

Human rights in the world 2006 and the EU's policy on the matter

European Parliament resolution of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter (2007/2020(INI))

The European Parliament,

- having regard to the eighth EU Annual Report on Human Rights (2006)¹,
- having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the EC Treaty,
- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments²,
- having regard to the United Nations Charter,
- having regard to all UN human rights conventions and their optional protocols,
- having regard to the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to its resolutions related to the ICC³,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings and the 2005 EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings⁴;
- having regard to Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), concerning the abolition of the death penalty in all circumstances,
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the Charter of Fundamental Rights of the European Union⁵,
- having regard to the ACP-EU Partnership Agreement and its revision⁶,
- having regard to its previous resolutions on human rights in the world,

¹ Council document 13522/1/2006.

² For all relevant basic texts, please consult the table in Annex III to report A6-0128/2007 of the Committee on Foreign Affairs.

³ OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293 E, 28.11.2002, p. 88; OJ C 271 E, 12.11.2003, p. 576.

⁴ OJ C 311, 9.12.2005, p. 1.

⁵ OJ C 364, 18.12.2000, p. 1.

⁶ OJ L 317, 15.12.2000, p. 3; OJ L 209, 11.8.2005, p. 27.

- having regard to its resolution of 16 March 2006 on the outcome of the negotiations on the Human Rights Council and on the 62nd session of the UNCHR¹,
 - having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements²,
 - having regard to its resolution of 1 February 2007 on the initiative in favour of a universal moratorium on the death penalty³,
 - having regard to all urgency resolutions adopted by it on cases of breaches of human rights, democracy and the rule of law,
 - having regard to its resolution of 18 January 2007 on the Council's Seventh and Eighth Annual Reports according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports⁴,
 - having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide⁵,
 - having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights⁶,
 - having regard to the conclusions of the EU Annual Forum on Human Rights, organised by the Finnish Presidency and the Commission and held in Helsinki in December 2006,
 - having regard to the Convention on the Rights of Persons with Disabilities, adopted by UN General Assembly resolution A/RES/61/106 on 13 December 2006, which lays down an obligation to incorporate the interests and concerns of persons with disabilities in human rights actions towards third countries,
 - having regard to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by General Assembly resolution A/RES/61/177 on 20 December 2006 and opened for signature on 6 February 2007,
 - having regard to the European Union Guidelines on promoting compliance with international humanitarian law (IHL)⁷,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0128/2007),
- A. whereas the Council and Commission's EU Annual Report on Human Rights 2006 provides a general overview of the activities of the European Union institutions regarding

¹ OJ C 291 E, 30.11.2006, p. 409.

² OJ C 290 E, 29.11.2006, p. 107.

³ *Texts Adopted*, P6_TA(2007)0018.

⁴ *Texts Adopted*, P6_TA(2007)0008.

⁵ OJ L 386, 29.12.2006, p. 1.

⁶ OJ L 53, 22.2.2007, p. 1.

⁷ OJ C 327, 23.12.2005, p. 4.

human rights inside and outside the EU,

- B. whereas this resolution sets out to examine, evaluate and, in specific cases, offer constructive criticism of the human rights activities of the Commission and the Council and of the overall activities of Parliament, in particular by drawing attention to issues neglected in those activities,
 - C. whereas it should be acknowledged that there is a link between the EU's internal and external policies on the basis that the EU's internal human rights record has a direct impact on its credibility and ability to implement an effective external policy,
 - D. whereas respect for human rights and a democratic system of governance are necessarily interrelated, and whereas the promotion of human rights should be linked to the promotion and application of democratic governance,
 - E. whereas efforts must be made in general to focus greater attention on respect for fundamental human rights, in particular political rights, in negotiating bilateral or regional trade agreements even with important trading partners,
1. Welcomes the fact that the EU is playing an increasingly active role on the world stage to improve human rights and democracy globally; considers that the most recent enlargement of the EU to 27 Member States with 494 million inhabitants has increased the global importance of the EU and has thus given it greater weight in its efforts to promote human rights and democracy internationally;
 2. Considers that greater priority needs to be given to improving the ability of the EU to respond to human rights breaches by third countries, not least by mainstreaming human rights policy with respect to EU policies vis-à-vis such countries, including the external impact of EU internal policies;
 3. Continues to emphasise the need for a consistent policy implemented by all EU Member States in their bilateral relations with third countries where human rights are frequently violated or where there is a genuine risk that they may be, and calls upon Member States to conduct their bilateral contacts with those countries in a manner consistent with EU policy, particularly as regards active efforts to ensure respect for human rights;
 4. Takes the view that a consistent European foreign policy must give absolute priority to promoting democracy, given that democratic society is the basis for upholding human rights;
 5. Considers that the progress made in setting up the European Union Agency for Fundamental Rights represents a first step in responding to Parliament's call for the establishment of an integrated framework of rules and institutions designed to confer binding force on the Charter of Fundamental Rights and to ensure compliance with the system provided for in the ECHR; underlines the fact that the mandate of the Agency also covers those countries which have concluded a Stabilisation and Association Agreement with the EU; believes that the Agency should have the competence to play a role in assisting the EU in the implementation of its external policies, when these require an assessment of the situation in a third country with respect to human rights;

