (IMF), Washington, DC, June 2015, p. 7.

Box 3: Illicit transit routes crossing Mexico

- Illicit supply lines of methamphetamine precursor from Asia, operate along most of the region's Pacific coast ports, many of which are violently disputed by competing criminal organisations.
- Land and sea routes used in cocaine trafficking from Latin America have been subject to fierce turf wars.
- Large hubs for stockpiling, processing and local distribution of various drugs, such as San Pedro Sula and Tegucigalpa in Honduras, as well as Mexico City, Guadalajara and Monterrey in Mexico, are simultaneously disputed by numerous different criminal organisations.
- Meanwhile, major cities along the US-Mexican border are also frequently disputed by rival criminal organisations.

Source: [Pope's Mexico visit will highlight unresolved problems](#), *Oxford Analytica Daily Brief*, Monday, 8 February 2016.

Crimes directed toward business can decrease economic growth and investment, affect revenue streams, and create an environment that is ripe for corrupt behaviour. According to the American Chamber of Commerce of Mexico's Business Security Survey, total business crimes show a diminishing trend since 2011. Changes in business crimes have varied by state over the year, but overall, only 2 % (the equivalent of nine companies surveyed) said that they planned to move their operations to other countries, such as the United States, Canada, or China.¹⁶⁵ Interestingly, the states that incurred the highest level of business crime also had a higher GDP. This is explained by the fact that trade is a major sector targeted by business crime, accounting for more than half of total business crime.

13.3. Environmental jobs

The Global Agreement only includes cooperation provisions on the environment and natural resources. Since 2007, Mexico's government has taken measures to address the threats (demographic pressure, deforestation and unsustainable agricultural and fishing practices) to its great biological diversity. The development of 'green jobs' has advanced with renewable energy sectors and sustainable forestry presenting better work conditions. However, more progress is needed on decent working conditions to transition to a green economy.

The Global Agreement includes specific provisions providing for cooperation between the parties on the environment and natural resources. Article 34 provides for the parties to take the need to preserve environmental and ecological balance into account, and more specifically develop cooperation to prevent degradation of the environment; promote the conservation and sustainable management of natural resources; exchange information and

¹⁶⁵ American Chamber of Commerce of Mexico, [Business Security Survey in Mexico, Sixth Edition](#), Mexico City, Mexico, 2014.

experience on environmental legislation to promote compliance; strengthen environmental management at all levels of government; promote training in and research on environmental topics; and develop channels for social participation. The importance of implementing sustainable development 'as agreed and set out in Agenda 21 of the 1992 Rio Declaration on Environment and Development' is mentioned among the *consideranda* in the Preamble.

While Mexico is considered to be one of the twelve countries with the greatest biological diversity in the world, demographic growth has placed increasing pressure on natural ecosystems (one third of tropical forests have disappeared in the last 20 years). In 2007, Mexico was one of the countries with the largest rate of destruction of forest resources. Moreover, unsustainable agricultural practices led to high rates of soil erosion and desertification, which affected approximately 60 % of arable lands. Fishing caused over-exploitation and diminishing populations of many marine species of commercial value, exhaustion of fishing grounds, and damage to marine ecological networks.¹⁶⁶ The alarming degradation of strategic natural resources and environmental consequences of the rapid growth rate of previous decades, has inadvertently affected poorer regions. These areas present problems normally associated with poverty and excessive human pressure on natural resources. For their part, local civil society organisations demanded that sustainability impact assessments (SIAs) be carried out as part of the Global Agreement. However, in the first seven years of operation of the EU-Mexico FTA, none were conducted.¹⁶⁷

Measures have been taken by successive Mexican governments to tackle the above-mentioned challenges. Mexico's ambitious National Development Plan 2007–2012 included a focal point on environmental sustainability in a number of areas:¹⁶⁸

- On climate change, Mexico made a unilateral commitment to voluntarily diminish its carbon emissions by 51 million tonnes of CO₂ by 2012 through its 'Special Climate Change Programme'.
- A human rights programme for the environmental sector aimed to improve and promote the environmental rights of individuals.
- The youth programme to boost environmental sustainability sought to work closely with Mexican youth, to increase awareness of the concept of sustainable development and the harmful consequences of climate change.
- The 'Indigenous Peoples Programme and the Environment' focused on the issue of equal access to natural resources and fair distribution of national resources, with respect to traditional and cultural heritage.

¹⁶⁶ European Commission, [Mexico: Country Strategy Paper 2007-2013](#), Reference no E/2007/1063, Brussels, 22 May 2007, p. 3.

¹⁶⁷ Reveles, Rodolfo Aguirre and Manuel Perez-Rocha, [The EU-Mexico Free Trade Agreement Seven Years On: A Warning to the Global South](#), Debate Paper for the Alternative Regionalism Programme at the Transnational Institute, June 2007, p. 25.

¹⁶⁸ United Nations Environment Programme (UNEP), [Mexico's Pathway to a Green Economy](#), 2012.

- ‘Gender Equality and Environmental Sustainability’ aimed at integrating and promoting greater gender equality, and increasing women’s participation in decision-making processes in the public sector and government bodies related to the sustainable use of natural resources.
- ‘Prevention and Management of Waste’ endeavoured to achieve better management of waste through an environmental policy.

This effort was followed up by Peña Nieto’s administration, through the National Development Plan 2013-2018, which committed to inclusive green growth as an overarching component of Mexico’s development strategy. In addition, Mexico has established a climate change legal framework, providing a solid and long-term platform for mitigation, adaptation, financing and institutional development in this area. In addition to continuing to strengthen and mainstream green growth and climate change policy at the national level, Mexico aims to advance this agenda at the subnational level (states and municipalities), where many of the cost-effective levers for green growth and greenhouse gas (GHG) mitigation reside, such as solid waste management, wastewater treatment, urban transportation, building codes, and land use planning.¹⁶⁹

While these programmes constitute a positive step for mitigating the environmental challenges already presented, critics have called for more to be done on mechanisms addressing the imminent vulnerability of indigenous peoples to land privatisation.¹⁷⁰ Furthermore, while environmental policy has become more sophisticated, particularly in Mexico City and other major cities, enforcement of environmental standards and regulations is often lacking. Many companies do not comply with existing regulations. Despite an increasing awareness among the broader – and particularly younger – population about environmental challenges, public pressure is very weak, compared to many other Organisation for Economic Cooperation and Development (OECD) countries.¹⁷¹

When looking at the development of ‘green jobs’¹⁷² in Mexico, ILO’s indicative results for Mexico find a total of 1 815 million direct environmental jobs, which represented about 4.5 % of the workforce in 2011. Job quality varied considerably between sectors, with the sustainable forestry and renewable energy generation sectors presenting better work conditions. ILO’s decent work index on the remaining sectors – sustainable agriculture, clean industry, sustainable construction, waste management, sustainable tourism, and

¹⁶⁹ Global Green Growth Institute, [Supporting Mexico’s Transition to a Green Economy at the Subnational Level](#), 15 May 2014.

¹⁷⁰ González, Marioliva, The Green Economy: A Wasted Opportunity? in [Green Economy: A Sustainable Concept?](#) Friedrich Ebert Stiftung, September 2012.

¹⁷¹ Philip, George et al., [2014 Mexico Report](#), Sustainable Governance Indicators, Bertelsmann Stiftung, Gütersloh, p. 15.

¹⁷² ILO defines a green job is defined as any job that: (i) produces a product or service related to environmental conservation and management; or (ii) that makes processes more sustainable within any industry, and (iii) that has decent work conditions.

public mass transport – were found to be falling behind at below 70 %, which according to ILO, would qualify these jobs as not decent.¹⁷³ In these circumstances, it is fair to conclude that decent working conditions remain a key issue to address to ensure a just transition to a green economy.¹⁷⁴

13.4. Labour, employment and related rights

The EU-Mexico FTA per se does not include explicit provisions on labour rights and conditions, and rights at work. Rather, progress depends on the willingness of the Mexican government to engage in the necessary labour reforms and implement change. There are divergent views on whether the impact of employment reforms has been positive or negative. The number of people below the absolute poverty line is estimated to have decreased over the years, but ILO complaints related to the implementation of ILO core labour standards in Mexico seem to have largely remained at the same level. Economic development in Mexico has not gone hand-in-hand with social investment, and handicapped workers are the most under-privileged. Child labour seems to be an issue in the agriculture and pornography sectors.

The EU-Mexico FTA per se does not include explicit provisions on labour rights and conditions, and rights at work. Instead, it contains provisions on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS) measures, which could have an indirect effect on labour conditions (for example, through effects on the use of chemicals in production processes). These provisions are similar to those already agreed in the WTO and therefore also did not affect labour conditions. Nonetheless, it is important to note that there have been some cases where EU companies have been accused of not providing fair conditions of employment to Mexican workers (by weakening workers' rights and unfairly laying off workers) and of being complicit when it comes to violations of indigenous peoples' rights.¹⁷⁵ Even more recently, the quality of the work on and enforcement of labour standards have varied, and Mexico ranks second (after Turkey) among OECD countries on the issue of the prevalence of overwork – defined as a working week of 50 hours or more.¹⁷⁶ The EU-Mexico FTA has not been able to avert these situations.

A number of empirical studies on the impact of trade liberalisation on the wage structure in Mexico in the 1980s and 1990s – concentrating however in particular on NAFTA – find

¹⁷³ The Decent Work Index, developed by ILO in order to analyse work conditions and screen environmental jobs to estimate green jobs. This index ranges from 0 to 100, where a result of 70 or higher shows that a job can be considered decent.

¹⁷⁴ International Labour Organization, *Evaluation of the Potential of Green Jobs in Mexico*, Green Jobs of the ILO in Mexico, Geneva, September 2013, p. 4.

¹⁷⁵ Reveles, Rodolfo Aguirre and Manuel Perez-Rocha, *The EU-Mexico Free Trade Agreement Seven Years On: A Warning to the Global South*, Debate Paper for the Alternative Regionalism Programme at the Transnational Institute, June 2007, pp. 10, 15, 22, 28.

¹⁷⁶ United Nations Development Programme, *Human Development Report 2015: Work for Human Development*, New York, 2015, p. 35.

that policy reforms resulted in an increase of wage dispersion between high- and low-skilled workers and an increase in wages for export-oriented firms.¹⁷⁷ The Ecorys interim evaluation report¹⁷⁸ of the EU-Mexico FTA, conducted for the European Commission, argues that changes in employment related to the FTA appear to be small but positive. Through their econometric model, Ecorys isolated the FTA effects on wages, but were unable to assess changes in overall employment. They show that, in the EU, increases in real wages as a result of the FTA were marginal, and changes in employment due to the FTA were negligible. In Mexico, changes in real wages were slightly higher, but given the small size of the increase, the FTA is unlikely to have significantly affected employment.¹⁷⁹

According to several NGOs and unions, independent unions have also been consistently prevented from collective bargaining and workers have faced, and continue to face, intimidation during bargaining-rights elections from other workers, union leaders, violent individuals hired by a company, or employers favouring a particular union. Despite the changes introduced in the 2012 labour law, pro-management unions remain dominant and a lack of transparency and democracy continues.¹⁸⁰ This situation is in line with ILO complaints related to the implementation of ILO core labour standards in Mexico, which seem to have largely remained at the same level. In Mexico, the many reform proposals on employment, presented over the past decade by the government, political parties and employer organisations, never reached implementation stage.¹⁸¹ Rather than the absence of explicit provisions in the EU-Mexico FTA, the difficulties in delivering reforms on labour legislation in Mexico are largely due to domestic politics – i.e. political resistance in Congress and the strength of public sector unions, some of which are strong allies of the government.¹⁸²

There are divergent views on the impact of employment reforms and the radical 2012 labour reform. On the one hand, the 2015 UNDP Human Development Report argues that Mexico has progressed substantially when it comes to creating jobs that boost local development. It considers that particular programmes for cash transfers or conditional

¹⁷⁷ International Institute for Labour Studies, Chapter 1 - The Rapid Development of Labour Provisions in Trade Agreements, in [Social Dimensions of Free Trade Agreements](#), International Labour Organization, Geneva, 2015, p. 14.

¹⁷⁸ See footnote 8.

¹⁷⁹ Ecorys, [Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report](#), Report prepared for Directorate General for Trade, European Commission, Rotterdam, The Netherlands, 11 May 2015, p. 10.

¹⁸⁰ United States Department of State, [Mexico 2014 Human Rights Report](#), Country Reports on Human Rights Practices for 2014, Bureau of Democracy, Human Rights and Labor, Washington, DC, not dated, p. 34.

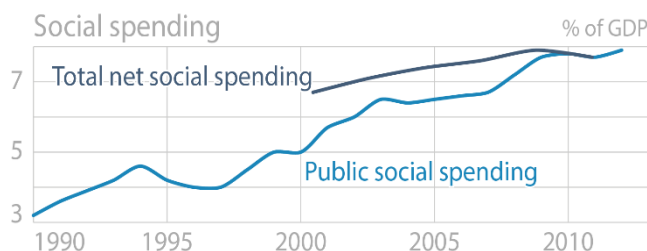
¹⁸¹ Marshall, Adriana, [Labour Market Policies and Regulations in Argentina, Brazil and Mexico: Programmes and Impacts](#), Employment Strategy Papers, International Labour Organization, March 2004, p. 11.

¹⁸² These include, for example, the public sector teachers' unions and unions of workers in the state oil monopoly (PEMEX) and Telephones of Mexico (TELMEX).

cash transfers have provided a source of social protection and names in particularly 'Oportunidades', (now called 'Prospera'), in Mexico. Such programmes are seen by the UNDP as examples to be replicated in other parts of the world.¹⁸³ On the other hand, it is argued that resistance to employment reforms in Mexico has resulted in a worsening of the labour market situation, characterised by a swift rise in temporary jobs, on-call work and employment with no social security.¹⁸⁴ While the informal sector in Mexico is large, employment in this sector is mostly concentrated in non-tradable goods, in sectors such as services, hotels and restaurants and construction. It is for this reason that the evaluation of the EU-Mexico FTA commissioned by the European Commission concludes that 'most of [these] Mexican service sectors have experienced a small positive effect on output as a result of the FTA, [and] it is not likely that informality in [these] sectors has increased'.¹⁸⁵

Regarding social protection and social dialogue issues, no clear link appears with the EU-Mexico FTA. Again, it is provisions in other FTAs and initiatives undertaken by the Mexican government that have impacted on change. When looking at submissions filed against Mexico under the mechanisms of the North American Agreement on Labor Cooperation attached to NAFTA (NAALC), the dominant issue was freedom of association, followed by occupational health and safety, minimum working conditions, and broader labour standards issues, such as gender discrimination. There have only been a small number of cases concerning discrimination and child labour.¹⁸⁶

Figure 9: Trends in public social spending in Mexico



Source: Christian Dietrich, EPRS, using data from [OECD](#).

¹⁸³ United Nations Development Programme, [Human Development Report 2015: Work for Human Development](#), New York, 2015, p. 19.

¹⁸⁴ Puyana, Alicia, [Economic Growth, Employment and Poverty Reduction: A Comparative Analysis of Chile and Mexico](#), Employment Working Paper No 78 2011, Employment Sector, International Labour Organization, Geneva, 2011, p. 7.

¹⁸⁵ Ecorys, [Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report](#), Report prepared for Directorate General for Trade, European Commission, Rotterdam, The Netherlands, 11 May 2015, p. 10.

¹⁸⁶ International Institute for Labour Studies, Chapter 2 - Conditional Labour Provisions of Trade Agreements and Their Possible Impact, in [Social Dimensions of Free Trade Agreements](#), International Labour Organization, Geneva, 2015, pp. 44, 47.

These pressures have resulted in increased public social spending in Mexico. Scholars argue that economic growth needs to be seen as more than an increase in salaries, but rather an increase in social spending. However, the graph in [Figure 9](#) illustrates that economic development in Mexico has not gone hand-in-hand with social investment. [Figure 9](#) demonstrates the constant rise in public social spending in Mexico since before the EU-Mexico FTA was signed, with a plateau and slight fall in total net social spending since the global economic crisis.¹⁸⁷

In Mexico, most people with disabilities live in poverty, leading to increased barriers to employment, among other things. In its October 2014 review of Mexico's compliance with the UN Convention on the Rights of Persons with Disabilities, the Treaty's monitoring body raised concerns about continuing restrictions on the legal capacity of persons with disabilities, violence faced by women and children with disabilities (including involuntary sterilisation), institutionalisation of children with disabilities, and physical coercion, as well as isolation, of people with disabilities in psychiatric hospitals.¹⁸⁸

In line with the modest impacts of the EU-Mexico FTA identified so far, it appears that changes in poverty and inequality as a result of the FTA are also very small. The Ecorys evaluation of the EU-Mexico FTA commissioned by the European Commission nonetheless reports a positive trend: the number of people below the absolute poverty line is estimated to have decreased from 58.3 million to 58.1 million. The same study shows that the number of people below the extreme poverty line has decreased from 18.87 to 18.82 million people, while the number of people just above or below the poverty line has also fallen. The analysis of poverty effects for different groups of the population (by sex, age, education level, region, and place of residence (urban/rural) shows similar patterns.¹⁸⁹

Regarding child labour in Mexico, according to the US Department of Labor list,¹⁹⁰ child labour is allegedly still present in major parts of the agriculture sector (the production of green beans, chili peppers, coffee, cucumbers, melons, onions, sugarcane, tobacco and tomatoes) and in the pornography business. In the production of aubergines, both child labour and forced labour are employed.¹⁹¹ However, the European Commission underlines that 'it is not possible to determine the extent of use of child labour, let alone the use of

¹⁸⁷ Public social spending refers to financial flows controlled by General Government (different levels of government and social security funds), such as social insurance and social assistance payments.

¹⁸⁸ Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, p. 385.

¹⁸⁹ Ecorys, [Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report](#), Report prepared for the European Commission - DG Trade, Rotterdam, The Netherlands, 11 May 2015, p. 11.

¹⁹⁰ Under the Trafficking Victims Protection Reauthorisation Act of 2005, the Department of Labor publishes a list of goods that it has 'reason to believe are produced by forced or child labour in violation of international standards'.

¹⁹¹ European Commission, Annex 4, in [Commission Staff Working Document, Trade and Worst Forms of Child Labour](#), Reference no SWD(2013) 173 final, Brussels, 30 April 2013, pp. 38-46.

['Worst forms of child labour'] WFCL'¹⁹², that is, it is not possible to identify how many of the imports from Mexico actually use WFCL. It is therefore arguable that restrictive trade action by the EU alone could have an impact. Furthermore, such trade sanctions could punish exporters who do not use WFCL in the production of their goods.

13.5. Indigenous peoples' rights

The Global Agreement only includes cooperation provisions providing for dialogue on the social agenda with vulnerable groups, including indigenous people. Despite documented serious human rights violations (extrajudicial killings, enforced disappearances, torture, and social, economic and political discrimination) against the substantial indigenous population in Mexico, the Mexican authorities have repeatedly downplayed the problem. The EU-Mexico FTA has not had an impact on effectively curbing such violations.

Indigenous peoples' rights are addressed by Article 36 of the Global Agreement. The provision, intended only to build cooperation activities between the parties on social affairs and poverty, the results of which are not binding. The agreement calls for dialogue on all aspects of the social agenda that are of interest to vulnerable groups, including indigenous people. Recognising the need to harmonise economic and social development and to respect the basic rights of the most vulnerable groups in the population, Article 36 stipulates that the 'Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth' (Article 36).

According to a 2010 general census, Mexico has a substantial indigenous population – an estimated total of 17 million indigenous people (about 15.1 % of the population)¹⁹³ – who use 70 indigenous languages and several other dialects.¹⁹⁴ Even if Mexico's official language is Spanish, the law recognises indigenous languages as national. It is also worth noting that the illiteracy rate among the indigenous population, at 44.27 %, is much higher than the 10.46 % national average,¹⁹⁵ which has consequences for their access to sectors and positions in the job market.

In multiple reports over the past decade, human rights watchdogs have documented hundreds of cases of serious human rights violations – including extrajudicial killings,

¹⁹² European Commission, [Commission Staff Working Document, Trade and Worst Forms of Child Labour](#), Reference no SWD(2013) 173 final, Brussels, 30 April 2013, p. 47.

¹⁹³ Economic Commission for Latin America and the Caribbean, [Indigenous Peoples in Latin America](#) (data from 2010), Infographics, Santiago de Chile, 22 September 2014.

¹⁹⁴ Instituto Nacional de Estadística y Geografía (INEGI), [Lenguas indígenas en México y hablantes \(de 3 años y más\) al 2015](#), Mexico, 2015.

¹⁹⁵ According to the INEGI as cited in the United Nations International Human Rights Instruments, [Core Document Forming Part of the Reports of States Parties. Mexico](#), Reference no HRI/CORE/MEX/2005, 31 January 2006, p. 4.

enforced disappearances, and torture – against indigenous peoples by security forces. Those cases have been observed in 12 of Mexico's 31 states, constituting a geographical and political cross-section of the country. Complaints have focused in particular on the politically-motivated prosecution by state authorities of activism by indigenous rights defenders. More generally, human rights defenders and activists have suffered harassment and attacks, often in the context of opposition to infrastructure, land-grabbing or resource extraction 'mega-projects'. In many cases, there is evidence that state agents are involved in aggression against these groups. Indigenous communities also suffer social and economic discrimination, being excluded from health and education services, as well as discrimination in the criminal justice system.¹⁹⁶

The Mexican government has repeatedly tried to downplay the magnitude of the problem, claiming that the complaints were excessive and based on a small number of cases that did not reflect the reality of the country.¹⁹⁷ Public authorities have also repeatedly denied Mexican indigenous peoples their right to consultation on infrastructure projects that threaten their cultural survival.¹⁹⁸ In 2012, Mexico enacted a law on the Protection on Human Rights Defenders and Journalists. The protection mechanism created by the law, however, has not been effectively implemented, with protective measures slow to arrive, insufficient, or incomplete in some cases. There is also still not enough cooperation between the federal and state levels on resources, guidelines and operational protocols which would guarantee protection. The EU-Mexico FTA has not had an impact on effectively curbing such violations. Political statements have been made, especially by local and international human rights organisations demanding that local authorities ensure the safety of indigenous activists and reminding them of the obligation to protect human rights defenders, as enshrined in the 1998 UN Declaration on Human Rights Defenders,¹⁹⁹ and to protect the rights of indigenous peoples, as stipulated in UN resolution 61/178.²⁰⁰

¹⁹⁶ Human Rights Watch, *World Report 2015 (events of 2014)*, New York, 2015, p. 384; Amnesty International, *Mexico: Indigenous Activist Detained, Risks Unfair Trial: Mario Luna Romero*, 15 September 2014, and Amnesty International, *Mexico: Second Indigenous Activist Detained: Fernando Jiménez Gutiérrez*, 25 September 2014. Following a year in preventive detention, they were both released for lack of evidence on the accusations. See Amnesty International, *Mexico: Further Information: Mexican Indigenous Leaders Released*, 30 October 2015.

¹⁹⁷ Human Rights Watch, *Mexico: Police Killings in Michoacán: Evidence of Extrajudicial Executions in Apatzingán and Tanhuato*, 28 October 2015.

¹⁹⁸ Amnesty International, *Americas: Governments Must Stop Imposing Development Projects on Indigenous Peoples' Territories*, 8 August 2012.

¹⁹⁹ Amnesty International, *Mexico: Further Information: Indigenous Defenders Receive New Threats*, 26 January 2015.

²⁰⁰ Amnesty International, *Mexico: Indigenous People Attacked, Threatened*, 20 March 2012.

13.6. Women's rights

The Global Agreement only includes provisions on cooperation activities on women's rights providing for social dialogue to harmonise economic and social development. Mexican women are typically employed in the expanding services sector and in manufacturing (especially in export processing zones, known as *maquiladoras*). Gender issues are of particular concern because of the feminisation of poverty in Mexico rooted in the lack of opportunities and inequality. There is a diminishing, but still substantial, disparity in the remuneration for work between men and women, and occupational segregation. Women continue to be victims of sexual harassment despite being prohibited under application of Mexican federal labour law.

The Global Agreement also addresses women's rights under Article 36, the same article that addresses indigenous peoples' needs. The provision, intended to build cooperation between the parties on social affairs and poverty, is empty of any effective content as it does not impose any legal obligation of a result. It provides for dialogue on all aspects of the social agenda that are of interest to vulnerable groups, such as women on a low income. Recognising the need to harmonise economic and social development and to respect the basic rights of the most vulnerable groups in the population, Article 36 stipulates that the 'Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth' (Article 36). Women's rights are also included in regional cooperation between EU and Latin America, insofar as 'special attention shall be given to developing the role of women, particularly in the production process' (Article 37).

According to ILO data, Mexican women are typically employed in the services sector, which is expanding in Mexico. Their participation in this sector has risen from 70 % of employed women in 2000, to 80 % in 2011. This is particularly the case in rural areas, where it is mainly women who are employed in petty trade and personal services.²⁰¹ In particular, the liberalisation of trade – especially that created by NAFTA – which led to an export surge in manufacturing production and employment in Mexico during the second half of the 1990s, has primarily affected the feminised *maquiladora* (manufacturing/assembly) sector. The US State Department notes several complaints related to the poor working conditions in *maquiladoras* – most commonly, low wages, poor labour relations, long working hours, unjustified dismissals, the lack of social security benefits, unsafe workplaces, and a lack of freedom of association.²⁰²

Gender issues are of particular concern in Mexico due to the feminisation of poverty rooted in the lack of opportunities and inequality. According to the National Women's Institute (INMUJERES), 60 % of those living in extreme poverty are women. Together with youth and older workers, women find themselves most affected by forced workforce mobility

²⁰¹ ILO KILM Indicator 4a.

²⁰² United States Department of State, [Mexico 2014 Human Rights Report](#), Country Reports on Human Rights Practices for 2014, Bureau of Democracy, Human Rights and Labor, Washington, DC, not dated, p. 40.

caused by changes resulting from adverse economic cycles, leading to greater female unemployment. In addition, older women have better rates of employment in the informal sector than men.²⁰³ According to the 2011 National Survey on Household Relations, 21 % of women said they had experienced discrimination in the workplace in the past year – a figure that is likely to be higher in reality, as many cases go unreported. In addition, while labour law provides protection for pregnant women, the Information Group on Reproductive Rights has noted that a number of employers reportedly violated the law by requiring pregnancy tests in pre-employment physicals, by continuing to make inquiries into a woman's reproductive status, and by dismissing women because of pregnancy.²⁰⁴

Moreover, there is a great disparity in the remuneration for work between men and women, and occupational segregation. According to ILO statistics, while the gap in employment ratio between men and women is declining, it remains substantial. Admittedly, the male ratio, which was more than twice that of the female ratio in 1990, is decreasing. Nevertheless, the substantially increased female ratio – by 10.2 % points to 42.8 % in 2012 – is still only slightly above half that of the male ratio. In parallel, the total female participation rate has increased from 39.1 % in 2000 to 45 % in 2012. For the age cohort of 35 to 54 years, it has increased from 44.7 % to 55.9 %. Both rates are substantially below the male participation rates, which are likely to have decreased because of declining numbers of unskilled males. This decline may be the result of international migration, an income effect and/or increasing participation in illegal activities.²⁰⁵ To this should be added that, in Mexico, more than 80 % of women are unbanked.²⁰⁶

Furthermore, although Mexican federal labour law prohibits sexual harassment and provides for fines from 250 to 5 000 times the minimum daily wage, women are a target of sexual harassment. Sexual harassment is explicitly criminalised in 15 of 31 states and the Federal District, and all states have provisions for punishment when the perpetrator is in a position of power. According to the INMUJERES, the federal government institution charged with directing national policy to achieve equality of opportunity between men and women, sexual harassment in the workplace is a significant problem, but victims are reluctant to come forward, and cases are difficult to prove.²⁰⁷

²⁰³ European Commission, Annex 4 - Gender Profile, in [Mexico: Country Strategy Paper 2007-2013](#), Reference no E/2007/1063, Brussels, 22 May 2007, p. 41.

²⁰⁴ United States Department of State, [Mexico 2014 Human Rights Report](#), Country Reports on Human Rights Practices for 2014, Bureau of Democracy, Human Rights and Labor, Washington, DC, not dated, p. 26.

²⁰⁵ Ecorys, [Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report](#), Report prepared for the European Commission - DG Trade, Rotterdam, The Netherlands, 11 May 2015, p. 106.

²⁰⁶ United Nations Development Programme, [Human Development Report 2015: Work for Human Development](#), New York, 2015, p. 112.

²⁰⁷ United States Department of State, [Mexico 2014 Human Rights Report](#), Country Reports on Human Rights Practices for 2014, Bureau of Democracy, Human Rights and Labor, Washington, DC, not dated, p. 25.

In a similar vein to the indigenous human rights activists' situation, human rights watchdogs report several cases of threats against women's rights activists in Mexico, and demand that authorities guarantee the safety of human rights workers and ensure that activists can carry out their work without fear of reprisals.²⁰⁸ In recent years, there have also been reports of political murder of women's rights activists which have not been investigated.²⁰⁹

14. Assessing the monitoring framework of the EU-Mexico Global Agreement

The Global Agreement has instituted formal mechanisms through which its implementation is monitored. In combination with the summits organised under the Strategic Partnership, the work of the European Parliament and the EU Delegation in Mexico, assistance to promote respect of human rights has been provided, pressure – when necessary – has been exercised, and political dialogue in view of strengthening cooperation has been carried out. This cooperation between the two parties has also spilled over at the United Nations level.

This section discusses the monitoring mechanisms of the implementation of the Global Agreement, set out in Title VII, institutional framework (Articles 45 to 50) of the Global Agreement (see [Annex 1](#)). According to these provisions, the institutional framework consists of a Joint Council, a Joint Committee, Special Committees established by the Joint Council, and the dispute settlement mechanism. Also, the Final Act of the Interim Agreement includes a 'Joint Declaration on the Dialogue at Parliamentary level', which constitutes the basis for the creation of the Joint Parliamentary Committee.²¹⁰ Furthermore, to raise the political profile of their bilateral relations and to maintain regular contacts at the highest level, the EU and Mexico have established the practice of holding Presidential summits every two years and high level dialogues. These provisions are analysed in sections [14.1](#) and [14.2](#).

Beyond formal mechanisms, political statements outside the framework of the Global Agreement have put pressure on Mexico to act on strengthening human rights protection in the country. Since January 1995 – when the Global Agreement was already under

²⁰⁸ Amnesty International, [Mexico: Women's Rights Organization Raided in Mexico](#), 8 November 2011, and Amnesty International, [Mexico: Further Information: New Break-in at Women's Rights Organization](#), 9 March 2012.

²⁰⁹ See, for example, Amnesty International, [Mexico: Briefing to the UN Committee on the Elimination of Discrimination against Women](#), 6 July 2012, p. 10; and Amnesty International, [Women Human Rights Defenders Threatened](#), 8 May 2013.

²¹⁰ Joint Declaration on the Dialogue at Parliamentary level, in [Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part - Final Act - Joint Declarations - Unilateral Declarations](#), *Official Journal* L 226, 13 August 1998, pp. 31-48.

negotiation – the European Parliament systematically voiced concerns regarding the human rights situation in Mexico. [Annex 3](#) analyses the 25 EP resolutions adopted since 1995, against the reaction of the European Commission and the European External Action Service. Through its resolutions and reports, the EP has, among other things, condemned the escalation of violence in Mexico (in 2010); the forced disappearances and crimes in Iguala and all forms of violence in the country (in 2014); and has also regularly called for a stronger rule of law and judicial reform. In this context, [section 14.3](#) examines the work of the EP-Mexico Joint Parliamentary Committee.

The Council of the European Union has pointed out the challenges Mexico faces on corruption and drug trafficking, but has put far more emphasis and support on the progress and commitment of the various Mexican governments to improve the situation, as the conclusions issued over the years by the Dublin Group demonstrate.²¹¹ Furthermore, in line with the functions of the political dialogue in the Global Agreement, the EU Delegation in Mexico has, over the years, expressed positions when events occurring in Mexico posed problems with the effective application of the rule of law in Mexico, and by extension with respect for human rights. For instance, in 2011, the EU Delegation in Mexico issued a declaration on attacks against human rights defenders and, in 2014, it issued statements condemning the murder of two journalists.²¹²

For their part, human rights organisations, both in Mexico and at European level, have long advocated improving the implementation of the EU guidelines on human rights defenders and for leveraging EU political dialogue with the Mexican government to ensure the protection of the economic, social and cultural rights of all citizens of Mexico.

A review of the joint communiqués of the summits, the Joint Councils and the Joint Committees, and the Joint Declarations of the EU-Mexico Joint Parliamentary Committee shows that the tone is mostly conciliatory and the ultimate purpose of the meetings is to build cooperation – rather than to point the finger to each other’s weaknesses. In that spirit, the joint positions between the EU and Mexico in the area of human rights have allowed for cooperation to develop at the UN level. Over the years, these forums have offered fertile ground for both parties to work together on strengthening and improving the functioning of the UN Human Rights Council, supported initiatives at the Council and the General

²¹¹ See, for example, Council of the European Union, [Regional Report on Mexico and Central America](#), US Regional Chair for Central America to Dublin Group, Reference no 14732/10, Brussels, 11 October 2010; Council of the European Union, [Semiannual Report on Mini-Dublin Group Proceedings and Recommendations, Mexico City 29 April 2004](#), US Regional Chair to Dublin Group, Reference no 10583/04, Brussels 17 June 2004; Council of the European Union, [Follow-up to the Recommendations and Conclusions Concerning the Regional Formation on Central America and Mexico Approved by the Central Dublin Group in July 2002](#), Spanish Chair to Dublin Group, Reference no 5441/03, Brussels, 14 January 2003; Council of the European Union, [Situation Report by the Central America and Mexico Regional Group](#), Spanish Regional Chair of the Dublin Group to Central Dublin Group, Reference no 10604/02, Brussels, 4 July 2002.

²¹² Domínguez, Roberto and Monica Velasco Pufleau, [The Modernisation of the European Union-Mexico ‘Global Agreement’](#), Reference no PE 534.985, Policy Department, Directorate B, Directorate General for External Policies of the Union, European Parliament, Brussels, January 2015, p. 19.

Assembly of the UN on different human rights issues, such the elimination of all forms of discrimination, improvement in women's rights, as well as the abolishment of the death penalty.²¹³ In the area of disarmament, while there have been disagreements on the World Moratorium on Nuclear Arms, both parties have supported the implementation of the Arms Trade Treaty in the UN.²¹⁴ In another area of security, dialogue and cooperation to tackle the problem of production, trafficking and consumption of illicit drugs has become a priority. The global agenda on climate change, sustainable development and the millennium development goals in the meetings of the Conference of the Parties (COP) of the UN Framework Convention on Climate Change (UNFCCC), the UN Conference on Sustainable Development ('Rio+20') and the debate on the post-2015 development agenda, respectively, are other areas of shared objectives.²¹⁵ The EU also supported Mexico's successful candidacy for the UN Human Rights Council 2014-2017.²¹⁶

14.1. Monitoring mechanisms: Joint Council, Joint Committee and dispute settlement

The Global Agreement encompasses formal monitoring mechanisms through which Mexico and its European partner can discuss issues of mutual interest. Overall, the ongoing monitoring and evaluation of the implementation of the Global Agreement has focused on the economic benefits to each party of the pact and the benefits to business, as can be seen in the decisions taken. At the level of political declarations, security challenges that Mexico faces have been raised, but the social impact (including human rights issues) that the EU-Mexico FTA may have had, however, seem to have been put on the backburner.

The Joint Council, the main body governing the Global Agreement, is constituted at ministerial level to 'examine any major issues arising from within the framework of this Agreement and any other bilateral or international issues of mutual interest' (Article 45). The Council is composed of Members of the Council of the EU and the European Commission, and members of the Government of Mexico, and meets every two years. In addition to the Council's traditional function of monitoring and supervising the implementation and administration of the agreement, it also holds the primary responsibility for the negotiation of the agreement. Article 47 of the Global Agreement

²¹³ See, for example, European Union and United States of Mexico, [Seventh Meeting of the EU-Mexico Joint Committee Brussels, 26-27 November 2007](#), Joint Communiqué (Final), Brussels, 26-27 November 2007.

²¹⁴ Domínguez, Roberto and Monica Velasco Pufleau, [The Modernisation of the European Union-Mexico 'Global Agreement'](#), Reference no PE 534.985, Policy Department, Directorate B, Directorate General for External Policies of the Union, European Parliament, Brussels, January 2015, p. 22.

²¹⁵ European Parliament, [15th Meeting of the EU-Mexico Joint Parliamentary Committee](#), Reference no PE 446.825, Mexico-EU Joint Parliamentary Committee, Mexico City, State of Morelos, 2-4 May 2013, p. 5.

²¹⁶ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 101.

empowers the Joint Council to take decisions, which are binding on the parties, and make recommendations, both by mutual agreement.

Moreover, Article 48 of the Global Agreement established the Joint Committee as a body at the level of Vice-Minister or senior official, which meets once a year, and assists the Joint Council. In fact, the Joint Council can delegate any of its powers to the Joint Committee and determines its functions and duties, including taking decisions or making recommendations by delegation of the Joint Council. Neither body's meetings are public.

Finally, the Global Agreement includes a dispute settlement mechanism (Article 50) the stated aim of which is to guarantee the enforcement of the provisions of the agreement, without prejudice to the parties' respective rights within the WTO framework. Although the procedures in place for the use of arbitration are of a non-political nature, the decision to resort to arbitration or retaliation remains a political one (as it is one of the parties, rather than the Arbitration Panel, that takes this decision).²¹⁷ Furthermore, a bilateral dispute settlement mechanism was created, with Decision 2/2000 of the EU-Mexico Joint Council, but has only been used once to bring a complaint to the World Trade Organization (WTO): the EU complaint on the countervailing duties imposed by Mexico on olive oil originating in the EU, filed in August 2004 (on provisional duties) and March 2006 (on definitive duties). The case ended in 2008 with the WTO ruling in favour of the EU. This mechanism is also only relevant to issues pertaining directly to trade and not the FTA's social impact, and by extension, impact on the human rights situation in Mexico.

An overview of the Joint Council's and Joint Committee's decisions shows that they have covered issues pertaining to the EU-Mexico FTA on goods; the liberalisation of trade in services; the liberalisation of investment and related payments; intellectual property rights; and methods for settling disputes. None of the decisions relate to human rights issues.²¹⁸

In addition, an analysis of the press statements of the EU-Mexico Joint Council and Joint Committee meetings reveals that these forums, established for ongoing monitoring and evaluation of the implementation of the EU-Mexico Global Agreement, concentrated primarily on the economic benefits to each party of the pact and the benefits to business, rather than its impact on society at large, and on the respect of human rights more specifically. The issues treated in the seven meetings held by the Joint Council since 2001 cover three main areas: (1) evaluation of bilateral relations (including the treatment of multilateral matters of mutual interest), (2) bilateral cooperation, and (3) trade issues.²¹⁹ An analysis of the meeting documents do not provide any real insight on the existence of

²¹⁷ The Arbitration Panel is established at the request of either party if the Joint Committee is not able to resolve a dispute within 45 days (Article 43.1 of the Global Agreement). The composition of the panel is governed by a set of rules of procedures (Articles 44.1, 44.2 and 44.3), whereby both parties can propose candidates and together agree on the appointment of members.

²¹⁸ All of the decisions taken by the EU-Mexico Joint Council and the EU-Mexico Joint Committee can be found in the [Foreign Trade Information System](#) of the Organisation of American States.

²¹⁹ The [documents relating to meetings of the EU-Mexico Joint Council](#) can be found in the Foreign Trade Information System of the Organization of American States.

contentious issues and hence of the actions to be taken to solve them.²²⁰ When discussions addressed the security challenges Mexico faces – for example, the 2012 Joint Council meeting again emphasised the need for further cooperation to combat drug trafficking²²¹ – these issues were addressed diplomatically and using a rather neutral language that does not exert the necessary pressure for action.

14.2. Political dialogue

EU-Mexico political dialogue is based on a single article, Article 3 of the Global Agreement, which is based on the principles referred to in Article 1 (the ‘democracy clause’). Political dialogue, reinforced by the meetings taking place under the umbrella of the Strategic Partnership, has helped forge common positions on security and human rights issues between the EU and Mexico.

Political dialogue between the EU and Mexico is based on a single article, Article 3 of the Global Agreement, which is based on the principles referred to in Article 1 (the ‘democracy clause’). Dialogue is conducted in accordance with the ‘Joint Declaration by the European Union and Mexico on Political Dialogue’, which forms an integral part of the Global Agreement. This provides the legal basis allowing for a discussion of a broad spectrum of bilateral and international matters of mutual interest relevant to democracy and the practices of good governance. Thus, the political dialogue in the Global Agreement has not only been instrumentalised to enhance cooperation, but also to express positions when events occurring in Mexico or the EU raise public concerns internationally.

The political dialogues were further reinforced with the signature of the 2009 Strategic Partnership and its 2010 Joint Executive Plan of the Strategic Partnership²²² that aimed to offer the EU and Mexico more opportunities to tackle sensitive issues, even domestic ones. It sought to enable the parties to pursue the safeguarding of shared values, such as human rights, democracy, rule of law, good governance and legal security.

The tangible outcome of the political dialogue was the creation of EU-Mexico High Level Dialogues (HLD), which is generally led by under-deputies of the ministries of the Mexican government and their counterparts in the European institutions. These summits are held every two years, aiming at raising the political profile of bilateral relations and to maintain regular contacts at the highest level. The VII EU-Mexico Summit, held on 12 June 2015 in

²²⁰ Ecorys, [Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report](#), Report prepared for the European Commission - DG Trade, Rotterdam, The Netherlands, 11 May 2015, p. 60.

²²¹ Council of the European Union, [VII Joint Council European Union – Mexico, Mexico City, 9 February 2012](#), Joint Communiqué, Reference no UE-MX 2052/12 PRESSE 42, Mexico City, 9 February 2012.

²²² Council of the European Union, [Mexico-European Union Strategic Partnership Joint Executive Plan](#), Reference no 9820/10, PRESSE 126, Comillas, 16 May 2010.

Brussels, for example, discussed the global drug problem and the fight against transnational organised crime, which, as analysed previously in this paper, affects the EU-Mexico trade relationship, in that illicit trade enters the formal economy and negatively impacts on human rights in Mexico at the level of citizens and business.

At the same time, both parties have also developed mechanisms to hold permanent dialogues in priority areas, so as to convey political solidarity and coordinate positions at international level. One of these is the **High Level Dialogue on Human Rights**, organised annually between the EEAS and the Mexican Ministry of Foreign Affairs, which has recently also tried to involve civil society in promoting the exchange of information and good practice (in the name of transparency and accountability). Both the EU Guidelines on Human Rights and International Humanitarian Law²²³ and the EU Guidelines on Human Rights Dialogues²²⁴ encourage the involvement of civil society in the different phases of human rights dialogue (preliminary assessment, conduct of the dialogue itself, following up, and evaluation).

Another important dialogue is the **High Level Dialogue on Security and Law Enforcement**, which was held for the first time in 2011, in the context of increasing levels of violence in Mexico. A more technical working group, the HLD on Security and Law Enforcement brings together the EEAS, DG HOME, DG DEVCO and DG JUST in the European Commission from the EU side, and the Mexican Ministry of Foreign Affairs. In this context, it was agreed to establish permanent contact between security and law enforcement agencies from Mexico and the EU, strengthen bilateral cooperation on the fight against trafficking of persons and drugs, pursue a closer relation between Mexican police authorities and Europol, collaborate fully in the implementation of the Guatemala Summit conclusions; and an efficient mechanism to manage this forum was to be set up.²²⁵ This HLD has helped support Mexico move forward in areas such as the fight against organised crime, drugs, human and arms trafficking, judicial reforms, and cooperation with Central America. An important multilateral cooperation initiative involving transatlantic partners is the so-called 'Threat Notice on Mexican Organised Crime Groups', where Europol exchanges information with agencies from the USA, Mexico and Brazil. Europol cooperates with the Mexican authorities, notably by providing training, despite the absence of a formal agreement. They also cooperate in the context of a project related to organised crime and cocaine trafficking.²²⁶ In 2012, then High Representative of the EU for Foreign Affairs and Security Policy, Catherine Ashton, stated that greater cooperation

²²³ Council of the European Union, [EU Guidelines Human Rights and International Humanitarian Law](#), Brussels, March 2009.

²²⁴ Council of the European Union, [European Union Guidelines on Human Rights Dialogues](#), Brussels, June 2001.

²²⁵ European Union and United States of Mexico, [11th Joint Committee European Union–Mexico, Brussels, 26-27 October 2011](#), Joint Communiqué, Brussels, 26-27 October 2011.

²²⁶ Renard, Thomas, [Partners in Crime? The EU, its Strategic Partners and International Organised Crime](#), ESPO Working Paper No 5, Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), Madrid, May 2014, p. 16.

with Europol and Frontex could be envisaged, if Mexico requested.²²⁷ It was thought that such cooperation could be targeted at strengthening Mexico's capacity to end the smuggling of arms and drugs and the flow of criminals across its southern border.

The cartel situation in Mexico, already analysed in [section 13.2](#), has direct ramifications for Europe, which is on the receiving end of drug flows. Despite the joint initiatives at the regional level, adequate incentives and repeated calls for more cooperation, 'the Mexican authorities consider that they can deal with this challenge alone, and they perceive the EU's offer for bilateral cooperation as potentially intrusive or demeaning'.²²⁸ Furthermore, Mexico still seems to largely prefer bilateral cooperation with EU Member States. It has developed special relations on combating organised crime with France, the United Kingdom (UK), Germany, Spain, Portugal and Italy. More specifically, the UK has contributed to the strengthening of rule of law through the Global Opportunities Fund (rule of law and justice reform at federal and federated level, specifically in the area of oral trials and restorative justice). Spain has contributed to judicial training in the 32 federated states, while France has engaged in institutional strengthening in police matters and investigative techniques. For their part, Finland and Denmark have funded projects that focus on the rights of indigenous peoples and social cohesion.

The EU Delegation has regular contact and exchanges with the main international donors and operators in the human rights field (USAID, Ford and MacArthur Foundations, Freedom House, Open Society Institute, Konrad Adenauer Stiftung, among others). Mexico's Ministry of Foreign Affairs has a Directorate General for Human Rights and Democracy, which has a mechanism for coordination with all international donors in Mexico.²²⁹

While some scholars have expected a tougher position from the EU on human rights violations in Mexico, the evidence indicates that the EU has taken a pragmatic and constructive approach towards implementing the democracy clause principles.²³⁰ In an effort to exert political pressure on Mexico regarding the respect of good governance practices, the EU has conveyed its views through EU declarations (at the level of the EU-Mexico Joint Council and Joint Committee, see [section 14.1](#)) in cases of flagrant deviations

²²⁷ European Union, [Remarks by High Representative Catherine Ashton following her meeting with the Foreign Minister of Mexico Patricia Espinosa](#), Mexico City, 9 February 2012.

²²⁸ Renard, Thomas, [Partners in Crime? The EU, its Strategic Partners and International Organised Crime](#), ESPO Working Paper No 5, Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), Madrid, May 2014, p. 27.

²²⁹ European Commission, Annex II - Action Fiche for Mexico/Social Cohesion, in [European Commission Decision on the Annual Action Programme 2007 in favour of Mexico to be financed under Article 19 09 01 of the general budget of the European Communities](#), Brussels, 2007, p. 3-4.

²³⁰ Prado Lallande, Juan Pablo, La Inoperante Cláusula Democrática del Acuerdo Global México-Unión Europea, Causas y Efectos, in Huacuja Acevedo, Luis Antonio (ed.), [XIII Reunión de la Comisión Parlamentaria Mixta México-Unión Europea, Cuaderno de Trabajo](#), Fundación Friedrich Naumann y la Coordinación de Posgrado de la Facultad de Estudios Superiores Acatlán, UNAM, Mexico F.D., 4 June 2012, pp. 18-24.

of rule of law in Mexico. The lack of implementation at state/local level of laws adopted at national level is regularly discussed with Mexico at EU level. The clause was mentioned, for example, in 2014 in the two EU Delegation declarations in response to the murder of a journalist and the disappearance of 43 students in Iguala, which, it was argued, reflect the presumed complicity between local authorities and criminal organisations.²³¹

While reactions to EU criticism from various sectors in Mexico have differed, the general trend is that the Mexican government has been receptive to these concerns.²³² A mirroring aspect of the mutual monitoring has been the issuing of statements supporting the positive actions of the various Mexican governments over the years in support of human rights protection. These include, for example, the EU's declarations of support for the attempts of the government of President Vicente Fox (2000-2006) to ensure more public accountability in 2002, Mexico's ratification of the Rome Statute in 2005, and the abolishment of the death penalty in Mexico in 2006.²³³

14.3. EU-Mexico Joint Parliamentary Committee

The Joint Parliamentary Committee (JPC) has played an important political role in exerting pressure on the Mexican authorities, when required, to carry out the necessary reforms to ensure human rights protection. At the same time, it has also congratulated the Mexican authorities on reforms undertaken, when merited. The JPC has consistently called for more civil society participation in the EU-Mexican dialogues, and has itself regularly met with such actors on a consultative basis.

In parallel, the EU-Mexico Joint Parliamentary Committee has monitored the implementation of the Global Agreement since 2005. The Global Agreement provided for the creation of a Joint Parliamentary Committee (JPC), whose main task is to monitor the application of the agreement and to make proposals with a view to improving its operation. It comprises two delegations with an equal number of members from the European Parliament and from the Mexican Senate/Chamber of Deputies respectively.

Since its establishment in 2005, the JPC has held 21 meetings (the last having taken place in Brussels in October 2016). It represents a forum where the two parliamentary delegations exchange views and make recommendations on an array of topics, including human rights protection. This section seeks to evaluate the extent of attention paid to the human rights situation in Mexico, and does so through an overview of first-hand sources

²³¹ Dutch Foreign Ministry, *Human Rights Report 2014*, Reference no AVT15/BZ116018, 2015, p. 67.

²³² Such criticism has come in the form of statements by the EU Delegation in Mexico, EP resolutions, or EU-Mexico Joint Parliamentary Committee declarations, and to a lesser degree through EU-Mexico Joint Council and Joint Committee statements.

²³³ Domínguez, Roberto and Monica Velasco Pufleau, *The Modernisation of the European Union-Mexico 'Global Agreement'*, Reference no PE 534.985, Policy Department, Directorate B, Directorate General for External Policies of the Union, European Parliament, Brussels, January 2015, p. 20.

- the official documents of meetings of the JPC (agendas, work programmes, joint declarations and minutes).

Since its inception, the EU-Mexico Joint Parliamentary Committee has closely followed Mexico's progress over the years in the area of human rights and has pushed the parties to take concrete action to ensure their effective protection. On the one hand, the JPC supported EU action in the field of cooperation funding and sharing of best practice. On the other, it has backed up the Mexican government in its efforts to provide a legal framework that could address the many facets of human rights protection.

In addition, the topics raised by the JPC with regard to protection and promotion of human rights have been quite consistent. They have included such sensitive issues as violence against women and gender inequalities, the protection of human rights defenders, migration and border management, impunity, corruption and the weaknesses of the Mexican justice system.²³⁴

The first meeting of the JPC was held in Strasbourg on 28 and 29 September 2005. The joint declaration issued on that occasion did not directly mention the promotion or protection of human rights in Mexico. Nonetheless, two relevant issues were raised by the delegations, the first concerning the promotion of societal participation in the discussion on the development and implementation of the agreement, and a second issue relating to violence against women and ways to counter this problem.²³⁵

The issue of migrant workers and border management has long represented a concern for the JPC, which already during its eighth meeting in Brussels in 2009,²³⁶ called on the EU and Mexico to tackle the country's migration needs with an integrated and balanced approach, based on the shared responsibility of the countries of origin, transit and destination. Such an approach would ensure full respect for the human rights of all migrant workers. On the same topic, the EU and Mexican delegations, on the occasion of the tenth

²³⁴ See, for example, European Parliament, [Tenth meeting of the EU-Mexico Joint Parliamentary Committee](#), Joint Declaration, Seville, Spain, 12-15 May 2010, p. 4; European Parliament, [Draft Minutes of the 13th meeting of the EU-Mexico JPC](#), Mexico City, 24-28 November 2011, p. 2; European Parliament, [Draft Minutes of the 15th Meeting of the EU-Mexico JPC](#), Mexico City and Cuernavaca, 2-4 May 2013, p. 25; European Parliament, [17th meeting of the EU-Mexico Joint Parliamentary Committee](#), Joint Declaration, Strasbourg, 17 April 2014, p. 5.

²³⁵ Azpiri Lejardi, Nekane and Angélica Villarreal Charris, [Compilation of Joint Declarations by the European Union-Mexico Joint Parliamentary Committee \(JPC\), European Parliament - Legislative Body 2004-2009](#), DG for External Policies Directorate Interparliamentary Delegations and Policy Department Parliamentary Delegations for non-European Countries, European Parliament, Brussels, March 2009, p. 6.

²³⁶ Azpiri Lejardi, Nekane and Angélica Villarreal Charris, [Compilation of Joint Declarations by the European Union-Mexico Joint Parliamentary Committee \(JPC\), European Parliament - Legislative Body 2004-2009](#), DG for External Policies Directorate Interparliamentary Delegations and Policy Department Parliamentary Delegations for non-European Countries, European Parliament, Brussels, March 2009.

meeting of the JPC in 2010,²³⁷ jointly condemned the adoption and further enactment of the Arizona 'Support Our Law Enforcement and Safe Neighbourhoods Act' (SB 1070), containing strict measures against illegal migration. According to JPC members, these were measures to be considered as based on racial prejudice, promoting intolerance, and infringing the basic human rights of migrants, inasmuch as they authorise the state police authorities to detain anyone they suspect might be in the country illegally.

A second issue recurrently highlighted by the JPC is concern regarding the security situation in Mexico, the level of violence in the country, and its negative repercussions on society as a whole. The JPC expressed concerns in particular regarding violence against women, journalists and human rights defenders. An overview of the JPC's joint declarations shows that 10 out of 20 joint declarations raise concerns regarding violence against women, three address issues related to the protection of journalists, and two condemn violence against human rights defenders. The JPC has also taken issue with the violence related to drug cartels (three out of 20 joint declarations).

During the thirteenth meeting of the EU-Mexico JPC,²³⁸ it was emphasised that, despite being a stable democracy and despite the efforts of the government, Mexico faces a serious problem posed by illegal drug-trafficking and organised crime. It was pointed out that this problem has far-reaching repercussions for security in many sectors of Mexican society, accounting for increased killings of journalists, politicians, human rights activists, and vulnerable members of the population, such as women and migrants. The JPC also acknowledged that, despite the legislative progress made in recent years as regards human rights in Mexico, continued efforts are needed to ensure effective enforcement of this legal framework. The two delegations called on the parties to take action to tackle the issue of impunity during the seventeenth meeting of the Joint Parliamentary Committee.²³⁹

When necessary reforms have taken place, these too have been acknowledged. During its twelfth meeting, which took place in 2011 in Luxembourg,²⁴⁰ the JPC welcomed the reform of the Mexican constitution on human rights matters, promulgated on 9 June 2011 by President Calderón, and conferring constitutional status on all the human rights consecrated in the international treaties ratified by Mexico. Similarly, during the fourteenth meeting of the JPC in 2012, the EU delegation welcomed the adoption of a law on the protection of human rights defenders and journalists, and proposed a series of joint

²³⁷ European Parliament, [Tenth meeting of the EU-Mexico Joint Parliamentary Committee](#), Joint Declaration, Seville, Spain, 12-15 May 2010.

²³⁸ European Parliament, [Draft Minutes of the 13th meeting of the EU-Mexico JPC](#), Mexico City, 24-28 November 2011.

²³⁹ European Parliament, [17th meeting of the EU-Mexico Joint Parliamentary Committee](#), Joint Declaration, Strasbourg, 17 April 2014.

²⁴⁰ European Parliament, [Draft Minutes of the twelfth meeting of the EU-Mexico JPC](#), Luxembourg, 20-21 June 2011.

activities, including guidelines, concerning human rights defenders and journalists and their security.²⁴¹

Finally, civil society organisation participation has constituted a key topic of discussion within the JPC. In 2010, at its eleventh meeting in Mexico City, the JPC stressed the importance of including a framework for consolidating dialogue on human rights in the Joint Implementation Plan of the Strategic Partnership. The JPC further proposed that civil society organisations be involved in this framework of dialogue and cooperation in the field of human rights.²⁴² Furthermore, during the nineteenth meeting of the JPC,²⁴³ held in Strasbourg in 2016, the EU delegation pointed out that, despite the significant involvement of civil society with regard to EU-Mexico cooperation on social affairs and in overcoming poverty, and cooperation on human rights and democracy, a more participative approach was needed. Indeed, the parties should promote and ensure civil society organisations play an active role in the development and monitoring of the EU-Mexico Agreement.

Members of the EP also systematically consulted civil society and met with NGOs during two visits to Mexico in February 2015 and May 2013. Sessions with human rights defenders and members of civil society were also held with the JPC in Strasbourg in November 2013. Human rights also occupied a prominent place in parliamentary exchanges, notably during former EP President Martin Schulz's visit to Mexico in February 2013, during which he met with civil society organisations.

14.4. Dialogue with civil society

While the Global Agreement provides for a role of civil society in its articles on cooperation. Civil society participation has also developed substantially over the years through the Civil Society Forum, the EU-Mexico Summits, mechanisms developed by the EU Delegation in Mexico, and the Mexican consultative mechanism. These forums have led to increased collaboration in human rights through information and experience sharing, programme financing, and monitoring of reforms concerning the rights of women, indigenous peoples, migrants, people with disabilities and victims.

The Global Agreement conceives of civil society as a partner for cooperation, rather than an active actor in the EU-Mexico relationship. Specifically, Article 36 of the Global Agreement, which focuses on cooperation on social affairs and poverty, establishes that Mexico and the EU will hold periodic consultations regarding cooperation activities involving civil society, designed to offer opportunities for the creation of jobs, vocational

²⁴¹ European Parliament, [14th Meeting of the EU-Mexico Joint Parliamentary Committee](#), Joint Declaration, Strasbourg, 23 and 24 May 2012.

²⁴² European Parliament, [11th meeting of the EU-Mexico Joint Parliamentary Committee](#), Mexico D.F., 1-2 December 2010.

²⁴³ European Parliament, [19th meeting of the EU-Mexico Joint Parliamentary Committee](#), Strasbourg, 7-9 July 2015.

training, and income growth. Article 39, which develops the topic of human rights and democracy, states that ‘cooperation shall focus mainly on: (a) the development of civil society by means of education, training and public awareness programmes’. In addition, Article 36 stipulates that ‘[t]he Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth’. (See [Annex 1](#).)

As the EU-Mexico relationship has developed and progressed, a mutually non-binding path of communication opened with the civil society through the biennial Civil Society Forum. This forum for cross-national dialogue, which first met in November 2002, provides civil society with an opportunity to present recommendations to the Mexican government and EU institutions. However, the forum is merely consultative.²⁴⁴ Recommendations consistently reiterated during the five meetings of the Forum focus on fair trade, investment, and the creation of a ‘Social Observatory’ and a Joint Consultative Committee (JCC). Some of these recommendations have produced a wide consensus, but there are still obstacles for their implementation. For instance, while there is a consensus on the creation of a ‘Social Observatory’, it has been difficult to determine how this observatory should be composed and organised.²⁴⁵ On the creation of a JCC, the European Economic and Social Committee has offered concrete recommendations. It ‘considers it necessary to establish a Joint Consultative Committee immediately, comprised of 9 or 12 representatives from the EESC and an equal number from Mexican organised civil society. The JCC should be recognised by the governing bodies of the agreement – to which civil society’s proposals are to be presented. The JCC will have advisory powers over the general content of the agreement without prejudice to establishing other mechanisms of participation for the specific areas of trade and sustainable development.’²⁴⁶

As of 2005, the EC (now EU) Delegation in Mexico and embassies of the Member States agreed to establish thematic working groups, including one on ‘Governance, Rule of Law and Human Rights’. The working group has further reinforced the HLDs discussed in [section 14.2](#). These civil society seminars with the participation of Mexican, EU and EU Member State officials as part of the regular EU-Mexico human rights dialogue have, over the years, developed concrete recommendations to strengthen the response to human rights violations in Mexico. The EU Delegation and Member State missions ensure donor coordination through periodical meetings of Cooperation Counsellors, chaired by the

²⁴⁴ Karishausen, Gérard, [Ponencia de Gérard Karlshausen \(Centro Nacional de Cooperación al Desarrollo-Bruselas y red CIFCA\) en apertura del foro de diálogo UE-México, el 25 de octubre 2012](#). 5th Forum of Dialogue between Civil Society and Institutions of the Mexican Government and the European Union, Brussels, 25 October 2012.

²⁴⁵ Huacuja Acevedo, Luis Antonio (ed.), [XIII Reunión de la Comisión Parlamentaria Mixta México-Unión Europea, Cuaderno de Trabajo](#), Fundación Friedrich Naumann y la Coordinación de Posgrado de la Facultad de Estudios Superiores Acatlán, UNAM, Mexico F.D., 4 June 2012, pp. 140-146.

²⁴⁶ [Opinion of the Economic and Social Committee on the Revision of the EU-Mexico Association Agreement \(Own-Initiative Opinion\)](#), *Official Journal* C 13, 15 January 2016, pp. 121-127.

Delegation, as well as specialised meetings of a subgroup for cooperation in social cohesion related issues.²⁴⁷

The EU considerably strengthened its engagement with NGOs in May 2013, by setting up a civil society working group in which the EU Delegation and the main human rights NGOs meet regularly. The EU Delegation and the Member States' embassies in Mexico developed an additional mechanism for the implementation of a local plan for human rights defenders. It consists of five working groups from Member States' embassies, which follow-up on individual cases on a geographic basis, coordinated by the EU Delegation in Mexico. Under the local guidelines on human rights defenders, the EU Delegation and Member States' missions have involved activists in their work. For instance, field visits to the states of Coahuila, Chihuahua and Oaxaca took place, during which EU representatives met members of local civil society and discussed individual human rights cases with senior local officials. Meetings have been held with senior officials in the federal authorities, such as the Vice-Minister responsible for Human Rights, the Head of the Unit for the Protection Mechanism for Human Rights Defenders and Journalists and the President of the National Human Rights Commission.²⁴⁸

For its part, the Mexican government created the 'Consultative Mechanism for EU-Mexico Civil Society Dialogue' (Mecanismo Consultivo para el Diálogo de la Sociedad Civil México-Unión Europea) in October 2012, which was considered an innovation. It includes 15 representatives of trade unions, business groups, the agricultural sector, academics and other parts of Mexican civil society. The goal of this mechanism is to promote Mexican civil society participation and submit recommendations to the government, in order to improve the bilateral relationship EU-Mexico.²⁴⁹ However, many questions have been raised regarding the representation of civil society actors. The Mexican Consultative Mechanism was received with apprehension by the European Economic and Social Committee (EESC), which questioned the representativeness of the NGOs included. On the European side, questions were raised as to whether the EESC should be the only body to represent European civil society. The compromise reached was for the role to be shared between the EESC and other European NGOs.²⁵⁰

²⁴⁷ European Parliament, [Memorandum to the DCI Committee concerning the 2012 Annual Action Programme in favour of Mexico covered by the programming document 'Country Strategy Paper EU-Mexico 2007-2013' for the Development Cooperation Instrument](#), Brussels, not dated.

²⁴⁸ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 345.

²⁴⁹ Castañeda Bustamante, Norma and Becerra Pozos, Laura, [Las Relaciones México-Unión Europea en el Marco del Acuerdo Global y la Asociación Estratégica: Un Balance desde la Sociedad Civil Mexicana](#), Asociación Latinoamericana de Organizaciones de Promoción al Desarrollo, August 2013, pp. 89-98.

²⁵⁰ Domínguez, Roberto and Monica Velasco Pufleau, [The Modernisation of the European Union-Mexico 'Global Agreement'](#), Reference no PE 534.985, Policy Department, Directorate B, Directorate General for External Policies of the Union, European Parliament, Brussels, January 2015, p. 35.

15. Analysing the effects of EU human rights financial assistance to Mexico

The new differentiated EU development partnership with Mexico for 2014-2020 no longer includes an EU bilateral envelope, as Mexico is considered a 'graduated country'. This means that, in accordance with changes in EU development assistance, and the EU concept of differentiation in aid allocation to developing countries, aid to Mexico is allocated according to its needs and the country is expected to co-finance programmes.²⁵¹ Nevertheless, Mexico may continue to benefit from certain programmes that can support the country's human rights reforms and efforts to meet ILO decent work standards. European Commission funding is intended to strengthen national institutions' capacities and officials' training to design national human rights policies, to promote awareness of human rights and democratic principles, and to support civil society capacity-building, through technical assistance activities.

15.1. Political priorities of EU human rights funding for Mexico

EU funding priorities regarding democratisation in Mexico have consistently emphasised the need to strengthen institutional capacity at federal, state and local levels, and reinforce civil society working on human rights, to facilitate sustainable economic and social development; and support vulnerable groups. Social cohesion, higher education, environment and rule of law are priorities that figure under EU regional development cooperation.

The priorities outlined by the European Commission for the period 1996-2000 regarding its relationship with third countries, including Mexico and Chile, also set out EU action in this area for the following decades. The measures on the observance of human rights and democratic principles put the consolidation of the rule of law at the centre of the EC's work: it is 'essential to make the democratic process irreversible at the institutional level'.²⁵² They also emphasised the need to strengthen civil society actors working on human rights to facilitate sustainable economic and social development. In line with this stance, the Mexico Country Strategy (2007-2013) states that '[p]articularly in the field of human rights, this kind of cooperation has been very successful in terms of impact and visibility and has helped in building valuable contacts with sections of the local civil society. The

²⁵¹ The European Commission's 'differentiation' policy refers to changes in the allocation of aid based on: (1) new aid allocation criteria; and (2) differentiated development partnerships for different categories of countries. 'Differentiation' is a technical term used by the EC to mean the policy of identifying different policy mixes and cooperation arrangements for different developing countries. See, Herbert, Siân, *Reassessing Aid to Middle Income Countries: the Implications of the European Commission's Policy of Differentiation for Developing Countries*, Working Paper 349, Overseas Development Institute, London, June 2012.

²⁵² European Commission, *Report from the Commission on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles in External Relations for 1996-1999*, Reference no COM(2000) 726 final, Brussels, 14 November 2000, p. 63.

management of the remaining thematic programmes and other instruments by the EC Delegation in Mexico opens up further opportunities in the field.²⁵³

More specifically, the European Commission's report on the implementation of measures intended to promote observance of human rights and democratic principles in external relations. The main strategic objectives were set out as:

- the exercise of public power;
- strengthening and development of a responsible civil society;
- support of vulnerable groups (children, women, indigenous and displaced persons).

This was reflected in the 2009-2013 Country Strategy for Mexico as '[t]he main objective for EU cooperation is to support Mexico to complete the transition towards a higher level of sustainable development and a more equitable society.'²⁵⁴ Regional integration and social cohesion are also key aspects of EU cooperation that have been constant priorities in EU policy towards Latin America.²⁵⁵

In its programmes, the European Commission gave particular importance to strengthening institutional capacity at federal, state and local levels for policy and programme design and delivery; in particular as regards the social sectors (and taking the links between environmental degradation and social needs into account). The promotion of sustainable regional development and territorial planning (including sound urban planning) were also considered. Moreover, in the definition of the programmes, special attention is devoted to vulnerable groups (women, persons with special-needs, indigenous populations, the elderly, the rural population), both as direct beneficiaries of the assistance and as potential target groups in the development of programmes aimed at supporting legislative, administrative, and operational measures.²⁵⁶ More concretely, the EU's overall integrated strategy for bilateral cooperation with Mexico in the field of social cohesion combines three major financing decisions: one on the 'EU Mexico Social Cohesion Policy Dialogues', and two complementary decisions designed to create one single 'Social Cohesion Laboratory Mexico EU', the latter targeting public policy reform at federal level on social crime prevention and security, and human rights and justice.

European experience in the promotion of employment, labour market reform, labour standards, the fight against tax fraud, local development initiatives, and sustainable management of natural resources, are also among the goals of cooperation with Mexico.

²⁵³ European Commission, [Mexico: Country Strategy Paper 2007-2013](#), Reference no E/2007/1063, Brussels, 22 May 2007, p. 12.

²⁵⁴ European Commission, [Mexico: Country Strategy Paper 2007-2013](#), Reference no E/2007/1063, Brussels, 22 May 2007, p. 3.

²⁵⁵ European Commission, [Communication from the Commission to the Council and the European Parliament, A Stronger Partnership between the European Union and Latin America](#), Reference no COM(2005) 636 final, 2004.

²⁵⁶ European Commission, [Mexico: Country Strategy Paper 2007-2013](#), Reference no E/2007/1063, Brussels, 22 May 2007, p. 3.

Such cooperation is carried out through policy dialogues, the aim of which is to provide qualitative contribution and support for Mexico's development through the exchange and transfer of relevant experience and best practice, to be adapted to specific local conditions. The policy dialogues were launched to orientate cooperation activities (e.g. social cohesion), while at the same time, they serve as a major vehicle for coordination between the EU and Mexico on sensitive global issues. For the 2007-2013 period, the European Commission's National Indicative Programme earmarked 40 % of the budget to social cohesion and support to other policy dialogues. Three key cross-cutting issues were mainstreamed, namely, human rights, gender issues, and environmental issues.²⁵⁷

Since the beginning of the 2000s, EU regional development aid programmes were formulated in line with the priorities defined by the successive EU-LAC Summits. Priorities during the 2007-2013 period on EU-LA regional cooperation covered social cohesion, sustainable development (including climate change), and the promotion of higher education and research. During the current 2014-2020 multi-annual cycle, relevant key priorities in EU regional development aid cooperation include: the security-development nexus; good governance, accountability and social equity; inclusive and sustainable growth for human development; and environmental sustainability climate change.²⁵⁸

15.2. Implementing human rights related projects in Mexico

The EU has provided technical assistance to Mexico in the field of human rights since the 1990s and its programmes have adapted to local needs in the field of democratisation. As Mexico has developed, it has also become a contributor to such programmes, which implies a stronger commitment by Mexico to such reforms in recent years. Support has been offered both to the Mexican authorities and civil society, but it is unclear whether all relevant non-state actors have been invited to be part of the reform process.

European Union development aid in support of human rights projects in Mexico has not been devoid of problems. According to Youngs (2002), 'on a number of occasions, projects were agreed on but then reined back, as Mexican authorities balked when they could not control the aid's deployment. Most notably, Mexico blocked European funding for the National Commission for Mediation, its work on conciliation in Chiapas, and for the Mexican Academy of Human Rights, an NGO, for an electoral education and information programme'.²⁵⁹ Cooperation with civil society in the field of human rights protection is also

²⁵⁷ European Commission, [Communication from the Commission to the Council and the European Parliament, Towards an EU-Mexico Strategic Partnership](#), Reference no COM(2008) 447 final, Brussels, 15 July 2008, p. 8.

²⁵⁸ European Commission, *Regional (Continental) Programmes, Latin America, General Overview*, Brussels, May 2016.

²⁵⁹ Youngs, Richard, *The European Union and Democracy in Latin America, Latin American Politics and Society* vol. 44(3), September 2002, p. 124.

related to the nature and development of civil society in the country, which is not established to the same degree in rural areas and urban centres, nor across all states in Mexico.²⁶⁰ In addition, it is difficult to separate the impact of EU financial assistance from that of other donors (e.g. the USA, which is a substantial donor to Mexico) and international financial contributors (e.g. the OECD), because they use broader categories and definitions of aid – the US delineation is ‘democracy assistance’ and the OECD opts for ‘government and civil society’ aid.²⁶¹

15.2.1. Assessing EU bilateral cooperation aid

As of the 1990s, financial assistance for the promotion of democracy and human rights activities was provided through the ‘Democratisation Process in Latin America’ programme. The line was established on the initiative of the European Parliament in 1990, to support the democratisation process in Central America and Chile, but was extended after 1992 to all Latin American countries (including Mexico). In the initial stages, implementation of this budget line responded to the diverse needs of Latin American countries in different stages of the democratisation process. Pilot projects and preparatory activities were developed, and in many cases the budgetary line played a catalysing role as an initiator of other financial and technical assistance. This was the case notably regarding action on street children, the judicial and penal system, the electoral and parliamentary process and human rights defenders.

Between 2002 and 2006, the EU provided funding worth €48.5 million for support programmes on such topics as social development and the reduction of inequalities, as well as the consolidation of the rule of law/institutional support. In addition, an indicative allocation of €55 million was earmarked for Mexico in the period 2007-2013 under the financing instrument for development cooperation (DCI) covering three strategic intervention areas, including social cohesion and support for related policy dialogue. In these areas, activities included the strengthening of institutional capacity for policy and programme design and delivery at federal, state and local levels; supporting the adoption of legislative measures aimed at promoting social cohesion; fiscal reform and channelling adequate public resources into social cohesion-related activities and institutions; creating infrastructures and quality public services in disadvantaged areas.²⁶²

The current overall Mexico development cooperation portfolio represents some €100 million in grants leveraging an additional €40 million from Mexican institutions and close to €1 billion in development bank loans. Even as a ‘graduated country’, Mexico is

²⁶⁰ Orbie, Jan et al., *Civil Society Meetings in European Union Trade Agreements: Features, Purposes, and Evaluation*, CLEER PAPERS 2016/3, Centre for the Law of EU External Relations, T.M.C. Asser Institute, The Hague, 2016.

²⁶¹ Youngs, Richard, The European Union and Democracy in Latin America, *Latin American Politics and Society* vol. 44(3), September 2002, p. 116.

²⁶² European Commission, *European Union – Latin America Development Cooperation Guide – Update 2010*, EuropeAid Cooperation Office, Brussels, May 2010, p. 77.

eligible to receive funding on human rights related projects from several EU programmes/instruments, such as the Development Cooperation Instrument (DCI) thematic programmes, the Partnership Instrument, the European Instrument for Democracy and Human Rights (EIDHR), and continental programmes for Latin America and external components of internal instruments. In this light, the main bilateral programme under the previous country strategy 2007-2013 that (also related to the enhancement of human rights in Mexico) was signed in November 2013 (Social Cohesion Laboratory II) will continue its activities with 26 key institutions in the country until 2018.

Under the broad area of social cohesion, one of the most successful and innovative cooperation mechanisms has been the implementation of the 'Mexico-EU Integrated Programme of Social Cohesion', financed equally by the EU (through the DCI instrument) and Mexico. The 'Social Cohesion Laboratory I' (2011-2015), with funding of €20 million, had focused on reviewing, renewing and systematising the methodology for public policies and institutional practices on urban poverty, health systems and social security. This was followed up with the 'Social Cohesion Laboratory II' (2013-2017), with a budget of €22 million, the aim being to develop equal opportunity projects for access to justice, public safety and human rights. While the social laboratory projects are quite complex due to the numerous stakeholders and areas of cooperation involved, one of the benefits is the production of multiple effects on the defined focus areas.²⁶³ These social cohesion programmes are co-financed by Mexican institutions, bringing the total funding available for social cohesion laboratory phases I and II to €42 million. They are complemented by programmes on economic innovation and competitiveness (€18 million) through the PROCEI programme.²⁶⁴ The participation of the Mexican authorities in funding such programmes is not only indicative of the economic development of the country, but may also demonstrate the Mexican government's commitment to the reform process for strengthening human rights protection in the country.

Financial instruments organised according to EU thematic lines include the EIDHR (European Instrument for Democracy and Human Rights) and CSO-LA (Civil Society Organisations and Local Authorities) programme, through which 39 projects are running with a budget of over €10 million. Mexico also has access to funding on social justice projects tied to specific thematic calls on energy, environment, health and migration (a budget of €12 million).²⁶⁵ Indeed, cooperation in the human rights sector has substantially increased since the European Initiative for Democracy and Human Rights (EIDHR) included Mexico as one of three priority countries in Latin America in 2002. The EIDHR projects have aimed to help Mexico implement major reforms, focusing on the fight against impunity (reform of the criminal justice system), gender-based violence and the situation

²⁶³ European Commission, [Communication from the Commission to the Council and the European Parliament, Towards an EU-Mexico Strategic Partnership](#), Reference no COM(2008) 447 final, Brussels, 15 July 2008, p. 8.

²⁶⁴ See, [DG DEVCO, European Commission: work on Mexico](#), Directorate General for International Cooperation and Development, European Commission, December 2016.

²⁶⁵ European Commission, [DG DEVCO, European Commission: work on Mexico](#), Directorate General for International Cooperation and Development, 2016.

of human rights defenders, journalists, and vulnerable groups (indigenous peoples, migrants). Specific programmes include the protection and support of indigenous and rural women in Latin America against the impact of mining and other extractive industries, including Mexico (but not Chile). They provide legal and therapeutic support and training workshops, on such topics as human rights, fundraising, or computer systems. At the same time, the programmes guide the setting up of protection plans for female activists at risk.²⁶⁶

As of 2014, the EU supports cooperation with non-state actors by financing 15 projects (with an expiry date between 2014 and 2017) to the sum of €5 million. The funding seeks to strengthen the participation of non-state actors and therefore several foundations, networks and associations were contracted to work in a variety of areas with direct impact on citizens. Such areas included, for instance, cooperation between local authorities, citizen participation, crime prevention, human rights, indigenous community development, gender equality, the combat against violence and poverty.²⁶⁷

Although the human rights dialogues can be classified among non-spending activities, the European Commission has nonetheless released some financial contributions to promote these and, over the 2000-2010 period, such contributions equalled €837 705 (disbursed in 2008-2009), out of a €53 million overall budget.²⁶⁸ In this context, Mexico has benefited both from Convention on the Rights of Persons with Disabilities (CRPD) related activities (the human rights dialogues, which are under the responsibility of the EEAS), and dialogue with civil society. Other projects have aimed to support NGOs working on the implementation of criminal justice reform, crime prevention, public safety and law enforcement. A project agreement was signed with the Ombudsman for Mexico City under the thematic line on migration and asylum, to protect the human rights of migrants by strengthening cooperation between civil society organisations and the public authorities of El Salvador, Guatemala, Honduras and Mexico.²⁶⁹

15.2.2. Assessing EU regional cooperation aid

These bilateral programmes are complemented by EU regional cooperation programmes for Latin America, first launched in the early 1990s. At that time, they focused largely on the fields of higher education, support for small and medium-sized enterprises (SMEs) and

²⁶⁶ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 99, 101.

²⁶⁷ EU Delegation to Mexico, March 2016.

²⁶⁸ Petrucci, Federica et al., [Thematic Evaluation of the European Commission Support to Respect of Human Rights and Fundamental Freedoms \(including Solidarity with Victims of Repression\)](#), Final Report, Volume 3, Inventory of Human Rights Interventions, Consortium PARTICIP -ADE-DIE-DRN-ECDPM-ODI, Evaluation prepared for DG for International Cooperation and Development, European Commission, Brussels, December 2011, pp. 29, 33.

²⁶⁹ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 345.

local urban development.²⁷⁰ Here too, the promotion of social cohesion was an important cross-cutting thread in the European Commission's programme lines. Social cohesion is a concept to which all the region's governments across the political spectrum, as well as most sectors of civil society, are highly attached. Social cohesion has also been a leitmotif of the EU's bi-regional relationship with Latin America, endorsed at the highest political level, since the third EU-LAC summit, held in Guadalajara, Mexico, in May 2004.²⁷¹

Current EU regional cooperation with Latin America (2014-2020), worth €925 million of EU allocated funds, encompasses key priorities such as the security-development nexus, good governance, inclusive and sustainable growth for human development, and environmental sustainability.²⁷² In support of rule of law development, Mexico participates in the EU regional 'Cooperation Programme on Drugs Policies between Latin American, Caribbean countries and the European Union' (2011-2015, €6.6 million; 2016-2019, €10 million). The aim is to improve EU-Latin America bi-regional dialogue; strengthen drugs policies in Latin America; and promote cooperation between national coordinating agencies from both regions through dialogue and the consolidation of the EU-CELAC Coordination and Cooperation Mechanism on Drugs.²⁷³ Other relevant upcoming programmes in this field in Mexico include the continental programme on rule of law and citizen security (to reinforce police/law enforcement cooperation, judicial and prosecution cooperation and the strengthening of the penitentiary system) and the continental programme to support integrated border management.²⁷⁴

The 'Good Governance, Accountability and Social Equity' cluster for the period (2014-2020) encompasses the programmes EUROsociAL II and URB-AL. The EUROsociAL programmes accompany the 'Social Cohesion Laboratory' by opening a regional cooperation perspective in the same areas. The EUROsociAL II programme has financed activities implemented by the National Institute for Social Development (SEDESOL) and the Mexican Ministry of Foreign Affairs, as well as major federal sector and cross-cutting institutions, most of which are counterparts of the 'Social Cohesion Laboratory' and policy dialogues. Priority areas for Mexico in the EUROsociAL II include the prevention of violence and access to health services.²⁷⁵ The URB-AL programme (1994-2013) was initially

²⁷⁰ See, [EuropeAid Latin America Regional Programmes](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

²⁷¹ [Declaration of the third European Union-Latin America/Caribbean Summit](#), 3rd EU-LAC Summit, Guadalajara, 28-29 May 2004, pp. 5-6.

²⁷² See, [EuropeAid Latin America Regional Programmes](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

²⁷³ [Cooperation Programme on Drugs Policies between Latin America and the European Union \(COPOLAD\)](#).

²⁷⁴ European Commission, *Country Overview: Mexico, Regional (Continental) Programmes: Latin America*, Brussels, June 2016, pp. 2-4.

²⁷⁵ European Parliament, [Memorandum to the DCI Committee concerning the 2012 Annual Action Programme in favour of Mexico covered by the programming document 'Country Strategy Paper EU-Mexico 2007-2013' for the Development Cooperation Instrument](#), Brussels, not dated, p. 4.

created to promote social cohesion in Latin America through the development of networks among local authorities.²⁷⁶

Mexico also benefits from EU regional cooperation aid in the field of inclusive and sustainable growth for human development, with the projects AL-INVEST 5.0, in support of the internationalisation of SMEs,²⁷⁷ and the 'European and Latin America Business Services and Innovation Network Project' (ELAN)²⁷⁸ on environmental sustainability and climate change. Mexico also participates in projects financed by the Latin American Investment Facility (LAIF),²⁷⁹ whose general objective is to promote investment and key infrastructures in transport, energy and environment, as well as to support private sector development in Latin American countries.

15.3. Responsiveness of EU funded human rights projects in Mexico to European Parliament concerns

EU funding programmes on human rights in Mexico have responded overall to the concerns expressed in the 25 European Parliament resolutions and reports adopted. Nonetheless, the rhythm with which these have been taken into account has been slow. The EU bilateral programmes have also been complemented by regional aid schemes.

This section analyses the distribution of EU projects/programmes on human rights related topics to assess whether they are in line with concerns expressed in European Parliament resolutions and reports. [Table 7](#) provides a visual analysis of the distribution of the 334 programmes and projects on human rights that the European Commission has financed in Mexico – essentially through DCI, EIDHR, and the Partnership Instrument²⁸⁰ – during the last four Parliamentary terms.²⁸¹ It should be noted that the projects are often cross-cutting and therefore simultaneously address more than one category analysed (e.g. indigenous women deals with two different categories). For consistency, those projects are only listed under one topic. The 13 topics listed in [Table 7](#) are those addressed most often in the project objectives and identified in this study as constituting areas of concern.

²⁷⁶ The third phase, URB-AL III (2008 – 2013) benefited from a total EU contribution of €50 million and has implemented 21 projects in the region. See [Latin America - URB-AL III - Promoting Local Public Policies](#).

²⁷⁷ [Latin America - AL-INVEST](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

²⁷⁸ [ELAN Network](#), 2016.

²⁷⁹ [Latin America Investment Facility \(LAIF\)](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

²⁸⁰ EU Delegation in Mexico, November-December 2016.

²⁸¹ The projects are categorised by main topic and date. The dates chosen as referring to the beginning of the project is the 'contractor's signature date', that is, the moment when the programme/project officially started being implemented. When the starting date is missing, it is assumed that the project started at least one year before the end of the activities.

However, it is beyond the remit of this section (and study) to evaluate the effectiveness of EU development aid to Mexico on human rights related programmes/projects.²⁸²

The 25 European Parliament resolutions addressing human rights violations, broadly defined, in Mexico were distributed over time and according to the EP legislative terms as follows: five for the period 1994-1999; eight (the most) during 2004-1999; six for 2004-2009; five during 2009-2014; and so far one since 2014. An analysis of these resolutions shows that, overall, the adoption of EP resolutions is driven by a combination of violence in the country and events/concerns raised (e.g. the global agenda on health issues, the Millennium Development Goals/Sustainable Development Goals). While the number of EP resolutions peaked during 1999-2004, only one resolution specifically addressed human rights violations in Mexico (violence in Chiapas, Resolution April 2001). The other EP resolutions raised broader concerns regarding labour rights and social cohesion at a global level and linked to Mexico (e.g. health rights and disabilities issues).

The highest number of EP resolutions specifically referring to Mexico were adopted between 1994 and 1999 in reaction to the violence in the States of Chiapas and Guerrero. As of 2004, EP attention also focused on the need to protect women's rights (driven by incidents of violence against women in Mexico) and the need for south-south cooperation (as a driver for change in the region). As explained in [section 13.2](#), although violence began to wane as of 2012, it steadily increased from 2003-2011, and it has not yet fallen to pre-2003 levels of violence. Examples of ongoing violence include the violent deaths of hundreds of women and girls since 1993 in the northern Mexican region of Ciudad Juárez, Chihuahua, a border city across the Rio Grande from the US city of El Paso, Texas. Another example is the unresolved 2014 Iguala kidnapping of 43 students.

[Table 7](#) illustrates the diversity of EU-Mexico cooperative activities in the field of human rights protection. The issue that has attracted the greatest attention, over the four legislatures, is the protection of vulnerable groups. These groups include women, indigenous peoples, young people, '*desaparecidos*', migrants and people with disabilities. The most significant of these, in terms of EU financial engagement, are women and indigenous peoples. The attention to gender issues is higher in the period 2004-2014, covering two legislatures, whereas the effort to promote indigenous peoples' rights dates back to 1999 and significantly decreases after 2009.

²⁸² A technical and quantitative approach was chosen because of the neutrality in the language used in the Joint Council and Joint Committee press releases and because of the unavailability of the country strategy papers (apart from the *2007-2013 Country Strategy Paper*) and the minutes of the HLD meetings.

Table 7: Distribution of EU human rights funding for projects in Mexico according to key target areas, 1999-2016

Key Human Rights' Areas	European Parliamentary Terms				TOTAL
	2014- Present	2014- 2009	2009- 2004	2004- 1999	
Women's rights and gender	4	14	15	7	40
Indigenous peoples' rights	3	2	25	26	56
Children and young people's rights	-	1	9	5	15
Rights of other vulnerable categories ²⁸³	5	4	1	1	11
Social cohesion	6	7	-	-	13
Labour rights in trade and economic development	1	15	4	4	24
Civil society participation and capacity-building & institutional capacity-building	13	20	15	21	69
Health	1	1	2	4	8
Environment & sustainable development	4	12	3	5	24
Training, education, human development	1	3	-	1	5
Human rights, fight against violence (generic category, no specific focus)	6	8	7	5	26
Generic human rights issues	9	7	18	9	43
TOTAL	53	94	99	88	334

Source: Simona Guagliardo, EPRS, using data from the EU Delegation in Mexico; EEAS website ([EEAS/delegations/Mexico](#)); DG DEVCO, European Commission ([DG DEVCO/countries/Mexico](#)); *European Union Annual Human Rights Reports* (1999-2015).

²⁸³ These include 'desaparecidos' (missing people), migrants, and people with disabilities.

When analysed in combination with [Annex 3](#),²⁸⁴ [Table 7](#) demonstrates that the attention devoted to indigenous peoples' rights reflects the effort of the European Parliament to address the widespread violence in the Mexican states of Guerrero and Chiapas, perpetrated against minorities and indigenous peoples.²⁸⁵ It is worth noting that these concerns were underlined before the signature of the EU-Mexico Global Agreement, pointing to the EP's long-held interest in human rights protection. The EP had also called for the European Commission to increase the resources and specific actions designed to protect indigenous peoples and develop their own capacities later in 2003.²⁸⁶ Overall, although the European Commission has reacted forcefully to the EP's concerns regarding indigenous peoples, it seems to have reacted slowly: the EP resolution dates from 1998, while projects supporting indigenous rights in Mexico were launched in 2011 (see [Annex 3](#)).

According to [Table 7](#), women's rights and their protection against violence has been a constant on the agenda of the European Parliament, as the different resolutions adopted over the years and across legislative terms demonstrate.²⁸⁷ In line with the EP's recommendations, the European Commission financed a large number of projects in the period between 2004 and 2014 that concentrated to a large degree on promoting the protection of women against violence and their active participation in the civil and social life of their communities (see [Annex 3](#)).

A third issue of utmost relevance is the empowerment of civil society and the development of civil society and institutional capacity-building, with a specific focus on human rights and democratisation processes. The European Commission's efforts in this area of

²⁸⁴ The number of relevant projects have that exemplify the response to the given EP resolution to five projects for those where the response has been the strongest. This means that there were far more projects that could have appeared, but in the interest of space, we have limited the selection to the most significant.

²⁸⁵ See European Parliament, [Resolution of 13 July 1995 on the Situation in Mexico](#), Reference no T4-0360/1995, Strasbourg, 13 July 1995; European Parliament, [Resolution of 15 January 1998 on the Murder of 45 Indigenous Peasants in the State of Chiapas, Mexico](#), Reference no T4-0033/1998, Strasbourg, 15 January 1998; European Parliament, [Resolution of 5 April 2001 on the Situation in Mexico](#), Reference no T5-0213/2001, Strasbourg, 5 April 2001.

²⁸⁶ European Parliament, [Resolution of 4 September 2003 on the Annual Report 2001 from the Commission to the Council and the European Parliament on the EC Development Policy and the Implementation of the External Assistance](#), Reference no T5-0371/2003, Strasbourg, 4 September 2003.

²⁸⁷ European Parliament, [Resolution of 3 July 2002 on Sexual and Reproductive Health and Rights](#), Reference no T5-0359/2002, Strasbourg, 3 July 2002; European Parliament, [Resolution of 11 October 2007 on the Murder of Women \(Femicide\) in Mexico and Central America and the Role of the European Union in Fighting the Phenomenon](#), Reference no T6-0431/2007, Brussels, 11 October 2007; European Parliament, [Report of 5 May 2010 on EU Strategy for the Relations with Latin America](#), Reference no T7-0141/2010, Brussels, 5 May 2010; European Parliament, [Resolution of 12 June 2012 on Defining a New Development Cooperation with Latin America](#), Reference no T7-0235/2012, Strasbourg, 12 June 2012.

cooperation have remained constant over time and therefore answer, to a large degree, to concerns raised and recommendations repeatedly put forward by Parliament since 2006.²⁸⁸

The other topics listed in [Table 7](#) were addressed by the European Commission at a later stage, mainly from 2009. A fair share of attention was paid to economic, environmental and sustainable development issues in the 2009-2014 period. However, attention to these topics was relatively meagre between 1999 and 2004. An analysis of the European Commission programmes on human rights during this period shows that the Commission's reaction to EP concerns and recommendations has been slow in the case of environmental protection and sustainable development. As early as 1995, the EP called on the Commission to accompany the trade agreement with substantial financial aid and assistance in the fields of rural development, sustainable development, and environmental protection,²⁸⁹ and continued to raise concerns about sustainable development and the environment until recently.²⁹⁰

An issue that could have received more attention in European Commission programmes is health, particularly with a focus on women's health. The European Parliament called on the Commission as early as 2002 to provide financial assistance in the field of sexual and reproductive health and rights²⁹¹ and reiterated its concerns again in 2004.²⁹² The Commission's efforts in this area appear to be limited to the 1999-2009 period and were even less in the following EP terms.

Other issues that were insufficiently addressed by the European Commission financial aid earmarked for human rights are sustainable development (e.g. addressing the needs and

²⁸⁸ European Parliament, [Resolution of 27 April 2006 on a Stronger Partnership between the European Union and Latin America](#), Reference no T6-0155/2006, Brussels, 27 April 2006; European Parliament, [Resolution of 6 September 2007 on the Functioning of the Human Rights Dialogues and Consultations on Human Rights with Third Countries](#), Reference no T6-0381/2007, Strasbourg, 6 September 2007; European Parliament, [Resolution of 11 March 2010 on the Escalation of Violence in Mexico](#), Reference no T7-0067/2010, Strasbourg, 11 March 2010; European Parliament, [Resolution of 21 October 2010 on the European Union's Trade Relations with Latin America](#), Reference no T7-0387/2010, Strasbourg, 21 October 2010; European Parliament, [Resolution of 12 June 2012 on Defining a New Development Cooperation with Latin America](#), Reference no T7-0235/2012, Strasbourg, 12 June 2012; European Parliament, [Resolution of 23 October 2014 on the Disappearance of 43 Teaching Students in Mexico](#), Reference no T8-0041/2014, Strasbourg, 23 October 2014.

²⁸⁹ European Parliament, [Resolution of 17 November 1995 on EU/Mexico Relations: Closer Relations](#), Reference no T4-0571/1995, Strasbourg, 17 November 1995.

²⁹⁰ See, for example, European Parliament, [Resolution of 24 April 2008 on the Fifth Latin America and Caribbean-European Union Summit in Lima](#), Reference no T6-0177/2008, Strasbourg, 24 April 2008; European Parliament, [Resolution of 21 October 2010 on the European Union's Trade Relations with Latin America](#), Reference no T7-0387/2010, Strasbourg, 21 October 2010.

²⁹¹ European Parliament, [Resolution of 3 July 2002 on Sexual and Reproductive Health and Rights](#), Reference no T5-0359/2002, Strasbourg, 3 July 2002.

²⁹² European Parliament, [Resolution of 9 March 2004 on Population and Development: 10 Years after the UN Conference in Cairo](#), Reference no T5-0154/2004, Strasbourg, 9 March 2004.

rights of climate refugees), and south-south cooperation. Projects that received funding through bilateral funding have concentrated on linking EU cities with cities in Mexico (e.g. HABITAT III programmes) and on enhancing cooperation between Mexico, the USA and Canada. According to the European Commission, regional development aid programmes (e.g. EUROsociAL) have helped promote south-south cooperation, therefore boosting exchange of knowledge and lessons learned intra-regionally. The EU Delegation in Mexico identified five development cooperation projects (bilateral or regional) carried out during the 2009-2014 period that could be seen to have encouraged south-south cooperation. These concern projects in the field of social cohesion, decentralisation and building alliances among local authorities, migrant protection through cooperation between civil society and public authorities, prevention of irregular migration, and climate change.²⁹³

An evaluation of EU south-south cooperation prepared for the European Commission, showed that, although all EU regional programmes engage indirectly in such cooperation, to date, only the EUROsociAL programme explicitly refers to south-south cooperation. Chile, Mexico, Colombia and Brazil are the four most active first providers in such activities in Latin America.²⁹⁴ However, EU funding allocated to such cooperation remains limited. As of 2015, Mexico participates, together with Costa Rica and Colombia, in a south-south cooperation project 'Fortalecimiento de la Justicia Restaurativa' (strengthening restorative justice) (financed by the Development Cooperation Instrument, budget: €1 029 182), whose stated aim is to strengthen the application of restorative justice in criminal affairs and juvenile delinquency in the three countries.²⁹⁵ This development is in line with the EU Agenda for Change, which has led to the development of the European Commission 'Regional Facility for International Cooperation and Partnership', a mechanism for joint activities between the EU and LAC countries on poverty reduction in the region that exemplifies the move from a north-south approach to recognising the importance of south-south cooperation.²⁹⁶

In addition to this facility, under which the EU project on restorative justice is financed, the EU and its Member States are the leading donor of ODA to Latin America, and a major provider of development regional cooperation programmes which include support for

²⁹³ A vast array of Latin American partners were involved in these projects: Argentina, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru, and Uruguay. See García Femenía, Ana María and Natalia Sagrario Rueda, Section 3. Context of the Study, in *South-South Cooperation Study*, Final Report, AETS Consortium, Contract no 2014/353440/1 for the European Commission, Development and Cooperation – EuropeAid, June 2015, p. 35.

²⁹⁴ García Femenía, Ana María and Natalia Sagrario Rueda, Section 1. Executive Summary, in *South-South Cooperation Study*, Final Report, AETS Consortium, Contract no 2014/353440/1 for the European Commission, Development and Cooperation – EuropeAid, June 2015, p. 6.

²⁹⁵ European Commission, *Explanatory Note, Grant Contract LA/2016/378-555 in the Framework of the Regional Facility for International Cooperation and Partnership LA/2015/038-106*, not dated.

²⁹⁶ European Commission, *Annex 1 of the Commission Implementing Decision on the Regional Facility for International Cooperation and Partnership, Action Document for the Regional Facility for International Cooperation and Partnership*, Reference no Ares(2015)2633666, Brussels, 23 June 2015, pp. 3, 9.

south-south country relations.²⁹⁷ These projects are organised under the umbrella of the EU-CELAC cooperation, and not as a result of the Global Agreement, which is a bilateral agreement.

16. Conclusions

The democracy clause in the EU-Mexico Global Agreement and by extension the EU-Mexico Free Trade Agreement calls for the respect of fundamental human rights. While a sanctioning clause can be invoked if these are breached, this has never happened. Instead, violations of human rights in Mexico have been addressed through political dialogue. In this light, it is difficult to establish a clear link between the EU-Mexico FTA and the human rights situation in Mexico.

This difficulty is further impacted by the potential effects of the clauses relevant to human rights in the EU FTA, which cannot be desegregated from those of other FTAs signed by Mexico, and particularly from the NAFTA side agreements. It is also important to consider that the Mexican authorities may have adopted reforms to protect human rights in the country independently of the FTAs that they have signed (including the EU-Mexico FTA), on their own initiative, in the full understanding that strengthening the rule of law could improve the business climate in Mexico.

While successive Mexican governments have engaged in legislative reforms over the years (especially at federal level) in order to protect human rights, their implementation has been slow, particularly at state level. Although cartel violence, which this study shows has affected the formal economy, has fallen since 2012, it remains worse than in 2003 and far from being under control. The difficulties in delivering reforms on labour legislation in Mexico are largely due to domestic politics, rather than the absence of more explicit provisions in the EU-Mexico FTA or their lack of implementation. These challenges have negatively impacted on capitalising on the potential of a transition to a green economy in Mexico. Regarding social dialogue and social protection, it is again the initiatives that the Mexican government has taken (or not taken) that have effected change, rather than the democracy clause and cooperation provisions on human rights in the Global Agreement. On the other hand, EU FTA's impact (due to the liberalisation of trade) on changes on equality and poverty, especially when focusing on indigenous peoples' rights and women's rights, has also been modest.

The monitoring framework of the EU-Mexico FTA is rather comprehensive in general terms, but the implementation of monitoring has had mixed results. Initiatives and discussions on the protection of human rights have primarily taken place through EU-Mexico Joint Parliamentary Committee oversight, the High Level Dialogues (on Human Rights, and on Law and Law Enforcement) and the European Delegation's activities. However, the EU-Mexico Joint Council and Joint Committee meetings, established for

²⁹⁷ Grieger, Gisela, [EU-Latin America Relations](#), Reference no 140763REV2, European Parliamentary Research Service, European Parliament, Brussels, 26 March 2014.

ongoing monitoring and evaluation of the implementation of the EU-Mexico Global Agreement, have concentrated primarily on the economic benefits to each party of the pact and the benefits to business, rather than its impact on society at large, and on the respect of human rights more specifically.

Where the Global Agreement, and by extension the EU-Mexico FTA, appears to have had more positive implications on human rights is when it has acted as a path-finder for further such partnerships and has also given Mexico a different standing as an actor on the world stage. As demonstrated, dialogue, sharing of experience and technical assistance that have taken place through the implementation of the Global Agreement, coupled with efforts undertaken through the Strategic Partnership, have led to closer cooperation between Mexico and the EU at the UN level. In that sense, the incentives for cooperation included in the Global Agreement have functioned in favour of the potential improvement of human rights conditions in Mexico.

CASE STUDY 2:

Assessing human rights related clauses in the EU-Chile Association Agreement

Executive summary

The EU-Chile Association Agreement (AA) includes a comprehensive Free Trade Agreement, which is subject to the democracy clause. This clause, which is more developed than that of the EU-Mexico Global Agreement, calls for respect of fundamental human rights; promotion of sustainable economic and social development and equitable distribution of the benefits of the AA; and the parties' attachment to the principle of good governance. The AA also includes a suspension clause in case of breach of the democracy clause, and cooperation provisions, whose results are however non-binding, on the environment, employment, social rights, vulnerable groups and ethnic minorities, and gender equality. The study shows that:

1. Overall, the reforms undertaken and their implementation are the result of the opening of Chile's trade market over the past decade (thus the cumulative effect of FTAs signed by Chile with third countries/partners), rather than effects of the EU-Chile AA per se. Since the country's return to democracy in 1990, Chile has made substantial progress on the institutional and legislative framework on truth, justice and reparations for violations under the dictatorship, judiciary reform, and the creation of key institutions for oversight of the respect of human rights, and social cohesion reforms to strengthen the rights of vulnerable groups. The impact of the trade pillar of the EU-Chile AA to structural change in the Chilean economy is positive, but has been very small, primarily affecting labour in the agricultural sector.

2. When examining the implementation of reforms, despite much progress made by the Chilean government on respect for human rights, some deficiencies persist. Critics point to vestiges of the dictatorship (e.g., use of excessive force by the security services and the subsequent judicial pursuit of these human rights violations in military courts). Equally, Chile is confronted with income inequality, a segregated labour market, a lack of focus on ecological sustainability, and insufficient consultation of ethnic minorities in policy. In general, EU-Chile AA provisions have had a limited impact on structural changes in Chile, affecting labour conditions for the least skilled and lowest paying jobs in agriculture, fisheries, aquaculture and canning. Ultimately, however, the Chilean authorities' political commitment is behind the push for change.

3. The EU-Chile Association Agreement has instituted formal monitoring mechanisms regarding its implementation, creating exchanges of views on a wide spectrum of issues, spanning from strengthening institutional capacity in support of democratisation to reinforcing labour rights. These forums have also facilitated cooperation at multilateral level on, among other things, sustainable development, global environmental challenges, humanitarian aid and crisis management.

4. In general, civil society participation in Chile on advancing the social agenda lags behind, as the Joint Consultative Committee was only created in 2016. Nevertheless, engagement with social partners on labour issues has developed substantially in the last ten years. Social partners have consulted the Chilean government through sectoral social dialogue and ad hoc civil society seminars in the context of human rights dialogue.

17. The EU-Chile Association Agreement and human rights

17.1. Introduction

The EU-Chile Association Agreement (AA), which includes a comprehensive Free Trade Agreement, was signed on 18 November 2002.²⁹⁸ Built initially on the 1996 Framework Cooperation Agreement, the EU-Chile AA came fully into force on 1 March 2005. Nonetheless, the provisions regarding trade in goods were already enforced on a provisional basis as of 1 February 2003. The comprehensive Free Trade Agreement (FTA) included in the EU-Chile AA eliminates barriers to trade and establishes clear, stable and transparent rules for exporters, importers and investors. It also creates a free trade area in goods, services and government procurement, liberalises investment and capital flows, as well as strengthening the protection of intellectual property rights.

Similar to the EU-Mexico Global Agreement, the EU-Chile AA was considered, at the time of its negotiation and signature, an ambitious and innovative agreement. For several years, its FTA served as a benchmark for EU trade relations with other partners. The agreement made reference to labour standards beyond non-discrimination against migrant workers, recognised the importance of social development, and called for the respect of basic social rights through the promotion of cooperative activities relating to international labour standards, covering, among other areas: development and modernisation of labour relations; working conditions; social welfare and employment security; promotion of vocational training and development of human resources; and promotion of social dialogue.²⁹⁹

As of 20 December 1990, Chile relations with the European Community (now European Union) were based on a framework cooperation agreement. This third generation agreement, based on the respect for democratic principles and human rights, also included more detailed provisions on cooperation in the fields of training and environment. Additionally, new clauses opened the way for social and cultural cooperation and for cooperation on public administration.³⁰⁰ At the time of the EU-Chile AA negotiations, Chile had still to complete its transition to full democracy, facing challenges regarding judicial impunity and the independence of the judiciary, as well as the transition from military to civilian control.³⁰¹

²⁹⁸ [*Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part*](#), 30 December 2002.

²⁹⁹ International Labour Organization, [*Assessment of Labour Provisions in Trade and Investment Arrangements*](#), Studies on Growth with Equity, Geneva, 2016, p. 40.

³⁰⁰ European Commission, [*Communication from the Commission to the Council and the European Parliament on the strengthening of relations between the European Union and Chile*](#), Reference no COM(95) 232 final Brussels, 31 May 1995, p. 6.

³⁰¹ European Parliament, [*Report on the proposal for a Council Decision on conclusion of the framework cooperation Agreement in preparation for the eventual establishment of a political and economic association between the European Community and its Member States, of the one part, and the Republic of Chile, of the*](#)

Together with the EU-Mexico Agreement, the EU-Chile Association Agreement not only includes a trade pillar, but also provides, among other provisions, a platform for high level political dialogue, mechanisms for dispute settlements and a broad scope for cooperation.³⁰² The agreement has therefore allowed the EU and Chile to foster sound relations that go beyond the economic realm to cover political cooperation.

Chile has progressively developed into a solid democracy and one of South America's most stable and prosperous countries. It leads the Latin American region in human development, competitiveness, income per capita and economic performance. This is also illustrated by Chile's important contribution of troops to the EU Common Security and Defence Policy (CSDP) military mission, ALTHEA, in Bosnia and Herzegovina. In May 2010, Chile became the first South American nation to join the Organisation for Economic Cooperation and Development (OECD), moving towards full 'developed economy' status by 2020. Since July 2013, the World Bank considers Chile a high-income economy and therefore a developed country. Due to its economic performance, the EU considers Chile, as well as Mexico, a 'graduated' country.³⁰³

17.1.1. Human rights related provisions in the EU-Chile Association Agreement

In line with the EU's policy of making respect for human rights and democracy an essential element on which the reciprocal obligations of the parties are premised, the trade relationship established under the EU-Chile Association Agreement is conditioned upon respect for democracy and human rights. More precisely, Article 1 of the Association Agreement stipulates: 'Respect for democratic principles and fundamental human rights as laid down in the United Nations Universal Declaration of Human Rights and for the principle of the rule of law underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement.'

Furthermore, the EU-Chile Association Agreement includes other relevant guiding principles that represent a novelty, compared to the rather limited clauses that underpin the EU-Mexico Global Agreement. More specifically, Article 1 complements the 'essential elements' clause with clauses that mention key human rights aspects that will also be analysed later in this section, namely sustainable social development and good governance. It stipulates that: 'The promotion of sustainable economic and social development and the equitable distribution of the benefits of the Association are guiding principles for the implementation of this Agreement. The Parties reaffirm their attachment

other part (COM(96)0259 - C4-0450/96 - 96/0149(CNS)), Rapporteur: Mrs Ana Miranda de Lage, Committee on External Economic Relations, Reference no A4-0023/96, 20 January 1997, pp. 6-8.

³⁰² Krakowski, Michael, *The Relations between the European Union and Latin America and the Caribbean Current State and Perspectives*, Intereconomics, Hamburg, March/April 2008, 118.

³⁰³ See [DG DEVCO, European Commission: work on Chile](#), Directorate General for International Cooperation and Development, European Commission, December 2016.

to the principle of good governance.’ (See [Annex 1](#).) In that sense, the element of social justice is recalled, as is the importance of democratisation processes.

As is the case in the EU-Mexico Global Agreement, the EU-Chile AA also provides for the suspension of trade relations in case of human rights violations. Article 200 states that ‘any Party may immediately take appropriate measures in accordance with international law in case of [...] violation by the other Party of the essential elements of this Agreement referred to in Article 1, paragraph 1’, meaning that a breach of the essential element of the respect for democratic principles and fundamental human rights may provoke the suspension of the treaty obligations. This clause, as is the case for Mexico, has never been invoked.

The clause established by Article 1 is further reinforced by Article 16, which establishes cooperation ‘aimed inter alia at strengthening the institutional capacity to underpin democracy, the rule of law, and respect for human rights and fundamental freedoms’. The parties are also bound to cooperate, but not to achieve specific results. It is in that sense that the clauses are considered as not binding. The EU-Chile AA also includes provisions opening up the possibility of cooperation in the social and public administration fields. Under Part III on cooperation, Title III, Article 38 on cooperation on education and training provides for ‘access to education for vulnerable social groups, such as the disabled, ethnic minorities and the extremely poor’. Equally, in Title V, Articles 43-45 ‘recognise the importance of social development, which must go hand in hand with economic development’ and provide for measures for cooperation with social partners. Title IV, Articles 41 and 42, deal with reforms in the public administration, such as the ‘modernisation of the State and of public administration’ and ‘decentralisation and the strengthening of regional and local government’ (see [Annex 1](#)).

Furthermore, the EU-Chile Association Agreement also contains a political commitment to give priority to respect for basic social rights, including through the promotion of ILO fundamental conventions and social dialogue. The focus is therefore on dialogue and cooperation, rather than on elements of conditionality.³⁰⁴ In the social development cooperation, parties commit to ‘giv[ing] priority to the creation of employment and respect for fundamental social rights, notably by promoting the [fundamental] conventions of the International Labour Organization’ (Article 44). The general idea is to encourage cooperation on a number of measures related to poverty reduction, the fight against social exclusion, and modernising labour relations.

17.2. Objectives and structure

In this context, and in line with the European Parliament’s Committee on International Trade (INTA) and the Subcommittee on Human Rights (DROI) request to the European Parliamentary Research Service, Case Study 2 evaluates the impact of the EU-Chile AA on Chile’s performance in the area of human rights protection, and consequently on the state of democracy and poverty alleviation.

³⁰⁴ Agustí-Panareda, Jordi et al., [Labour Provisions in Free Trade Agreements: Fostering their Consistency with the ILO Standards System](#), International Labour Office, March 2014, p. 8.

As with the EU-Mexico Global Agreement, it is difficult to ascertain a clear causality between the EU-Chile Association Agreement and the evolution of the human rights situation in the country. Ergon Associates, which conducted the ex-post study on the FTA between the EU and Chile for the European Commission, stated that 'Chile has concluded a large number of bilateral trade agreements, making it particularly difficult to isolate the effects of the EU-Chile AA from those of other agreements'.³⁰⁵ As a result, the study aims to shed light on the impact of trade liberalisation in general, and where possible the impact of the agreement with the EU, on democratisation efforts in Chile, including social justice and rights (labour rights), and poverty and inequality reduction.

The study uses the 2012 EU Strategic Framework on Human Rights and Democracy and accompanying Action Plan (2015-2019) to implement this framework, as a starting point.³⁰⁶ While not legally binding, the EU Guidelines on Human Rights are used as reference when assessing the extent to which the legislative and institutional apparatus of Chile is able to protect human rights in the country. These guidelines provide practical instructions, among other issues, on dialogues on human rights, the rights of the child, the protection of human rights defenders, women and girls, and safeguarding freedom of expression. Additionally, this study concentrates on aspects of human rights linked to the economic well-being of the Chilean population and which may impact on poverty and inequality, especially when considering the rights of indigenous people and women. In order to limit the study of human rights to those rights that are relevant to the EU-Chile Association Agreement, the report focuses on examining aspects of the four strategic pillars of the decent work agenda – that is, full and productive employment, rights at work, social protection and the promotion of social dialogue – to the degree that they are covered in the provisions of the AA.³⁰⁷

Case Study 2 first sketches the economic benefits of the EU-Chile trade for Chile and then analyses the political and institutional reforms adopted in Chile in favour of the protection of human rights, including environmental jobs, labour and employment, indigenous peoples' rights and women's rights. It goes on to critically assess whether this governance framework and instruments created in Chile effectively protect the aforementioned human rights. The study then assesses the institutional framework that has been set up as a result of the EU-Chile Association Agreement to monitor its implementation, as well as the EU financing and tools mobilised in support of the protection of human rights in Chile, to evaluate whether the framework has gone far enough in accomplishing its objectives and whether it has responded to European Parliament human rights concerns in Chile.

³⁰⁵ Newitt, Kirsten and Steve Gibbons, *Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms*, Final Report for Directorate General for Employment, Social Affairs and Inclusion, European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, p. 8.

³⁰⁶ Council of the European Union, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, Reference no 11855/12, Luxembourg, 25 June 2012; Council of the European Union, *EU Action Plan on Human Rights and Democracy*, Brussels, 2015.

³⁰⁷ International Labour Organization, *Decent Work Indicators: Concepts and Definitions*, ILO Manual, First version, Geneva, May 2012.

18. Snapshot of economic benefits of the EU-Chile Association Agreement

Although assessing the economic benefits of the EU-Chile AA is beyond the remit of this study, it is worth providing an overview of the noteworthy progress that Chile has achieved. While it is not always possible to ascertain a causal link between the EU-Chile AA and progress on human rights protection in Chile, it is clearer that trade liberalisation (of which the EU-Chile FTA is part) has impacted on the human rights situation in the country.

Since its return to democracy in 1990, Chile has experienced strong economic growth. The country ranks first in Latin America in the 'very high human development' category in the 2013 UNDP Human Development Report, standing at 40th of 187 countries. Chile has maintained that ranking since 2011, having risen two positions since the 2010 ranking was produced, and 1 % annually since 1980.³⁰⁸ The World Bank ranks Chile as a high-income country and, in 2011, the EU 'graduated' Chile from bilateral cooperation in order to mutually explore new forms of cooperation more suited to Chile's situation and stature (e.g. as a member of the OECD since 2010), such as co-financing projects.³⁰⁹ Furthermore, Chile has signed and ratified 21 free trade agreements with third countries and five preferential trade agreements.³¹⁰

Chile's GDP has doubled in the last 18 years, recording an average 5.2 % in 1983-2012 and 4.7 % expansion in 1993-2012.³¹¹ Nonetheless, as outlined by the WTO Secretariat in 2015, the Chilean economy did not escape the effects of the global economic crisis. Gross domestic product shrank in 2009, but was able to quickly recover. Following this recession, the country regained relatively rapid economic growth since 2010, with the economy expanding at rates above 5 % in the period 2010-2012. Following this period of rapid growth, the economy slowed in 2013 and particularly in 2014, when real GDP expanded by just 1.9 %. Overall, between 2009 and 2014, Chilean GDP grew at an average annual rate

³⁰⁸ The Human Development Index (HDI) was introduced to provide a broader definition of well-being, including three dimensions of human development – education, health, and income. See United Nations Development Programme, *Human Development Report 2013. The Rise of the South: Human Progress in a Diverse World*, New York, 2013.

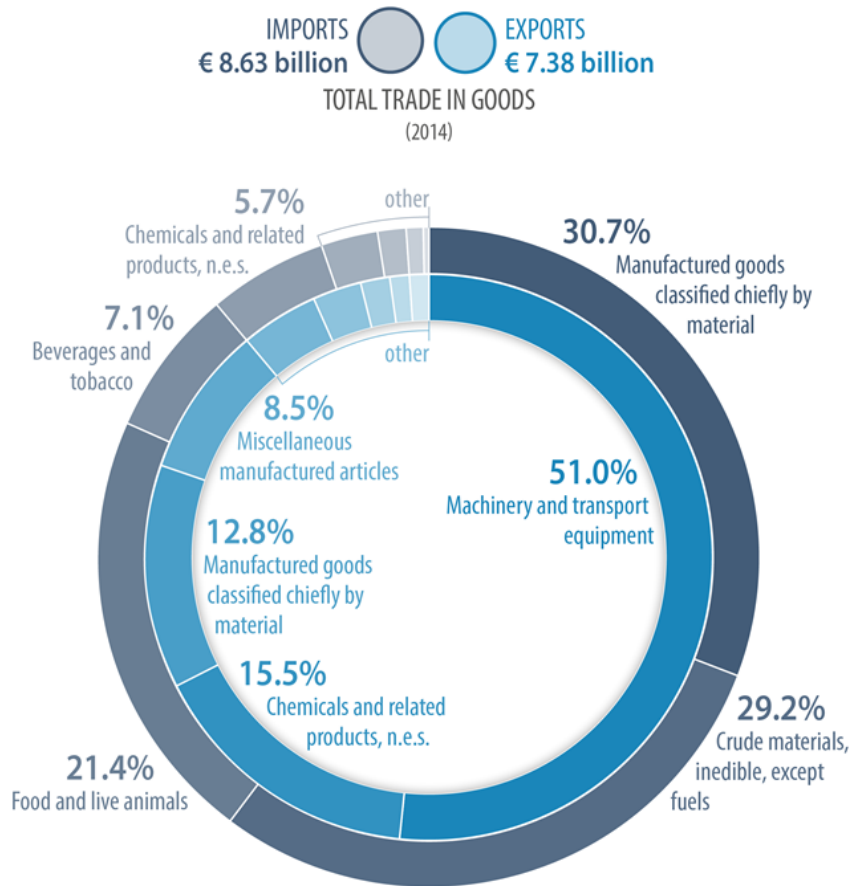
³⁰⁹ Chile remains nonetheless eligible for cooperation under thematic, regional and sub-regional cooperation programmes, as will be analysed in [section 22.2](#).

³¹⁰ See [Foreign Trade Information System - Organisation of American States](#).

³¹¹ IHS Connect, *Chile: Chile's Upcoming Political Cycle: Tackling Social Challenges and the Income Inequality Gap*, 9 December 2013.

of 3.6 % in real terms.³¹² Moreover, Chile’s GNI per capita increased by about 172 % between 1980 and 2014.³¹³

Figure 10: Main areas of EU-Chile trade in goods (according to SITC categories)



Source: Christian Dietrich, EPRS, using data from [Eurostat](#).

The FTA between the EU and Chile led to a significant increase in trade (in 2011, bilateral trade had grown to €18.6 billion from €7.7 billion in 2003). As Figure 10 illustrates, according to data from 2014, EU imports from Chile were lower and exports to Chile were higher. This Figure also provides an overview of the key sectors of goods affected by EU-Chile trade. EU imports from Chile mainly include mining products, mostly copper, and agricultural products. The agricultural sector represents up to a quarter of the total EU imports from Chile, and includes mainly wines, fruit and vegetables, fish and wood products (such as cellulose). As for EU exports to Chile, these mainly include machinery and electrical equipment, transport equipment, chemical products and fuel. It is also worth

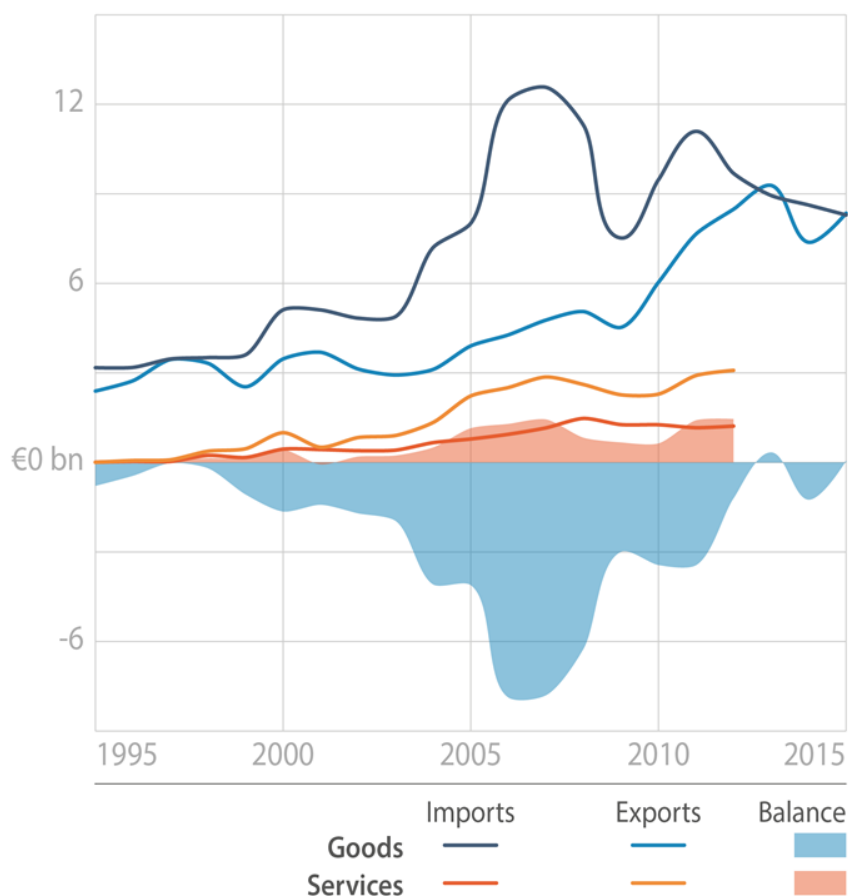
³¹² World Trade Organization, [Trade Policy Review, Report by the Secretariat, Chile](#), Reference no WT/TPR/S/315, 5 May 2015.

³¹³ United Nations Development Programme, [Human Development Report 2015: Work for Human Development, Briefing Note for Countries on the 2015 Human Development Report, Chile](#), New York, 2015, p. 2.

mentioning that Chile is the third largest recipient of FDI inflows in Latin America, the first and the second being Brazil and Mexico, and has the highest FDI stock in the region when compared to the size of its economy (77 % of GDP, while the regional average is 35 %).³¹⁴

As to the effects of the EU-Chile AA on the Chilean economy, the EU-Chile Free Trade Agreement (the FTA entered into force in 2003 and is the trade pillar of the EU-Chile Association Agreement) has spurred a major increase in the bilateral trade flow in the past decade. During this time, Chile has also seen sustained growth in EU-Chile trade flows. Trade shows a positive annual average growth of 13 % between 2003 and 2011, with total trade in goods doubling from €7.7 billion to €18.3 billion.³¹⁵ As Figure 11 shows, EU-Chile trade in goods has considerably increased since the signature of the EU-Chile FTA. The economic crisis severely affected Chilean imports in 2008 and 2009, whereas the export market suffered less.

Figure 11: EU imports from Chile and EU exports to Chile



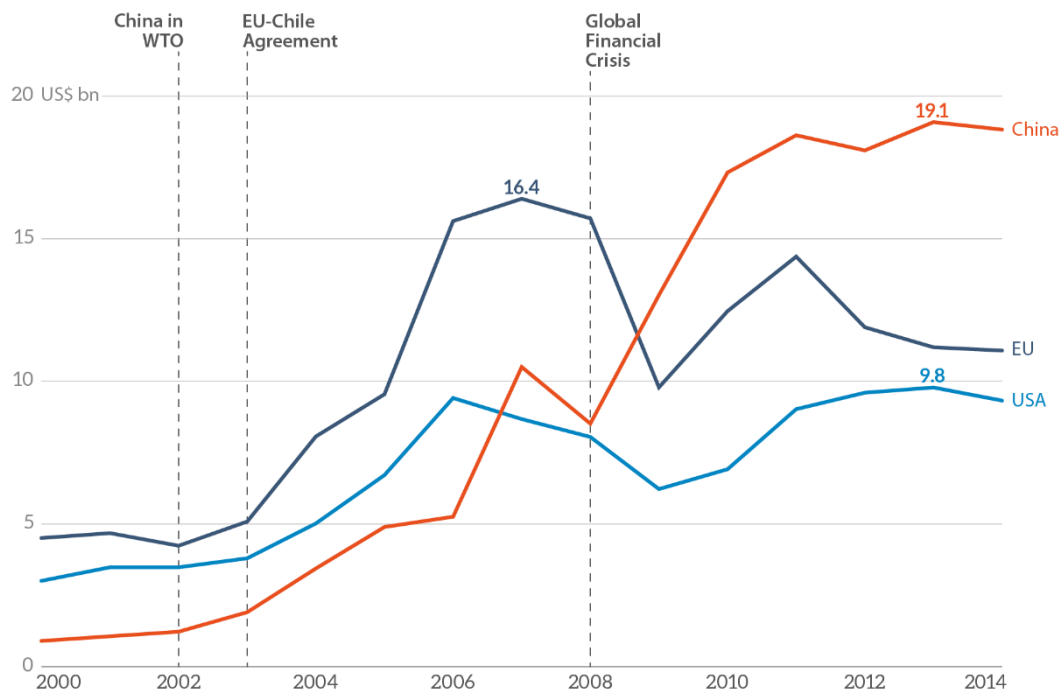
Source: Christian Dietrich, EPRS using data from Eurostat, services ([up to 2003](#), [since 2004](#)); [goods](#).

³¹⁴ Gomez Ramirez, Enrique et al., *EU-Latin America Trade Relations. Overview and Figures*, Reference no PE 579.086, Directorate for Members' Research Service, European Parliamentary Research Service, Brussels, European Parliament, March 2016.

³¹⁵ See [European External Action Service - EU Delegation in Chile](#), May 2016.

The 2011 trade sustainability impact assessment on the EU-Chile Association Agreement commissioned by the European Commission, found that the trading patterns with the EU in some Chilean sectors had changed noticeably more than with other partners in the three years after the EU-Chile AA came into effect. In particular, EU trade in the wine and fisheries sectors significantly increased, and trade in fruit, chemicals and plastics saw a notable increase. No measurable effect in relation to forestry was reported (although this sector did improve its performance on market and product diversification in the EU over the period).³¹⁶

Figure 12: Comparison of EU, China and the USA as Chile’s main export markets (total exports of goods in US\$)



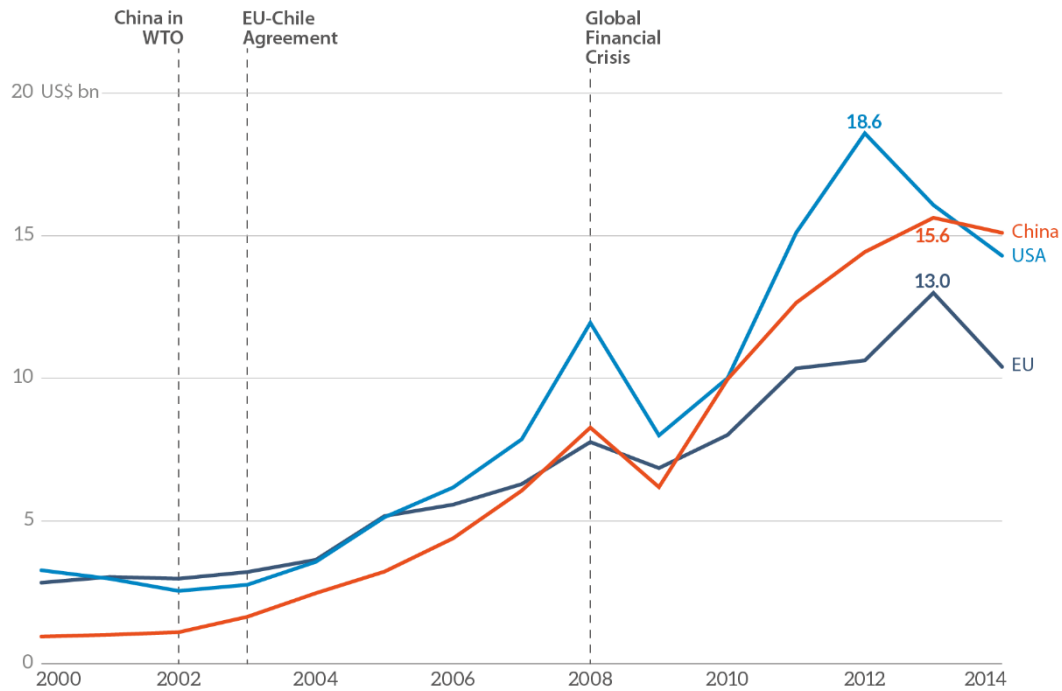
Source: Christian Dietrich, EPRS, using data from [UN COMTRADE](#).

As Figure 12 shows, the EU-Chile FTA did boost imports from Chile, and the global economic crisis reduced trade. The trend for Chile exports to China is rising, as opposed to the USA where the trend is falling. The EU as a Chile export market ranks directly after China and outdoes the USA. Overall, the EU is Chile’s third trade partner. In 2015, trade with the EU comprised 14.4 % of Chile’s total trade. Bilateral trade in almost all import categories has been stable over the 2013-2015 timeframe, with the EU registering a slight trade surplus of €0.2 billion in 2015. The EU is Chile’s third import supplier, after China

³¹⁶ Newitt, Kirsten and Steve Gibbons, *Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms*, Final Report for Directorate General for Employment, Social Affairs and Inclusion, European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, p.9.

and the USA, and is Chile's second largest export market, after China.³¹⁷ On the imports side, [Figure 13](#) shows a similar descent in recent years for Chile's major partners. The same Figure shows that China's exports to Chile recently surpassed USA exports, and the EU represents the third most important import supplier to the Chilean economy.

Figure 13: Comparison of EU, China and USA as Chile's main import suppliers (total exports of goods in US\$)



Source: Christian Dietrich, EPRS, using data from [UN COMTRADE](#).

Between 2012 and 2014, total trade in services increased moderately, from €4.5 billion in 2012 to €5 billion in 2014. The EU is Chile's biggest foreign investor, accounting for 26 % of Foreign Direct Investment (FDI) stocks and for 27.8 % of FDI flows in the country.³¹⁸ In fact, the EU has consistently been a source of FDI in Chile: the EU was also the main source of FDI in Chile with 37 % between 1974 and 2010 (an accumulated €77 billion), followed by the USA with 26 % and Canada with 18 %. Chile is the EU's fourth FDI recipient in Latin America (behind Brazil, Mexico and Argentina) and accounted for 3.4 % of all EU FDI outflows between 2006 and 2009.³¹⁹

³¹⁷ [Chile: Trade Picture, Directorate General for Trade, European Commission](#), Brussels, December 2016.

³¹⁸ [Chile: Trade Picture, Directorate General for Trade, European Commission](#), Brussels, December 2016.

³¹⁹ See [European External Action Service - EU Delegation in Chile](#), May 2016.

19. Political setting and human rights reforms in Chile

Chile has seen strong economic growth since its return to democracy in 1990. Although Chile has a very high level of human development – ranked 41st of 187 countries – it also has the highest level of income inequality in the Organisation for Economic Cooperation and Development area, and the fourth highest level of poverty in the region. While the poverty rate fell from 40 % in 1990 to 14 % in 2013, one in five persons in Chile remains poor, and one in four reports not having enough money to buy sufficient food. The lack of inclusiveness in the significant economic development analysed in the previous section has translated into inequality in income and wealth distribution, which continues to be one of the country's main challenges, hindering true social integration. Unequal distribution has also led to significant inequality in areas such as education and health, despite the increase in public spending in those areas. Territorial inequalities also create conflict between the central region and the other regions of Chile, and there is evidence of discrimination and rights violations against certain groups, particularly women, indigenous peoples and migrants.³²⁰

This section examines the institutional and legislative measures and changes that have taken place in Chile since the end of the dictatorship to tackle the aforementioned inequalities and to ensure the protection of and respect for human rights. It assesses the extent to which the governance framework is in place to ensure improvements to social justice, especially for the most vulnerable groups. As already explained in [section 17.1.1](#), labour rights, good governance and poverty reduction feature prominently in the EU-Chile Associate Agreement, albeit in cooperation provisions (with all the limits that these imply).

19.1. International human rights conventions

As [Table 8](#) illustrates, Chile has ratified nine of the core UN level international human rights instruments and most of the optional protocols. Chile has signed, but not yet ratified, two other optional protocols: the International Covenant on Economic, Social and Cultural Rights (signed on 24 September 2009), and the Convention on the Elimination of All Forms of Discrimination against Women (signed on 10 December 1999). Moreover, in 2014, Chile underwent its second Universal Periodic Review with the UN Human Rights Council, in which the delegations welcomed Chile's progresses in fulfilling the recommendations issued in the 2009 periodic review of the protection and promotion of human rights, and invited Chile to continue promoting the harmonisation of national legislation with international treaties.³²¹

³²⁰ United Nations General Assembly, [Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice. Addendum. Mission to Chile](#), Human Rights Council, Twenty-ninth session, Reference no A/HRC/29/40/Add.1, 20 May 2015, pp. 4-5.

³²¹ In particular, the delegates called for the ratification of the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women, to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child on a communications procedure. See United Nations General Assembly, [National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21. Chile](#), Human Rights

Table 8: Chile ratification status of UN/international treaties

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT	23 Sep 1987	30 Sep 1988
Optional Protocol of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	OP-CAT	6 Jun 2005	12 Dec 2008
International Covenant on Civil and Political Rights	ICCPR	16 Sep 1969	10 Feb 1972
Optional Protocol to the International Covenant on Civil and Political Rights	ICCPR-OP1	-	27 May 1992(a)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	ICCPR-OP2	15 Nov 2001	26 Sep 2008
Convention for the Protection of All Persons from Enforced Disappearance	CPED	6 Feb 2007	8 Dec 2009
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	17 Jul 1980	7 Dec 1989
International Convention on the Elimination of All Forms of Racial Discrimination	ICERD	3 Oct 1966	20 Oct 1971
International Covenant on Economic, Social and Cultural Rights	ICESCR	16 Sep 1969	10 Feb 1972
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	ICMW	24 Sep 1993	21 Mar 2005
Convention on the Rights of the Child	CRC	26 Jan 1990	13 Aug 1990

Council Working Group on the Universal Periodic Review, 11 November 2013; United Nations General Assembly, [Report of the Working Group on the Universal Periodic Review. Chile](#), Human Rights Council Twenty-sixth Session, 2 April 2014.

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	OP-CRC-AC	15 Nov 2001	31 Jul 2003
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	OP-CRC-SC	28 Jun 2000	6 Feb 2003
Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure	OP-CRC-IC	28 Feb 2012	1 Sep 2015
Convention on the Rights of Persons with Disabilities	CRPD	30 Mar 2007	29 Jul 2008
Optional Protocol to the Convention on the Rights of Persons with Disabilities	OP-CRPD	30 Mar 2007	29 Jul 2008

Source: United Nations Office of the High Commissioner for Human Rights, Treaty Body Database, [Chile](#), 2016.

It should also be pointed out that Chile has ratified all eight fundamental ILO conventions on labour standards, as indicated in [Table 9](#).

Table 9: Chile ratification status of the core ILO conventions

Convention	Date of Ratification	Status
Forced Labour Convention, 1930 (No 29)	31 May 1933	In force
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87)	1 Feb 1999	In force
Right to Organise and Collective Bargaining Convention, 1949 (No 98)	1 Feb 1999	In force
Equal Remuneration Convention, 1951 (No 100)	20 Sep 1971	In force
Abolition of Forced Labour Convention, 1957 (No 105)	1 Feb 1999	In force
Discrimination (Employment and Occupation) Convention, 1958 (No 111)	20 Sep 1971	In force

Convention	Date of Ratification	Status
Minimum Age Convention, 1973 (No 138)	1 Feb 1999	In force
Worst Forms of Child Labour Convention, 1999 (No 182)	17 Jul 2000	In force

Source: International Labour Organization, NORMLEX – Information System on International Labour Standards, [Chile](#)

19.2. Legislative and institutional reforms on human rights since the signature of the EU-Chile Association Agreement

19.2.1. Respect for rule of law

Chile has progressed in establishing truth, justice and reparation in relation to the violations perpetrated during the dictatorship. Much has been accomplished in the justice sector, tackling military jurisdiction to a certain degree. Moreover, the National Institute of Human Rights was established, relevant changes have taken place in the Ministry of Justice and Human Rights, and the creation of the National Advisory Council and the Undersecretary for Human Rights are in progress.

As outlined in the Chile Country Strategy Paper 2007-2013, the democratic reform process is based on the ongoing modernisation of the state with special emphasis on public administration. This process aimed at achieving a more effective and transparent public administration and to bring the government closer to the citizens. The reforms adopted during these past decades have had a significant impact on the consolidation of democratic structures and institutions and the performance of Chile's public administration.³²² According to the World Justice Project 2016,³²³ Chile ranks 26th at the global level in terms of rule of law, ahead of Slovenia (27th), Romania (32nd), Italy (35th), Croatia (39th), Greece (41st), Hungary (49th), Bulgaria (53rd), and third when considering Latin American and Caribbean countries. It is also worth noting that Mexico lags behind, ranking only 88th.

In the 25 years since the country's return to democracy, Chile has taken important steps towards establishing truth, justice and reparation in relation to massive, systematic and institutionalised violations perpetrated during the dictatorship of 1973 to 1989. Today, government actions conform largely to limitations and restrictions imposed by law and, since the return of democracy in 1990, judiciary independence has been consolidated.³²⁴ Notwithstanding the progress made in guaranteeing the right to access to justice in relation

³²² European Commission, [Chile Country Strategy Paper 2007-2013](#), Reference no E/2007/615, Brussels, 11 April 2007, p. 17.

³²³ The World Justice Project, [The WJP Rule of Law Index 2016](#), Washington, 2016, pp. 21-22.

³²⁴ Thunert, Martin et al., [SGI 2015 Chile Report](#), Bertelsmann Stiftung, Gütersloh, not dated, p. 21.

to violations of human rights perpetrated during the dictatorship, progress has concentrated almost exclusively on the work of the judicial institutions. The exception is the work on memory and the recent approval by the Senate of a bill that seeks to grant reparations to victims of torture, in line with the National Commission on Political Prisoners and Torture (the 'Valech Commission').³²⁵

The government of Michelle Bachelet, who was herself a victim of torture and exile under the military dictatorship, ensured this work was followed up, and put the pursuit of justice at the centre of the political agenda. In that vein, during Bachelet's first mandate as President of Chile (2006-2010), Act No 20.405, which provides for the creation of the National Institute of Human Rights (Instituto Nacional de Derechos Humanos, INDH), Chile's human rights ombudsman, was adopted, in November 2009 (see [Box 4](#)). The Institute was established under a transitional article, the Advisory Commission on the Classification of Disappeared Detainees, Victims of Political Executions and Victims of Political Imprisonment and Torture, known as 'Valech II'. This institution was tasked with receiving new testimonies and/or information about possible cases of enforced disappearance, political execution, political imprisonment or torture that had not been recognised by the previous commission. According to the UN Human Rights Council, however, 'the Commission had not been consistent in its application of the classification criteria and recognised significantly fewer cases than the Valech I Commission. Questions were also raised regarding the failure to notify new victims or relatives personally and the lack of channels to challenge the classification.' This also points to the possibility that the number of victims of enforced disappearances may still rise.³²⁶

Box 4: Functions of the National Institute for Human Rights (INDH), Chile

- Prepare an annual report on the activities of the INDH, on the national human rights situation and make recommendations for its appropriate control and respect, which submitted to the President of Chile, the Congress and the Supreme Court. The report can also be sent to the UN, OAS and organisations for the defence of human rights.
- Communicate to the government and various state agencies their views on the human rights situations that occur in Chile.
- Propose measures to the relevant public institutions/organs working on the promotion and protection of human rights.
- Promote the harmonisation of the national legislation with the provisions of the ratified international treaties, thus allowing for an effective implementation.

³²⁵ Collins, Cath, 'Truth-Justice-Reparations Interaction Effects in Transitional Justice Practice: The Case of the "Valech Commission" in Chile', *Journal of Latin American Studies*, 2016, p. 18; Seymour, Fernando, [Ley de Amnistía: FF.AA. Acusan su no Aplicación y Organizaciones de DD.HH. Exigen Anularla](#), *diarioUchile*, 7 February 2016; Marengo, Guadalupe, [Chile: Amnesty Law Keeps Pinochet's Legacy Alive](#), Amnesty International News, 11 September 2015.

³²⁶ United Nations General Assembly, [Report of the Working Group on Enforced or Involuntary Disappearances, Addendum, Mission to Chile](#), Reference no A/HRC/22/45/Add.1, Human Rights Council Twenty-second Session, 29 January 2013, pp. 4, 12.

- Present (within its legal mandate) legal actions before the courts, such as lawsuits for crimes against humanity, torture, disappearances, etc.
- Preserve the evidence gathered by the National Commission on Truth and Reconciliation (Rettig Commission), the Commission on Political Imprisonment and Torture (Valech Commission), the National Corporation for Reparation and Reconciliation, the Human Rights Programme, and Valech Commission II.
- Collaborate with the Ministry of Foreign Affairs and other public services related to reporting on the topic to be presented to the UN or the OAS.
- Cooperate with the UN and other relevant institutions, in human rights promotion and protection.
- Increase awareness on human rights, support their promotion at all educational levels, including training in the armed forces, conducting investigations, preparing publications, and foster a culture of respect for human rights in the country.

Source: [Instituto Nacional de Derechos Humanos](#), December 2016.

Furthermore, the National Advisory Council was established on 10 December 2009, alongside the INDH (Law No 20.405). This Council gathers the representatives of social and academic organisations dedicated to the promotion and defence of human rights. Moreover, it was established that the President of Chile shall constitute an Advisory Committee with a focus on the detained and disappeared, politically executed victims, and victims of political imprisonment and torture.

While democratisation efforts have come a long way since the dictatorship of 1973-1989, policing still faces challenges. The INDH reported in 2014 that police handling of public protests fell short of international human rights standards. It claimed that *Carabineros* (Chile's national police) made indiscriminate use of anti-riot equipment (e.g. such as water cannons and tear gas) in response to violence by protesters in 2013, in 70 % of the demonstrations it observed. More often than not, these methods were used disproportionately to the threat faced, also during arrests. On a more positive note, public protests and the number of reported abuses by *Carabineros*, declined significantly in 2014. Further notable progress was the authorisation for the first time of the publication of *Carabineros'* operational protocols for dealing with public protests, in 2014.³²⁷

In addition, legislation approved by Congress in September 2010, under the administration of Sebastian Piñera, finally ended the jurisdiction of military courts over civilians. However, the reform left the jurisdiction of military courts over abuses committed by the *Carabineros* untouched. Most complaints filed with military courts for human rights abuses in which civilians are alleged victims have been dismissed. According to INHR data published in 2014, the number of convictions for police abuses in Chile's central regions between 2005 and 2011 fell to 0.48 % of the complaints filed, compared to 3.2 % for the period from 1990-2004, even though the number of complaints increased significantly. Chile's top courts have increasingly opposed military jurisdiction in such cases.³²⁸

³²⁷ Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, p. 151.

³²⁸ Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, p. 150.

In the framework of developing and strengthening the country's institutional framework for human rights, a legislative procedure to create the post of Undersecretary for Human Rights (Subsecretaría de Derechos Humanos) was approved by Congress in December 2015,³²⁹ but has not yet been formally created. The post will be responsible for the coordination of actions for human rights protection in Chile. In parallel, the Interministerial Committee will be the body to advise the President of Chile in determining the guidelines for intersectoral policies on human rights. Furthermore, the Ministry itself changed its name from Ministry of Justice to Ministry of Justice and Human Rights, pointing to the centrality of human rights protection in Chile today.³³⁰

Additional measures taken as part of Chile's management of dictatorship-era legacies include the ratification of new international human rights instruments (see [Table 8](#) and [Table 9](#)) and the inauguration of the Museum of Memory and Human Rights (Museo de la Memoria y los Derechos Humanos). Overall, however, while the above-mentioned initiatives are presented by Chile as evidence of its continued prioritisation of responses to dictatorship-era abuses, academic circles consider these initiatives as 'consonant with the historically subdued, reactive, and generally low-key attitude of Chilean authorities to transitional justice challenges.' Rather, they are said to reveal short-termism and an absence of joined-up transitional justice policy.³³¹

19.2.2. Promoting social cohesion

Social cohesion reforms have strengthened the rights of vulnerable groups, in particular women and indigenous groups. An anti-poverty programme was introduced, anti-discrimination laws are in force, the National Indigenous Development Corporation and the National Service for Women were established, a pro-transparency agenda is implemented, and the Ministry of Indigenous Peoples is in progress.

Social cohesion has been a key issue on Chile's reform agenda since the end of the dictatorship. In that sense, the centre-left coalition led by Bachelet, who also ruled the fourth consecutive centre-left *Concertación* from 2006 to 2011, has broadly continued the main economic and social policies of the preceding governments, combining market policies with social cohesion. Bachelet pursued policies in favour of the strengthening of relevant national institutions to guarantee that vulnerable categories of the Chilean population are consulted in the formulation of public policy. The legal and social protection of these vulnerable categories saw some progress perhaps also because major national programmes for women, young people, children, indigenous populations, and the

³²⁹ European Union External Action, [EU Annual Report on Human Rights and Democracy in the World in 2014](#), Brussels, not dated, p. 274.

³³⁰ See [Subsecretaría de Derechos Humanos](#), Ministerio de Justicia y Derechos Humanos, December 2016.

³³¹ Collins, Cath, 'Truth-Justice-Reparations Interaction Effects in Transitional Justice Practice: The Case of the "Valech Commission" in Chile', *Journal of Latin American Studies*, 2016, p. 5.

elderly and persons with disabilities aimed at taking these groups' concerns into account.³³² As part of an effort to ensure greater social equity and inclusion, the Bachelet government implemented a comprehensive reform of the pension system (discussed in the next section), major improvements to public education and health services, and initiatives to enhance indigenous communities' participation in social and political life.

On social inclusion, Bachelet has tried to improve the effectiveness of Chile's anti-poverty programme, which assists extremely poor households.³³³ For instance, the 'Ethical Family Income' (Ingreso Ético Familiar) programme set social allowance as its first component, an element of Chile's strategy aiming at eradicating poverty by 2018. The programme seeks to expand the coverage and increase the values of transfers, but also incorporates new forms of employment support and thus places greater recognition on the importance of enabling households to lift themselves out of poverty and to sustain themselves by their own means.³³⁴ Reforms in favour of social inclusion were continued by the centre-right 'Coalición por el Cambio' (Coalition for Change) of President Sebastián Piñera, who defeated the centre-left coalition led by Michelle Bachelet and took office on 11 March 2010. Piñera's government promulgated Act No 20.609, which establishes measures to combat discrimination (the 'Anti-Discrimination Act'), which came into force in 2012.³³⁵ This legislation provides legal protection against all discriminations based, inter alia, on grounds of race, nationality, language, political opinion, religion, sex, sexual orientation, gender identity, and disability.

The return to democracy in 1990 signalled a new phase in the relationship between indigenous peoples and the Chilean state. In 1993, the government of President Patricio Aylwin enacted the Indigenous Peoples Act (No 19,253) which, for the first time, recognised rights specific to indigenous peoples, including their right to maintain and develop their culture and protect their land. The act established the National Indigenous Development Corporation (Corporación Nacional de Desarrollo Indígena, CONADI) within the Ministry for Social Development, to finance development programmes and a fund (Fondo para Tierras y Aguas Indígenas), tasked with granting subsidies to indigenous communities to buy land and to find legal solutions to land problems.³³⁶ Chile has long since engaged in developing policies and programmes targeted at indigenous groups in

³³² European Commission, [Chile Country Strategy Paper 2007-2013](#), Reference no E/2007/615, Brussels, 11 April 2007, p. 9.

³³³ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for Development and Cooperation, Brussels, 29 March 2010, pp. 4-5.

³³⁴ International Labour Organization, [World Employment Social Outlook 2016. Transforming Jobs to End Poverty](#), Geneva, 2016, p. xvi.

³³⁵ United Nations Committee on the Elimination of Racial Discrimination, [Concluding Observations on the Combined Nineteenth to Twenty-first Periodic Reports of Chile Adopted by the Committee at its Eighty-third Session \(12-30 August 2013\)](#), 23 September 2013, p. 1.

³³⁶ Figueroa Huencho, Verónica, El Proceso de Formulación de Políticas Públicas Indígenas en Chile: El Caso del Gobierno de Patricio Aylwin (1990-1994), *Latin American Research Review* vol. 51(2), 2016, p.º117.

different areas, such as health, education, work and poverty. The Chilean government has tackled forms of racial discrimination against indigenous people, mainly by focusing on greater participation of and consultation with indigenous peoples on matters affecting them, as provided in the 1989 ILO Indigenous and Tribal Peoples Convention (No 169).³³⁷ To further strengthen support to indigenous peoples, a legislative proposal was submitted to the National Congress for the creation of the Ministry of Indigenous Peoples in January 2016.³³⁸ The proposed ministry will be responsible for developing national indigenous policy, cooperating and providing technical assistance to the competent state institutions responsible for the implementation and execution of policies, after having consulted the indigenous people, as well as establishing and administering 'areas of indigenous development'.³³⁹

Furthermore, Chilean government efforts on the promotion of equality between men and women date back to 1991, and represent a significant step in the process of democratisation following the country's dictatorship. One of the very first achievements in this field was the establishment by President Aylwin, in 1991, of the National Service for Women (Servicio Nacional de la Mujer, SERNAM), as the principal state institution responsible for the protection of women against all forms of arbitrary discrimination, and for the promotion of equal rights in societal and working environments. An important challenge to SERNAM's mission of promoting equality in Chile has been the increasing controversy surrounding the demands of different classes of women, specifically the indigenous Mapuche and the poor rural class of women, or *pobladoras*.³⁴⁰ An important accomplishment in promoting gender equality was the creation, in 2015, of a competent ministry, the Ministry of Women and Gender Equality (Law 20.820). This new ministry is responsible for 'working with the President of the Republic in the design, coordination and evaluation of the policies, plans and programmes aimed at promoting gender equality, equal rights and ensuring the elimination of all forms of arbitrary discrimination against women'.³⁴¹

The return to democracy and the move away from a 'state of secrets' and corruption, called for a pro-transparency agenda in Chile. One of the most important milestones in the reform process was the enactment of a 2008 law increasing public access to information. One outcome of the law has been the revelation of the properties, assets, and potential conflicts

³³⁷ United Nations Committee on the Elimination of Racial Discrimination, [Reports Submitted by States Parties under article 9 of the Convention. Combined Nineteenth to Twenty-first Periodic Reports of States Parties due in 2012. Chile](#), 19 April 2013, p. 6.

³³⁸ For the legislative proposal on the creation of the Ministry for Indigenous people, see Senate of the Republic of Chile, [Proyecto de Ley, Iniciado en Mensaje de S. E. la Presidenta de la República, que Crea el Ministerio de Pueblos Indígenas](#), 94th Ordinary Session, 19 June 2016.

³³⁹ See Ministry for Social Development, [Ingresaron a tramitación en el Congreso los Proyectos de Ley para la creación del Ministerio y los Consejos de Pueblos Indígenas](#), Santiago de Chile, 19 January 2016.

³⁴⁰ Council on Hemispheric Affairs, [COHA's Women's Studies Series: SERNAM and the Underrepresentation of Women in Chile](#), 8 May 2008.

³⁴¹ National Human Rights Institute (INDH), [Informe Anual 2015: Situación de los Derechos Humanos en Chile](#), 2015.

of interest of government officials. This has generated news reports and increased audits and scrutiny by civil society representatives, which have in turn helped restore integrity and stronger accountability mechanisms among public officials. Other measures were presented for parliamentary debate, including a new regulation on lobbying and financing of electoral campaigns, which was approved and is now in force.³⁴² To monitor compliance, the Chilean government established an independent agency, the Council for Transparency (Consejo para la Transparencia). This institution has become an international leader in promoting access to public information and is particularly relevant today in the strategic partnership with EUROsociAL for peer learning at a regional level. The underpinning rationale is that, in order to generate an impact, existing instruments for public policy or those entering in force must be communicated to the public. Chile has implemented the electronic platform entitled 'Transparency Portal de Chile' as a virtual one-stop shop, bringing together more than 350 public services and municipalities with the aim of facilitating public access and allowing the public to submit requests for information. One of the shortcomings, however, is that only 20 % of the Chilean population knows that public institutions have a deadline for answering a request for information and only 19 % are aware that a section on transparency exists on the websites of public services.³⁴³

19.2.3. Ensuring labour, employment and social protection

Greater social equity has been promoted through increased social expenditure, efforts to deal with discrepancies in income distribution, a comprehensive reform of the pension system, and increased rights for women and domestic and migrant workers.

The democratic governments in power since 1990 have tried to combine economic development with greater social equity. During the first decade of the democratisation process, from 1989 to 1999, per capita public social expenditure grew by 72.4 %, this effort reflecting on the considerable improvement in the quality of basic services, including education and health.³⁴⁴ Effort to reduce poverty has been successful during the past two decades of democratic governments, with a decrease in the poverty level, falling from 38.6 % to 18.8 %³⁴⁵ to 2003, and to 13.7 % up to 2006³⁴⁶. Success in tackling poverty meant Chile became the first country in Latin America to halve the proportion of citizens living in extreme poverty, thus contributing to accomplishing a milestone in the implementation

³⁴² For further details, see [Open Government Partnership](#).

³⁴³ Entrevista con Vivianne Blanlot, Presidenta del Consejo para la Transparencia de Chile, *Boletín: Gobernanza Democrática*, October 2015, pp. 11-12.

³⁴⁴ European Commission, [Chile: Country Strategy Paper 2002-2006](#), Brussels, 2002, p. 15.

³⁴⁵ European Commission, [Chile Country Strategy Paper 2007-2013](#), Reference no E/2007/615, Brussels, 11 April 2007, p. 14.

³⁴⁶ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for Development and Cooperation, Brussels, 29 March 2010, p. 3.

of the Millennium Development Goals.³⁴⁷ Nonetheless, Chile remains one of the countries with the most heavily skewed income distribution in Latin America, the region with the most unequal distribution of wealth in the world.

Determination to ensure greater social equity among the population drove the political programmes of the democratic governments and is particularly reflected in the legislation concerning the pension system. Chile launched the first fully funded contributory pension system as early as 1981. In fact, following the pioneering programme launched in Chile, 34 developing countries also developed an equivalent programme in 2011, up from five in 1990. After two decades in operation, the pension system's inefficiencies became evident, however: too few contributors, a low level and density of contributions, and wide gender imbalances. To tackle these limitations, Chile underwent a comprehensive reform of the pension system in 2008. The new system architecture entailed provisions addressing, among others, the issues of young workers, older people and people with disabilities. This comprehensive pension system reform, which aimed at providing universal and more equitable benefits, was in line with attempts by other countries in the aftermath of the financial crisis to reach a better balance between solidarity-based and market-based pension insurance (see [Box 5](#)).³⁴⁸

Box 5: Features of the reformed comprehensive pension system in Chile (2008)

- A universal basic pension for those without substantial contributions (in time) and without a large enough accumulation of resources at age 65 (extended for people with disabilities);
- A social security solidarity contribution complementing pension savings for those contributing to the system (for older people and people with disabilities);
- Mandatory contributions from self-employed workers (to be completed by 2018), enforced through the tax system;
- Subsidies to pension contributions from young workers (to incentivise early participation in the system) and to young workers' employers (to incentivise hiring of young workers), targeting workers aged 18–35 with low salaries.

Source: United Nations Development Programme, [Human Development Report 2015: Work for Human Development](#), New York, 2015, p. 168.

In addition to the reforms already mentioned in the previous section, Bachelet's government succeeded in adopting provisions to protect domestic workers, namely Acts No 20.255 (2009) and No 20.336 (2009). More recently, on 10 June 2015, to improve the conditions of domestic workers, Chile ratified ILO Convention No 189 (2011) concerning decent work for domestic workers. In 2008, immediately before the reform, around 17.5 % of immigrants were domestic workers, and employment in domestic work was especially important for female immigrants, who amounted to 92.1 % of all immigrants in domestic work. Accordingly, domestic work was seen as having a direct effect on vulnerable

³⁴⁷ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for Development and Cooperation, Brussels, 29 March 2010, p. 3.

³⁴⁸ International Labour Office, [Social Security and the Rule of Law](#), Geneva, 2011.

categories, such as migrants and women, since it represents a significant source of employment for migrants in Chile (data refers to 2008 and represents the root variable which triggered the reform process aiming at providing a more favourable legal framework for this worker category).³⁴⁹

Chile has long engaged with labour rights and the social protection of women. As early as in 1981, the Chilean government introduced a childcare law aiming at increasing the percentage of women who work, below 50 % at that time. The legislation required that companies with 20 or more female workers provide and pay for childcare for women with children under age two at a nearby location. The regulation eased the transition back to work for working mothers and helped children's development, but also had downsides. In fact, it led to a 9-20 % decline in women's starting salaries. Moreover, the Chilean government addressed the issue of parental leave, emphasising the role of fathers in childcare. To promote sharing of the childcare burden between parents and to alleviate the socio-economic impact of a long absence from work of the mother, paternal leave is compulsory in the Chilean system (as is the situation in Italy and Portugal).³⁵⁰ In 2009, an entitlement for women was also added to compensate for disparities in the labour market. For each child, every woman would receive a bond, deposited in her pension account, equivalent to 18 months of contributions based on the minimum wage. The public cost of the reformed system was estimated at 2.5 % of GDP per year. In 2015, an International Presidential Commission presented an assessment of the system and proposals to address its weaknesses.³⁵¹

A number of reforms were undertaken in Chile to improve the situation of undervalued domestic workers, essentially women undertaking unpaid domestic work. The scope of the labour law regulating domestic workers' rights grants the same rights to migrant domestic workers, as well as workers in other sectors.³⁵² Reforms have focused on aligning domestic workers' wages with wages established for other activities. Between 2000 and 2011, Chile instigated general minimum wages and strategies to gradually increase the minimum wage for domestic work until it matches the general wage. This translated into a wage increase of 71 % for domestic workers in Chile, although non-compliance with the minimum wage for domestic workers rose from 8.1 % in 2000 to 13.6 % in 2011. This occurred in a context in which overall compliance with the minimum wage law improved

³⁴⁹ Tokman, Victor, [Domestic Workers in Latin America: Statistics for New Policies](#), Wiego Working Paper (Statistics) No 17, Cambridge, MA, June 2010, p. 12.

³⁵⁰ United Nations Development Programme, [Human Development Report 2015: Work for Human Development](#), New York, 2015, p. 123.

³⁵¹ Bosch, Mariano et al., [Better Pensions, Better Jobs: Towards Universal Coverage in Latin America and the Caribbean](#), Inter-American Development Bank, Washington, DC, 2013; Uthoff, Andras, *Reforma al Sistema de Pensiones Chileno*, [Serie Financiamiento para el Desarrollo 240](#), Santiago de Chile, 2011.

³⁵² Tayah, Marie-José, [Decent Work for Migrant Domestic Workers: Moving the Agenda Forward](#), International Labour Organization, Geneva, 2016, p. 40.

for the economy as a whole.³⁵³ Furthermore, in line with ILO No 189 on domestic workers, domestic workers in Chile are organised in unions, which helps them promote their rights.³⁵⁴ The labour protection measures regarding domestic workers on which Chile has embarked (similarly to Argentina) attract large numbers of women to enter this sector.³⁵⁵ However, employers in Chile can choose to allow inspectors into their homes or agree to take the required documentation to a labour inspectorate office on a specified date (Labour Code, 2002, Article 146).³⁵⁶

20. Implementing human rights protection in the context of the EU-Chile Association Agreement

This section examines the implementation of the institutional reforms and legislative framework for ensuring respect of human rights already presented in the previous section, and its consequences, including any shortcomings. It seeks to identify a link with the EU-Chile AA and the agreement's possible impact on issues related to good governance, security capacity, the promotion of environmental jobs and the management of natural resources, labour and employment rights, gender equality and the protection of vulnerable groups and ethnic minorities, notably the indigenous communities. A number of the setbacks identified in the following sections, are also areas in where the UN Human Rights Council called for action during its 2014 periodic review of Chile. These areas include: protecting the rights of vulnerable groups including women, children and indigenous peoples; adopting a national plan to protect human rights; taking the necessary measures to ensure effective protection against discrimination, particularly employment, housing, health and education.³⁵⁷

³⁵³ International Labour Organization, [2015 Labour Overview Latin America and the Caribbean](#), Geneva, 2015, p. 57; Velásquez, Mario and María Gabriela Loyo, *De la Exclusión a la Inclusión: Cómo se Establecen los Salarios Mínimos para los Trabajadores Domésticos. El Caso de Chile*, Mimeo, 2013, p. 24.

³⁵⁴ International Labour Organization, [2015 Labour Overview Latin America and the Caribbean](#), Geneva, 2015, p. 59.

³⁵⁵ Tayah, Marie-José, [Decent Work for Migrant Domestic Workers: Moving the Agenda Forward](#), International Labour Organization, Geneva, 2016, p. 30.

³⁵⁶ International Labour Organization, [2015 Labour Overview Latin America and the Caribbean](#), Geneva, 2015, p. 58.

³⁵⁷ United Nations General Assembly, [Report of the Working Group on the Universal Periodic Review. Chile](#), Human Rights Council Twenty-sixth Session, 2 April 2014.

20.1. Good governance and human rights

Chile has undertaken substantial reforms in its constitutional sector. Nonetheless, it still lacks instruments able to ensure mid- and long-term political and strategic planning and mechanisms of direct democracy. Moreover, problematic areas inherited from the military regime persist. The government has initiated a decentralisation programme to address the lack of political and economic decentralisation.

Figure 14: Governance indicators, Chile



Source: Christian Dietrich, EPRS, using data from the World Bank's [Worldwide Governance Indicators](#).

As explained in this study's methodology (see [section 4](#)), according to the United Nations Office of the High Commissioner for Human Rights (OHCHR), good governance is seen to encompass the full respect of human rights, rule of law, effective participation, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, political empowerment of people, equity, sustainability, and values that foster tolerance.

In that sense, there is significant consensus that good governance is a process whereby public institutions guarantee the realisation of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The true test of 'good' governance is the degree to which it delivers on the promise of the respect of human rights, including civil, cultural, economic, political and social rights.³⁵⁸

In this context, [Figure 14](#) illustrates the state of affairs on the key elements of good governance in Chile, as they relate to human rights. While substantial reforms to Chile's constitutional framework have taken place, it still contains problematic areas inherited from the military regime and former governments.

³⁵⁸ United Nations High Commissioner for Human Rights (OHCHR), [Good Governance and Human Rights](#), November 2016.

These have produced a rigid framework for policy-making processes and impacted on government effectiveness and regulatory quality, which have remained rather stable. Chile still lacks the capacities and instruments to ensure political and strategic planning with a mid- and long-term perspective. This negatively affects social and ethnic issues in particular, and by extension social cohesion and political stability.

The lack of political and economic decentralisation is one of Chile's weakest points. Chile is one of the most centralised countries within the OECD, despite its economic, geographic and ethnic diversity. In response, the government has initiated a decentralisation programme that seeks in part to address this structural deficit, which can compromise voice and accountability (in [Figure 14](#)).

Although corruption does not influence politics to the same extent as in other Latin American countries, a phenomenon does go hand in hand with the country's oligopoly. Officials may tend to abuse their public positions by retaining access to high-level political or administrative jobs within a small, elite, circle of the population. The political elite continues to be dominated by individuals and groups that unite economic and political power and come from a small circle of powerful families.

Finally, Chile lacks direct democracy mechanisms that might otherwise foster citizens' policy control and influence. Neither the press/media nor public television provide citizens with a pluralistic view of government performance. Nearly 25 years of democracy have not changed this situation. However, congressional control over the government and the audit office do work reasonably well.³⁵⁹

20.2. Institutional and security capacity-building

Chile has made important progress in tackling past abuses related to human rights violations committed during military rule. Nonetheless, a complete break from the legacy of the dictatorship has not happened. For instance, use of excessive force by the security forces – notably the *Carabineros* that have been accused of torture – is especially prevalent during protests. Additionally, great concern has been expressed regarding the fact that human rights violations committed by law enforcement authorities may still fall under military jurisdiction.

Chile has come a long way in adopting and implementing measures that deal with confronting past abuses. In March 2015, the Chief Justice reported that 1 056 cases of human rights violations committed during military rule were under investigation, 112 of which for torture. According to the Ministry of the Interior's human rights programme, as of December 2015, 344 individuals had received final sentences for human rights violations, including killings and enforced disappearances. Moreover, 117 were serving prison sentences.³⁶⁰ Similar rates of arrests and prosecutions were observed in 2014, and in

³⁵⁹ Thunert, Martin et al., [SGI 2015 Chile Report](#), Bertelsmann Stiftung, Gütersloh, not dated.

³⁶⁰ Human Rights Watch, [Chile: Events of 2015](#), *World Report 2016*, New York, 2016.

recent years. Shortcomings, however, persist: cases of torture by security officers continue to be reported and impunity is common. Specifically, '[b]etween 2011 and August 2014, the National Human Rights Institute (INDH) filed 33 complaints of torture with the courts – 16 for acts allegedly committed by *Carabineros*, ten by prison guards, and seven by the Investigations Police (PDI)'.³⁶¹

Cases of alleged unlawful use of excessive force by police against members of the Mapuche indigenous communities further hinder the already delicate process of multicultural, social and economic integration of the indigenous peoples into Chilean society. Accusations involving the shooting of Mapuche during police operations have either resulted in acquittal of the police officers involved or extremely lenient sentences. In addition, human rights watchdogs argue that these cases should not be handled by military courts because military jurisdiction does not meet the standards of justice and an effective remedy for victims required by international law.³⁶²

The UN Human Rights Council has expressed its 'great concern [with] the fact that human rights violations committed by law enforcement authorities can fall under military justice jurisdiction'. The 2010 law that removed civilian perpetrators of violence against the police from the military courts' jurisdiction has failed to address violations committed against civilians by members of the police and the military, who remain under the jurisdiction of these courts. The Supreme Court has supported that proceedings involving police violence against civilians should be conducted by a civilian court.³⁶³

On a less positive note, however, human rights watchdogs have claimed that 'while courts continue to prosecute individuals for abuses committed during military rule, the Supreme Court has used its discretionary powers in many cases to reduce sentences against human rights violators, resulting in punishments incommensurate with the gravity of the crimes. [Also] secrecy continues to cast a shroud over past human rights crimes.'³⁶⁴ Moreover, the International Federation for Human Rights points to Chile's particular context today, where the justice system applies prescription on the prosecution of dictatorship linked crimes, thereby perpetuating the impunity of perpetrators. For example, the Federation has called on the Chilean authorities to execute the arrest warrants issued by France against

³⁶¹ Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, p. 152.

³⁶² Human Rights Watch, [Chile: Investigate Police Violence Against Mapuches: Rubber Bullets Wound 4 Children From Indigenous Community](#), 10 August 2012. New Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to Chile. Advanced Unedited Version, Reference no 16 June 2016

³⁶³ United Nations General Assembly, *New Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to Chile*, Advanced Unedited Version, Reference no A/HRC/32/36/Add.1, Human Rights Council Thirty-second Session, New York, 16 June 2016, pp. 15-16.

³⁶⁴ Human Rights Watch, [Chile: Events of 2015](#), *World Report 2016*, New York, 2016.

those responsible for the disappearance and torture of four Franco-Chileans during Pinochet's dictatorship.³⁶⁵

Human rights watchdogs have also accused the Chilean security forces of using the application of anti-terrorist laws to justify human rights violations and violence used against the Mapuche community in Chile, and to criminalise their protest actions and make claims on their land.³⁶⁶ Following repeated recommendations by UN human rights bodies, Chilean officials announced in 2014 that the Bachelet administration would not use the 1984 counterterrorism law to address violence arising from indigenous protests over land. In November 2014, the government presented a bill to the Chilean Senate to replace the current counterterrorism law, one that strengthens due process guarantees by giving defence attorneys the right to be informed of the identity of protected witnesses and to question the witnesses about their evidence and probe their credibility. At the same time, however, the Chilean authorities allow police to use undercover agents to gather evidence about terrorist groups, granting them immunity from prosecution for actions committed in pursuit of their judicial mandate. Additionally, the law's overly broad definition of terrorism continues to allow the prosecution on terrorism charges of activists allegedly responsible for acts such as arson and the destruction of private property, although in most recent cases judges have rejected the terrorism charges as unfounded.³⁶⁷

20.3. Environmental jobs

There is no separate chapter on environment or sustainable development in the EU-Chile AA. Environment and sustainable development are addressed only in the cooperation chapters of the EU-Chile AA. From 2010 onwards, the country boasts of a modern environmental institutional system, with oversight bodies becoming increasingly effective, and a regulatory framework that is efficient overall. Nonetheless, decent work conditions need to be ensured in the green job environment, and more focus is needed on ecological sustainability.

There is no separate chapter on environment or sustainable development in the EU-Chile AA. Rather, these issues are mentioned in the articles on cooperation, which are empty of any effective content, as they do not impose any legal obligation of result. Provisions regarding cooperation on environmental issues (Article 28.1) aim at encouraging 'conservation and improvement of the environment, prevention of contamination and degradation of natural resources and ecosystems, and rational use of the latter in the interests of sustainable development'. Moreover, the AA recalls the promotion of sustainable economic development among the guiding principles for the implementation

³⁶⁵ International Federation for Human Rights, [FIDH Annual Report 2011](#), Paris, 2011, p. 32.

³⁶⁶ International Federation for Human Rights, [FIDH Annual Report 2011](#), Paris, 2011, pp. 25-27.

³⁶⁷ Formerly, the legislation used to allow prosecutors to withhold the identity of certain witnesses, which has led to the detention of some suspects for over a year on the basis of evidence they cannot effectively challenge. See Human Rights Watch, [World Report 2015 \(events of 2014\)](#), New York, 2015, pp. 149-150.

of the EU-Chile AA (Article 1.2). Equally, the AA does not consider obligations to enforce environmental legislation, commitments to implement international instruments (e.g. multilateral environmental agreements), or the promotion of good practices (e.g. sustainability assurance schemes). This situation is in stark contrast to the obligations of both the EU and Chile in comparable agreements with other trading partners.

Chile is a country with an efficient but scarcely restrictive environmental regulatory system. From 2010 onwards, the country boasts of a modern environmental institutional system, with oversight bodies becoming increasingly effective. The National Commission for Environmental Issues (Comisión Nacional del Medio Ambiente) was deepened and upgraded to the Ministry of Environment (Ministerio del Medio Ambiente). Furthermore, by the end of 2012, progress was made on the creation and implementation of complementary institutions, such as environmental tribunals (Tribunales Ambientales) and a Superintendency for the Environment (Superintendencia del Medio Ambiente). Equally, it is quite common for the judiciary to halt investments and projects on ecological-sustainability grounds.

Chile's waste management sector offers great potential for green job creation, but is characterised by a lack of decent work conditions. Established in 2010 by the Chilean Ministry of the Environment, an inter-ministerial taskforce – comprised of representatives from the Ministries of Health, Social Development, Labour and Social Welfare, and Housing and Urban Development – is responsible for designing a public policy for the inclusion of informal waste pickers into the waste management sector. Importantly, social partners – the Solidarity and Social Investment Fund, municipalities, Chile's National Movement for Waste Pickers, and the AVINA Foundation – also participated in the taskforce. With ILO assistance, this taskforce has examined the positive experiences from different Chilean municipalities on the various types of policy instruments used to improve the living and working conditions of waste pickers; developed public policy options for the social inclusion of waste pickers; and designed and elaborated a public policy proposal and action plan.³⁶⁸

Conversely, Chilean environmental policy is essentially designed to comply with required standards set by international markets, which means that it does not necessarily focus on such aspects as ecological sustainability. In addition, the industrial sector exerts major domestic political pressures on Chilean environmental policy, especially in the field of water and forestry policies and regulation. As a result, clashes over the protection, preservation and sustainability of natural resources and the quality of the environment are frequent.³⁶⁹ While Chile provides support for existing global environmental regimes, it does not initiate reforms or seek to shape agendas.³⁷⁰

³⁶⁸ International Labour Organization, [Promoting Green Jobs through the Inclusion of Informal Waste Pickers in Chile](#), not dated.

³⁶⁹ Thunert, Martin et al., [Chile Report. Sustainable Governance Indicators 2016](#), Bertelsmann Stiftung, Gütersloh, 2016, p. 18.

³⁷⁰ See Bertelsmann Stiftung, [Sustainable Governance Indicators](#), Gütersloh, 2016.

The Handbook on Trade Sustainability Impact Assessment prepared for the European Commission in 2016 found that environmental risks existed in Chile only in sectors such as mining, chemicals, forest, transport, and tourism.³⁷¹ During her second term in office, the President Bachelet sought to strengthen environmental standards in key sectors such as mining. Efforts were disrupted by Mapuche protests, driven by land- and indigenous-rights issues, with fringe groups carrying arson attacks in southern Chile against timber and forestry companies.³⁷²

20.4. Labour, employment and related rights

The EU-Chile AA limits provisions on labour to the promotion of cooperative activities. Inequality in income and wealth distribution continue to be two of the country's main challenges hindering true social integration. This is linked to significant inequality in areas such as education and health, despite the increase in public spending in those spheres. The impact of the trade pillar of the EU-Chile AA on the structural change of the Chilean economy is positive but very small, primarily affecting the agricultural sector.

The EU-Chile AA contains specific cooperation provisions on labour that call for respect of basic social rights through the promotion of cooperative activities related to international labour standards. Article 44.1 stipulates that the two parties 'shall give priority to the creation of employment and respect for fundamental social rights, notably by promoting the relevant conventions of the International Labour Organization covering such topics as the freedom of association, the right to collective bargaining and non-discrimination, the abolition of forced and child labour, and equal treatment between men and women.'

However, the AA does not consider obligations to **enforce** labour legislation, commitments to implement international instruments (e.g. ILO Conventions), or the promotion of good practice (e.g. corporate social responsibility). This situation is in stark contrast to the obligations of both the EU and Chile in comparable agreements with other trading partners, such as the USA-Chile Agreement.³⁷³ Additionally, labour advocates have criticised the EU-Chile AA – as per other EU trade agreements of the same generation – because challenging violation by a party is hindered by the exclusions to recourse to

³⁷¹ European Commission, [Handbook for Trade Sustainability Impact Assessment](#), External Trade, March 2006, pp. 19, 47.

³⁷² IHS Connect, *Labour Conflict in Chile Highlights Risk of Mining Companies Suffering Equipment Damage during Wage Disputes*, 30 November 2016.

³⁷³ In comparison, the USA-Chile Agreement (2004) recalls the 1998 ILO Declaration on Fundamental Principles and Rights at Work, striving to ensure that such labour principles and internationally recognised labour rights are protected in domestic law. See International Labour Organization, [Assessment of Labour Provisions in Trade and Investment Arrangements](#), Geneva, 2016, p. 50.

dispute settlement for such provisions, and to the evocation of the principle of non-discrimination.³⁷⁴

Equally, it is difficult to assess the degree to which a particular change in domestic labour standards was undertaken in the context of the EU-Chile AA, since a number of additional factors at both domestic and international levels influence decisions on labour law reforms.³⁷⁵ Similarly to the case of Mexico, Chile has concluded a large number of bilateral trade agreements, making it particularly difficult to isolate the effects of the EU-Chile AA from those of other trade agreements.

Table 10: Measuring income inequality in Chile across presidential terms

Income Inequality			
Presidential Terms	Ratio between highest and lowest decile	Participation of the poorest decile in total income	Gini coefficient
1973-1990: Augusto Pinochet	22	1.78	0.53
1990-1994: Patricio Aylwin	20	1.91	0.54
1994-2000: Eduardo Frei	23	1.82	0.54
2000-2006: Ricardo Lagos	22	1.96	0.52
2006-2010: Michelle Bachelet	21	1.95	0.52
2010-2014: Sebastian Piñera	16	2.31	0.50

Source: IHS Connect, *Chile: Chile's Upcoming Political Cycle: Tackling Social Challenges and the Income Inequality Gap*, 9 December 2013.

Chile's significant economic development has not been inclusive: inequality in income and wealth distribution continue to be the main challenges hindering the country's true social integration. Chile has the highest level of income inequality in the OECD area and the fourth-highest level of poverty in the region.³⁷⁶ And this despite the fact that the poverty rate in the country fell from 40 % in 1990 to 14 % in 2013. Across the OECD, labour market

³⁷⁴ Vogt, Jeffrey S., Trade and Investment Arrangements and Labor Rights, in Blecher, Lara Jill et al. (eds), *Corporate Responsibility for Human Rights Impact: New Expectations and Paradigms*, American Bar Association, Chicago, IL, 2014, pp. 121-175.

³⁷⁵ International Institute for Labour Studies, Chapter 2 - Conditional Labour Provisions of Trade Agreements and Their Possible Impact, in *Social Dimensions of Free Trade Agreements*, International Labour Organization, Geneva, 2015, p. 36.

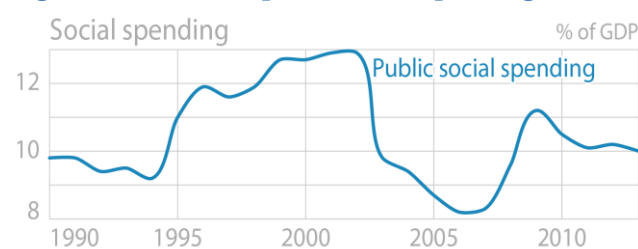
³⁷⁶ United Nations General Assembly, *Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice. Addendum. Mission to Chile*, Human Rights Council, Twenty-ninth Session, Reference no A/HRC/29/40/Add.1, 20 May 2015, p. 3.

segmentation is highest in Chile, with 38.8 % of dependent workers on a temporary contract. At the same time, Chile has observed the largest growth in the share of temporary employment since 2007.³⁷⁷ Income inequality is illustrated across time, organised by presidential terms, in [Table 10](#).

The column with the ratio between the highest and the lowest decile shows that the greatest inequality (at 23) was recorded during President Frei's administration. The lowest score in the 40 year period occurred during President Piñera's administration (at 16). Chileans within the highest decile currently earn 16 times more than those in the lowest 10 % – 21 times during Bachelet's first administration in 2006-2010. The poorest decile's participation in total income increased to 2 % in 2010-2011 from 1.4 % in 1990. The third column illustrates the resulting participation for the entire presidential periods: the poorest group's participation in total income increased to 2.31 % under Piñera, followed by 1.95 % during Bachelet's first presidency. The last column shows that the Gini coefficient, used to measure inequality, reached its lowest at 0.50 during President Piñera's administration (2010-2014), down from 0.54 recorded in the 1990s, and 0.52 during Bachelet's first administration.

Income inequality has led to significant inequality in other areas, such as education and health, despite the increase in public spending in those spheres. A strong increase in social expenditure in Chile between 1990 and 2002 strengthened institutions and social policy administration, improving social assistance, social investment programmes, the quality and availability of basic health and housing, and social infrastructure.³⁷⁸ [Figure 15](#) demonstrates the increase in social spending from 1990 to 2002, followed by an abrupt decrease to 2016. According to OECD data, Chile today ranks third lowest for social expenditure of all its members (ahead of Korea and Mexico), with social spending making up 11.2 % of Chile's GDP (data from 2015).³⁷⁹

Figure 15: Trends in public social spending in Chile



Source: Christian Dietrich, EPRS, using data from [OECD](#).

Concerns regarding inequality are substantiated by the findings of the Newitt and Gibbons (2011) evaluation that found that 'across all sectors, worker representatives, NGOs and others raised clear and insistent concerns about the negative impact of the trend towards

³⁷⁷ OECD, [OECD Employment Outlook 2016](#), 2016.

³⁷⁸ IHS Connect, *Chile: Chile's Upcoming Political Cycle: Tackling Social Challenges and the Income Inequality Gap*, 9 December 2013.

³⁷⁹ OECD, [Chile: Expenditure for Social Purposes](#), 2016.

precarious employment. Worker representatives emphasised that workers in precarious jobs were the least likely to benefit from improvements in working conditions, such as increased training or wages, and that benefits were more likely to accrue to a smaller nucleus of permanent workers.' More specifically, the low income of seasonal agricultural workers in the wine and fruit sector is of particular concern, while widespread subcontracting remains a key concern for workers in the forestry sector. This high turnover in employment contracts is consistent with broader trends in the Chilean labour market towards less permanent forms of employment.³⁸⁰

The ex-post impact assessment prepared by Ergon Associates for the European Commission argued that, despite difficulties encountered in drawing definite conclusions on the impact of the EU-Chile AA, 'looking at the employment indicators as a whole, [there is] some tentative evidence to suggest that there is a positive link between increased trade with the EU and improved overall sectoral performance on employment indicators'.³⁸¹ However, when assessing how each sector's share in total employment changed between 2002 and 2008, a 2012 evaluation prepared for the European Commission on the impact of the trade pillar of the EU-Chile AA shows that the contribution of the EU-Chile FTA to the structural change of the Chilean economy is very small: 'for low-skilled labour, the assessed impact of the Agreement is a total reallocation of 0.8 % of employment (sum of changes in absolute value), compared to an observed gross change of 23 %; for medium-skilled labour, the AA impact is estimated to be 0.7 % out of the 21 % observed change; for independent labour, 0.6 % out of 35 %. In relative terms, this means that the assessed impact of the EU-Chile AA in terms of employment cross-sector reallocations only amounts to between 2 % and 4 % of total reallocations over the period.'³⁸² In this light, Bureau et al. (2012) conclude that social adjustment costs of the EU-Chile FTA can hardly be considered to be problematic, even though they may have contributed to sustain or reinforce structural change in the economy.

Bureau et al. (2012) also argue that the EU-Chile FTA boosts growth in the fruit growing sector, with a relatively intensive use of labour with intermediate or low skills. This sector is substantial in Chile and provides most new employment opportunities. Other sectors where the estimated impact of the FTA is most positive are fisheries, wine-making and seafood processing. To the contrary, shares in employment in 'other machinery', 'basic

³⁸⁰ Newitt, Kirsten and Steve Gibbons, [Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms](#), Final Report for Directorate General for Employment, Social Affairs and Inclusion European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, p. 84.

³⁸¹ Newitt, Kirsten and Steve Gibbons, [Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms](#), Final Report for Directorate General for Employment, Social Affairs and Inclusion, European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, pp. 9, 12.

³⁸² Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), ITAQA SARL, contract No SI2.575484 for the European Commission, Directorate General for Trade, Paris, 23 March 2012, p. 188.

metal industry', 'chemicals' and 'paper and printing' have been negatively impacted by the FTA.³⁸³

This also translates to real wages, where according to the same evaluation, the AA has contributed to the rise in low-skilled wages, while negatively affecting highly-skilled wages. It is considered that the EU-Chile FTA tends to benefit low-skilled sectors (mostly in agriculture) more than highly-skilled sectors (where competition from EU exporters is strong). This is particularly the case for female employment, even though the employment that can be directly attributed to the EU-Chile FTA often consists of seasonal jobs.³⁸⁴

Newitt and Gibbons (2011) demonstrated that employer investment in training in two of the four sectors (wines and fisheries) has been significantly higher than the average, and slightly above average in two others (fruits and forestry). This development of employer investment in training is not attributable to the EU-Chile AA alone, but is rather the result of Chile's increased interaction with global markets (including the EU), following the opening of Chile's economy in the past ten years, and the consequent need to maintain competitiveness by enhancing industry skills. The same study implied that European buyers may be helping to create the right conditions for improvements in labour and environmental issues, but was ultimately inconclusive on this point.³⁸⁵

20.5. Indigenous peoples' rights

The EU-Chile AA only includes provisions for cooperation activities on vulnerable groups and ethnic minorities. Since the return to democracy in Chile, public policies have focused on addressing the social and political exclusion of indigenous peoples, including indigenous women. Reforms have sought to address access to land, subsidies for land acquisition, and access to the labour market. Weaknesses remain when it comes to consulting indigenous communities on policies that affect them, and the persistent gender gap in labour and subsidies available for indigenous women.

The EU-Chile AA only includes articles on cooperation for vulnerable groups and ethnic minorities, which are therefore also relevant to indigenous peoples. Article 38 on education and training calls for support for pre-schooling, basic, intermediate and higher education,

³⁸³ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012, p. 188.

³⁸⁴ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012, p. 84, 218.

³⁸⁵ Newitt, Kirsten and Steve Gibbons, [Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms](#), Final Report for Directorate General for Employment, Social Affairs and Inclusion European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, pp. 12, 84.

vocational training and life-long learning for these sectors of society, while Article 44 on social cooperation has broader goals. Article 44 aims at promoting human development, reducing poverty and fighting against social exclusion; modernising labour relations, working conditions, social welfare and employment security; supporting social housing; developing an efficient and equitable health system, based on solidarity principles; promoting land management programmes; and providing opportunities for social dialogue.

Since Chile's return to democracy, successive governments have developed public policies and created institutions to address the social and political exclusion of indigenous peoples.³⁸⁶ Governmental activities in Chile regarding ethnic or racial minorities focus on four main areas: (a) greater participation by and consultation with indigenous peoples on matters affecting them, as provided by the 1989 ILO Indigenous and Tribal Peoples Convention (No 169), which Chile ratified and is in force in the country; (b) greater all-round development of indigenous peoples' productive capabilities; (c) high-quality education for all indigenous peoples' children; and (d) protection and respect for indigenous peoples' culture and identity at all times.³⁸⁷ In line with this, Chile's Ministry of Social Development has engaged in a consultation process to create a consensus-based regulatory framework for the implementation of ILO No 169 since March 2011. In this context, the same ministry issued a decree in November 2013, providing a legal framework for the consultation of indigenous peoples. Nonetheless, ILO does not recognise this framework as being sufficiently comprehensive and in 2014 requested that the Chilean government be more exhaustive as to how it will carry out effective consultations.³⁸⁸

Despite these initiatives, the Economic Commission for Latin America (CELAC) reports that systematic inequalities in the distribution of political power and access to material and social resources for indigenous peoples persist.³⁸⁹ Importantly, these reform initiatives have been criticised by organisations representing indigenous peoples because they were designed without their prior consultation or participation and neither reflect their aspirations nor refer to the international human rights instruments ratified by Chile.³⁹⁰

³⁸⁶ See United Nations Committee on the Elimination of Racial Discrimination, [Reports Submitted by States Parties under Article 9 of the Convention. Combined Nineteenth to Twenty-first Periodic Reports of States Parties due in 2012. Chile](#), 19 April 2013.

³⁸⁷ United Nations Committee on the Elimination of Racial Discrimination, [Reports Submitted by States Parties under Article 9 of the Convention. Combined Nineteenth to Twenty-first Periodic Reports of States Parties due in 2012. Chile](#), 19 April 2013, p. 6.

³⁸⁸ See Carcelén Pacheco, Jerónimo and Valentina Mir Bennett, [Country Study: Chile](#), *Americas Quarterly*, 2014.

³⁸⁹ United Nations Economic Commission for Latin America and the Caribbean, Alianza Territorial Mapuche (Mapuche Territorial Alliance or ATM), [Desigualdades Territoriales Y Exclusión Social Del Pueblo Mapuche En Chile: Situación En La Comuna De Ercilla Desde Un Enfoque de Derechos](#), Santiago de Chile, 2012.

³⁹⁰ Observatorio Ciudadano et al., [Report by Civil Society and Indigenous Peoples of Chile to the UN Committee on the Elimination of Racial Discrimination in relation to the Review of the 19th to 21st Periodic Reports of the State of Chile \(CERD/CCHL/19-21\)](#), 2013, p. 3.

One of these criticisms focuses on the fact that, despite the adoption of the 1993 Indigenous Law and contrary to Chile's international obligations, indigenous peoples remain unrecognised in the Constitution of Chile.³⁹¹ The reform project, bringing together two proposals presented by President Bachelet and parliamentarians, has discussed in the Chilean Senate since 2009. The lack of institutional recognition of the multicultural character of the Chilean state and society constitutes one of the factors impeding indigenous peoples' full exercise and enjoyment of their individual and collective rights. Lack of recognition contributes to perpetuating intercultural conflict between the state and indigenous communities.³⁹²

Government actions that specifically target indigenous women's development are coordinated by an interdisciplinary committee. In 2011, agreements were signed between the National Service for Women and CONADI and between the Undersecretariat of Social Security of the Ministry of Labour and CONADI with a view to improving indigenous women's participation, and securing their place in the labour market.³⁹³ Besides drastically increasing the CONADI Development Fund (by 56.6 % in 2011 and another 6 % in 2012), 26 300 families benefited from the 'Indigenous Territorial Development Programme' (PDTI) in 2011 (up from 3 000 families). The government is also launching the creation of the Indigenous Investment Fund. In addition, for the first time in Chile, the Millennium Development Goals were measured in the indigenous populations. Finally, 1 268.5 km of indigenous rural roads were built in 2011-2013, the equivalent of more than three times the total existing rural infrastructure.³⁹⁴

Equally, in 2011, the Production Development Corporation (Corporación de Fomento de la Producción de Chile, CORFO) launched a programme of guarantees for investment in indigenous lands. Before 2004, women accounted for about 19 % of beneficiaries of subsidies for land acquisition in Chile; in 2004, this number reached 50 % and by 2008 was 57 % of the total beneficiaries.³⁹⁵ This increase is associated with the implementation of the 'Programme of Public Management Improvement in the Gender' component, developed by CONADI and monitored by the National Women's Service, which has favoured mainly indigenous female heads of household. However, the most important gender gap

³⁹¹ Biblioteca del Congreso Nacional de Chile (BCN), [Pueblos Indígenas y Constitución](#), Departamento de Estudios, Extensión y Publicaciones, 21 April 2016, p. 1.

³⁹² National Human Rights Institute (INDH), [INDH Complementary Report Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination](#), 2013, p. 33.

³⁹³ United Nations Committee on the Elimination of Racial Discrimination, [Reports Submitted by States Parties under Article 9 of the Convention. Combined Nineteenth to Twenty-first Periodic Reports of States Parties due in 2012. Chile](#), 19 April 2013, p. 23-24.

³⁹⁴ United Nations Committee on the Elimination of Racial Discrimination, [Reports Submitted by States Parties under Article 9 of the Convention. Combined Nineteenth to Twenty-first Periodic Reports of States Parties due in 2012. Chile](#), 19 April 2013, p. 13.

³⁹⁵ Dascal, Guillermo et al., [Informe Final de Evaluación Programa Fondo de Tierras y Aguas Indígenas Cooperación Nacional de Desarrollo Indígena](#), August 2008.

surrounding the issue of subsidies for land acquisition was the size of the property to which indigenous women have access.³⁹⁶

When it comes to the labour conditions for indigenous populations, the economic participation rate reaches 55.2 % and when disaggregated by sex, 71 % were active men compared to 40.1 % of active indigenous women. This points to a significant gap between the participation of indigenous women and men in the world of productive work and income-generating activities, in line with the national gender gap in labour.³⁹⁷ Civil society organisations advocating for Mapuche rights have denounced stigmatisation and discrimination in the working place of the Mapuche (the largest indigenous group in Chile, and also among the poorest and most marginalised people in the country). Consequently, a large share of the Mapuche population in urban areas is employed as labourers in construction, shopkeepers, and domestic help.³⁹⁸

20.6. Women's rights

Only cooperation provisions exist in the EU-Chile AA which call for an increase in the equal participation of men and women in all sectors of political, economic, social and cultural development. While women's participation in the labour market has risen over the years, the labour market remains noticeably gender segmented. The gender gap in Chile is also visible in the contractual status (more women on temporary contracts), pay/salary scales and subsequent distribution of social benefits, including pension. The gender gap has a stronger effect for women with lower or no skills and domestic workers. Lifting women out of poverty remains a challenge in Chile.

The EU-Chile Association Agreement includes provisions in the cooperation chapter specifying that the agreement should strengthen policies and programmes that improve, ensure and increase the equal participation of men and women in all sectors of political, economic, social and cultural development (Article 44.1). Provisions also point out that cooperation will facilitate women's access to all resources required for the full exercise of their fundamental rights (Article 44.4). However, the results of possible cooperation are non-binding (see [Annex 1](#)).

³⁹⁶ Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género, [Alternative Report for the Review of the Chilean State before the Committee on the Elimination of Racial Discrimination in its 83rd Session](#), August, 2013, p. 7.

³⁹⁷ Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género, [Alternative Report for the Review of the Chilean State before the Committee on the Elimination of Racial Discrimination in its 83rd Session](#), August, 2013, p. 8.

³⁹⁸ Unrepresented Nations and Peoples Organisation, [Alternative Report Submitted to the Committee on the Elimination of Racial Discrimination for the consideration of the 19th to 21st Report of the Republic of Chile during the 83rd session \(12-30 August 2013\)](#), 2013, p. 10.

According to the Country Strategy Paper for Chile, gender should be a cross-cutting issue and 'will be given particular attention in both priority sectors [social cohesion and innovation and competitiveness], and gender mainstreaming will be encouraged in all interventions, with a view to taking full account of gender concerns and promoting the rights of women and girls at all levels and stages of the design and implementation of EU funded cooperation actions'.³⁹⁹ Singling out gender in the assessment of the social consequences of the agreement is also justified by the fact that the sectors most affected by the EU-Chile FTA, according to the 2012 evaluation prepared for DG Trade, are characterised by particular forms of employment, including for some of them high labour participation for women.⁴⁰⁰

Employment growth in Chile has not matched the economic growth experienced in the country since the return to democracy in 1990. For more than two decades, and particularly in the period 2000-2011, unemployment rates have fluctuated, mainly affecting women. Chile ranks 33rd of the OECD's 34 countries on female labour participation rate, ahead of Turkey, Argentina and Mexico (in descending order).⁴⁰¹ In response, new employment programmes offered for beneficiaries in Chile include an employment subsidy for women, of particular relevance in a country with one of the lowest rates of women's participation in the labour force.⁴⁰²

Although women's participation in the labour market has risen over the years, the labour market remains noticeably gender segmented. The majority of women work in services and wholesale and retail trade, whereas men work more equally across all sectors. The domestic services sector is almost exclusively female, absorbing 11.8 % of the female labour force in 2011 as compared with only 0.6 % for men. Women also represent the highest proportion of workers in social services, education, hotels and restaurants. If we focus on the sectors exposed to international trade, these are the largest employers in absolute terms (data from 2010). The sectors with the highest proportion of women employed are the manufacturing sector (30 % in 2010), and the agricultural sector (17 % in 2010).⁴⁰³

The gender gap in Chile is also visible in the contractual status (more women on temporary contracts), pay/salary scales and subsequent distribution of social benefits, including

³⁹⁹ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for International Cooperation and Development, Brussels, 29 March 2010, p. 22.

⁴⁰⁰ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), Contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012, p. 199.

⁴⁰¹ OECD, [OECD Employment Outlook 2016](#), 2016.

⁴⁰² Cecchini, Simone et al., [The Expansion of Cash Transfers in Chile and its Challenges: Ethical Family Income](#), Research Brief No 26, International Policy Centre for Inclusive Growth (IPC), Brasilia, 2012.

⁴⁰³ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012, pp. 199-200.

pensions.⁴⁰⁴ More specifically, a higher proportion of men are salaried workers (78 %) compared to women (66 %) (data from 2011).⁴⁰⁵ Despite progress made in recent years, women in Chile are expected to earn 18.3 % less than men (OECD average 14.9 %, global average 19 %).⁴⁰⁶

Equally, there is evidence of a significant discouraged worker effect, with women, particularly those with less education and fewer skills, failing to re-enter the labour market once they have children.⁴⁰⁷ According to the evaluation conducted for the European Commission, the EU-Chile FTA has in part impacted on labour conditions in the agriculture, fisheries, aquaculture and canning industries, affecting specific groups of workers (women often occupy the least skilled and lowest paid jobs). Women are also likely to have particularly felt a potential widening of the wages spectrum and an increase in inequality.⁴⁰⁸

Unsurprisingly, it has also been difficult to lift women out of poverty. Data from a survey conducted in 2009 by the Chilean Ministry for Social Development shows that while the percentage of women classified as 'poor' decreased from 19 % in 2003 to 14.3 % in 2006, it increased to 15.7 % in 2009. The same survey revealed a widening gap between the poverty rate in households headed by a man and those headed by a woman. While in 2003, the poverty rate was roughly 15 % in both cases, the 2009 survey shows a fall in households headed by men (to 12.2 %) and an increase in the poverty rate in households headed by women (to 16.6 %). This situation is considered the result of the legalisation of divorce in 2004 (Chile was one of only three countries in the world without legal divorce laws) and the lower average income of mono-parental families headed by a woman, compared to the average household.⁴⁰⁹

In the framework of the fifth and sixth reporting cycle, covering the period from 2006 to 2010, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee expressed its satisfaction with the progress Chile has achieved in undertaking legislative reforms, in particular the adoption of provisions protecting domestic workers (2009), measures addressing human trafficking (2011) and against

⁴⁰⁴ United Nations Development Programme, [Desarrollo Humano en Chile 2010. Género: Los Desafíos de la Igualdad](#), Santiago de Chile, March 2010.

⁴⁰⁵ Gammage, Sarah et al., [Poverty, Inequality and Employment in Chile](#), Conditions of Work and Employment Series No 46, International Labour Organization, Geneva, 2014, p. 5.

⁴⁰⁶ OECD, [OECD Employment Outlook 2016](#), 2016.

⁴⁰⁷ Gammage, Sarah et al., [Poverty, Inequality and Employment in Chile](#), Conditions of Work and Employment Series No 46, International Labour Organization, Geneva, 2014, p. 6.

⁴⁰⁸ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012, pp. 186-187.

⁴⁰⁹ Bureau, Jean-Christophe, Sébastien Jean et al., [Evaluation of the Economic Impact of the Trade Pillar of the EU-Chile Association Agreement. Final Report](#), contract No SI2.575484 for Directorate General for Trade, European Commission, ITAQA SARL, Paris, 23 March 2012, p. 199-200.

discrimination (2012). At the same time however, it expressed concern 'at the continuing precarious situation of domestic workers, in particular migrant women, the lack of implementation of the legal framework and the insufficient monitoring of their working conditions.'⁴¹⁰ The Chilean Labour Directorate has not developed a specialised system to monitor the working conditions of domestic workers, since a general system is used to monitor compliance with all labour laws. Nonetheless, in the 2009-2012 period, the Labour Directorate carried out 5 842 inspections to monitor the working conditions of female domestic workers. These inspections resulted in corrective actions or full compliance in 92 % of cases, and fines in 8 % of cases. Inspections have also been carried out in the seasonal farm labour sector, in which 43 % of the workers concerned were women. This monitoring programme revealed that initial compliance with labour, social security and occupational health and safety standards amounted to 57 %, as opposed to 92 %, after a correction period.⁴¹¹

Supervisory interventions are crucial in cases of accusations of sexual harassment. The National Service for Women and the Labour Directorate of the region of Antofagasta, for example, initiated a collaborative project to improve, supervise and safeguard activities for women through effective and coordinated supervisory intervention. A follow-up programme on sexual harassment accusations was set up and managed by the Labour Inspection. Moreover, an oversight programme on the working conditions of female night workers was put in place, and communication plans were designed to advertise the rights of female domestic workers to support and formalise their contractual relationship.⁴¹²

21. Assessing the monitoring framework of the EU-Chile Association Agreement

The EU-Chile Association Agreement instituted formal mechanisms to monitor its implementation. Cooperation between the two parties has also spilled-over at multilateral level on, among other issues, sustainable development, global environmental challenges, humanitarian aid and crisis management. Engagement with social partners on labour rights has developed substantially in the last 10 years, however civil society participation more generally has fallen behind. The Joint Consultative Committee was only established in 2016.

⁴¹⁰ Committee on the Elimination of Discrimination against Women, [Concluding Observations on the Fifth and Sixth Periodic Reports of Chile, Adopted by the Committee at its Fifty-third Session](#), 12 November 2012, pp. 1-2, 7.

⁴¹¹ Committee on the Elimination of Discrimination against Women, [Replies by Chile to the List of Issues to be Taken up in Connection with the Consideration of its Combined Fifth and Sixth Periodic Report \(CEDAW/C/CHL/5-6\)](#), Fifty-third session, 1-19 October 2012, pp. 22-23.

⁴¹² Casale, Giuseppe, [The Effectiveness of Labour Law and the Role of Labour Inspection](#), International Labour Organization, Geneva, 2012, p. 17.

This section discusses the monitoring of the implementation of the Association Agreement, which is set out in Title II, entitled 'Institutional Framework' (Articles 3 to 11) of the EU-Chile Association Agreement (see [Annex 1](#)). According to these provisions, the institutional framework consists of an Association Council, an Association Committee, Special Committees set up by the Association Council, an Association Parliamentary Committee, a Joint Consultative Committee, and the dispute settlement mechanism. Furthermore, sectoral social dialogue has taken place in the framework of the cooperation chapter of the Agreement, ensuring that social partners (civil society, trade unions and workers' unions) are consulted in the labour reform process.

As the analysis of the results of meetings carried out in the aforementioned framework will demonstrate, Chile has put its military dictatorship firmly behind it. Human rights issues do not feature prominently in key human rights watchdogs' reports. The country, as already analysed in sections 19 and 20, is also in the process of reforming its labour law and social policies. Reducing the income inequality gap is the issue that has dominated the political agenda, rather than any weaknesses in the institutions in the last decade. Even in this area, positive advances have taken place, beginning in 2010 with the Piñera administration.⁴¹³

21.1. Monitoring mechanisms: Association Council, Association Committee and dispute settlement

The Association Council and the Association Committee have met regularly since the EU-Chile AA came into force. These forums have allowed for an exchange of views and experiences and have favoured coordination and facilitated cooperation on the global agenda at multilateral level. The dispute mechanism does not expand to human rights issues, nor to the implementation of the labour provisions in the agreement.

The Association Council, the main body governing the EU-Chile AA, is constituted at ministerial level and its primary function is to supervise the implementation of the agreement (Article 3.1). The Council is composed of the Minister of Foreign Affairs of Chile, on the one hand, and of the President of the Council of the European Union, on the other, who is assisted by the European Commission High Representative of the Union for Foreign Affairs and Security Policy/Vice-President, the incoming Presidency, along with other members of the Council of the European Union and of the European Commission (Article 4.1). Among its key responsibilities is to examine 'any major issue arising within the framework of this agreement, as well as any other bilateral, multilateral or international question of common interest' (Article 3.2). The Association Council also scrutinises proposals from the parties aimed to improve the agreement (Article 3.3). The Association Council retains decision-making powers inasmuch as the two parties can adopt mutually

⁴¹³ IHS Connect, *Chile: Chile's Upcoming Political Cycle: Tackling Social Challenges and the Income Inequality Gap*, 9 December 2013.

binding decisions in accordance with the provisions laid down in the agreement. It may also adopt recommendations (Article 5). (See [Annex 1](#).)

At their first meeting of the EU-Chile Association Council, in Athens on 27 March 2003, at a time when Chile was still dealing with the vestiges of military dictatorship, Ministers stressed the importance of political dialogue as a means to promote, disseminate and defend democratic values. In that vein, they highlighted institutional democratisation reforms (i.e. strengthening institutional capacity, promoting and protecting human rights, encouraging sustainable development, ensuring peace and stability, establishing confidence- and security-building measures and the prevention of conflict). They also insisted on security reforms (i.e. fighting against terrorism, organised transnational crime, arms trafficking and human trafficking, as well as strengthening international control of illegal drugs, promoting human security, and developing measures against illegal immigration).⁴¹⁴

Since then, and as the country transitioned to democracy, the focus of attention also shifted. More recently, at the sixth meeting of the Association Council, in Brussels on 21 April 2015, Ministers not only endorsed the modernisation process of the Association Agreement, but also supported the constitution of new dialogues. These six new dialogues focus on security and defence, education, energy, gender, corporate social responsibility, and small and medium-sized enterprises and clusters. They were composed under the framework to push forward the sustainable development process, which aims to ensure social inclusion, full enjoyment of human rights, economic progress, and a fairer and more just society.⁴¹⁵

A second constellation monitoring the implementation of the EU-Chile Association Agreement is the Association Committee, which assists the Association Council and holds decision-making powers by derogation, that is, 'in the cases provided for in this agreement or where such power has been delegated to it by the Association Council' (Article 6.4). The Association Committee is composed of senior officials of the Chilean government, on the one hand, and of senior officials of the Council of the European Union and of the Commission, on the other hand (Article 6.1).

The EU-Chile Association Committee has held 13 meetings since the entry into force of the Association Agreement.⁴¹⁶ Exchanges between the parties are seen as enhancing coordination and cooperation between the EU and Chile in multilateral forums. Discussions have focused on bilateral cooperation in international forums, particularly with regard to environmental issues (COP 15 Copenhagen and COP 16 Cancun).⁴¹⁷

⁴¹⁴ European Union and Chilean government, [First Meeting of the EU-Chile Association Council, Joint Communiqué](#), Reference no UE-CL 3903/03 (Presse 97), Athens, 27 March 2003, p. 2.

⁴¹⁵ See Council of the European Council, [Sixth EU-Chile Association Council](#), Press Release, Reference no 197/15, Brussels, 21 April 2015.

⁴¹⁶ European Union and Chilean government, [V Comité de Asociación Chile-Unión Europea](#), Brussels, 7 December 2007.

⁴¹⁷ European Union and Chilean government, [VIII Comité de Asociación Chile-Unión Europea](#), Santiago, 25 November 2010.

However, dialogue and coordination between the EU and Chile in international forums preceded the signature of the EU-Chile Association Agreement. In fact, during the 58th and the 59th sessions of the Commission on Human Rights (in 2002 and 2003, respectively), Chile sponsored two resolutions on women's rights: 'Integration of the Human Rights of Women and the Gender Perspective' and 'Integrating the Human Rights of Women throughout the United Nations System', both resolutions being backed by all EU Member States.⁴¹⁸

The improvement of the human rights situation in the country also led to the conclusion of an agreement establishing a framework for the participation of Chile in EU crisis management operations.⁴¹⁹ This was followed up with other efforts in the field of external action. For example, the Letter of Intent on Cooperation (Carta de Intención en Cooperación) established a cooperation instrument, between DG ECHO and the National Office of Emergency (Oficina Nacional de Emergencia, ONEMI) in the Ministry of Interior, for the prevention and management of natural disasters.⁴²⁰ This deepening of knowledge in the prevention of, preparedness for, response to and recovery from disasters and the establishment of a dialogue in the field of disaster risk reduction, was considered a useful way to build on the EU's role as the most important source of external assistance to Chile after the 27 February 2010 earthquake and tsunami.⁴²¹

Regular meetings between Heads of State or Government offer an important opportunity to consolidate and further develop the association established by this agreement. During the fifth EU-Chile Summit in November 2012, for example, the parties agreed, on the visit of President Piñera to the EU institutions, to explore options to upgrade the Association Agreement after 10 years of implementation. On this occasion, Chile submitted a non-paper on the modernisation of the Association Agreement at the end of the 11th Association Committee. Another important aspect in the consolidation of progress on the EU-Chile AA was the parties' positive reaction to the progress made to establish the Joint Consultative Committee, as envisaged in Article 10 of the agreement.⁴²²

Nevertheless, as is the case with declarations issued by the equivalent meetings organised to monitor the EU-Mexico Global Agreement, the language used is congratulatory and conciliatory. The conclusions on the High Level Dialogue on human rights is a case in point. The Association Council regularly concluded that 'such dialogues were valuable because in addition to permitting constructive exchanges of views, they also assured good

⁴¹⁸ See Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 21 October 2002; Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 13 October 2003.

⁴¹⁹ European Union External Action, [EU and Chile sign Framework Agreement on Participation in EU Crisis Management Operations](#), Press Release, 140130/01, Brussels, 30 January 2014.

⁴²⁰ Gobierno de Chile, Ministerio de Relaciones Exteriores, [IX Comité de Asociación Chile - Unión Europea](#), 24 November 2011.

⁴²¹ European Commission, [Factsheet Chile earthquake \(17/03/2010\)](#), Brussels, 18 March 2010.

⁴²² European Council, [11th EU-Chile Association Committee, Joint Communiqué](#), Brussels, 3 October 2013.

coordination and cooperation between the EU and Chile on important human rights concerns in both regions and also in multilateral fora'.⁴²³ In the official declaration, the delegations tend to stress their commitment, applaud each other for the state of play of the implementation of the AA, promote further cooperation and repeatedly welcome the modernisation of the three pillars of the agreement.⁴²⁴

Special Committees can also be constituted by the Association Council to assist it to carry out its duties. Although a number of such committees were set up, among them, the Special Committee on Technical Regulations, Standards and Conformity Assessment, the Special Committee on Customs Cooperation and Rules of Origin, and the Special Committee on Financial Services, all of them deal with technical issues related to the trade pillar of the EU-Chile AA. They therefore do not cover human rights or the implementation of labour provisions.

As outlined in a recent ILO assessment,⁴²⁵ the EU's approach to dispute settlement is mainly based on consultations and persuasion through political pressure. Contrary to the approach implemented by the United States that provides for the possibility of monetary sanctions or suspension of trade benefits, the EU considers the designation of a third party independent review mechanism.⁴²⁶ In the case of the EU-Chile AA, this procedure is stipulated under Article 184.2: 'Where a Party considers that an existing measure of the other Party is in breach of an obligation [...] and such matter has not been resolved [...] - through the consultation procedure - it may request in writing the establishment of an arbitration panel.' It should be noted that the aim of the dispute settlement mechanism provided for in the EU-Chile AA (Articles 181-188) is 'to avoid and settle disputes between the Parties concerning the good faith application of this Part (Part IV - Trade and trade-related matters) of the agreement and to arrive to a mutually satisfactory resolution of any matter that might affect its operation' (Article 181).⁴²⁷ It is therefore not applicable to the cooperation pillar of the agreement, nor to the labour provisions.

⁴²³ See, for example, Council of the European Union, [V EU-Chile Association Council, Joint Communiqué](#), Reference no 1402/11 PRESSE 355, Brussels, 7 October 2011, p. 2.

⁴²⁴ European Union and Chilean government, [XII Comité de Asociación Chile-Unión Europea](#), Santiago, 6 November 2014.

⁴²⁵ International Labour Organization, [Assessment of Labour Provisions in Trade and Investment Arrangements](#), Geneva, 2016, p. 41.

⁴²⁶ A modified procedure of the DSM is applicable to certain labour-related obligations in the US-Chile Agreement (2004) that entail failure of effective domestic enforcement of labour law. For further information refer to, International Labour Organization, [Assessment of Labour Provisions in Trade and Investment Arrangements](#), Geneva, 2016, p. 50.

⁴²⁷ With the exemption of the Title on Competition.

21.2. Political dialogue

Political dialogue has worked constructively in creating a platform for the exchange of views and experiences. As the country has transitioned to democracy, attention has shifted from focusing on institutional capacity-building in support of democratisation, to the strengthening of labour rights.

Political dialogue is based on Part II, Articles 12-15 of the Association Agreement, which establishes its objectives. 'The main objective of the political dialogue between the Parties is the promotion, dissemination, further development and common defence of democratic values, such as the respect for human rights, the freedom of the individual and the principles of the rule of law as the foundation of a democratic society'. Dialogue is intended 'to reinforce their regular dialogue on bilateral and international matters of mutual interest [...] with a view to consolidating the Association established by this Agreement'. Through dialogue, the parties also coordinate their positions and undertake joint initiatives in international forums, with a view to cooperating on foreign and security policy (Article 14). Cooperation against terrorism also forms part of this dialogue (Article 15). (See [Annex 1](#).)

The mechanisms laid out in Article 13 call for 'maximum use of diplomatic channels': regular meetings are to take place between Heads of State or Government; periodic meetings between Foreign Ministers; meetings between other Ministers to discuss matters of common interest in cases in which the parties consider that such meetings will result in closer relations; and annual meetings between senior officials of both parties. The ministerial representatives of the EU and Chile have emphasised the value of political dialogue in the framework of the agreement and other High Level Dialogues as platforms for constructive exchanges of views and experiences.⁴²⁸ Furthermore, the two parties have promoted and supported sectoral dialogues, with a specific focus on energy, environment, climate change and small and medium enterprises,⁴²⁹ as well as on human rights and civil society participation.⁴³⁰

Political dialogue meetings have taken place regularly at all levels since 2003. In practice, topics discussed in the framework of the political dialogue, including High Level Dialogues, have evolved with the democratisation process in Chile. During the first EU-Chile local human rights dialogue, held in Santiago de Chile on 21 April 2009, and annually thereafter, the EU and Chilean government experts discussed the rights of indigenous

⁴²⁸ Council of the European Union, [II EU-Chile Association Council, Joint Declaration](#), Reference no 9352/05 (Presse 125), Luxembourg, 26 May 2005; Council of the European Union, [IV EU-Chile Association Council, Joint Communiqué](#), Reference no 8437/09 (Presse 80), Brussels, 14 May 2009; Council of the European Union, [V EU-Chile Association Council, Joint Communiqué](#), Reference no 1402/11 PRESSE 355, Brussels, 7 October 2011.

⁴²⁹ European Union and Chilean government, [VIII Comité de Asociación Chile-Unión Europea](#), Santiago, 25 November 2010.

⁴³⁰ Gobierno de Chile, Ministerio de Relaciones Exteriores, [IX Comité de Asociación Chile - Unión Europea](#), 24 November 2011.

peoples and women, migration, the role of the International Criminal Court (ICC), cases dating from the period of the military dictatorship, the reform of the military justice code and coordination in multilateral forums.⁴³¹ In 2011, at the second EU-Chile dialogue on human rights, held in Santiago, the parties agreed to work together to make the dialogue even more efficient and result-oriented.⁴³² However, it was not possible to ascertain whether these changes had been carried out.

As the country transitioned to democracy, areas of interest have adapted from focusing on institutional capacity-building in support of democratisation, to increasingly tackling the strengthening of labour rights. In accordance with Part II, Articles 12-15 of the EU-Chile Association Agreement, a policy dialogue on labour and employment was initiated in 2005, and has since taken place in 2007, 2008, and 2012. While the first three dialogue rounds focused on employment policy and social security issues, such as employment promotion strategies (2005), pension systems reform and public employment services (2007), and vocational training and labour intermediation (2008), an issue more closely related to labour standards was chosen in 2010, focusing on occupational safety and health. A fifth meeting under this framework took place in 2012 and focused on skills development. While the first two dialogue rounds consisted of government-to-government meetings, subsequent activities also involved employers' and workers' representatives.⁴³³ In assessing the dialogue on employment, labour and social policies, in 2013 the parties noted progress achieved since 2005, with cooperation deepening between Chile and EU Member States and EU agencies involved in this policy field.⁴³⁴

The EU and Chile have also held numerous local human rights dialogues since 2008, during which such issues as women's rights and gender equality, the rights of indigenous peoples, and cross-cutting issues such as strengthening the role of civil society, and cooperation in multilateral forums, were discussed.⁴³⁵ As with Mexico, the EU ratification of the Convention on the Rights of Persons with Disabilities (CRPD) provided an added impetus to raise issues related to the rights of persons with disabilities in human rights dialogues. In this context, in 2013, disability rights issues were raised in human rights dialogues with Chile, and the EU particularly called for the ratification and full implementation of the CRPD by all states. The EU also continued to uphold and advocate

⁴³¹ European Union External Action, [Human Rights and Democracy in the World, Report on EU Action July 2008 to December 2009](#), May 2010, p. 171.

⁴³² Council of the European Union, [V EU-Chile Association Council, Joint Communiqué](#), Reference no 1402/11 PRESSE 355, Brussels, 7 October 2011, p. 2.

⁴³³ International Institute for Labour Studies, Chapter 3 - Promotional Dimensions of Labour Provisions and their Impact, in [Social Dimensions of Free Trade Agreements](#), International Labour Organization, Geneva, 2015, pp. 84-86.

⁴³⁴ European Council, [11th EU-Chile Association Committee, Joint Communiqué](#), Brussels, 3 October 2013, p. 2.

⁴³⁵ European Union External Action, [Human Rights and Democracy in the world, Report on EU action July 2008 to December 2010](#), May 2010, p. 169.

respect for the human rights of persons with disabilities in relevant regional and international forums.⁴³⁶

Matters such as the pending implementation of the indigenous peoples' consultation process, as stipulated in ILO Convention 169, recourse to the anti-terrorist law in Mapuche, social protest cases and continued prejudice, were reviewed by the UN under special procedures, including a visit by Ben Emmerson, the Special Rapporteur on Human Rights and Counter-Terrorism, and the Committee on the Elimination of Racial Discrimination.

⁴³⁷

21.3. EU-Chile Joint Parliamentary Committee

Discussions in the Joint Parliamentary Committee have focused on the implementation of labour reforms, the rights of indigenous peoples, ensuring civil society participation and government consultation of social partners.

The Association Parliamentary Committee (Article 9) in the Association Agreement, otherwise known as the EU-Chile Joint Parliamentary Committee, represents a forum for members of the European Parliament and of the Chilean National Congress. The Committee is informed of the decisions issued by the Association Council and can make recommendations to the Council.

The EU-Chile Joint Parliamentary Committee met for the first time in October 2003, a year after the signature of the Association Agreement. Setting the tone for the discussions to come, the delegations of the European Parliament and of the Chilean National Congress jointly affirmed their commitment to the principles of representative democracy, recognising it as the sole form of government able to guarantee the rule of law, respect for human rights and for individual freedoms.⁴³⁸ Since then, the Joint Parliamentary Committee has met regularly and it represents a forum where the two parliamentary delegations can exchange views and make recommendations to the Association Council on the implementation and further development of the AA.

On the margins of the Joint Parliamentary Committee meetings, the EU delegation frequently hosted the Ambassador of Chile to the European Union in Brussels, to discuss

⁴³⁶ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference number: 11107/14, Brussels, 23 June 2014, p. 101.

⁴³⁷ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 338.

⁴³⁸ Azpiri Lejardi, Nekane and Angélica Villarreal Charris, [Compilation of Joint Declarations by the European Union-Chile Joint Parliamentary Committee \(JPC\), European Parliament - Legislative Body 2004-2009](#), DG for External Policies Directorate Interparliamentary Delegations and Policy Department Parliamentary Delegations for non-European Countries, European Parliament, Brussels, April 2009, p. 5.

sensitive topics linked to human rights and social cohesion and to exchange views on the current political and economic situation in Chile. Those exchanges subsequently fed into the discussions of the Joint Parliamentary Committee. Among the most prevalent topics raised were indigenous peoples' rights, the participation of civil society organisations, the quality of education and women's rights.⁴³⁹

The Joint Parliamentary Committee has also monitored Chile's efforts in implementing ILO Convention No 169 (adopted in 1989 and ratified in 2008) on the rights of indigenous peoples.⁴⁴⁰ In parallel, Chile also endorsed indigenous peoples' right to consultation with governmental authorities. However, as explained by the Chilean delegation at the EU-Chile JPC of 25 January 2011, this consultation procedure has encountered structural problems. To tackle the difficulty of the absence of a single representative for the indigenous peoples, the Chilean government created requisite conditions for consultation.⁴⁴¹ Nonetheless, discussions on this issue are ongoing, since the framework for consultation created in the Chilean Ministry of Social Development is not considered sufficiently comprehensive. (See [section 20.5](#).)

A second issue, which both the JPC and the European Economic and Social Committee (EESC) have long emphasised, is the real and effective participation of civil society organisations in Chile in monitoring the EU-Chile AA through the establishment of the Joint Consultative Committee. In this context, the EESC has also called for the creation of an official Chilean civil society participation body reflecting the pluralism of Chilean society.⁴⁴² The Joint Parliamentary Committee has backed this effort strongly and its EU

⁴³⁹ See, for example, European Parliament, [Minutes of the Meeting of 25 June 2015](#), Delegation to the EU-Chile Joint Parliamentary Committee, Brussels, 25 June 2015; European Parliament, [Minutes of the Meeting of 23 April 2015](#), Delegation to the EU-Chile Joint Parliamentary Committee, Brussels, 23 April 2015; European Parliament, [Minutes of the Meeting of 8 September 2011](#), Delegation to the EU-Chile Joint Parliamentary Committee, Brussels, 8 September 2011; European Parliament, [Minutes of the Meeting of 27 October 2010](#), Delegation to the EU-Chile Joint Parliamentary Committee, Brussels, 27 October 2010; Azpiri Lejardi, Nekane and Angélica Villarreal Charris, [Compilation of Joint Declarations by the European Union-Chile Joint Parliamentary Committee \(JPC\), European Parliament - Legislative Body 2004-2009](#), DG for External Policies Directorate Interparliamentary Delegations and Policy Department Parliamentary Delegations for non-European Countries, European Parliament, Brussels, April 2009.

⁴⁴⁰ The European Parliament welcomed the ratification of ILO Convention. See European Parliament, [9th meeting of the European Union-Chile Joint Parliamentary Committee](#), Valparaíso, Chile, 12 November 2008. The transposition of provisions and reforming of national laws has been monitored by the European Parliament, [13th Meeting of the EU-Chile Joint Parliamentary Committee](#), Valparaíso, Chile, 30 November 2010; European Parliament, [14th meeting of the EU-Chile Joint Parliamentary Committee](#), Brussels, 25 January 2011; and European Parliament, [15th Meeting of the European Union-Chile Joint Parliamentary Committee](#), Valparaíso, Chile, 2 November 2011.

⁴⁴¹ European Parliament, [Minutes of the Meeting of 25 January 2011](#), EU-Chile Joint Parliamentary Committee, Brussels, 25 January 2011, p. 10.

⁴⁴² See [Opinion of the European Economic and Social Committee on Promotion of Socioeconomic Aspects in EU-Latin America Relations](#), *Official Journal* C 347, 18 December 2010, pp. 47-54; [Opinion of the European Economic and Social Committee on the Role of Civil Society in Relations between](#)

delegation has stressed the need to effectively implement Article 10 of the Association Agreement by establishing a Joint Consultative Committee comprised of members of the EESC on the one hand, and of members of the corresponding institution dealing with economic and social matters in the Republic of Chile, on the other.⁴⁴³

21.4. Dialogue with civil society

Dialogue with civil society has been compromised by the delays in setting up the Joint Consultative Committee, which was launched fourteen years after the EU-Chile Association Agreement came into force. Social partners have been consulting the Chilean government through the sectoral social dialogue and ad hoc civil society seminars in the framework of the human rights dialogue.

The EU-Chile Association Agreement has also developed mechanisms of dialogue to include NGOs and civil society, including academia, social and economic stakeholders, and non-governmental organisations. This EU-Chile Joint Consultative Committee (JCC), already mentioned above, was established in the framework of the EU-Chile AA and was officially recognised by the Association Council meeting in April 2015.⁴⁴⁴ This body was set up to raise public awareness and to enhance the participation of civil society, through the organisation of biannual meetings.

The JCC only met for the first time in October 2016, fourteen years after the EU-Chile AA came into force. Before then, no counterpart institution existed in Chile, as explained above. An analysis prepared by Chilean civil society organisations and reported in a 2012 EESC opinion, highlighted the lack of political will in Chile in the first decade of the implementation of the AA for setting up a consultative civil society body.⁴⁴⁵ The issues figuring on the JCC agenda, as decided at its first meeting, are: the Sustainable Development Goals, the 2030 Agenda, social and civil dialogue, harmonising agricultural standards, the free movement of people, urban development, vocational education and training, human rights, gender equality, inequality, consumer rights, the circular economy and informal trade. Moreover, during the negotiations for the modernisation of the EU-Chile AA, the JCC will be supporting the inclusion of a chapter on trade and sustainable

[the European Union and Chile](#), *Official Journal C 143*, 22 May 2012, pp. 141-145; European Economic and Social Committee, [Seventh Meeting of European Union-Latin American Civil Society Organisations](#), Final Declaration, Santiago de Chile, 4-5-6 December 2012.

⁴⁴³ See European Parliament, [An Introduction to the Delegation and Summary of Activities during the 7th Parliamentary Term \(2009-2014\)](#), Delegation to the EU-Chile Joint Parliamentary Committee, not dated.

⁴⁴⁴ European Economic and Social Committee, [Report on the Activities of the Section for External Relations during the 2013-2015 Term of Office](#), Reference no EESC-2015-03644-00-02-TCD-TRA (ES) 1/11, Directorate B – Consultative Work, Section for External Relations, Brussels, 2015, p. 8.

⁴⁴⁵ [Opinion of the European Economic and Social Committee on the Role of Civil Society in Relations between the European Union and Chile](#), *Official Journal C 143*, 22 May 2012, p. 143.

development in the agreement.⁴⁴⁶ Although only at an early stage, the Joint Consultative Committee is considered a useful tool in promoting dialogue and cooperation between the various economic and social organisations of civil society in the European Union and in Chile.⁴⁴⁷

Sectoral dialogues, taking place in the framework of the cooperation provisions of the EU-Chile AA, have also recently included social partners.⁴⁴⁸ More concretely, employers' and workers' representatives were able to participate in the policy dialogue and activities on labour and employment activities, as of 2010. This sectoral dialogue, which was launched in 2005 in the framework of the EU-Chile Association Agreement, met for the three first times (in 2005, 2007, 2008) at government-to-government level, while the next three occasions (2010, 2011 and 2012) also involved social partners. These latter meetings focused on sharing experiences and best practices with EU counterparts to gather input for a forthcoming reform of Chilean occupational safety and health legislation (2010 and 2011) and on skills development training (2012).⁴⁴⁹

More specifically, the sustainability impact assessment (SIA) conducted for DG EMPL at the European Commission detected a trend towards stronger dialogue between employers and workers in agriculture, forestry and fisheries (salmon). This rather recent trend has been prompted by industrial action and protests. Social standards and certification schemes may also provide a reason, since they encourage companies to show engage with workers and their representatives. Nonetheless, a number of obstacles towards stronger social dialogue remain, including a disparity between the strength of employer organisations compared to trade unions. According to data from 2010, trade union representation was particularly weak in the fruit sector and the wine industry still lacks a sectoral trade union confederation. This industry appears to also suffer from weakened collective bargaining power as a result of the fragmentation of employment relationships through subcontracting (forestry).⁴⁵⁰

⁴⁴⁶ EU-Chile Joint Consultative Committee, [First meeting of the EU-Chile Joint Consultative Committee. Final Declaration](#), Santiago de Chile, 4 and 5 October 2016, p. 2.

⁴⁴⁷ European Council, [11th EU-Chile Association Committee, Joint Communiqué](#), Brussels, 3 October 2013.

⁴⁴⁸ Sectoral Social Dialogue Committees (SDCs) provide a potential framework for social partners to be consulted on sectoral policies outside the social field such as trade, internal market, industrial or transport policies. The European Commission has specifically included a reference to consultation with European SDCs in the Impact Assessment guidelines. See European Commission, [European Sectoral Social Dialogue: Recent Developments, 2010 Edition](#), Directorate General for Employment, Social Affairs and Equal Opportunities (Unit F.1), June 2010.

⁴⁴⁹ International Institute for Labour Studies, [Social Dimensions of Free Trade Agreements](#), International Labour Organization, Geneva, 2015, pp. 85-86.

⁴⁵⁰ Newitt, Kirsten and Steve Gibbons, [Trade and Labour: Making Effective Use of Trade Sustainability Impact Assessments and Monitoring Mechanisms](#), Final Report for Directorate General for Employment, Social Affairs and Inclusion, European Commission, contract No VC/2010/0029, Ergon Associates Limited, European Union, September 2011, pp. 84.

Furthermore, numerous ad hoc civil society organisation seminars were organised in the framework of the human rights dialogues.⁴⁵¹ Meetings with the representatives of Chilean and international civil society organisations were also held in Santiago and in Brussels, with the concrete result of contributing to the preparation of the annual human rights dialogue.⁴⁵² As explained in the Chile Country Strategy Paper 2007-2013, Mid-Term Review and National Indicative Programme 2011-2013, 'this finding is based on the results of consultation with the Chilean authorities and civil society organisations, as well as on lessons learnt from actions under the 2007-2010 National Indicative Programme (NIP) to the limited extent that these have been implemented'.⁴⁵³

Overall, while civil society organisations do not have any decision-making power in the context of the bilateral relationship, they have contributed to increasing the awareness of European resources to promote democracy and human rights. In addition, these meetings have ignited a sense of ownership of the projects implemented in Chile. As a result, domestic social dialogue has addressed employment policies (employment services and labour intermediation), gender issues, and social welfare schemes.

22. Analysing the effects of EU human rights financial assistance to Chile

When it comes to EU cooperation aid, the European Commission now considers Chile as a 'graduated country' – as it does Mexico – due to its economic performance. Chile is one of South America's most stable and prosperous countries and leads the Latin American region in human development. In May 2010, Chile became the first South American nation to join the Organisation for Economic Cooperation and Development and since July 2013, the country is considered by the World Bank as a high-income economy and, hence, as a developed country. As a result, Chile is not eligible for EU bilateral cooperation under the financial exercise 2014-2020, but is still eligible to participate in EU regional and thematic programmes, which it co-finances.

⁴⁵¹ Council of the European Union, [Human Rights and Democracy in the World: Report on EU Action - July 2008 to December 2009](#), Reference no 8363/1/10 REV 1, Brussels, 11 May 2010, p. 207.

⁴⁵² Council of the European Union, [Human Rights and Democracy in the World, Annual Report 2014](#), Brussels, p. 274.

⁴⁵³ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for International Cooperation and Development, Brussels, 29 March 2010, p. ii.

22.1. Political priorities of EU human rights funding for Chile

Initially EU-Chile cooperation focused on support for the reform of the state, economic cooperation and technological innovation, and environment and natural resources. Adapting to the political, economic and social development in the country, it has incorporated new cross-cutting issues, such as indigenous peoples' rights, gender equality, and actions to address the historical memory of the military dictatorship. Social cohesion, higher education, environment and rule of law are priorities that appear under EU regional development cooperation.

As mentioned in the case study on Mexico, the priorities that the European Commission outlined for the period of 1996-2000 regarding its relationship with third countries, including Mexico and Chile, also set out the EU action in this area for the decades to follow. The measures on the observance of human rights and democratic principles put the consolidation of rule of law at the centre of the EC's work: it is 'essential to make the democratic process irreversible at the institutional level'.⁴⁵⁴

In this light, the 2002-2006 country strategy paper for Chile stressed that 'Community policy should contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.'⁴⁵⁵ During this period, the following areas of cooperation were identified: support to the reform of the state; economic cooperation and technological innovation; and environment and natural resources.⁴⁵⁶ As discussed earlier, the support for the reform of the state is to be understood as institutional capacity-building to facilitate the democratic transition following the end of the military dictatorship.

The EU 2007-2013 country strategy for Chile, jointly decided with the Chilean government, built on these priorities to further deepen cooperation between the two parties in accordance with the Association Agreement. Emphasis was therefore placed on the areas of social cohesion and innovation and competitiveness, which were chosen as focal sectors and were operationalised through technical assistance and policy dialogues. These areas were considered key for Chile's development and remained among the main priorities of Piñera's government (2010-2014).⁴⁵⁷ The National Indicative Programme for 2011-2013, prepared on the basis of the mid-term review of the Chile Country Strategy Paper 2007-2013, in view of responding to political, economic, social and environmental developments

⁴⁵⁴ European Commission, *Report from the Commission on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles in External Relations for 1996-1999*, Reference no COM(2000) 726 final, Brussels, 14 November 2000, p. 63.

⁴⁵⁵ European Commission, *Chile: Country Strategy Paper 2002-2006*, Brussels, 2002, p. 5.

⁴⁵⁶ European Commission, *Chile: Country Strategy Paper 2002-2006*, Brussels, 2002, p. 3.

⁴⁵⁷ European Commission, *Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013*, Directorate General for International Cooperation and Development, Brussels, 29 March 2010, p. 14.

in the country, found that social cohesion, and innovation and competitiveness continued to be pertinent objectives.⁴⁵⁸

The main priorities for EU cooperation with Chile on human rights issues have evolved. In 2012, they included the protection and promotion of indigenous peoples' rights; gender equality; and actions to promote reconciliation and address the human rights violations during the 1973-90 military dictatorship.⁴⁵⁹ In 2013-2014, other cross-cutting interests were added, such as strengthening the role of civil society, and improving cooperation, in international forums.⁴⁶⁰ In parallel, regional integration and social cohesion remained on the EU agenda, as these two aspects have been constant priorities in EU policy towards Latin America.⁴⁶¹

Since the beginning of the 2000s, EU regional development aid programmes were formulated in accordance with the priorities defined by the successive EU-LAC Summits. Priorities during the 2007-2013 period on EU-LA regional development cooperation covered social cohesion, sustainable development (including climate change), and the promotion of higher education and research. During the current 2014-2020 multi-annual cycle, relevant key priorities in EU regional development aid cooperation include: the security-development nexus; good governance, accountability and social equity; inclusive and sustainable growth for human development; and environmental sustainability climate change.⁴⁶²

22.2. Implementing human rights related projects in Chile

The promotion of social cohesion is an important cross-cutting thread in European Commission bilateral and regional cooperation aid. Through this overarching goal, the European C aimed at the democratisation of institutions, the strengthening of the monitoring role of civil society, women's empowerment, the protection of indigenous populations and the reduction of poverty and inequality.

⁴⁵⁸ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for International Cooperation and Development, Brussels, 29 March 2010, p. 16.

⁴⁵⁹ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2012 \(Country Reports\)](#), Reference no 9431/13, Brussels, 21 May 2013, p. 239.

⁴⁶⁰ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014; European Union External Action, [EU Annual Report on Human Rights and Democracy in the World in 2014](#), Brussels, not dated.

⁴⁶¹ European Commission, [Communication from the Commission to the Council and the European Parliament, A Stronger Partnership between the European Union and Latin America](#), Reference no COM(2005) 636 final, 2004.

⁴⁶² European Commission, [Regional \(Continental\) Programmes, Latin America, General Overview](#), Brussels, May 2016.

22.2.1. Assessing EU bilateral cooperation aid

EU bilateral cooperation with Chile was already in place in the 1990s, following the country's transition to democracy through the signing of the Community Cooperation Framework Agreement. Aid cooperation deepened further when the Science Technology Agreement was signed in September 2002, followed by the EU-Chile Association Agreement two months later. EU financial aid to Chile then took the form of technical assistance and dialogues offered through bilateral cooperation programmes, regional cooperation programmes and thematic programmes.⁴⁶³

From the 1990s, financial assistance for the promotion of democracy and human rights activities was provided through the 'Democratisation Process in Latin America' programme. As mentioned in the section on Mexico, this line was established on the initiative of the European Parliament in 1990 to support the democratisation process in Central America and Chile, initially to respond to the diverse needs of Latin American countries, which were at different stages of the democratisation process. Pilot projects and preparatory activities were developed, and in many cases this budgetary line played a catalysing role as an initiator of other financial and technical assistance. This was the case notably on action for the protection of street children and human rights defenders, reforms of the judicial and penal system, and support for the electoral and parliamentary process.⁴⁶⁴

For the period of 2002-2006, the EU allocated €34.4 million in three strategic intervention areas, in line with the political priorities identified in [section 22.1](#), that is, support for state reforms, environment and natural resources, and economic cooperation and technological innovation. During the same period, support for state reforms is the area that is most tightly linked to human rights protection of the three mentioned above. The European Commission financed a number of bilateral cooperation programmes. These aimed to support the creation of an implementation fund for the Association Agreement between EU and Chile, to ensure the effective functioning of the Agreement (€5 million), the strengthening of the Chilean Agency for International Cooperation in its role as the financial manager of EU cooperation funds in Chile (€530 000), a programme for the modernisation of Chilean government capacities (€11.67 million), and environmental recuperation and socio-productive development in rural and indigenous areas (€9 million).⁴⁶⁵

During the period 2007-2013, Chile benefited from EU thematic budget lines, receiving €15 million funding for more than 40 cooperation actions in the fields of environment, human rights and democracy, for non-state actors and local authorities. The bilateral

⁴⁶³ European Commission, [European Union – Latin America Development Cooperation Guide – Update 2010](#), EuropeAid Cooperation Office, Brussels, May 2010, p. 47.

⁴⁶⁴ European Commission, [Report from the Commission on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles in External Relations for 1996-1999](#), Reference no COM(2000) 726 final, Brussels, 14 November 2000, pp. 62-63.

⁴⁶⁵ European Commission, [EC-LA, Development Cooperation Guide 2008-2010](#), Brussels, not dated, pp. 56-57.

cooperation portfolio included the social cohesion support programme (€10.25 million), the support for innovation and competitiveness programme (€9.3 million), and the strategic environmental assessment programme (€1 million).⁴⁶⁶ EU development cooperation aid, financed through the Development Cooperation Instrument (DCI), was increased during this period to an indicative allocation of €41 million,⁴⁶⁷ to address two sectors in particular: social cohesion, and innovation and competitiveness.⁴⁶⁸ More specifically, the social cohesion support programme (€10.25 million) included actions in the fields of human rights and democracy for both non-state actors and local authorities.⁴⁶⁹

Furthermore, since 2007, Chile has benefited from the launching of local calls for funding for micro-projects to enhance dialogue between civil society organisations and national authorities on both social cohesion issues and the promotion of vulnerable groups' human rights. The thematic priorities of these national calls took into consideration the concerns and interests civil society representatives expressed during the first and the second meetings with civil society held in the framework of the EU-Chile Association Agreement.⁴⁷⁰ In fact, although the human rights' dialogues can be classified among the non-spending activities, the EC released some financial contributions in order to promote them. Over the period of 2000-2010, these contributions equalled €155 459 in Chile (in the years 2008-2009) out of an overall budget of €53 million earmarked for such dialogue across the world.⁴⁷¹

As of 2009, EU bilateral cooperation focused more directly on support for Chilean civil society (€11 million), to help its efforts to overcome social exclusion and inequality concerns by improving and strengthening public policies geared to achieving greater social cohesion. This goal is in line with the European Commission Communication A Decent Life for All, which outlines mainstreaming social inclusion and the rights of persons with disabilities in its proposal for a common EU approach to a post-2015 framework in response to the universal challenges of poverty eradication and sustainable

⁴⁶⁶ See [DG DEVCO, European Commission: work on Chile](#), Directorate General for International Cooperation and Development, European Commission, December 2016; European Commission, [EC-LA, Development Cooperation Guide 2008-2010](#), Brussels, not dated, pp. 56-57.

⁴⁶⁷ European Commission, [European Union – Latin America Development Cooperation Guide – Update 2010](#), EuropeAid Cooperation Office, Brussels, May 2010, p. 47.

⁴⁶⁸ European Commission, [Chile Country Strategy Paper 2007-2013. Mid-term Review and National Indicative Programme 2011-2013](#), Directorate General for International Cooperation and Development, Brussels, 29 March 2010, p. 16.

⁴⁶⁹ European Commission, [EC-LA, Development Cooperation Guide 2008-2010](#), Brussels, not dated, pp. 56-57.

⁴⁷⁰ See [DG DEVCO, European Commission: work on Chile](#), Directorate General for International Cooperation and Development, European Commission, December 2016.

⁴⁷¹ Petrucci, Federica et al., [Thematic Evaluation of the European Commission Support to Respect of Human Rights and Fundamental Freedoms \(including Solidarity with Victims of Repression\)](#), Final Report, Volume 3, Inventory of Human Rights Interventions, Consortium PARTICIP -ADE-DIE-DRN-ECDPM-ODI, Evaluation prepared for DG for International Cooperation and Development, European Commission, Brussels, December 2011, pp. 29, 30.

development.⁴⁷² In this context, and in accordance with one of the Chile government's main priorities, the main cooperation themes adopted encompassed: human rights with a specific focus on indigenous peoples' rights and their participation in social and political dialogue; environmental protection and promotion of renewable energies; and a 'gender' pilot-programme for adolescents on democratic values and human rights.⁴⁷³ Through thematic line cooperation, the EU provided €1.2 million in support of more than 20 projects in these areas.⁴⁷⁴ The programme also aimed to increase the participation of women in public life, reinforce decentralised policies for disabled people, facilitate access to justice in cases of social and family conflict, and enhance consumer rights through social dialogue. The European Commission, in conjunction with the Chilean government, has continued to support civil society's involvement in fostering and monitoring Chile's progress and international commitment in these areas. Nonetheless, according to some of the interviews conducted by Polanco (2016), the cooperation activities on environmental issues between the EU and Chile are largely unknown to Chilean civil society.⁴⁷⁵

22.2.2. Assessing EU regional cooperation aid

These bilateral programmes are complemented by EU regional cooperation programmes for Latin America, first launched in the early 1990s. At that time, they focused largely on the fields of higher education, support to small and medium-sized enterprises (SMEs) and local urban development.⁴⁷⁶ Here too, the promotion of social cohesion was an important cross-cutting thread in the European Commission's programme lines. It is a concept to which all governments in the region, across the political spectrum, as well as most sectors of civil society, are highly attached. Social cohesion has been a leitmotif of the EU bi-regional relationship with Latin America and is endorsed at the highest political level, since the third EU-LAC summit, held in Guadalajara, Mexico, in May 2004.⁴⁷⁷ In this context, regional cooperation for Chile in the realm of human rights (more broadly categorised as 'demographic governance') has concentrated on democratic institutionalism, which encompasses transparency and anti-corruption.⁴⁷⁸

⁴⁷² Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 101.

⁴⁷³ European Commission, [European Union – Latin America Development Cooperation Guide – Update 2010](#), EuropeAid Cooperation Office, Brussels, May 2010, p. 49.

⁴⁷⁴ Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2013](#), Reference no 11107/14, Brussels, 23 June 2014, p. 101.

⁴⁷⁵ Polanco, Rodrigo, [Analysis of the Prospects for Updating the Trade Pillar of the European Union-Chile Association Agreement](#), Reference no PE 535.013, Policy Department, Directorate General for External Policies, European Parliament, Brussels, June 2016, p. 33.

⁴⁷⁶ See [EuropeAid Latin America Regional Programmes](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

⁴⁷⁷ [Declaration of the third European Union-Latin America/Caribbean Summit](#), 3rd EU-LAC Summit, Guadalajara, 28-29 May 2004, pp. 5-6.

⁴⁷⁸ European Commission, [Euro/Latin-American Dialogue on Public Policies](#), Brussels, 2015, p. 4.

The promotion of social cohesion is addressed mainly by the EUROsociAL programme (with an overall contribution of €40 million). The first phase of the programme was launched in 2005 with the participation of two institutions – the Centro de Estudios de Justicia de las Américas (justice sector) and Fondo Nacional de Salud de Chile (health sector) – and expanded to 50 institutions that took part in 74 activities which involved nearly 400 participants in 2006-2007 and 2011-2015. They included different sectors, such as the Agency for International Cooperation, the Supreme Court of Justice, the Public Ombudsman, the Ministry of Education, the Ministry of Finance (Department of Internal Taxation), the Public Ministry, the Ministry of Justice, and the Ministry of Labour and Social Security. The programme initially aimed to contribute to changes in public policies that improve social cohesion through peer-to-peer learning and experience exchanges between counterpart institutions in the two regions (the EU and Latin America). The objective was broadened to encompass diverse aspects of the democratisation of institutions. Thematic activities implemented addressed, for example, access to justice, capacity-building for the Ombudsman regarding incarcerated persons, the reinforcement of alternative mechanisms of conflict resolution, the fight against gender violence (investigation of crimes, paying attention to victims, and inter-institutional coordination); strengthening institutions in charge of social protection; strategies for labour integration of beneficiaries of conditional cash transfer programmes and the development of a solidarity economy; and the development of national professional qualification systems.⁴⁷⁹

For the 2016-2021 period, EUROsociAL I and II will be replaced with EUROsociAL+. The objective continues to be support of public policies to increase the level of social cohesion through institutional strengthening. More concretely, policy implementation and the capacity of institutions to provide high quality public services is considered the key to increase social cohesion.⁴⁸⁰ The estimated EU budget contribution for the programme EUROsociAL+ for 2016-2021 is €32 million.⁴⁸¹

As in the case of Mexico, Chile participates in the regional 'Cooperation Programme on Drugs Policies between Latin American, Caribbean countries and the European Union' (COPOLAD) (2011-2014, €6.6 million; 2016-2019, €10 million). This programme seeks to improve EU-LA bi-regional dialogue; strengthen drugs policies in Latin America; and promote cooperation between national coordinating agencies from both regions. The second phase focuses on consolidating national observatories on drugs and the EU-CELAC Coordination and Cooperation Mechanism on Drugs, and offers policy support, as well as

⁴⁷⁹ European Commission, [Country Briefing on Regional Cooperation Programmes - Chile, Programme Review 2013](#), Directorate General on EuropeAid Development and Cooperation, Latin America Regional Programmes, Latin America and Caribbean, Brussels, 2013, p. 3; EUROsocial programmes currently being implemented in Chile can be consulted at the following link: [Chile - EUROsociAL II](#).

⁴⁸⁰ See [Latin America - EUROsociAL - Regional Programme for Social Cohesion - European Commission](#), 20 October 2016.

⁴⁸¹ See European Commission, [ANNEX 1 of the Commission Implementing Decision on the EUROsociAL+ Programme. Action Document for EUROsociAL+](#), Reference no Ares(2015)2186118, 26 May 2015.

promotes dialogue.⁴⁸² Equally, rule of law reforms in Chile have been supported by the ‘Good Governance, Accountability and Social Equity’ cluster programmes, created in 1994 to develop networks between local authorities to promote social cohesion in Latin America.⁴⁸³

In the field of inclusive and sustainable growth for human development, AL-INVEST 5.0 projects have supported the internationalisation of SMEs⁴⁸⁴ and the European and Latin America Business Services and Innovation Network Project (ELAN)⁴⁸⁵ has financed projects on environmental sustainability and climate change. Chile has also participated in Latin American Investment Facility (LAIF) projects, whose general objective is to promote investment and key infrastructures in transport, energy and environment, as well as to support private sector development in Latin American countries.⁴⁸⁶

22.3. Responsiveness of EU funded human rights projects in Chile to European Parliament concerns

The EU bilateral funding programmes on human rights in Chile are generally in line with the concerns expressed in the nine relevant European Parliament resolutions and reports analysed here. Throughout the four parliamentary terms studied, EU cooperation aid for human rights protection has focused overall on the promotion of human rights and fight against violence (particularly torture), in the last parliamentary term, also shifting its attention to civil society empowerment. These have also been complemented by regional aid schemes, analysed above but not explicitly accounted for here since they do not flow from the EU-Chile Association Agreement.

This section analyses the distribution of the 64 EU-funded projects/programmes on human rights related topics⁴⁸⁷ in order to assess whether they are in line with concerns expressed in European Parliament resolutions and reports. [Table 11](#) provides a visual analysis of the

⁴⁸² [Cooperation Programme on Drugs Policies between Latin America and the European Union \(COPOLAD\)](#).

⁴⁸³ The third phase, URB-AL III (2008–2013) has benefited from a total EU contribution of €50 million and has implemented 21 projects in Latin America. See [Latin America - URB-AL III - Promoting Local Public Policies](#).

⁴⁸⁴ [Latin America - AL-INVEST](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

⁴⁸⁵ [ELAN Network](#), 2016.

⁴⁸⁶ [Latin America Investment Facility \(LAIF\)](#), Directorate General for International Cooperation and Development, European Commission, November 2016.

⁴⁸⁷ EU Delegation in Chile, March and November-December 2016.

distribution of the 64 bilateral programmes and projects on human rights that the European Commission has financed in Chile, essentially through DCI and EIDHR.⁴⁸⁸

It should be noted that, as is the case with Mexico (section 15.3), the projects are often cross-cutting and therefore simultaneously address more than one category analysed (e.g. indigenous children deals with two different categories). Those projects are only listed under one topic for consistency reasons. The seven topics listed in Table 11 are the ones that are addressed most often in the project objectives and have been identified in this study as constituting areas of concern. It is, however, beyond the remit of this section (and study) to evaluate the effectiveness of EU development aid to Chile on human rights related programmes/projects.⁴⁸⁹

The nine European Parliament (EP) resolutions addressing human rights violations, broadly defined, in Chile are distributed almost equally across the EP legislative terms: four for the period 1999-2004; two during 2004-2009; and three for the EP 2009-2014 term. Only one resolution of the nine specifically addresses Chile, the EP resolution on legal proceedings against General Pinochet and on judiciary independence (December 2000). The other EP resolutions cover a broader scope, while raising particular issues that relate to Chile (e.g. health rights and disabilities issues). These are the same resolutions that were also analysed when examining Mexico's human rights' situation. This rather mitigated reaction may be the result of the fact that Bachelet's first administration (2006-2011) addressed, with some success, the concerns of vulnerable categories. Furthermore, health services in Chile saw major improvements and the pension system was reformed to grant to people with disabilities access to universal basic pension and social security solidarity contribution.

⁴⁸⁸ The projects are categorised by main topic and date. The dates chosen as referring to the beginning of the project is the 'contractor's signature date', that is, the moment when the programme/project officially started being implemented. When the starting date is missing, it is assumed that the project has started at least one year before the end of the activities.

⁴⁸⁹ A technical and quantitative approach was chosen because of the neutrality in the language used in the Joint Council and Joint Committee press releases and because of the unavailability of the country strategy papers (apart from the 2007-2013 Country Strategy Paper) and the minutes of the HLD meetings.

Table 11: Distribution of EU human rights funding for projects in Chile according to key target areas, 1999-2016

Key Human Rights' Areas	European Parliamentary Terms				TOTAL
	2014-Present	2014-2009	2009-2004	2004-1999	
Indigenous peoples' rights	6	4	1	-	11
Women's rights and gender Issues	3	3	-	-	6
Other vulnerable categories' Rights	-	4	-	-	4
Civil society participation and capacity-building & and institutional capacity-building	1	9	-	-	10
Environment, sustainable development	-	2	-	-	2
Human rights, fight against violence (generic category, no specific focus)	-	7	7	1	15
Generic human rights issues	4	7	4	1	16
TOTAL	14	36	12	2	64

Source: Simona Guagliardo, EPRS, using data from the EU Delegation in Chile; EEAS website ([EEAS/delegations/Chile](#)); DG DEVCO, European Commission ([DG DEVCO/countries/Chile](#)); *European Union Annual Human Rights Reports (1999-2015)*.

Table 11 illustrates the diversity of activities on EU-Chile cooperation in the field of human rights protection, although it is much less visible compared to EU-Mexico cooperation. The issue that attracted the greatest attention over the four legislatures studied is the overall promotion of human rights and fight against violence (sixth in the categories listed in Table 11). Nonetheless, within this category, in their stated objective, five projects link human rights to torture (e.g. 'Rehabilitacion a Afectados por la Tortura y Otras Violaciones a los Derechos Humanos'). The European Commission's attention to this issue was already prominent during the 2004-2009 parliamentary term and reached its climax during the 2009-2014 term.

The European Parliament first called on the European Commission to take action on the human rights situation in Chile with a resolution in March 2000 on human rights in the world. The main concerns raised in that resolution related to the launch of a UN Convention on punishment of all those responsible for trafficking in persons, the physical safety of journalists, and the fight against unwarranted restrictions on freedom of

expression in third countries. It also called on the EU institutions and Member States to ensure that EU external and internal policies were consistent with a common strategy for human rights.⁴⁹⁰

A second relevant issue identified in the nine EP resolutions/reports analysed, is the protection of vulnerable groups. This broad grouping encompasses different categories of vulnerable peoples, among them indigenous populations, women, migrants and children. The most significant, in terms of European Commission financial engagement, are indigenous peoples. The actions taken by the Commission/EEAS took place primarily during the 2009-2014 parliamentary term. It should be noted that there is no specific recommendation from the EP to support or enhance the protection of indigenous peoples' rights in Chile.

An issue that constitutes a significant priority for EU action in Chile, both for the European Parliament and for the European Commission, is the empowerment of Chilean civil society and institutional capacity-building with a focus on human rights protection. The European Commission was particularly active in this cooperation field during the 2009-2014 term. Equally, since 2006, the European Parliament has highlighted a number of concerns regarding the democratisation process in the country and has put forward several recommendations in view of strengthening the role of civil society and governmental institutions on human rights protection.⁴⁹¹ (See [Annex 4](#).)

An issue that could have received more attention in European Commission programmes, and contrary to the case of Mexico, is the promotion of rights and dignity of persons with disabilities, including their access to health. As early as in 2003, the European Parliament called on EU institutions and Member States, as well as UN member states, to make tangible progress with regard to the adoption of a legally binding United Nations instrument to promote and protect the rights and dignity of persons with disabilities.⁴⁹²

Overall, [Table 11](#) demonstrates the European Commission's commitment to the promotion of human rights, support for the fight against violence, and actions to relieve victims of torture. Actions in these key areas appears to span the four parliamentary terms studied. In comparison, all the other issues listed in this Table – including such key topics as the

⁴⁹⁰ European Parliament, [Resolution of 16 March 2000 on Human Rights in the World: Union's Activities from 1997 to June 1999. Memorandum and Annual Report](#), Reference no T5-0112/2000, Strasbourg, 16 March 2000.

⁴⁹¹ European Parliament, [Resolution of 27 April 2006 on a Stronger Partnership between the European Union and Latin America](#), Reference no T6-0155/2006, Brussels, 27 April 2006; European Parliament, [Resolution of 21 October 2010 on the European Union's Trade Relations with Latin America](#), Reference no T7-0387/2010, Strasbourg, 21 October 2010; European Parliament, [Resolution of 12 June 2012 on Defining a New Development Cooperation with Latin America](#), Reference no T7-0235/2012, Strasbourg, 12 June 2012.

⁴⁹² European Parliament, [Resolution of 3 September 2003 on the Communication from the Commission to the Council and the European Parliament 'Towards a United Nations Legally Binding Instrument to Promote and Protect the Rights and Dignity of Persons with Disabilities'](#), Reference no T5-0370/2003, Strasbourg, 3 September 2003.

protection of vulnerable groups and the empowerment of civil society – seem to be at the top of EU cooperation efforts as of the late 2000s. (See [Annex 4](#).)

According to an evaluation of EU south-south cooperation, although all EU regional programmes engage indirectly in such cooperation, to date, only the EUROsociAL programme explicitly refers to such cooperation. Chile, Mexico, Colombia and Brazil are the four most active first providers of such activities countries in Latin America.⁴⁹³ In this context, in 2015, new contracts were signed between the EU with Chile, Uruguay and Argentina launching the Facility for International Cooperation, a new innovative cooperation mechanism for engaging with Latin American partner countries to work intra-regionally on poverty reduction.⁴⁹⁴ For example, south-south cooperation in Chile was encouraged through the ‘Support to the Public Administration and Regional Integration Programme’, a project from which Chile benefited from experience and knowledge sharing on the topic with experts from Honduras.⁴⁹⁵ In addition, EU-LA relations contain a strong development aid component, with the EU and its Member States being the leading donor of ODA to Latin America and a major provider of regional cooperation programmes in support of south-south country relations.⁴⁹⁶ These projects are organised under the umbrella of the EU-CELAC cooperation and do not flow from the Association Agreement, which is a bilateral agreement.

23. Conclusions

The EU-Chile Association Agreement (AA), signed on 18 November 2002 and entering into force as of 1 March 2005, also includes a comprehensive Free Trade Agreement, which is subject to the democracy clause. This clause, which is more developed than that in the EU-Mexico Global Agreement, calls for respect of fundamental human rights; promotion of sustainable economic and social development and equitable distribution of the benefits of the AA; and the parties’ attachment to the principle of good governance. The suspension clause can be used in case of breach of the democracy clause. The Agreement also includes cooperation provisions, whose results are, however, non-binding: on the environment; the creation of employment; the respect for fundamental social rights; the protection of vulnerable groups and ethnic minorities; and the promotion of gender equality.

⁴⁹³ García Femenía, Ana María and Natalia Sagrario Rueda, Section 1. Executive Summary, in *South-South Cooperation Study*, Final Report, AETS Consortium, Contract no 2014/353440/1 for the European Commission, Development and Cooperation – EuropeAid, June 2015, p. 6.

⁴⁹⁴ See European Commission, [New Contracts signed on South-South Cooperation with Chile, Argentina and Uruguay, under a Programme totalling €13M](#), Directorate General for International Cooperation and Development, 10 October 2016.

⁴⁹⁵ García Femenía, Ana María and, Natalia Sagrario Rueda, *South-South Cooperation Study. Annexes*, AETS Consortium, Contract no 2014/353440/1 for the European Commission, Development and Cooperation – EuropeAid, June 2015, p 28.

⁴⁹⁶ Grieger, Gisela, [EU-Latin America Relations](#), Reference no 140763REV2, European Parliamentary Research Service, European Parliament, Brussels, 26 March 2014.

Since its return to democracy in 1990, Chile has made substantial progress on the institutional and legislative framework in favour of establishing truth, justice and reparation for the violations perpetrated during the dictatorship. Equally, justice sector reforms have tackled concerns regarding the military jurisdiction and created key oversight institutions for ensuring the respect of human rights (e.g. the National Institute of Human Rights and the Ministry of Justice and Human Rights), while others are in progress (e.g. the National Advisory Council and the Undersecretary for Human Rights). Social cohesion reforms have strengthened the rights of vulnerable groups, in particular women and indigenous groups. An anti-poverty programme was introduced; anti-discrimination laws are in force; the National Indigenous Development Corporation and the National Service for Women were established; a pro-transparency agenda is implemented; and the Ministry of Indigenous Peoples is in progress. Greater social equity has been promoted through increased social expenditure, efforts to deal with discrepancies in income distribution, a comprehensive reform of the pension system, and increased rights for women and domestic and migrant workers.

When examining the implementation of reforms, however, some deficiencies remain. On the vestiges of the dictatorship, the security services (notably the *Carabineros*) have been accused of using excessive force, especially during protests, and great concern has been expressed regarding the fact that human rights violations committed by law enforcement authorities may fall under military justice jurisdiction. Moreover, while Chile has boasted of a modern environmental institutional system since 2010, decent work conditions are not ensured in the green job environment and there is insufficient focus on ecological sustainability. Inequality in income and wealth distribution continue to be two of the country's main challenges, hindering true social integration. This has also generated significant inequality in areas such as education and health, despite the increase in public spending in those spheres. Moreover, indigenous communities are insufficiently consulted on policies that affect them, and the labour market and the distribution of social benefits remain noticeably gender segmented.

The impact of the trade pillar of the EU-Chile AA on the structural change in the Chilean economy is positive but has been very small, primarily affecting labour in the agricultural sector. The AA has also impacted on labour conditions in the agriculture, fisheries, aquaculture and canning industries, affecting specific groups of workers who often occupy the least skilled and lowest paying jobs (e.g. women). Overall, the reforms undertaken and their implementation are the result of the opening of Chile's trade market over the past decade, rather than effects of the EU-Chile AA per se.

The EU-Chile Association Agreement has instituted formal mechanisms to monitor its implementation. As the country has transitioned to democracy, political dialogue has shifted from focusing on institutional capacity-building in support of democratisation to the strengthening of labour rights. The forums established for monitoring the agreement have allowed for an exchange of views and experiences and have facilitated cooperation on the global agenda at multilateral level on, among other issues, sustainable development, global environmental challenges, humanitarian aid and crisis management. The dispute mechanism does not extend to cover human rights issues, nor to the implementation of the labour provisions in the agreement.

Engagement with social partners on labour rights has developed substantially in the last ten years, but civil society participation more generally has fallen behind, as the Joint Consultative Committee was only created in 2016. Social partners have been consulting the Chilean government through the sectoral social dialogue and ad hoc civil society seminars in the framework of the human rights dialogue.

The promotion of social cohesion was an important cross-cutting thread in European Commission bilateral and regional cooperation aid. Through this overarching goal, the Commission aimed at the democratisation of institutions, the strengthening of the monitoring role of civil society, women's empowerment, the protection of indigenous populations and the reduction of poverty and inequality. Overall, EU bilateral funding programmes on human rights in Chile have been in line with concerns expressed in the relevant European Parliament resolutions and reports analysed. Throughout the four parliamentary terms studied, EU cooperation aid for human rights protection has focused overall on the promotion of human rights and the fight against violence (particularly torture), shifting its attention in the last parliamentary term to civil society empowerment.

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ANNEXES

Annex 1: Comparative Table of clauses relevant to human rights in the EU-Mexico Global Agreement and the EU-Chile Association Agreement

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
'Essential elements' clause	<p>TITLE I - NATURE AND SCOPE Article 1 - Basis of the Agreement⁴⁹⁹ Respect for democratic principles and fundamental human rights, proclaimed by the Universal Declaration of Human Rights, underpins the domestic and external policies of both Parties and constitutes an essential element of this Agreement.</p> <p>TITLE VI - COOPERATION Article 39 - Cooperation on human rights and democracy⁵⁰⁰ 1. The Parties agree that cooperation in this field should promote the principles referred to in Article 1. 2. Cooperation shall focus mainly on: (a) the development of civil society by means of education, training and public awareness programmes; (b) training and information measures designed to help institutions function more effectively and to strengthen the rule of law; (c) the promotion of human rights and democratic principles. 3. The Parties may carry out joint projects in order to strengthen cooperation between their respective electoral bodies as well as</p>	<p>PART I - GENERAL AND INSTITUTIONAL PROVISIONS TITLE I - NATURE AND SCOPE OF THE AGREEMENT Article 1 - Principles⁵⁰¹ 1. Respect for democratic principles and fundamental human rights as laid down in the United Nations Universal Declaration of Human Rights and for the principle of the rule of law underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement. 2. The promotion of sustainable economic and social development and the equitable distribution of the benefits of the Association are guiding principles for the implementation of this Agreement. 3. The Parties reaffirm their attachment to the principle of good governance.</p> <p>PART III - COOPERATION Article 16 - General objectives 1. The Parties shall establish close cooperation aimed inter alia at: (a) strengthening the institutional capacity to underpin democracy, the rule of law, and respect for human rights and fundamental freedoms;</p>

⁴⁹⁷ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), Official Journal L 276, 28 October 2000, pp. 45-61.

⁴⁹⁸ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002.

⁴⁹⁹ Op. cit., [Economic Partnership, Political Coordination and Cooperation Agreement...](#), p. 46.

⁵⁰⁰ Op. cit., [Economic Partnership, Political Coordination and Cooperation Agreement...](#), p. 52.

⁵⁰¹ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 4.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
	<p>between other bodies responsible for monitoring and encouraging the observance of human rights.</p>	<p>(b) promoting social development, which should go hand in hand with economic development and the protection of the environment. The Parties shall give particular priority to respect for basic social rights;</p>
<p>Good Governance</p>	<p>NONE</p>	<p>PART III - COOPERATION TITLE IV - PUBLIC ADMINISTRATION AND INTERINSTITUTIONAL COOPERATION Article 41 - Public administration 1. Cooperation in this area shall aim at the modernisation and decentralisation of public administration and encompass overall organisational efficiency and the legislative and institutional framework, drawing lessons from both Parties' best practices. 2. Such cooperation may involve programmes of the following types: (a) modernisation of the State and of public administration; (b) decentralisation and the strengthening of regional and local government; (c) strengthening of civil society and its incorporation into the process of defining public policies; (d) job creation and vocational training programmes; (e) social service management and administration projects; (f) development, rural housing or land management projects; (g) health and primary education programmes; (h) support for civil society and grass-roots initiatives; (i) any other programmes and projects which help to combat poverty by creating business and employment opportunities; and (j) promotion of culture and its several manifestations and strengthening of cultural identities.</p>

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
Indigenous rights	<p>TITLE VI - COOPERATION Article 36 - Cooperation on social affairs and poverty⁵⁰²</p> <p>1. The Parties shall conduct a dialogue on all aspects of the social agenda of interest to one or other Party. This should include topics related to vulnerable groups and regions such as: indigenous population, the rural poor, women on low incomes and other population groups living in poverty.</p> <p>2. The Parties recognise the importance of harmonising economic and social development taking into account the need to respect the basic rights of the groups mentioned in the previous paragraph. The new basis for growth should create employment and ensure a better standard of living for the least favoured sections of the population.</p> <p>3. The Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth.</p>	<p>ANNEX X - SCHEDULES OF SPECIFIC COMMITMENTS ON ESTABLISHMENT⁵⁰³ Part B - Chile's Schedule⁵⁰⁴</p> <p>6. Chile reserves the right to adopt or maintain any measure preventing Community investors and their investments to acquire any of the rights or preferences granted to indigenous peoples.</p> <p>PART III - COOPERATION TITLE III - CULTURE, EDUCATION AND AUDIO-VISUAL Article 38 - Education and training⁵⁰⁵</p> <p>1. The Parties shall significantly support, within their respective competencies, pre-schooling, basic, intermediate and higher education, vocational training and life-long learning. Within these fields, special attention shall be paid to access to education for vulnerable social groups, such as the disabled, ethnic minorities and the extremely poor.</p> <p>TITLE V - SOCIAL COOPERATION Article 44 - Social cooperation⁵⁰⁶</p> <p>4. The Parties shall give priority to measures aimed at:</p> <p>a) promoting human development, the reduction of poverty and the fight against social exclusion, by generating innovative and reproducible projects involving vulnerable and marginalised social sectors. Special attention shall be paid to low-income families and disabled persons.</p>

⁵⁰² [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal L 276*, 28 October 2000, pp. 51-52.

⁵⁰³ Annex X is mentioned in Article 132 of the EU-Chile AA regulating national treatment with respect to establishment.

⁵⁰⁴ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 1339.

⁵⁰⁵ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 13.

⁵⁰⁶ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 15.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
		<p>(b) promoting the role of women in the economic and social development process and promoting specific programmes for youth;</p> <p>(c) developing and modernising labour relations, working conditions, social welfare and employment security;</p> <p>(d) improving the formulation and management of social policies, including social housing, and improving access by beneficiaries;</p> <p>(e) developing an efficient and equitable health system, based on solidarity principles;</p> <p>(f) promoting vocational training and development of human resources;</p> <p>(g) promoting projects and programmes which generate opportunities for the creation of employment within micro-, small and medium-sized enterprises;</p> <p>(h) promoting programmes of land management with special attention to areas with higher social and environmental vulnerability;</p> <p>(i) promoting initiatives contributing to social dialogue and the creation of consensus; and</p> <p>(j) promoting respect for human rights, democracy and citizens' participation.</p>
Women	<p>TITLE VI - COOPERATION Article 36 - Cooperation on social affairs and poverty⁵⁰⁷ 1. The Parties shall conduct a dialogue on all aspects of the social agenda of interest to one or other Party. This should include topics related to vulnerable groups and regions such as: indigenous population, the rural poor, women on low incomes and other population groups living in poverty. 2. The Parties recognise the importance of harmonising economic and social development taking into account the need to respect the basic</p>	<p>PART III - COOPERATION TITLE V - SOCIAL COOPERATION Article 44 - Social cooperation⁵⁰⁹ 1. The Parties recognise the importance of social development, which must go hand in hand with economic development. They shall give priority to the creation of employment and respect for fundamental social rights, notably by promoting the relevant conventions of the International Labour Organization covering such topics as the freedom of 14 30.12.2002 association, the right to collective bargaining and non-discrimination, the</p>

⁵⁰⁷ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), Official Journal L 276, 28 October 2000, pp. 51-52.

⁵⁰⁹ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, pp. 14-15.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
	<p>rights of the groups mentioned in the previous paragraph. The new basis for growth should create employment and ensure a better standard of living for the least favoured sections of the population.</p> <p>3. The Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth.</p> <p>TITLE VI - COOPERATION</p> <p>Article 37 - Regional cooperation⁵⁰⁸</p> <p>2. Priority shall be given to initiatives channelled towards promoting [...]and supporting initiatives to improve the standard of living of those living in poverty.</p> <p>3. Special attention shall be given to developing the role of women, particularly in the production process.</p>	<p>abolition of forced and child labour and equal treatment between men and women.</p> <p>4. The Parties shall give priority to measures aimed at: (b) promoting the role of women in the economic and social development process and promoting specific programmes for youth;</p> <p>Article 45 - Cooperation related to gender⁵¹⁰</p> <p>1. Cooperation shall contribute to strengthening policies and programmes that improve, guarantee and extend the equitable participation of men and women in all sectors of political, economic, social and cultural life. Cooperation shall contribute to easing women’s access to all necessary resources for the full exercise of their fundamental rights.</p> <p>2. In particular, cooperation should promote the creation of an adequate framework to: (a) ensure that gender and gender-related issues can be taken into account at every level and in all areas of cooperation including macroeconomic policy, strategy and development operations; and (b) promote the adoption of positive measures in favour of women.</p>

⁵⁰⁸ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), Official Journal L 276, 28 October 2000, p. 52.

⁵¹⁰ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 15.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
<p style="text-align: center;">Environment & sustainable development</p>	<p>TITLE VI - COOPERATION⁵¹¹</p> <p>Article 34 - Cooperation on the environment and natural resources</p> <p>1. The need to preserve the environmental and ecological balances shall be taken into account in all cooperation measures undertaken by the Parties under this Agreement.</p> <p>2. The Parties undertake to develop cooperation to prevent degradation of the environment; to promote the conservation and sustainable management of natural resources; to develop, spread and exchange information and experience on environmental legislation, to stimulate the use of economic incentives to promote compliance; to strengthen environmental management at all levels of government; to promote the training of human resources, education in environmental topics and the execution of joint research projects; to develop channels for social participation.</p> <p>3. The Parties shall encourage mutual access to programmes in this field, in accordance with the specific terms of such programmes.</p> <p>4. Cooperation between the Parties may lead to the conclusion of a sectorial agreement in the field of environment and natural resources if deemed appropriate.</p>	<p>PART I - GENERAL AND INSTITUTIONAL PROVISIONS</p> <p>TITLE I - NATURE AND SCOPE OF THE AGREEMENT</p> <p>Art. 1 - Principles⁵¹²</p> <p>2. The promotion of sustainable economic and social development and the equitable distribution of the benefits of the Association are guiding principles for the implementation of this Agreement.</p> <p>PART III - COOPERATION</p> <p>Article 16 - General objectives⁵¹³</p> <p>1. The Parties shall establish close cooperation aimed inter alia at:</p> <p>(b) promoting social development, which should go hand in hand with economic development and the protection of the environment. The Parties shall give particular priority to respect for basic social rights;</p> <p>TITLE I - ECONOMIC COOPERATION</p> <p>Article 24 - Cooperation on agriculture and rural sectors and sanitary and phytosanitary measures⁵¹⁴</p> <p>1. Cooperation in this area is designed to support and stimulate agricultural policy measures in order to promote and consolidate the Parties' efforts towards a sustainable agriculture and agricultural and rural development.</p> <p>Article 28 - Cooperation on the environment⁵¹⁵</p> <p>1. The aim of cooperation shall be to encourage conservation and improvement of the environment, prevention of contamination and</p>

⁵¹¹ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), Official Journal L 276, 28 October 2000, p. 51.

⁵¹² [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 4.

⁵¹³ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 7.

⁵¹⁴ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 9.

⁵¹⁵ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, pp. 10-11.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
		<p>degradation of natural resources and ecosystems, and rational use of the latter in the interests of sustainable development.</p> <p>2. In this connection, the following are particularly significant:</p> <p>(a) the relationship between poverty and the environment;</p> <p>(b) the environmental impact of economic activities;</p> <p>(c) environmental problems and land-use management;</p> <p>(d) projects to reinforce Chile's environmental structures and policies;</p> <p>(e) exchanges of information, technology and experience in areas including environmental standards and models, training and education;</p> <p>(f) environmental education and training to involve citizens more; and (g) technical assistance and joint regional research programmes.</p> <p>TITLE V - SOCIAL COOPERATION</p> <p>Article 44 - Social cooperation⁵¹⁶</p> <p>4. The Parties shall give priority to measures aimed at:</p> <p>(h) promoting programmes of land management with special attention to areas with higher social and environmental vulnerability;</p> <p>TITLE VII - GENERAL PROVISIONS</p> <p>Article 49 - Regional cooperation and regional integration⁵¹⁷</p> <p>3. Priority shall be given to operations aimed at:</p> <p>(b) developing regional cooperation on the environment;</p> <p>Article 50 - Triangular and bi-regional cooperation⁵¹⁸</p> <p>1. The Parties recognise the value of international cooperation for the promotion of equitable and sustainable development processes and agree to give impetus to triangular cooperation programmes and programmes with third countries in areas of common interest.</p>

⁵¹⁶ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, pp. 14-15.

⁵¹⁷ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 16.

⁵¹⁸ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 17.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
Labour & employment rights	<p>TITLE VI - COOPERATION Article 36 - Cooperation on social affairs and poverty⁵¹⁹</p> <p>1. The Parties shall conduct a dialogue on all aspects of the social agenda of interest to one or other Party. This should include topics related to vulnerable groups and regions such as: indigenous population, the rural poor, women on low incomes and other population groups living in poverty.</p> <p>2. The Parties recognise the importance of harmonising economic and social development taking into account the need to respect the basic rights of the groups mentioned in the previous paragraph. The new basis for growth should create employment and ensure a better standard of living for the least favoured sections of the population.</p> <p>3. The Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth.</p>	<p>PART III - COOPERATION TITLE V - SOCIAL COOPERATION Article 44 - Social cooperation⁵²⁰</p> <p>1. The Parties recognise the importance of social development, which must go hand in hand with economic development. They shall give priority to the creation of employment and respect for fundamental social rights, notably by promoting the relevant conventions of the International Labour Organization covering such topics as the freedom of association, the right to collective bargaining and non-discrimination, the abolition of forced and child labour and equal treatment between men and women.</p> <p>4. The Parties shall give priority to measures aimed at: (c) developing and modernising labour relations, working conditions, social welfare and employment security; f) promoting vocational training and development of human resources; g) promoting projects and programmes which generate opportunities for the creation of employment within micro-, small and medium-sized enterprises; i) promoting initiatives contributing to social dialogue and the creation of consensus.</p>
Rights of minorities/ vulnerable groups	<p>TITLE VI - COOPERATION Article 36 - Cooperation on social affairs and poverty⁵²¹</p> <p>1. The Parties shall conduct a dialogue on all aspects of the social agenda of interest to one or other Party. This should include topics related to vulnerable groups and regions such as: indigenous</p>	<p>PART III - COOPERATION TITLE III - CULTURE, EDUCATION AND AUDIO-VISUAL Article 38 - Education and training⁵²²</p> <p>1. The Parties shall significantly support, within their respective competencies, pre-schooling, basic, intermediate and higher education, vocational training and life-long learning. Within these fields, special</p>

⁵¹⁹ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal L 276*, 28 October 2000, pp. 51-52.

⁵²⁰ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, pp. 14-15.

⁵²¹ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal L 276*, 28 October 2000, pp. 51-52.

⁵²² [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 13.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
	<p>population, the rural poor, women on low incomes and other population groups living in poverty.</p> <p>2. The Parties recognise the importance of harmonising economic and social development taking into account the need to respect the basic rights of the groups mentioned in the previous paragraph. The new basis for growth should create employment and ensure a better standard of living for the least favoured sections of the population.</p> <p>3. The Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth.</p>	<p>attention shall be paid to access to education for vulnerable social groups, such as the disabled, ethnic minorities and the extremely poor.</p> <p>TITLE V - SOCIAL COOPERATION Article 44 - Social cooperation⁵²³</p> <p>4. The Parties shall give priority to measures aimed at:</p> <ul style="list-style-type: none"> a) promoting human development, the reduction of poverty and the fight against social exclusion, by generating innovative and reproducible projects involving vulnerable and marginalised social sectors. Special attention shall be paid to low-income families and disabled persons. (b) promoting the role of women in the economic and social development process and promoting specific programmes for youth; (c) developing and modernising labour relations, working conditions, social welfare and employment security; (d) improving the formulation and management of social policies, including social housing, and improving access by beneficiaries; (e) developing an efficient and equitable health system, based on solidarity principles; (f) promoting vocational training and development of human resources; (g) promoting projects and programmes which generate opportunities for the creation of employment within micro-, small and medium-sized enterprises; (h) promoting programmes of land management with special attention to areas with higher social and environmental vulnerability; (i) promoting initiatives contributing to social dialogue and the creation of consensus; and (j) promoting respect for human rights, democracy and citizens' participation.

⁵²³ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 15.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
Suspension or sanction clause	<p>TITLE VIII - FINAL PROVISIONS Article 58 - Fulfilment of obligations⁵²⁴</p> <p>1. [...] If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before doing so, except in cases of special urgency, it must supply the Joint Council with all the relevant information required for a thorough examination of the situation, within 30 days, with a view to seeking a solution acceptable to the Parties. [...]</p> <p>2. The Parties agree that the term ‘cases of special urgency’ in paragraph 1 of this Article means a case of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists of: [...] (b) breach of the essential elements of the Agreement referred to in Article 1.</p>	<p>PART V - FINAL PROVISIONS Article 200 - Fulfilment of obligations⁵²⁵</p> <p>1. The Parties shall adopt any general or specific measures required for them to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in this Agreement.</p> <p>2. If one of the Parties considers that the other Party has failed to fulfil an obligation under this Agreement it may take appropriate measures. [...] In this selection of measures, priority must be given to those which least disturb the functioning of this Agreement.</p> <p>3. By way of derogation from paragraph 2, any Party may immediately take appropriate measures in accordance with international law in case of:</p> <p>(a) denunciation of this Agreement not sanctioned by the general rules of international law;</p> <p>(b) violation by the other Party of the essential elements of this Agreement referred to in Article 1, paragraph 1.</p> <p>PART IV - TRADE AND TRADE-RELATED MATTERS TITLE II - FREE MOVEMENT OF GOODS CHAPTER II - NON TARRIF MEASURES Section 3 - Customs and related matters Article 82 - Enforcement of preferential treatment⁵²⁶</p> <p>1. The Parties agree that administrative cooperation is essential for the implementation and control of the preferences granted under this Title and reaffirm their commitment to combat irregularities and fraud related to origin, including customs classification and customs value.</p>

⁵²⁴ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), Official Journal L 276, 28 October 2000, p. 54.

⁵²⁵ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 62.

⁵²⁶ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 27.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
		<p>2. In this regard, a Party may temporarily suspend the preferential treatment granted under this Title for a product or products in respect of which that Party determines, in accordance with this Article, that there has been systematic failure to provide administrative cooperation or fraud by the other Party.</p>
<p>Monitoring mechanisms (of above-mentioned areas)</p>	<p>TITLE II - POLITICAL DIALOGUE Article 3 - Political Dialogue⁵²⁷ 1. The Parties agree to institutionalise an intensified political dialogue based on the principles referred to in Article 1 covering all bilateral and international matters of mutual interest and leading to closer consultation between the Parties within the context of the international organisations to which they both belong. 2. The dialogue shall be conducted in accordance with the 'Joint Declaration by the European Union and Mexico on Political Dialogue', which shall form an integral part of the Agreement and which is contained in the Final Act. 3. The ministerial dialogue provided for in the Joint Declaration shall take place mainly within the Joint Council established by Article 45.</p> <p>Joint Declaration on the dialogue at parliamentary level⁵²⁸ The Parties underline the advisability of institutionalising a political dialogue at Parliamentary level by means of contacts between the</p>	<p>PART I GENERAL AND INSTITUTIONAL PROVISIONS TITLE II - INSTITUTIONAL FRAMEWORK Article 3 - Association Council⁵³⁵ 1. An Association Council is hereby established, which shall supervise the implementation of this Agreement. The Association Council shall meet at ministerial level at regular intervals, not exceeding a period of two years, and extraordinarily whenever circumstances so require, if the Parties so agree. 2. The Association Council shall examine any major issue arising within the framework of this Agreement, as well as any other bilateral, multilateral or international question of common interest. 3. The Association Council shall also examine proposals and recommendations from the Parties for the improvement of this Agreement.</p> <p>Article 6 - Association Committee⁵³⁶ 1. The Association Council shall be assisted in the performance of its duties by an Association Committee composed of representatives of the Members</p>

⁵²⁷ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal* L 276, 28 October 2000, p. 46.

⁵²⁸ Joint Declaration on the Dialogue at Parliamentary level, in [Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part - Final Act - Joint Declarations - Unilateral Declarations](#), *Official Journal* L 226, 13 August 1998, pp. 31-48.

⁵³⁵ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 5.

⁵³⁶ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, pp. 5-6.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
	<p>European Parliament and the Mexican Congress (Chamber of Deputies and Senate).</p> <p>TITLE VII - INSTITUTIONAL FRAMEWORK</p> <p>Article 45 - Joint Council⁵²⁹</p> <p>A Joint Council is hereby established which shall supervise the implementation of this Agreement. It shall meet at ministerial level, at regular intervals, and when circumstances require. It shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.</p> <p>Article 46 - Joint Council⁵³⁰</p> <ol style="list-style-type: none"> 1. The Joint Council shall consist of the Members of the Council of the European Union and Members of the European Commission on the one hand, and Members of the Government of Mexico, on the other. 2. Members of the Joint Council may arrange to be represented, in accordance with the conditions laid down in its rules of procedure. 3. The Joint Council shall establish its own rules of procedure. 4. The Joint Council shall be presided in turn by a Member of the Council of the European Union and a Member of the Government of Mexico, in accordance with the provisions to be laid down in its rules of procedure. 	<p>of the Council of the European Union and of the Commission of the European Communities, on the one hand, and representatives of the Government of Chile, on the other, normally at senior officials level.</p> <ol style="list-style-type: none"> 2. The Association Committee shall be responsible for the general implementation of this Agreement. 3. The Association Council shall establish the rules of procedure of the Association Committee. 4. The Association Committee shall have the power to take decisions in the cases provided for in this Agreement or where such power has been delegated to it by the Association Council. In this event the Association Committee shall take its decisions in accordance with the conditions laid down in Article 5. 5. The Association Committee shall generally meet once a year for an overall review of the implementation of this Agreement, on a date and with an agenda agreed in advance by the Parties, in Brussels one year and in Chile the next. Special meetings may be convened, by mutual agreement, at the request of either of the Parties. The Association Committee shall be chaired alternately by a representative of each of the Parties. <p>Article 9</p> <p>Association Parliamentary Committee⁵³⁷</p> <ol style="list-style-type: none"> 1. An Association Parliamentary Committee is hereby established. It shall be a forum for members of the European Parliament and the Chilean National Congress (Congreso Nacional de Chile) to meet and exchange views. It shall meet at intervals which it shall itself determine.

⁵²⁹ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal L 276*, 28 October 2000, p. 53.

⁵³⁰ Op. cit., [Economic Partnership, Political Coordination and Cooperation Agreement...](#), p. 53.

⁵³⁷ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 6.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
	<p>Article 47 - Joint Council⁵³¹ The Joint Council shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions in the cases provided for herein. The decisions taken shall be binding on the Parties which shall take the measures necessary to implement them. The Joint Council may also make appropriate recommendations. It shall draw up the decisions and recommendations by agreement between the two Parties.</p> <p>Article 48 - Joint Committee⁵³² 1. The Joint Council shall be assisted in the performance of its duties by a Joint Committee composed of representatives of the members of the Council of the European Union and of the European Commission, on the one hand, and of representatives of the Government of Mexico on the other, normally at senior civil servant level. In its rules of procedure the Joint Council shall determine the duties of the Joint Committee, which shall include the preparation of meetings of the Joint Council and how the Committee shall function. 2. The Joint Council may delegate to the Joint Committee any of its powers. In this event the Joint Committee shall take its decisions in accordance with the conditions laid down in Article 47. 3. The Joint Committee shall generally meet once a year, on a date and with an agenda agreed in advance by the Parties, in Brussels one year and Mexico the next. Special meetings may be convened by mutual agreement. The office of chairman of the Joint Committee shall be held alternately by a representative of each of the Parties.</p>	<p>Article 10 - Joint Consultative Committee⁵³⁸ 1. A Joint Consultative Committee is hereby established with the task of assisting the Association Council to promote dialogue and cooperation between the various economic and social organisations of civil society in the European Union and those in Chile. Such dialogue and cooperation shall encompass all economic and social aspects of the relations between the Community and Chile, as they arise in the context of implementation of this Agreement. The Committee may express its view on questions arising in these areas. 2. The Joint Consultative Committee shall be composed of an equal number of members of the Economic and Social Committee of the European Union, on the one hand, and of members of the corresponding institution dealing with economic and social matters in the Republic of Chile, on the other. 3. The Joint Consultative Committee shall carry out its activities on the basis of consultation by the Association Council or, for the purposes of promoting the dialogue between various economic and social representatives, on its own initiative. 4. The Joint Consultative Committee shall adopt its rules of procedure.</p> <p>Article 11 Civil Society⁵³⁹ The Parties will also promote regular meetings of representatives of the European Union's and the Chilean civil societies, including the academic community, social and economic partners and non-governmental</p>

⁵³¹ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal L 276*, 28 October 2000, p. 53.

⁵³² Op. cit., [Economic Partnership, Political Coordination and Cooperation Agreement...](#), p. 53.

⁵³⁸ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 6.

⁵³⁹ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 6.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
	<p>Article 49 - Other special committees⁵³³ The Joint Council may decide to set up any other special committee or body to assist it in the performance of its duties. In its rules of procedure, the Joint Council shall determine the composition and duties of such committees or bodies and how they shall function.</p> <p>Article 50 - Dispute settlement⁵³⁴ The Joint Council shall decide on the establishment of a specific trade or trade related dispute settlement procedure compatible with the relevant WTO provisions in this field.</p>	<p>organisations in order to keep them informed of the implementation of this Agreement and gather their suggestions for its improvement.</p> <p>PART II - POLITICAL DIALOGUE</p> <p>Article 12 - Objectives⁵⁴⁰</p> <ol style="list-style-type: none"> 1. The Parties agree to reinforce their regular dialogue on bilateral and international matters of mutual interest. They aim at strengthening and deepening this political dialogue with a view to consolidating the Association established by this Agreement. 2. The main objective of the political dialogue between the Parties is the promotion, dissemination, further development and common defence of democratic values, such as the respect for human rights, the freedom of the individual and the principles of the rule of law as the foundation of a democratic society. 3. To this end, the Parties shall discuss and exchange information on joint initiatives concerning any issue of mutual interest and any other international issue with a view to pursuing common goals, in particular, security, stability, democracy and regional development. <p>TITLE VI - OTHER COOPERATION AREAS</p> <p>Article 47 - Cooperation on drugs and combating organised crime⁵⁴¹</p> <ol style="list-style-type: none"> 1. Within their respective competencies, the Parties undertake to coordinate and increase their efforts to prevent, and reduce the illicit production of, trade in and consumption of drugs and the laundering of

⁵³³ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal L 276*, 28 October 2000, p. 53.

⁵³⁴ Op. cit., [Economic Partnership, Political Coordination and Cooperation Agreement...](#), p. 53.

⁵⁴⁰ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 6.

⁵⁴¹ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 16.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
		<p>profits from drug-trafficking, and to combat related organised crime through the intermediary of international organisations and bodies.</p> <p>2. The Parties shall cooperate in this area to implement in particular:</p> <p>(c) joint study and research programmes, using methodologies and indicators applied by the European Monitoring Centre for Drugs and Drug Addiction, the Inter-American Observatory of Drugs of the Organisation of American States and other international and national organisations;</p> <p>PART IV - TRADE AND TRADE-RELATED MATTERS</p> <p>TITLE II - FREE MOVEMENT OF GOODS</p> <p>CHAPTER 2 - NON TARIFF MEASURES</p> <p>Section 3 - Customs and related matters</p> <p>Article 81 - Special Committee on Customs Cooperation and Rules of Origin⁵⁴²</p> <p>1. The Parties hereby establish a Special Committee on Customs Cooperation and Rules of Origin, composed of representatives of the Parties. The Committee shall meet on a date and with an agenda agreed in advance by the Parties. The office of chairperson of the Committee shall be held alternately by each of the Parties. The Committee shall report to the Association Committee.</p> <p>2. The functions of the Committee shall include:</p> <p>(a) monitoring the implementation and administration of Articles 79 and 80 and of Annex III and any other customs matters related to market access;</p> <p>b) providing a forum to consult and discuss on all issues concerning customs, including in particular, rules of origin and related customs procedures, general customs procedures, customs valuation, tariff regimes, customs nomenclature, customs cooperation and mutual administrative assistance in customs matters; c) enhancing cooperation on the development, application and enforcement of rules of origin and related customs, general customs procedures and mutual administrative assistance in customs matters; d) any other issues agreed by the Parties.</p>

⁵⁴² [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 26.

Agreements	Mexico (2000) ⁴⁹⁷	Chile (2002) ⁴⁹⁸
		<p>Section 4 - Standards, technical regulations and conformity assessment procedures Article 88 - Committee on Standards, Technical Regulations and Conformity Assessment⁵⁴³</p> <p>1. The Parties hereby establish a Special Committee on Technical Regulations, Standards and Conformity Assessment in order to achieve the objectives set out in this section. The Committee, made up of representatives of the Parties, shall be co-chaired by a representative of each Party. The Committee shall meet at least once a year, unless otherwise agreed by the Parties. The Committee shall report to the Association Committee.</p> <p>2. The Committee may address any matter related to the effective functioning of this section. In particular, it shall have the following responsibilities and functions:</p> <p>(a) monitoring and reviewing the implementation and administration of this section. In this connection, the Committee shall draw up a work programme aimed at achieving the objectives of the section and in particular those set out in Article 87;</p> <p>TITLE VIII - DISPUTE SETTLEMENT CHAPTER 1 - OBJECTIVE AND SCOPE Article 181 - Objective⁵⁴⁴</p> <p>1. The objective of this Title is to avoid and settle disputes between the Parties concerning the good faith application of this Part of the Agreement and to arrive to a mutually satisfactory resolution of any matter that might affect its operation.</p>

⁵⁴³ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 29.

⁵⁴⁴ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002, p. 56.

Annex 2: Comparison Table of human rights related clauses in relevant EU Trade Agreements with Latin American countries⁵⁴⁵

Agreements	Mexico (2000) ⁵⁴⁶	Chile (2002) ⁵⁴⁷	Colombia/Peru (2012) ⁵⁴⁸	Central America (2012) ⁵⁴⁹
'Essential elements' clause	<p>Article 1 <i>Basis of the Agreement</i> Respect for democratic principles and fundamental human rights, proclaimed by the Universal Declaration of Human Rights, underpins the domestic and external policies of both Parties and constitutes an essential element of this Agreement.</p>	<p>Article 1 <i>Principles</i> 1. Respect for democratic principles and fundamental human rights as laid down in the United Nations Universal Declaration of Human Rights and for the principle of the rule of law underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement. 2. The promotion of sustainable economic and social development and the equitable distribution of the benefits of the Association are guiding principles for the implementation of this Agreement.</p>	<p>Article 1 Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, and for the principle of the rule of law, underpins the internal and international policies of the Parties. Respect for these principles constitutes an essential element of this Agreement.</p>	<p>Article 2 1. Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, and for the rule of law, underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement. 2. The Parties confirm their commitment to the promotion of sustainable development, which is a guiding principle for the implementation of this Agreement, taking notably into account the Millennium Development Goals. The Parties shall ensure that an</p>

⁵⁴⁵ This Table modelled against Annex 2, in Bartels, Lorand, *The European Parliament's Role in Relation to Human Rights in Trade and Investment Agreements*, Reference no PE 433.751, Directorate B, Policy Department, Directorate General for External Policies of the Union, European Parliament, Brussels, February 2014, pp. 34-38.

⁵⁴⁶ [Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other Part](#), *Official Journal* L 276, 28 October 2000.

⁵⁴⁷ [Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part](#), 30 December 2002.

⁵⁴⁸ [Trade Agreement between the European Union and Colombia and Peru](#), *Official Journal* L 354, 21 December 2012.

⁵⁴⁹ [Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other](#), *Official Journal* L 346, 15 December 2012.

Agreements	Mexico (2000) ⁵⁴⁶	Chile (2002) ⁵⁴⁷	Colombia/Peru (2012) ⁵⁴⁸	Central America (2012) ⁵⁴⁹
		<p>3. The Parties reaffirm their attachment to the principle of good governance.</p>		<p>appropriate balance is struck between the economic, social and environmental components of sustainable development.</p> <p>3. The Parties reaffirm their attachment to good governance and the rule of law, which entails, in particular, the primacy of law, the separation of powers, the independence of the judiciary, clear decision-making procedures at the level of the public authorities, transparent and accountable institutions, the good and transparent management of public affairs at local, regional and national levels, and the implementation of measures aiming at preventing and combating corruption.</p>
<p>When appropriate measures may be taken</p>	<p>Article 58 <i>Fulfilment of Obligations</i> 1 (i). The Parties shall adopt any general or specific measure required for them to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in the Agreement.</p>	<p>Article 200 <i>Fulfilment of Obligations</i> 2 (i). If one of the Parties considers that the other Party has failed to fulfil an obligation under this Agreement it may take appropriate measures. Before doing so, it must supply the Association Council within 30 days with all the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.</p>	<p>Article 8 Without prejudice to the existing mechanisms for political dialogue between the Parties, any Party may immediately adopt appropriate measures in accordance with international law in case of violation by another Party of the essential elements referred to in Articles 1 and 2 of this Agreement.</p>	<p>Article 355 2. If a Party considers that another Party has failed to fulfil an obligation under this Agreement, it may have recourse to appropriate measures</p>

Agreements	Mexico (2000) ⁵⁴⁶	Chile (2002) ⁵⁴⁷	Colombia/Peru (2012) ⁵⁴⁸	Central America (2012) ⁵⁴⁹
<p>Meaning of ‘special urgency’</p>	<p>Article 58 <i>Fulfilment of Obligations</i> 2. The Parties agree that the term ‘cases of special urgency’ in paragraph 1 of this Article means a case of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists of: (a) repudiation of the Agreement not sanctioned by the general rules of international law; (b) breach of the essential elements of the Agreement referred to in Article 1.</p>	<p>NONE</p>	<p>NONE</p>	<p>Article 355 3. The Parties agree that the term ‘cases of special urgency’ in paragraph 2 means a case of material breach of this Agreement by one of the Parties. 4. A material breach of this Agreement consists in: (a) repudiation of this Agreement not sanctioned by general rules of international law; (b) violation of the essential elements of this Agreement.</p>
<p>Proportionality conditions on appropriate measures</p>	<p>Article 58 <i>Fulfilment of Obligations</i> 1 (ii). In this selection of measures, priority must be given to those measures which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Joint Council and shall be the subject of consultations in that Council, if the other Party so requests.</p>	<p>Article 200 <i>Fulfilment of Obligations</i> 2 (ii). In this selection of measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Association Committee and shall be the subject of consultations in the Committee if the other Party so requests.</p>	<p>Article 8 The measures will be proportional to the violation. Priority will be given to those which least disturb the functioning of this Agreement. These measures shall be revoked as soon as the reasons for their adoption have ceased to exist.</p>	<p>Article 355 2. In selecting which measures to adopt, priority shall be given to those which are least disruptive to the implementation of this Agreement. 3. The Parties further agree that the term <i>appropriate measures</i>, referred to in paragraph 2 means measures taken in accordance with international law. It is understood that suspension would be a measure of last resort.</p>

Agreements	Mexico (2000) ⁵⁴⁶	Chile (2002) ⁵⁴⁷	Colombia/Peru (2012) ⁵⁴⁸	Central America (2012) ⁵⁴⁹
<p>Notifications and consultations</p>	<p>Article 58 <i>Fulfilment of Obligations</i> 3. The Parties agree that the 'appropriate measures' referred to in this Article are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency as provided for under this Article, the other Party may ask that an urgent meeting be called to bring the Parties together within 15 days.</p>	<p>Article 200 <i>Fulfilment of Obligations</i> 3. By way of derogation from paragraph 2, any Party may immediately take appropriate measures in accordance with international law in case of: (a) denunciation of this Agreement not sanctioned by the general rules of international law; (b) violation by the other Party of the essential elements of this Agreement referred to in Article 1, paragraph 1. The other Party may ask that an urgent meeting be called to bring the Parties together within 15 days for a thorough examination of the situation.</p>	<p>Article 8 The latter Party may ask for an urgent meeting to be called to bring the Parties concerned together within 15 days for a thorough examination of the situation with a view to seeking an acceptable solution.</p>	<p>Article 355 2. Such measures shall be notified immediately to the Association Committee and shall be the subject of consultations in the Committee if a Party so requests. 5. If a Party has recourse to a measure in case of special urgency, the other Party may request that an urgent meeting be called to convene the Parties within fifteen days.</p>

Annex 3: Table of European Commission follow-ups on European Parliament resolutions and reports concerning human rights in Mexico⁵⁵⁰

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
<p>Resolution of 23 October 2014 on the disappearance of 43 teaching students in Mexico (Reference no T8-0041/2014)</p>	<p>- To provide support through programmes and financial and technical resources (call on EU and MS), par. 9 - To allocate resources to cooperation programmes aiming to strengthening and reforming the judiciary, law enforcement agencies, and prosecution services (call on EU and MS), par. 9</p>	<p>- Prompt and transparent investigations, par. 1 - Personal and legal protection and assistance to the families of the victims, par. 4 and 6 - Preventive actions, par. 6 - Federal protection to judiciary officers, par. 8</p>	<p>Projects: - ‘Fortaleciendo las Capacidades de las Universidades en México, para Ofrecer a los Futuros Abogados un Enseñanza Integral, Transversal y Pertinente en Derechos Humanos’, 2015-2018, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €248 600) , <u>objective</u>: capacity-building in Mexican universities to provide future lawyers a comprehensive, transversal and relevant education in human rights - ‘Reforzar el Papel de las Familias de Desaparecidos para la Incidencia en Políticas Públicas de Atención de Familiares e investigación de Casos de Desaparición Forzada de Personas, en</p>

⁵⁵⁰ Sources: Prepared by the Author and Simona Guagliardo, EPRS. We have aimed to be as exhaustive as possible by taking into account: the EC/EEAS projects communicated to the Author by the EU Delegation in Mexico; other EC/EEAS projects that are available on the EEAS website ([EEAS/delegations/Mexico](#)) and on the website of DG DEVCO, European Commission ([DG DEVCO/countries/Mexico](#)); and actions and projects included in the *European Union Annual Human Rights Reports*, from 1999 to 2015.

⁵⁵¹ This Table addresses the recommendations and/or calls for action presented in the EP resolutions/reports that address human rights protection and/or link to trade.

⁵⁵² The programmes included for each EP resolution/report are only used once in this Table in order to exemplify EU action. It is acknowledged, however, that some of these programmes could have also figured as examples of EU reaction for other EP resolutions/reports. This Table includes programmes that are closely linked to the aspects of human rights that are developed in the text and cover such issues as respect for labour rights, government and rule of law capacity-building, gender/women’s rights, indigenous peoples’ rights, civil society participation and sustainable development. Under the general theme of human rights, the EC also provides assistance on education and migration, which are not included in this Table.

⁵⁵³ The instruments covered in this Table are: Development Cooperation Instrument - Non-State Actors and Local Authorities in Development (DCI-NSAPVD); Development Cooperation Instrument - Asia and Latin America (DCI-ALA); Development Cooperation Instrument - Human and social development (DCI-HUM); Development Cooperation Instrument - Thematic Programme Migration and Asylum (DCI-MIGR); Development Cooperation Instrument - Civil Society Organisations and Local Authorities (DCI-CSO-LA); European Instrument for Democracy and Human Rights (EIDHR) as of 2008 and European Initiative for Democracy and Human Rights (EIDHR) before 2008 ; European Instrument for Democracy and Human Rights Country Based Support Schemes (EIDHR-CBSS); Latin America Investment Facility (LAIF); Bilateral Cooperation Programme 2007-2013.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
			<p>Coahuila y México’, 2015-2018, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €220 000), <u>objective</u>: to strengthen the role of families of missing persons in terms of public policy advocacy, family care and investigation of cases of forced disappearance of persons in Coahuila and Mexico</p> <p>- ‘Monitoreo Ciudadano de la Aplicación de las Reformas Constitucionales en Materia Penal, de Derechos Humanos y de Amparo’, 2015-2017, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €415 956), <u>objective</u>: citizens’ monitoring of the implementation of constitutional reforms in criminal matters and human rights</p> <p>- ‘Fortalecimiento del Estado de Derecho en México para Avanzar en el Combate a la Impunidad en Situaciones de Desaparición y Desaparición Forzada’, 2015-2016, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €235 578), <u>objective</u>: to strengthen the rule of law in Mexico to fight against impunity in cases of disappearance and forced disappearance</p> <p>- ‘Proyecto Piloto para el Fortalecimiento de la Sociedad Civil y Comunidades Locales para Favorecer la Gobernanza sobre las Políticas Públicas Locales’, 2016-ongoing, <u>financial instrument</u>: DCI-ALA (EU contribution: €313 000), <u>objective</u>: to strengthen civil society and local communities to promote governance of local public policies</p>

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
<p>Resolution of 12 June 2012 on defining a new development cooperation with Latin America (Reference no T7-0235/2012)</p>	<ul style="list-style-type: none"> - 'To maintain the volume of DCI cooperation for Latin America at one third of the total geographical amount for the period 2014-2020' (call on EC, Council), par. 9 - To fight illiteracy, in particular among girls and women, through effective policies (call on EU actors), par. 24 - To provide political and financial support to the Inter-American System of Human Rights regarding the issue of femicide (call on EC), par. 58 - 'To ensure that representation and participation by parliaments and civil society is guaranteed in order to ensure effective monitoring and follow-up of EU development cooperation funds' (call on EC), par. 68 	<ul style="list-style-type: none"> - To pay attention to sustainable development and climate change (call on local authorities) par. 63 	<p>EC follow-up:⁵⁵⁴</p> <ul style="list-style-type: none"> - EC Communication <i>Agenda for Change</i>, proposing a new development policy approach intended to fight against poverty and promote sustainable development, including a target of 20 % of EU aid to support for human development and social inclusion. - The <i>Agenda for Change</i> also foresees that EU development cooperation with Latin America should be adapted to reflect new realities in the region. With many countries having achieved UMIC status, aggregate EU bilateral cooperation programmes (i.e. those pursued at national level) with Latin America will diminish in relative importance during the programming period 2014-2020.⁵⁵⁵ - Regarding civil society involvement, the EC proposal for the new programming period includes a reinforced thematic programme to support Civil Society Organisations and Local Authorities. The two projects below are examples of such action. - Ongoing work to establish a specific bi-regional dialogue on gender issues, including on gender violence. - Further consideration to opportunities of South-South Cooperation for the next programming cycle. <p>Projects:</p> <ul style="list-style-type: none"> - 'Gobernanza Comunitaria e Intercultural para el Ejercicio de la Participación Social, la Rendición de Cuentas y los Derechos Humanos en el Estado de Oaxaca', 2016-ongoing, <u>financial instrument</u>: DCI-ALA (EU contribution: €232 569), <u>objective</u>: to develop and consolidate technical and institutional capacities of

⁵⁵⁴ European Commission, [Follow up to the European Parliament Resolution on defining a New Development Cooperation with Latin America, adopted by the European Commission on 26 September 2012](#), Reference no SP(2012)626-0, Brussels, 26 September 2012.

⁵⁵⁵ European Union External Action and European Commission, [Development Cooperation Instrument \(DCI\) 2014-2020 Multiannual Indicative Regional Programme for Latin America](#), November 2014, p. 1.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
			<p>grassroots communities and civil society organisations in 10 marginalized localities in the State of Oaxaca</p> <ul style="list-style-type: none"> - ‘Cohesión Social Oaxaca: Mujeres, Ejerciendo sus Derechos y Sumando Voluntades’, 2015-2017, <u>financial instrument</u>: DCI-ALA (EU contribution: €500 000), <u>objective</u>: to promote women human rights and participation - ‘Fortalecimiento de la Participación Ciudadana e Institucional en los Temas de Transparencia en Veinte Municipios del Estado Oaxaca’, 2015-2017, <u>financial instrument</u>: DCI-ALA (EU contribution: €500 000), <u>objective</u>: to strengthen citizen participation and institutional transparency in twenty municipalities of the State of Oaxaca - ‘Fortalecimiento de Consejos y Observatorios Ciudadanos de Seguridad Pública en el Estado de Querétaro’, 2014-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €310 506), <u>objective</u>: to encourage the participation of non-state actors in promoting public safety and crime prevention in the State of Queretaro, with a special human rights perspective - ‘Fortalecimiento De Iniciativas De Control Democrático Municipal’, 2012-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €198 000), <u>objective</u>: to foster organised social participation in order to create practices of democratic control at the municipal level

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
<p>Resolution of 2 February 2012 on the EU foreign policy towards the BRICS and other emerging powers: objectives and strategies (Reference no T7-0017/2012)</p>	<p>- To support South-South cooperation initiatives and take part into triangular cooperation projects (call on EU and MS), par. 34</p>		<p>EC follow-up:⁵⁵⁶</p> <ul style="list-style-type: none"> - In the framework of South-South initiatives, ‘support will be offered to tackle competitiveness gaps, as part of the EU’s substantial and growing Aid for Trade activities, Economic Partnership Agreements and other free trade agreements with developing regions’. - The EC follow-up to the Resolution of 12 June 2012 on defining a new development cooperation with Latin America⁵⁵⁷, states that further consideration will be devoted to South-South cooperation initiatives in the next programming cycle. <p>Projects:</p> <ul style="list-style-type: none"> - ‘Supporting and Strengthening the Work of the Inter-American Human Rights System through the Promotion and Protection of Human Rights of the Most Vulnerable and Excluded Groups and Communities in the Americas’, 2014-2016, <u>financial instrument</u>: EIDHR (EU contribution: €1 000 000) <u>objective</u>: this project covers all the countries of Latin America - ‘Redes de Proteccion y Apoyo para Activistas Rurales e Indigenas’, 2013-2016, <u>financial instrument</u>: EIDHR (EU contribution: €240 000), <u>objective</u>: multi-country project to create a network for the protection and support of rural and indigenous activists, including in Mexico - ‘Fondo para Defensores de Derechos Humanos e Impulso de una Alianza Latinoamericana para la Protección, Defensa e Impulso de la Sociedad Civil’, 2012-2015, <u>financial instrument</u>: EIDHR (EU

⁵⁵⁶ European Commission, [Follow up to the European Parliament Resolution on the EU Foreign Policy towards the BRICS and other Emerging Powers: Objectives and Strategies, adopted by the European Commission on 18 April 2012](#), Reference no SP(2012)260-0, Brussels, 18 April 2012.

⁵⁵⁷ European Commission, [Follow up to the European Parliament Resolution on defining a New Development Cooperation with Latin America, adopted by the European Commission on 26 September 2012](#), Reference no SP(2012)626-0, Brussels, 26 September 2012.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
			contribution: €980 075), <u>objective</u> : to support human rights defenders and promote capacity-building of civil society in Latin America, including Mexico
Report of 5 May 2010 on EU strategy for the relations with Latin America (Reference no T7-0141/2010)	<ul style="list-style-type: none"> - To set guidelines for closer cooperation in order to ensure achievement of Millennium Goals (call on High Representative and Council), par. 10 - 'To provide appropriate financial and technical support for policies to prevent and provide protection against violence against women' (call on relevant institutions in the Strategic Partnership), par. 33 - 'To oblige EU-based transnational corporations to apply ecological and social standards established by international agreements' (e.g. ILO's Decent Work Agenda) as minimum standards (call on EU), par. 46 	'To provide appropriate financial and technical support for policies to prevent and provide protection against violence against women' (call on relevant institutions in the Strategic Partnership), par. 33	<p>Projects:</p> <ul style="list-style-type: none"> - 'Construcción de Capacidades para la Incidencia a Favor de los Derechos de las Mujeres en México', 2015-2017, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €379 400) , <u>objective</u>: capacity building for advocacy for the rights of women in Mexico - 'Fortalecimiento de la Capacidad del Gobierno y de la Sociedad Civil para Prevenir el Delito y la Violencia en México', 2015-2016, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €300 000), <u>objective</u>: strengthening the capacity of government and civil society to prevent crime and violence in Mexico - 'Erradicar La Violencia Contra Las Niñas Y Las Mujeres: Vía Para La Democracia Y El Desarrollo', August 2015, <u>financial instrument</u>: EIDHR (EU contribution: €98 520), <u>objective</u>: promotion and respect of Women and Girls Human Rights and access to a life free from violence - 'Los Derechos de las Víctimas y las Consideraciones de Género en el Sistema Penal Acusatorio en México', 2012-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €300 000), <u>objective</u>: to evaluate and promote, starting from civil society organisations, public policy on crime prevention and public safety in 6 cities of Mexico - 'Incidencia Política Y Acción Ciudadana Para La Paz, La Seguridad Y El Acceso A Una Vida Libre De Violencia Para Las Mujeres Y Las Niñas', 2012-2015, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €264 330), <u>objective</u>: strengthening of the civil society and promotion of the protection of women human rights

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
			<p>- 'Incidencia Política Y Acción Ciudadana Para El Acceso De Las Mujeres A La Justicia Y La Erradicación De La Violencia De Género', 2011-2012, <u>financial instrument</u>: EIDHR (EU contribution: €100 000), <u>objective</u>: to strengthen political, legal and social institutional environment in order to build access to justice for women and help eradicate violence against them</p>
<p>Resolution of 21 October 2010 on the European Union's trade relations with Latin America (Reference no T7-0387/2010)</p>	<ul style="list-style-type: none"> - To support forms of economic cooperation linked with socio-economic policies that are adopted in the framework of South-South integration (call on EC), par. 11 - 'To involve civil society in the assessment of compliance with labour, human rights and environmental standards included in trade agreements' (call on EC and LAC partners), par. 35 - To promote a regular dialogue with civil society (call on EC and LAC partners), par. 35 - To make trade negotiations more transparent by giving early access to key documents to all social partners potentially affected (call on EC), par. 37 - 'To support the new concept of supporting environmental protection by 	<ul style="list-style-type: none"> - 'To involve civil society in the assessment of compliance with labour, human rights and environmental standards included in trade agreements' (call on EC and LAC partners), par. 35 - To promote a regular dialogue with civil society (call on EC and LAC partners), par. 35 	<p>EC follow-up:⁵⁵⁸</p> <ul style="list-style-type: none"> - Human rights, and the respect for democratic principles and the rule of law, are considered essential elements of the EU's relations with all third countries. Thus, the EU includes the 'essential elements' clause in its Framework Agreements with third countries. - Regarding social and environmental standards, the Commission claims that it endeavours to ensure that trade agreements are based on commitments to respect fundamental common rules regarding social and environmental standards. <p>Projects:</p> <ul style="list-style-type: none"> - 'Derechos Humanos y Cohesión Social en San Luis Potosí', 2015-2017, <u>financial instrument</u>: DCI-ALA (EU contribution: €399 012), <u>objective</u>: to promote human rights and social cohesion in the area of San Luis Potosí - 'Laboratorio de Cohesión Social II', 2013-2017, <u>financial instrument</u>: bilateral cooperation programme 2007-2013/social cohesion (EU contribution: €11 000 000), <u>objective</u>: to support the

⁵⁵⁸ European Commission, [Follow up to the European Parliament Resolution on the European Union's Trade Relations with Latin America, adopted by the Commission on 9 February 2011](#), Reference no SP(2011)609/_3, Brussels, 9 February 2011.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
	<p>compensating for the loss in potential trade revenues' (call on EU), par. 50</p>		<p>implementation of projects that improve equal opportunities in access to justice, citizen security and human rights</p> <ul style="list-style-type: none"> - 'En Búsqueda de Justicia: Atención Integral a Familiares de Personas Víctimas de Desaparición y Desaparición Forzada en Nuevo León', 2014-2015, <u>financial instrument</u>: EIDHR (EU contribution: €195 915), <u>objective</u>: to provide comprehensive care to families of victims of disappearance and forced disappearance in Nuevo Leon - 'Evaluación Exploratoria del Fondo de Apoyo para Proyectos de las Organizaciones de la Sociedad Civil (OSC), del Centro Nacional de Prevención del Delito y Participación Ciudadana (CNPdPC)', 2012-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €325 000) , <u>objective</u>: to assess the implementation and development of the fund for Civil Society Organisations projects of the National Centre for the Prevention of Crime and Citizen Participation - 'Fortalecimiento del Diálogo entre las OSC y las Instituciones de Gobierno de México y de la Unión Europea para la Evaluación del Acuerdo Global y la Asociación Estratégica entre México y la UE', 2012-2013, <u>financial instrument</u>: DCI-CSO-LA (EU contribution: €180 000), <u>objective</u>: to strengthen the participation and impact of Mexican and European civil society organisations in the evolution of the Global Agreement and the Strategic Partnership between Mexico and the EU
<p>Resolution of 11 March 2010 on the escalation of violence in Mexico (Reference no T7-0067/2010)</p>	<ul style="list-style-type: none"> - To apply the guidelines on the protection of human rights defenders in an effective way (call on EU), par. 4 - To support human rights through cooperation programmes and financial and technical resources (call on EU and MS), par. 8 		<p>Projects:</p> <ul style="list-style-type: none"> - 'Fortalecimiento del Papel de las Organizaciones de la Sociedad Civil Defensoras de Derechos Humanos en la Promoción de la Seguridad Ciudadana en el Estado de Chihuahua', 2013-2016, , <u>financial instrument</u>: DCI-NSAPVD (EU contribution: € 360 000), <u>objective</u>: to strengthen the role of civil society organisations

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
	<p>- To increase the resources allocated to cooperation in strengthening and reforming the judiciary, law enforcement agencies, and prosecution services (call on EU and MS), par. 8</p>		<p>defending human rights in promoting public safety in the state of Chihuahua</p> <ul style="list-style-type: none"> - 'Apoyo y Protección a Defensores de las Personas Transmigrantes en Situaciones de Alto Riesgo en Guanajuato', 2014-2015, financial instrument: EIDHR (EU contribution: €100 000), objective: to provide support and protection to human rights activists of trans-migrants people, to strengthen their ability to carry out their work - 'Fortalecimiento de Organizaciones Sociales y Grupos Comunitarios Defensoras y Defensores de Derechos Humanos en el Estado de Tlaxcala', 2013-2015, financial instrument: EIDHR-CBSS (EU contribution: €99 201), objective: promotion of the protection of human rights defenders - 'Desarrollo Articulado de Mecanismos y Redes de Protección para las y los Defensores de Derechos Humanos en la Frontera sur de México', 2013-2015, financial instrument: EIDHR-CBSS (EU contribution: €100 000), objective: protection of human rights defenders - 'Consolidación de un Modelo de Atención, Búsqueda e Identificación Forense de Migrantes no Localizados del Estado de Chiapas', 2013-2015, financial instrument: EIDHR (EU contribution: €100 000), objective: to support the effective implementation in Mexico of international standards of International Humanitarian Law and Human Rights concerning care, search and forensic identification of 'no localizados' (missing, lost persons) migrants - 'Monitoreo, Evaluación e Incidencia en la Política de Seguridad en 6 Ciudades del Norte de México, desde la Seguridad Comunitaria, los Derechos Humanos y el Enfoque de Género', 2012-2014, financial instrument: DCI-NSAPVD (EU contribution: €414 971), objective: to evaluate and promote, starting from civil society organisations, public policy on crime prevention and public safety in 6 cities of Mexico from a gender and human rights

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
			perspective, to improve its impact on the community, specifically in vulnerable populations
Resolution of 12 March 2009 on an EU-Mexico Strategic Partnership (Reference no T6-0141/2009)	<ul style="list-style-type: none"> - To institutionalise annual EU-Mexico summits within the framework of the Strategic Partnership, as is already the case for those with the USA, Russia, China and Brazil (call on the EU Council), par. 1 (b) - For the trade chapter to be based on like-for-like treatment, solidarity, dialogue and respect for the specific characteristics of Mexico and of the EU (call on the EU Council), par. 1 (d) - To consider the Strategic Partnership as an opportunity to debate how to make the human rights and democracy clause function more effectively and to evaluate compliance with it (call on the EU Council), par. 1(i) - To give the Mexico-EU Civil Society Forum greater weight and that its recommendations be taken into account wherever possible (call on the EU Council), par. 1(l) 		<p>Projects:</p> <ul style="list-style-type: none"> - ‘Derechos Humanos para la Cohesión Social’, 2015-2017, <u>financial instrument</u>: DCI-ALA (EU contribution: €500 000), <u>objective</u>: to promote human rights and social cohesion - ‘Refuerzo de la Capacidad de los Periodistas para la Promoción de los Derechos Humanos y las Reformas Democráticas en México’, 2014-2015, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €95 813), <u>objective</u>: to strengthen the role of journalists in promoting human rights and democratic reforms - ‘Desarrollo de Competencias para la Formación Cívica y Ética en Escuelas Secundarias de Michoacán de Ocampo, México’, 2013-2016, <u>financial instrument</u>: DCI-NSAPVD, (EU contribution: €361 200), <u>objective</u>: to facilitate advocacy, involvement and participation of Non-State Actors and citizens in the formulation, implementation and monitoring of strategies, policies, practices and public programs in the education sector - ‘Laboratorio de Cohesión Social I’, 2011-2015, <u>financial instrument</u>: bilateral cooperation programme 2007-2013/social cohesion (EU contribution: €10 000 000), <u>objective</u>: to support the implementation of projects that improve equal opportunities in access to justice, citizen security and human rights

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
<p>Resolution of 24 April 2008 on the Fifth Latin America and Caribbean-European Union Summit in Lima (Reference no T6-0177/2008)</p>	<p>- 'To help encourage the development of environmental policies in LAC countries' (call on EC), par. 38</p>	<p>- 'To adopt sound and workable policies in the areas of democratic governance, social affairs, public finance and taxation, with the objective of enhancing social cohesion and reducing poverty, inequality and marginalisation' (call on LAC Partners), par. 23</p>	<p>EC follow-up:^{559 560} No clear action is presented.</p> <p>Project:</p> <ul style="list-style-type: none"> - 'Combating Climate Change in Agriculture Programme (Mex-3CAP)', 2014-2018, <u>financial instrument</u>: Latin America Investment Facility - LAIF (EU contribution: €5 200 000) - 'LAIF Contribution To The ECOCASA Programme', 2012-2017, <u>financial instrument</u>: Latin America Investment Facility - LAIF (EU contribution: €7 220 000), <u>objective</u>: to contribute to the efforts of the Mexican Government to reduce greenhouse gas emissions related to the residential sector - 'Linking REDD+ Mechanism with Local Implementation, the Forest Component of the Special Climate Change Programme of Mexico (PECC)', 2010-2015, <u>financial instrument</u>: Latin America Investment Facility - LAIF (EU contribution: €2 140 000), <u>objective</u>: to build capacity at the local level (states and municipalities) and to develop methodologies and mechanisms to link rural development and sustainable forest management programmes to international payments for Reducing Emissions from Deforestation and Forest Degradation (REDD+)

⁵⁵⁹ European Commission, [Commission Communication on the Action taken on Opinions and Resolutions adopted by Parliament at the April 2008 I and II Part-Sessions](#), Reference no SP(2008)3169, Brussels, 28 May 2008.

⁵⁶⁰ The European Commission did not formally respond, since the Vice-President of the Commission, Mr. Barrot, intervened in plenary. During the [debate](#), Mr. Barrot affirmed that the Commission is working on promoting and supporting regional integration, sharing the positive experience of Europe in that respect. The main objective of the European Union for the Lima Summit is to consolidate the existing strategic partnership and move it forward in two areas, namely social cohesion and sustainable development.

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<p>Resolution of 23 September 2008 on Follow-up of the Monterrey Conference of 2002 on Financing for Development (Reference no T6-0420/2008)</p>	<ul style="list-style-type: none"> - To endorse the principles of responsible lending and financing (in terms of economic and environmental development) within international forums (call on EC), par. 19 - 'To enhance funding of climate change adaptation and mitigation measures in developing countries' (call on EC), par. 29 - 'To earmark at least 25 % of future auctioning revenues from EU ETS to finance climate change adaptation and mitigation measures in developing countries' (call on EC and MS), par. 31 - 'To develop access to finance for small-scale entrepreneurs and farmers, as a means of increasing food production and providing a sustainable solution to the food crisis' (call on EC), par. 32 - To examine and endorse the UN multi-donor gender fund initiative (call on EC and Council), par. 34 		<p>Projects:</p> <ul style="list-style-type: none"> - 'Programa Multiregional Y Multisectorial De Tecnología E Innovación Para La Competitividad De PYMES En Mercados Globalizados', 2012-2015, financial instrument: DCI-ALA (EU contribution: €1 240 002), objective: to promote innovation and technological development of Mexican SMEs - 'Fortalecimiento del Soporte Técnico para Ampliar la Competitividad de las PYMES en la Cadena de Suministro del Sector Aeronáutico en el Centro de México', 2012-2015, financial instrument: DCI-ALA (EU contribution: €1 229 430), objective: to promote the competitiveness of SMEs in the supply chain of the aviation sector in Central Mexico - 'Mejora de las Capacidades de Manufactura Avanzada del Estado de Chihuahua', 2012-2014, financial instrument: DCI-ALA (EU contribution: €807 985), objective: to increase the competitiveness of the manufacturing sector in the State of Chihuahua - 'Promoción de la Mejora e Innovación de los Procesos Productivos de las Pymes del Sector TIC', 2013-2015, financial instrument: DCI-ALA (EU contribution: €562 673), objective: to strengthen the capacities of SMEs in the areas of innovation, technology transfer and certification - 'Proyecto en Materia de Competitividad e Innovación CE-México (PROCEI)', 2010-2015, financial instrument: bilateral cooperation programme 2007-2013/economic cooperation (EU contribution: €9 000 000), objective: to provide support to Mexican SMEs looking to improve their competitiveness through technical assistance and advice from European Union experts

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<p>Resolution of 11 October 2007 on the murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon (Reference no T6-0431/2007)</p>	<ul style="list-style-type: none"> - To ensure full compliance with the recommendations contained in international human rights instruments (call on EU and Mexico Gov), par. 1 - To support prevention and protection policies relating to violence against women through cooperation programmes and financial and technical resources (call on EU in the context of strategic partnerships), par. 3 - To foster cooperation and dialogue with Mexico supporting initiatives fighting violence against women (call on EU), par. 4 - To support the creation of an exchange and cooperation programme to combat gender violence (call on EU), par. 5 - To promote the inclusion of mechanisms for the implementation of the human rights and democracy clause in the context of the agreements in force and those under negotiation (call on EC), par. 12 - To promote the exchange of best practices and awareness-raising campaigns (call on EC), par. 13 	<ul style="list-style-type: none"> - To ensure full compliance with the recommendations contained in international human rights instruments (call on EU and Mexico Gov), par. 1 - 'To eliminate from their national laws all discriminatory references to women' (call on Mexico), par. 8 	<p>EC follow-up:^{561 562}</p> <ul style="list-style-type: none"> - Programmatic support on education and awareness-raising interventions. <p>Projects:</p> <ul style="list-style-type: none"> - 'Seguridad y Autonomía para las Mujeres', 2013-2016, <u>financial instrument</u>: DCI-NSAPVD, (EU contribution: €400 000), <u>objective</u>: to promote participation and empowerment of women and their communities in 12 colonies of Leon Guanajuato to strengthen public security and social cohesion - 'Previendo, nos Protegemos: Desarrollo y Puesta en Marcha de Medidas de Seguridad para Defensoras del Observatorio Ciudadano Nacional del Femicidio', 2013-2015, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €85 500), <u>objective</u>: to strengthen the capacity of civil society organisations to generate and implement security mechanisms in their advocacy and promotion of human rights of women in Mexico - 'Colocando la Violencia Familiar como Tema Relevante en las Acciones contra la Pobreza y la Exclusión Social', 2013-2015, <u>financial instrument</u>: DCI-NSAPVD, (EU contribution: €200 000), <u>objective</u>: to help reduce poverty and social exclusion through the expansion and dissemination of knowledge about the link between these and domestic violence - 'Mujeres y Niñas Empleadas del Hogar en la Defensa y Promoción de sus Derechos en la Frontera sur de Chiapas' 2012-2014, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €159 750),

⁵⁶¹ European Commission, [Commission Communication on the Action taken on Opinions and Resolutions adopted by Parliament at the October 2007 I and II Part-Sessions](#), Reference no SP(2007)6028, Brussels, 21 November 2007.

⁵⁶² The European Commission did not formally respond since the Commissioner, Ms Ferrero-Waldner, intervened in plenary. During the [debate](#), Ms Ferrero-Waldner affirmed that the Commission condemns gender-based violence in all its manifestations.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
	<ul style="list-style-type: none"> - To put forward a methodological proposal to coordinate the various EU initiatives relating to gender issues and violence against women (call on EC), par. 14 - To implement a new human rights programme (call on EU Delegation in Mexico), par. 15 - 'To ensure that the human rights programme for Mexico and the countries of Central America are covered by a separate budget heading devoted to bilateral cooperation' (call on EC), par. 16 - 'To pay greater attention to femicide, violence and discrimination against women in its <i>2007-2013 Country Strategy Papers</i> and to put forward an action plan' (call on EC), par. 18 - To make an assessment of the impact on sustainable development in the context of the EC-Central America Association Agreement (call on EC), par. 20 		<p><u>objective</u>: to contribute to the access of migrant women to their human rights in the state of Chiapas</p> <ul style="list-style-type: none"> - 'Fomentar las Capacidades de las Organizaciones de la Sociedad Civil y de los Gobiernos Locales para Enfrentar la Violencia en la Familia', 2009-2012, <u>financial instrument</u>: DCI - Human and social development (EU contribution: €534 494), <u>objective</u>: awareness-raising of effective therapeutic practice addressing family violence

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
<p>Resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries (Reference no T6-0381/2007)</p>	<ul style="list-style-type: none"> - 'To include in each <i>Country Strategy Paper</i> and other strategy documents a specific strategy on human rights and the situation pertaining to democracy' (call on Council, EC), par. 17 - 'To apply and use the results of human rights dialogues and consultations in drawing up yearly strategies providing a basis for implementation of projects under the European Instrument for Democracy and Human Rights (EIDHR)' (call on EC), par. 20 - 'To consider introducing some form of specific mechanism to monitor the human rights clause in the EU's agreements with Latin America and Central America' (call on EC, Council), par. 89 - 'To make an annual evaluation of the human rights situation in the Latin American countries on the basis of the action plans and the human rights subcommittees to be set up' (call on EC), par. 90 - 'To involve civil society in the conduct of the human rights dialogues, with adequate participation by the non-profit sector' (call on EC, Council), par. 91 		<p>EC follow-up:⁵⁶³</p> <ul style="list-style-type: none"> - The essential element human rights and democracy clause is included in all new agreements currently negotiated with Latin America regions as a standard practice. - The EU Guidelines on Human Rights dialogues encourage the involvement of civil society in the different phases of human rights dialogue (preliminary assessment, conduct of the dialogue itself, following up and evaluation) - The Commission is committed to find the most appropriate mechanisms for the involvement of civil society in the dialogue with Mexico. Ongoing consultations on mechanisms to involve civil society in the dialogue on human rights with Mexico - The results of human rights dialogues and consultations to be taken into account when designing cooperation projects and programmes. While this is notably already the case in the EIDHR draft Annual Action Programme, there is scope for civil society organisations to orient their proposals in relation to the results and needs of ongoing human rights dialogues. <p>Projects:</p> <ul style="list-style-type: none"> - 'Apoyo Logístico para la Realización del Evento de Conmemoración del Día Internacional de los Derechos Humanos en México', 2014-2015, <u>financial instrument</u>: EIDHR (EU contribution: €8 239), <u>objective</u>: to provide logistical support for holding the event to commemorate the international day of human rights in Mexico

⁵⁶³ European Commission, [Follow up to European Parliament Resolution on the Functioning of the Human Rights Dialogues and Consultations on Human Rights in Third Countries](#), Reference no SP(2007)5402-1, Brussels, 24 October 2007.

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			<ul style="list-style-type: none"> - 'Promoting and Protecting Women Migrant Workers' Labour and Human Rights: Engaging with International, National Human Rights Mechanisms to Enhance Accountability', 2013-2015, <u>financial instrument</u>: DCI-MIGR (EU contribution: €1 733 847), <u>objective</u>: to promote women migrant workers' labour and human rights (Mexico, Moldova, Philippines) - 'Building CSO And Local Government Capacity To Address Family Violence', 2008-2012 , <u>financial instrument</u>: DCI-CSO-LA (EU contribution: €534 494), <u>objective</u>: to build understanding and knowledge within development CSOs, donors and local government of effective therapeutic practice to address family violence as a public health issue - 'Diálogo para una Agenda Legislativa Integral sobre Seguridad Pública con Enfoque de Derechos Humanos', 2009-2011, <u>financial instrument</u>: EIDHR (EU contribution: €90 743), <u>objective</u>: to contribute to a legitimate, stable and effective construction of a legislative agenda on public security with a human rights approach, reflecting a broad consensus of the organised civil society - 'Programa de Derechos Humanos Unión Europea - México', 2007-2011, <u>financial instrument</u>: bilateral cooperation programme 2007-2013/social cohesion (EU contribution: €350 000), <u>objective</u>: institutional capacity-building with an emphasis on the elaboration of legal reforms and public policies in the field of human rights
<p>Resolution of 27 April 2006 on a stronger partnership between the European Union and Latin America (Reference no T6-0155/2006)</p>	<ul style="list-style-type: none"> - 'To draw up a broader strategy to promote integration above and beyond trade commitments, laying emphasis also on non-trading aspects' (call on EC), par. 69 - 'To pursue joint initiatives and to hold more frequent social forums bringing 	<ul style="list-style-type: none"> - 'To pursue joint initiatives and to hold more frequent social forums bringing together the business world, workers, consumers and civil society' (call on EU, LAC Countries), par. 75 	<p>Project:</p> <ul style="list-style-type: none"> - 'Support to Specific Dialogues between Mexican and EU Experts in order to Improve Social Cohesion Related Policies, including Social Security, Tax Administration and Health Systems', 2007-2008, <u>financial instrument</u>: bilateral cooperation programme 2007-2013/social cohesion (EU contribution: €750 000), <u>objective</u>: to improve social cohesion related policies

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
	together the business world, workers, consumers and civil society' (call on EU, LAC Countries), par. 75		
Resolution of 22 April 2004 on human rights in the world in 2003 and the European Union's policy on the matter (Reference no T5-0376/2004)	- 'To make up for the loss of funds due to the Mexico City Policy and to the US policy advocating exclusively abstinence promotion programmes' (call on EC), par. 77		No targeted reaction by the European Commission nor the Council Secretariat (the EEAS did not exist at the time). The only EU-funded project found regarding reproductive health is mentioned under Resolution 9 March 2004 on population and development: 10 years after the UN Conference in Cairo.
Resolution of 9 March 2004 on population and development: 10 years after the UN Conference in Cairo (Reference no T5-0154/2004)	- 'To integrate sexual and reproductive health and rights into their development policies' (call on EU, EU MS), par. 6 - To increase financial aid in the field of sexual and reproductive health and rights (call on EU, EU MS), par. 13		Project: - 'Mejorando los conocimientos, las actitudes y el acceso a los servicios de salud sexual y reproductiva de calidad entre adolescentes y jóvenes de municipios rurales e indígenas en México', 2010-2013, financial instrument: DCI-HUM (EU contribution: € 1 258 324), objective: to improve knowledge, attitudes and access to sexual and reproductive health services among adolescents and young people from rural and indigenous municipalities in Mexico.
Resolution of 4 September 2003 on the Annual Report 2001 from the Commission to the Council and the European Parliament on the EC development policy and the implementation of the external assistance	- 'For a stronger commitment to regional and sub-regional integration and association models as a global strategy to meet the challenges posed by development in the 21st Century' (call on EC), par. 6 - 'To increase the resources and specific actions designed to protect indigenous peoples and develop their own capacities' (call on EC), par. 15		Projects: - 'Pueblos Indígenas Combatiendo la Discriminación: Capacidades para la Defensa de Tierras, Territorios y Bienes Naturales en el Estado de Oaxaca', 2015-2018, financial instrument: EIDHR (EU contribution: €593 749), objective: to promote the fight against discrimination against indigenous peoples in the State of Oaxaca - 'Evaluación del Cumplimiento Estatal del Derecho a la Educación de Adultos en Puebla, Chiapas y Quintana Roo', 2014-2016, financial instrument: DCI-NSAPVD (EU contribution: €340 756),

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(Reference no T5-0371/2003)			<p><u>objective</u>: to evaluate state compliance with the right to education of adults in Puebla, Chiapas and Quintana Roo</p> <p>- ‘Fortalecimiento de la Cohesión Social en Microrregiones Indígenas de México’, 2011-2015, <u>financial instrument</u>: DCI-ALA (EU contribution: €700 000), <u>objective</u>: to promote social cohesion in indigenous micro-regions in Mexico</p> <p>- ‘Jóvenes Indígenas de Puebla en pro de la Construcción de una Cultura para el Ejercicio de la vida Democrática y de los Derechos Humanos’, 2005-2006, <u>financial instrument</u>: EIDHR (EU contribution: €150 000), <u>objective</u>: to promote indigenous people rights and democratisation processes⁵⁶⁴</p>
<p>Resolution of 3 September 2003 on the Communication from the Commission to the Council and the European Parliament ‘Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities’ (Reference no T5-0370/2003)</p>	<p>- Recommendations to EU MS regarding a UN Convention on the rights and dignity of persons with disabilities</p>	<p>- Recommendations to UN MS (thus, also Mexico) regarding a UN Convention on the rights and dignity of persons with disabilities</p>	<p>Projects:</p> <p>- ‘Programa de Inclusión Educativa para Niños con Discapacidad Visual, Auditiva y de Lenguaje del Estado de Chihuahua’, 2013-2017, <u>financial instrument</u>: DCI-NSAPVD, (EU contribution: €421 795), <u>objective</u>: to support the successful integration and social equality of children and young people with visual, hearing and speech disabilities in the education sector in the state of Chihuahua</p> <p>- ‘Proyecto de Infraestructura para Establecer una Red Técnica y Social Médico para la Integración de las Personas Desfavorecidas con Discapacidades Visuales en México’, 2006-2011, <u>financial instrument</u>: DCI-HUM (EU contribution: €1 498 427), <u>objective</u>: creation of a care and assistance network for visual-impaired people</p>

⁵⁶⁴ Council of the European Union, European Commission, [EU Annual Report on Human Rights](#), Luxembourg, 2006, p. 92.

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			<p>- 'Programa de Visión Restringida, Chihuahua', 2006-2011, <u>financial instrument</u>: DCI - Human and social development (EU contribution: €1 498 427), <u>objective</u>: creation of a care and assistance network for visual-impaired people</p>
<p>Resolution of 3 June 2003 on regional free trade areas and trade strategy in the European Union (Reference no T5-0237/2003)</p>	<p>- To conduct ex-post studies concerning the social, environmental, economic and cultural impact of EU trade agreements (call on EC), par. 16</p>		<p>Only in 2015, did DG TRADE of the European Commission request for environmental, cultural and social impacts, including human rights, to be included in the evaluation of the EU-Mexico Global Agreement – and the Free Trade Area. See Ecorys, Ex-Post Evaluation of the Implementation of the EU-Mexico Free Trade Agreement, Interim Technical Report, Report prepared for Directorate General for Trade, European Commission, Rotterdam, The Netherlands, 11 May 2015.</p>
<p>Resolution of 3 July 2002 on sexual and reproductive health and rights (Reference no T5-0359/2002)</p>	<p>- To fill in the budgetary gap caused by the Mexico City Policy implemented by the Bush Administration, which denies funding to NGOs referring women to abortion clinics (call on EC), par. 28 - To ensure permanent monitoring and evaluation of the ICPD (International Conference on Population and Development) and FWCW (Fourth World Conference on Women) Programmes of Action and to send regularly reports to the EP (call on EC), par. 30</p>		<p>Project: - 'Programa Interinstitucional de Prevención y Atención de la Violencia Obstétrica para Contribuir en la Disminución de la Mortalidad Materna en la Microrregión Huasteca Centro de San Luis Potosí', 2015-2017, <u>financial instrument</u>: DCI-ALA (EU contribution: €431 445), <u>objective</u>: to prevent obstetric violence and to contribute in reducing maternal mortality in the micro-region of Huasteca San Luis Potosi Centre</p>
<p>Resolution of 5 April 2001 on the situation in Mexico (Reference no T5-0213/2001)</p>		<p>- To make efforts to seek a solution to violence in Chiapas through dialogue (Mexico involved parties) par. 5</p>	<p>Projects: - 'Inclusión Social y Política de los Pueblos Indígenas en los Municipios de Oaxaca', 2004-2007, <u>financial instrument</u>: EIDHR</p>

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		<p>- To approve the law on indigenous rights and cultures (call on Mexico elected representatives), par. 6</p>	<p>(EU contribution: €88 052), <u>objective</u>: to promote the inclusion of indigenous peoples</p> <p>- ‘Fortalecimiento de la Juventud, Niñez y Mujer Indígena de México para la Construcción de Nuevos Horizontes’, 2006, <u>financial instrument</u>: EIDHR (EU contribution: €100 000), <u>objective</u>: to promote the inclusion of indigenous peoples</p> <p>- ‘Reconocimiento del Territorio Segregado a las Comunidades del Pueblo Huichol’, 2004-2006, <u>financial instrument</u>: EIDHR (EU contribution: €67 344), <u>objective</u>: to promote the inclusion of indigenous peoples</p> <p>- ‘Observatorio Ciudadano para el Seguimiento de los Compromisos del Gobierno Mexicano con los Pueblos Indígenas’, 2004-2005, <u>financial instrument</u>: EIDHR (EU contribution: €75 600), <u>objective</u>: to promote citizen oversight of the Mexican government’s commitments to indigenous peoples</p> <p>- ‘OHCHR Activities in Guatemala and Mexico Assistance to Governmental Institutions, Local Offices, Capacity Building of Groups of Indigenous Peoples’, 2004-2005, <u>financial instrument</u>: EIDHR (EU contribution: €800 000), <u>objective</u>: to promote the fight against discrimination of indigenous peoples⁵⁶⁵</p>
The EU-Mexico Global Agreement, including the FTA came into force on 1st October 2000.			

⁵⁶⁵ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 3 October 2005, p. 132.

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<p>Resolution of 16 March 2000 on Human rights in the world: Union's activities from 1997 to June 1999. Memorandum and annual report (Reference no <u>T5-0112/2000</u>)</p>	<ul style="list-style-type: none"> - To ensure that EU's external and internal policies are consistent with the Common Strategy for Human Rights (call on Council, EC, MS), par. 2 - To initiate a UN Convention on punishment of anybody responsible for trafficking in persons (call on EU), par. 57 - To launch a campaign for the physical safety of journalists (call on Council, EC), par. 84 - 'To report to Parliament on the existence of unwarranted restrictions on freedom of expression in third countries' (call on Council, EC), par. 86 		<p>Projects:</p> <ul style="list-style-type: none"> - 'Implementation of Recommendations of OHCHR on Human Rights Diagnostic', 2004-2005, <u>financial instrument</u>: EIDHR (EU contribution: €600 000), <u>objective</u>: to promote human rights and democratisation⁵⁶⁶ - 'Human Rights Cooperation Programme', 2003-2004, <u>financial instrument</u>: EIDHR (EU contribution: €640 000), <u>objective</u>: to promote the development and consolidation of democracy and the rule of law, the respect for human rights and the fundamental freedoms⁵⁶⁷ - 'Institutional Strengthening of the Human Rights Bodies of Mexico', 2002-2003 and 2003-2004, <u>financial instrument</u>: EIDHR (EU contribution: €640 000 in 2002-2003 and €500 000 in 2003-2004), <u>objective</u>: to promote the development and consolidation of democracy and the rule of law, the respect for human rights and the fundamental freedoms⁵⁶⁸ - 'Contribuer à la Consolidation d'une Politique de Droits de l'Homme au Mexique. Une Initiative de Renforcement de la Société Civile Mexicaine comme Acteur Fondamental dans la Formulation de Politiques Publiques', 2003-2004, <u>financial instrument</u>: EIDHR (EU contribution: €366 680), <u>objective</u>: to promote civil society participation and protection of human rights⁵⁶⁹

⁵⁶⁶ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 3 October 2005, p. 132.

⁵⁶⁷ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 13 September 2004, p. 129.

⁵⁶⁸ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 13 October 2003, p. 111.

⁵⁶⁹ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 13 September 2004, p. 124.

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			<p>- 'Harmonisation Legislative Mexicaine avec Instruments Internationaux Droits de l'Homme', 2002-2003, <u>financial instrument</u>: EIDHR (EU contribution: €600 000), <u>objective</u>: to promote the development and consolidation of democracy and rule of law, respect for human rights and fundamental freedoms⁵⁷⁰</p>
<p>Resolution of 15 January 1998 on the murder of 45 indigenous peasants in the State of Chiapas, Mexico (Reference no T4-0033/1998)</p>	<p>- To verify the feasibility of introducing an aid programme for the inhabitants of Chiapas who have fled their homes, in cooperation with Mexican authorities (call on EC), par. 10</p>	<p>- To do everything possible to find a solution to the conflict in the State of Chiapas, through dialogue and negotiation (Mexico President), par. 4</p>	<p>EU follow-up:⁵⁷¹ In November 1998, the Council of the European Union (EU) adopted principles and guidelines for development cooperation with indigenous peoples. It acknowledges that the concern for indigenous peoples should be included as a crosscutting issue at all levels of development cooperation, including policy dialogue with partner countries. The criteria and entry points defined in these guidelines should also be incorporated in the bilateral development cooperation undertaken by the EU MS.</p> <p>Project: - 'Fortaleciendo A Las Escuelas De Derecho Indígenas Para Que Impulsen El Desarrollo De Sus Comunidades', 2012-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €409 190), <u>objective</u>: to strengthen Indigenous law schools capacities to become agents of development and social cohesion in their communities - 'Fortalecimiento y Consolidación de los Medios de Comunicación Indígenas en México', 2004, <u>financial instrument</u>: EIDHR (EU contribution: €50 000), <u>objective</u>: to promote the inclusion of indigenous peoples</p>

⁵⁷⁰ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 13 October 2003, p. 114.

⁵⁷¹ Council of the European Union, [Council Resolution on Indigenous Peoples within the Framework of the Development Cooperation of the Community and Member States](#), Reference no 13461/98, 30 November 1998.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
			<p>- 'Fortalecimiento Cultural de Organizaciones y Comunidades en la Huasteca Veracruzana como Estrategia de Lucha contra la Discriminación de los Pueblos Indígenas', 2004, <u>financial instrument</u>: EIDHR (EU contribution: €42 400), <u>objective</u>: to promote the inclusion of indigenous peoples</p> <p>- 'Protecting Indigenous Peoples' Rights through Strengthening their Capacity for Self-organising and Constructive Dialogues with States and International Institutions', 2001, <u>financial instrument</u>: EIDHR (EU contribution: €1 236 590), <u>objective</u>: to promote indigenous peoples' rights in Asian and Latin America Countries⁵⁷²</p>
<p>Resolution of 17 November 1995 EU/Mexico relations: closer relations (Reference no T4-0571/1995)</p>	<p>- To negotiate a new preferential trade agreement (call on EU, Mexico), par. 7</p> <p>- To accompany the new agreement with a substantial financial aid and assistance in the fields of rural development, sustainable development, R&D, environmental protection (call on EU, Mexico), par. 11</p>	<p>- To negotiate a new preferential trade agreement (call on EU, Mexico), par. 7</p> <p>- To accompany the new agreement with a substantial financial aid and assistance in the fields of rural development, sustainable development, R&D, environmental protection (call on EU, Mexico), par. 11</p>	<p>Project:</p> <p>- 'Proyecto de Facilitación del Tratado de Libre Comercio UE-México (PROTLCUEM) – Addendum', 2009-2010, <u>financial instrument</u>: bilateral cooperation programme 2007-2013/economic cooperation (EU contribution: €9 500 000), <u>objective</u>: to strengthen economic, trade and business relations between Mexico and the European Union</p> <p>- 'Promoting Pro-poor and Sustainable Community Forest Management - Mexico', 2004-2007, <u>financial instrument</u>: DCI-CSO-LA (EU contribution: €599 402), <u>objective</u>: to promote sustainable development and environmental protection</p>

⁵⁷² Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 21 October 2002, p. 296.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
Resolution of 13 July 1995 on the situation in Mexico (Reference no T4-0360/1995)	No specific call on EU actors.	- To ensure effective investigation on the incidents in the State of Guerrero (call on Mexico government), par. 2	<p>Project:</p> <ul style="list-style-type: none"> - 'Global Holistic Approach to the Fight against Impunity for Torture', 2013-2015, <u>financial instrument</u>: EIDHR (EU contribution: €1 500 000), <u>objective</u>: to promote fight against torture and impunity for torture worldwide, including Mexico - 'Towards Implementation and Accountability', 2013-2015, <u>financial instrument</u>: EIDHR (EU contribution: €1 493 589), <u>objective</u>: to promote fight against torture and impunity for torture in different countries, including Mexico - 'Integral Health and Torture: Assistance to Survivors and their Families. Consolidation of the Rehabilitation Centres in FD, Oaxaca, and Opening of a New Centre in Guerrero', 2001, <u>financial instrument</u>: EIDHR (EU contribution: €358 356), <u>objective</u>: to promote human rights in the States of Oaxaca and Guerrero⁵⁷³
Resolution of 16 February 1995 on the situation in Chiapas, Mexico (Reference no T4-0051/1995)	No specific call on EU actors.	- To end all forms of violence and re-establish a climate of political and economic confidence, par. 4-5	<p>Project:</p> <ul style="list-style-type: none"> - 'Human Rights Cooperation Programme in Mexico', 2003-2007, <u>financial instrument</u>: EIDHR (EU contribution: €640 000), <u>objective</u>: to promote the protection of human rights in Mexico - 'Democratisation Process in Latin America', 2000, <u>financial instrument</u>: EIDHR (EU contribution: €14 600 000), <u>objective</u>: to promote the democratisation process (including in Mexico)⁵⁷⁴

⁵⁷³ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 21 October 2002, p. 289.

⁵⁷⁴ Council of the European Union, [EU Annual Report on Human Rights](#), 2001, p. 247.

EP Resolutions/Reports	Recommendations to EU/EC/EEAS/EU Member States (MS) ⁵⁵¹	Recommendations to Mexico	EU/EC/EEAS Actions ^{552 553}
<p>Resolution of 19 January 1995 on the situation in the State of Chiapas, Mexico (Reference no T4-0020/1995)</p>	<ul style="list-style-type: none"> - To try to launch a special action in support of the Mexican economy (call on EC), par. 6 - To provide financial support for aid to third countries in order to restore macroeconomic equilibrium in Mexico (call on EIB), par. 7 	<ul style="list-style-type: none"> - To support democratisation, promotion of human rights, electoral law and justice reforms (call on Mexico President), par. 5 	<p>Project:</p> <ul style="list-style-type: none"> - ‘Democratisation Process in Latin America’, 1998, <u>financial instrument</u>: EIDHR, (EU contribution: €12 600 000), <u>objective</u>: pluriannual programme promoting the democratisation process in Latin America (including in Mexico)⁵⁷⁵

⁵⁷⁵ Council of the European Union, [EU Annual Report on Human Rights](#), October 1998/99, p. 25.

Annex 4: Table of European Commission follow-ups on European Parliament resolutions and reports concerning human rights in Chile⁵⁷⁶

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
<p>Resolution of 12 June 2012 on defining a new development cooperation with Latin America (Reference no T7-0235/2012)</p>	<ul style="list-style-type: none"> - 'To maintain the volume of DCI cooperation for Latin America at one third of the total geographical amount for the period 2014-2020' (call on EC, Council), par. 9 - To fight illiteracy, in particular among girls and women, through effective policies (call on EU actors), par. 24 - To provide political and financial support to the Inter-American 	<ul style="list-style-type: none"> - To pay attention to sustainable development and climate change (call on local authorities), par. 63 	<p>EC follow-up:⁵⁸⁰</p> <ul style="list-style-type: none"> - EC Communication <i>Agenda for Change</i> proposing a new development policy approach intended to fight against poverty and promote sustainable development, including a target of 20 % of EU aid to support for human development and social inclusion. - The <i>Agenda for Change</i> also foresees that EU development cooperation with Latin America should be adapted to reflect new realities in the region. With many countries having achieved UMIC status, aggregate EU bilateral cooperation programmes (i.e. those pursued at national level) with Latin America will diminish in relative importance during the programming period 2014-2020.⁵⁸¹

⁵⁷⁶ Sources: Prepared by the Author and Simona Guagliardo, EPRS. We have aimed to be as exhaustive as possible by taking into account: the EC/EEAS projects communicated to the Author by the EU Delegation in Chile; other EC/EEAS projects that are available on the EEAS website ([EEAS/delegations/Chile](#)) and on the website of DG DEVCO, European Commission ([DG DEVCO/countries/Chile](#)); and actions and projects included in the *European Union Annual Human Rights Reports*, from 1999 to 2015.

⁵⁷⁷ This Table addresses the recommendations and/or calls for action presented in the EP resolutions/reports that address human rights protection and/or link to trade.

⁵⁷⁸ The programmes included for each EP resolution/report are only used once in this Table in order to exemplify EU action. It is acknowledged, however, that some of these programmes could have also figured as examples of EU reaction for other EP resolutions/reports. This Table includes programmes that are closely linked to the aspects of human rights that are developed in the text and cover such issues as respect for labour rights, government and rule of law capacity-building, gender/women's rights, indigenous peoples' rights, civil society participation and sustainable development. Under the general theme of human rights, the EC also provides assistance on education and migration, which are not included in this Table.

⁵⁷⁹ The instruments covered in this Table are: Development Cooperation Instrument-Non-State Actors and Local Authorities in Development (DCI-NSAPVD); European Instrument for Democracy and Human Rights (EIDHR) as of 2008 and European Initiative for Democracy and Human Rights (EIDHR) before 2008; European Instrument for Democracy and Human Rights Country Based Support Schemes (EIDHR-CBSS); Development Cooperation Instrument - Thematic Programme for Environment and Sustainable Management of Natural Resources Including Energy (DCI-ENRTP); Development Cooperation Instrument - Civil Society Organisations and Local Authorities (DCI-CSO-LA); Development Cooperation Instrument - Environment (DCI-ENV).

⁵⁸⁰ European Commission, [Follow up to the European Parliament Resolution on defining a New Development Cooperation with Latin America, adopted by the European Commission on 26 September 2012](#), Reference no SP(2012)626-0, Brussels, 26 September 2012.

⁵⁸¹ European Union External Action and European Commission, [Development Cooperation Instrument \(DCI\) 2014-2020 Multiannual Indicative Regional Programme for Latin America](#), November 2014, p. 1.

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
	<p>System of Human Rights regarding the issue of femicide (call on EC), par. 58- ‘To ensure that representation and participation by parliaments and civil society is guaranteed in order to ensure effective monitoring and follow-up of EU development cooperation funds’ (call on EC), par. 68</p>		<ul style="list-style-type: none"> - Regarding civil society involvement, the EC proposal for the new programming period includes a reinforced thematic programme to support civil society organisations and Local Authorities. The two projects below are examples of such action. - Ongoing work to establish a specific bi-regional dialogue on gender issues, including on gender violence. - Further consideration is given to opportunities of South-South Cooperation for the next programming cycle. <p>Projects:</p> <ul style="list-style-type: none"> - ‘Fortalecimiento de Organizaciones de la Sociedad Civil que Promueve la Igualdad de Género en Chile’, 2013-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €300 000), <u>objective</u>: elimination of gender-based violence, economic empowerment of women, and leadership and political participation of women - ‘Mecanismos Innovadores de Sustentabilidad para Garantizar la Actoría Social y Política de las OSC en el Desarrollo del País’, 2013-2015, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €399 984), <u>objective</u>: capacity-building initiative to promote the social and political impact of civil society organisations - Fondo UE- ONU ‘Mujeres Fortalecimiento de las Organizaciones que Promueven la Igualdad de Género en Chile’, 2013-2016, <u>financial instrument</u>: DCI-CSO-LA, (EU contribution: €300 000) <u>objective</u>: to finance projects aimed at promoting the rights of Chilean women in three priority areas: the elimination of gender-based violence, economic empowerment of women, and leadership and political participation of women - Fondo UE-INDH ‘Fortalecimiento de la Acción de la Sociedad Civil en el Campo de los Derechos Humanos en Chile’, 2013-ongoing, <u>financial instrument</u>: EIDHR, (EU contribution: €540 000) <u>objective</u>: to contribute to the monitoring, promotion and enforcement of human rights in Chile, through the strengthening of the capacities of human rights organisations

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
<p>Report of 5 May 2010 on EU strategy for the relations with Latin America (Reference no T7-0141/2010)</p>	<ul style="list-style-type: none"> - To set guidelines for closer cooperation in order to ensure achievement of Millennium Goals (call on High Representative and Council), par. 10 - ‘To provide appropriate financial and technical support for policies to prevent and provide protection against violence against women’ (call on relevant institutions in the Strategic Partnership), par. 33 - ‘To oblige EU-based transnational corporations to apply ecological and social standards established by international agreements’ (e.g. ILO’s Decent Work Agenda) as minimum standards (call on EU), par. 46 		<p>EU follow-up:</p> <ul style="list-style-type: none"> - Through the EIDHR, the EU provided €1.1 million in 2012 to support eight Chilean civil society organisations working to defend human rights, especially in the field of gender equality and indigenous rights⁵⁸²; - Through its external assistance, the EU in 2011 continued to support the implementation in Chile of ILO Convention 169 (on rights of indigenous and tribal people)⁵⁸³ <p>Projects:</p> <ul style="list-style-type: none"> - ‘Fortalecimiento y Defensa de los Derechos Humanos del Pueblo Mapuche’, 2011-2014, <u>financial instrument</u>: EIDHR (EU contribution: €129 820), <u>objective</u>: to promote human rights of indigenous peoples - ‘Difusión y Aplicación de la Ley que Establece Medidas contra la Discriminación en Chile’, 2013-2016, <u>financial instrument</u>: DCI-CSO-LA (EU contribution: €311 423), <u>objective</u>: to promote dissemination and application of the Act establishing measures against discrimination in Chile, with particular focus on discrimination based on sexual orientation and gender identity - ‘Acceso a la Justicia para Grupos en Situación de Vulnerabilidad de sus Derechos en Chile: Mujeres y Privados/as de Libertad’, 2011-2016, <u>financial instrument</u>: EIDHR (EU contribution: €100 000), <u>objective</u>: to strengthen the institutional capacities in Chile to guarantee the right of access to justice to prisoners and indigenous women

⁵⁸² Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2012 \(Country Reports\)](#), Reference no 9431/13, Brussels, 21 May 2013, p. 239.

⁵⁸³ European Union External Action, [Human Rights and Democracy in the World, Report on EU Action in 2011](#), June 2012, p. 268.

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
			<p>- ‘Rescatar el Derecho Propio Mapuche con el Fin de Evaluar como Aplicarlo en el Sistema Jurídico Nacional’, <u>financial instrument</u>: EIDHR-CBSS (EU contribution: €20 024), 2015-2016, <u>objective</u>: to raise awareness about Mapuche rights and to promote their implementation in the national legal system</p>
<p>Resolution of 21 October 2010 on the European Union’s trade relations with Latin America (Reference no T7-0387/2010)</p>	<ul style="list-style-type: none"> - To support forms of economic cooperation linked with socio-economic policies that are adopted in the framework of South-South integration (call on EC), par. 11 - ‘To involve civil society in the assessment of compliance with labour, human rights and environmental standards included in trade agreements’ (call on EC and LAC partners), par. 35 - To promote a regular dialogue with civil society (call on EC and LAC partners), par. 35 - To make trade negotiations more transparent by giving early access to key documents to all social partners potentially affected (call on EC), par. 37 - ‘To support the new concept of supporting environmental protection by compensating for the loss in potential trade revenues’ (call on EU), par. 50 	<ul style="list-style-type: none"> - ‘To involve civil society in the assessment of compliance with labour, human rights and environmental standards included in trade agreements’ (call on EC and LAC partners), par. 35 - To promote a regular dialogue with civil society (call on EC and LAC partners), par. 35 	<p>EC follow-up:⁵⁸⁴</p> <ul style="list-style-type: none"> - Human rights and the respect for democratic principles and the rule of law, are considered essential elements of the EU’s relations with all third countries. Thus, the EU includes the ‘essential elements’ clause in its Framework Agreements with third countries. - Regarding social and environmental standards, the Commission claims to endeavour that trade agreements are based on commitments to respect fundamental common rules regarding social and environmental standards. <p>Projects:</p> <ul style="list-style-type: none"> - ‘Cooperación Regional por la Calidad de la Educación en América Latina’, 2013-2016, <u>financial instrument</u>: DCI-NSAPVD (EU contribution: €2 515 331), <u>objective</u>: to improve the quality and equity of education in Latin America through the strengthening of civil society organisations and to promote the democratic exercise empowering civil society - ‘Apoyo a la Difusión del Enfoque de Derechos Humanos en un Marco de Responsabilidad Social Empresarial en Chile’, 2014-2015, <u>financial instrument</u>: EIDHR (EU contribution: €19 200), <u>objective</u>:

⁵⁸⁴ European Commission, [Follow up to the European Parliament Resolution on the European Union’s Trade Relations with Latin America, adopted by the Commission on 9 February 2011](#), Reference no SP(2011)609/_3, Brussels, 9 February 2011.

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
			<p>to conduct workshops with the business environment of the city of Valdivia in order to link corporate responsibility with a human rights perspective</p> <ul style="list-style-type: none"> - ‘Plataformas Territoriales por los Derechos Económicos y Sociales: Educación, Salud, Trabajo y Previsión’, 2013-2015, financial instrument: DCI-NSAPVD (EU contribution: €349 808), objective: to strengthen local social leaders and promote a network of organisations that defend the rights to education, health, labour and welfare, building joint agendas and advocacy strategies - ‘Estrategias de Fortalecimiento del Control Ciudadano a los compromisos Internacionales Adquiridos por el Estado en Materia de Derechos Humanos’, 2011-2014, financial instrument: EIDHR (EU contribution: €130 000), objective: to strengthen civil society’s capacity to monitor the implementation of international conventions with regards to human rights protection - ‘EU-Chile Civil Society Seminars on Human Rights’, 2011-2013, financial instrument: EIDHR (EU contribution: €87 196), objective: to promote civil society organisations’ participation with regard to human rights’ protection
<p>Resolution of 24 April 2008 on the Fifth Latin America and Caribbean-European Union Summit in Lima (Reference no T6-0177/2008)</p>	<p>- ‘To help encourage the development of environmental policies in LAC countries’ (call on EC), par. 38</p>	<p>- ‘To adopt sound and workable policies in the areas of democratic governance, social affairs, public finance and taxation, with the objective of enhancing social cohesion and reducing poverty, inequality and marginalisation’ (call on LAC Partners), par. 23</p>	<p>Projects:</p> <ul style="list-style-type: none"> - ‘Viña del Mar Segura: Desarrollo del Territorio con Enfoque de Gestión del Riesgo’, 2013-2016, financial instrument: DCI-NSAPVD (EU contribution: €285 000), objective: to reduce the vulnerability of local communities in Vina del Mar before risks and natural disasters - ‘Construcción de un Modelo Comunal de Gestión Integral del Riesgo con Participación de la Sociedad Civil en Talcahuano’, 2013-2015, financial instrument: DCI-NSAPVD (EU contribution: €285 000), objective: to strengthen the capacity of civil society organisations and governmental institutions in terms of mitigation, prevention, adaptation and recovery from natural disasters and manmade events

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
			<p>- ‘Programa de Lucha y Apoyo a Políticas Públicas contra la Desertificación, Aplicado en Comunidades y Municipios Rurales de Zonas Ecológicas Áridas a sub-húmedas Secas en América del Sur’, 2010-2016, <u>financial instrument</u>: DCI-ENV (EU contribution: €1 342 409), <u>objective</u>: to support public policies against desertification in rural communities and in municipalities in arid ecological zones and sub-humid areas in South America</p>
<p>Resolution of 27 April 2006 on a stronger partnership between the European Union and Latin America (Reference no T6-0155/2006)</p>	<p>- ‘To enforce its instruments for preventing the plundering of natural resources in the case of Latin America’ (call on EC), par. 52 - ‘To draw up a broader strategy to promote integration above and beyond trade commitments, laying emphasis also on non-trading aspects’ (call on EC), par. 69 - ‘To pursue joint initiatives and to hold more frequent social forums bringing together the business world, workers, consumers and civil society’ (call on EU, LAC Countries), par. 75</p>	<p>- ‘To pursue joint initiatives and to hold more frequent social forums bringing together the business world, workers, consumers and civil society’ (call on EU, LAC Countries), par. 75</p>	<p>Projects: - ‘Reducción de Tasas de Deforestación y Degradación de los Bosques Nativos en Chile y Argentina’, 2011-2015, <u>financial instrument</u>: DCI-ENRTP (EU contribution: €2 455 000), <u>objective</u>: to reduce rates of deforestation and degradation of native forests in southern Chile and northern Argentina, to contribute to lower CO2 emissions from deforestation and degradation of native forests, as well as the maintenance of biodiversity that inhabits the native forests of Chile and Argentina</p>
<p>The EU-Chile Association Agreement, which includes a comprehensive Free Trade Agreement, came fully into force on 1st March 2005.</p>			
<p>Resolution of 3 June 2003 on regional free trade areas and trade strategy in the European Union (Reference no T5-0237/2003)</p>	<p>- To conduct ex-post studies concerning the social, environmental, economic and cultural impact of EU trade agreements (call on EC), par. 16</p>		<p>EU follow-up: Only in 2012, did DG TRADE of the European Commission request for environment and social impacts to be included in the evaluation of the Trade Pillar of the EU-Chile Association Agreement. It does not, however, address cultural impacts nor does it analyse human rights impact(s). See ITAQA sarl, Evaluation of the Economic Impact</p>

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
			of the Trade Pillar of the EU-Chile Association Agreement , Final Report, Evaluation prepared for Directorate General for Trade, European Commission, Contract No SI2.575484, 23 March 2012.
Resolution of 3 September 2003 on the Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' (Reference no T5-0370/2003)	- Recommendations to EU MS regarding a UN Convention on the rights and dignity of persons with disabilities	- Recommendations to UN MS (thus, also Chile) regarding a UN Convention on the rights and dignity of persons with disabilities	No targeted reaction by the European Commission nor the Council Secretariat (the EEAS did not exist at the time).
The provisions regarding trade in goods of the EU-Chile Association Agreement were enforced on a provisional basis as of 1st February 2003.			
Resolution of 16 March 2000 on Human rights in the world: Union's activities from 1997 to June 1999. Memorandum and annual report	- To ensure that EU external and internal policies are consistent with the Common Strategy for Human Rights (call on Council, EC, MS), par. 2 - To initiate a UN Convention on punishment of anybody responsible for trafficking in persons (call on EU), par. 57		Projects: - 'Proyecto Integral de Rehabilitación a Afectados por la Tortura y Otras Violaciones a los Derechos Humanos en el Cono Sur de América Latina. Contribución a la lucha contra la Impunidad y por la Prevención de la Tortura', 2005-2010, <u>financial instrument</u> : EIDHR (EU contribution: €1 035 000), <u>objective</u> : to fight against torture and to promote human rights ⁵⁸⁵

⁵⁸⁵ Council of the European Union and European Commission, [EU Annual Report on Human Rights](#), Luxembourg, 2006, p. 86.

EP Resolutions/Reports	Recommendations To EU/EC/EEAS/EU MS ⁵⁷⁷	Recommendations to Chile	EU/EC/EEAS Actions ^{578 579}
(Reference no T5-0112/2000)	<ul style="list-style-type: none"> - To launch a campaign for the physical safety of journalists (call on Council, EC), par. 84 - 'To report to Parliament on the existence of unwarranted restrictions on freedom of expression in third countries' (call on Council, EC), par. 86 		<ul style="list-style-type: none"> - 'Health Programme for the Rehabilitation of Torture Victims', 2001, <u>financial instrument</u>: EIDHR (EU contribution: €549 838), <u>objective</u>: to promote human rights and fight against torture⁵⁸⁶ - 'Psychotherapy to Victims of Torture and of Violation of Other Human Rights in Chile', 2001, <u>financial instrument</u>: EIDHR (EU contribution: €200 000), <u>objective</u>: to promote human rights and fight against torture⁵⁸⁷ - 'Independent Media for the Citizenry and Democracy in Chile', 2001, <u>financial instrument</u>: EIDHR (EU contribution: €311 661), <u>objective</u>: to promote the independence of media and democratisation processes⁵⁸⁸ - 'Democratisation Process in Latin America', 2000, <u>financial instrument</u>: EIDHR (EU contribution: €14 600 000 - 5 projects + 1 multi-annual regional programme), <u>objective</u>: to promote the democratisation process (including Chile)⁵⁸⁹
<p>Resolution of 14 December 2000 on the legal proceedings against General Pinochet and the consolidation of democracy in Chile (Reference no T5-0586/2000)</p>	<ul style="list-style-type: none"> - To support the Chilean Government in defence of the judiciary independence (call on EC, Council, MS), par. 4 	<ul style="list-style-type: none"> - To respect the Chilean judiciary and its independence (call on national institutions), par. 	<p>No targeted reaction by the European Commission nor the Council Secretariat (the EEAS did not exist at the time).</p>

⁵⁸⁶ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 21 October 2002, p. 289.

⁵⁸⁷ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 21 October 2002, p. 289.

⁵⁸⁸ Council of the European Union, [EU Annual Report on Human Rights](#), Brussels, 21 October 2002, p. 289.

⁵⁸⁹ Council of the European Union, [EU Annual Report on Human Rights](#), 2001, p. 247.

Annex 5: Map of Mexico



Source: [The Online Nations Project - Mexico](https://www.onn.gov.uk/mexico)

Annex 6: Map of Chile



Source: [The Online Nations Project - Chile](https://www.nationsonline.org/Chile)

The democracy clause in the EU-Mexico Global Agreement and by extension the EU-Mexico Free Trade Agreement calls for respect for fundamental human rights. If these are breached, a sanctioning clause can be invoked. The widely reported violations of human rights in Mexico are tackled through political dialogue. The agreement includes cooperation articles on social policy, the results of which are non-binding. Against this background, it is difficult to make a clear link between the potential effects of human rights related clauses in the Global Agreement on the human rights situation in Mexico.

The EU-Chile Association Agreement (AA) also includes a comprehensive Free Trade Agreement, which is subject to the democracy clause. More developed than that in the Global Agreement, this clause calls for respect for fundamental human rights; sustainable economic and social development; and commits parties to good governance. The AA also includes a suspension clause in case of breach of the democracy clause, and cooperation provisions, the results of which are non-binding. While these are more detailed than the ones in the Global Agreement, the impact of the EU-Chile AA on the human rights situation in Chile has been limited in its extent and to specific aspects of the social policy agenda.

In both cases, the monitoring mechanisms of the EU agreements have generally been implemented properly – even if civil society participation in Chile was institutionalised late. These mechanisms have played an important role in nurturing cooperation, but the incentives created have not translated into sufficient pressure for the implementation of human rights related reforms. Rather than the EU FTAs per se impacting on ensuring the respect of human rights in Mexico and Chile, it is the cumulative effect of the liberalisation of trade in the two countries, the EU-Mexico Strategic Partnership, the role of all global players, and cooperation with international donors that have encouraged reform. Ultimately, whether or not reforms in favour of respect of human rights have been adopted and implemented was the result of domestic politics in Mexico and Chile.

This is a publication of the Ex-Post Impact Assessment Unit
EPRS | European Parliamentary Research Service
European Parliament

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PE 558.764

ISBN 978-92-846-0554-5

doi:10.2861/71058

QA-02-17-045-EN-N