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6. Underlines the importance of the EU Annual Report on Human Rights in analysing and evaluating the EU's human rights policy, notably with a view to raising the visibility of human rights issues in general;
7. Welcomes the public presentation of the 2006 Report by the Council and the Commission at the December 2006 plenary, in parallel with Parliament's award of its annual Sakharov Prize for Freedom of Thought to Mr Aliaksandr Milinkevich, the freedom and democracy campaigner from Belarus; considers that, by establishing this practice, the December European Parliament plenary session has become an annual focal point for the EU's activities on human rights;
8. Recognises the volume of EU human rights-related activities in different parts of the world, but reiterates its call for increased assessment of the use of EU instruments and initiatives in third countries; welcomes the evaluations mentioned in the report by the Council and the Commission; considers that a mechanism should be developed enabling Members of Parliament to receive evaluations carried out in specific subject areas, such as individual countries, groups of countries and geographic areas, but, first and foremost, regarding specific human rights problem areas; considers that such a mechanism should enable Parliament to discuss the outcome of those evaluations within the most appropriate framework;
9. Underscores the importance of ongoing efforts to promote the mainstreaming of human rights and democracy and the coherence and consistency of the policies and actions of the Council, the Commission, the European Parliament and the Member States of the EU in the field of human rights and democracy;
10. Regards it as a positive development that the report endeavours to do justice to the activities of the European Parliament, but reiterates its request, included in the 2006 Parliament resolution on human rights, that future Presidencies report in the EU Annual Reports on the ways in which Parliament's resolutions - including urgency resolutions on cases of breaches of human rights, democracy and the rule of law - have been taken into account by the Council and the Commission; notes with satisfaction the developments mentioned in paragraph 13 below;
11. Reiterates that, in their future Annual Reports on Human Rights, the Council and the Commission should analyse the ways in which human rights are dealt with in other EU policies, such as the Common Foreign and Security Policy, the policies on development and trade and immigration, and other relevant policies relating to the EU's external relations, in particular within the Council's working groups and in specific mechanisms established in cooperation agreements; considers that they should also take note of decisions made by the European Court of Human Rights;
12. Calls on the Council and the Commission to consider adopting the approach taken by governments of some Member States and by certain international non-governmental organisations (NGOs), and thus to identify an overall list of "countries of particular concern" with respect to human rights violations in the context of their Annual Report each year;

13. Understands that, especially in the area of human rights, EU activities such as demarches to third countries must sometimes be confidential; however, believes that a list of those activities should be included in the Annual Report while allowing some scope for bilateral diplomatic contacts with governments in full confidentiality;
14. Welcomes the increased consultation with the European Parliament and moves towards the drafting of an EU Annual Report that represents the activities of the Council, the Commission and the European Parliament, while taking the view that Parliament must continue to issue its own report on this matter; considers in this context that in the future an open discussion at draft stage in Committee would give Parliament an opportunity to improve the accuracy and content of the report;

Council and Commission activities in the area of human rights in international fora

15. Pays tribute to the excellent work of the outgoing Personal Representative of the Secretary-General/High Representative on Human Rights in the area of the Common Foreign and Security Policy (CFSP), Mr Michael Matthiessen, during 2006; continues to support the newly appointed Personal Representative, Mrs Riina Kionka, in her efforts to increase the visibility and strengthen the role of the EU in international human rights fora; expects that the High Representative, the Council and all Member State representatives will fully support her work at all times;
16. Considers that the EU's capacity to prevent, respond to and manage crises is insufficient at present; recommends that a new infrastructure be put in place for the prevention and management of civil conflicts requiring proactive/preventive measures, the provision of suitable civilian early warning systems, the introduction of preventive contingency planning, the training of specialised personnel for international conflict management missions and greater concentration on promoting societies that are structurally capable of living in peace; stresses the importance of carefully considering human rights aspects in connection with the planning of preventive and conflict-management measures in relation to each crisis with which the EU is involved;
17. Requests the Commission to encourage EU Member States to sign up to, and ratify, all core UN and Council of Europe human rights conventions and the optional protocols thereto; draws the attention of EU Member States to, in particular, the need to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the newly adopted International Convention for the Protection of All Persons from Enforced Disappearance;
18. Recognises the active involvement of the EU and its Member States with respect to human rights and democracy issues in a variety of international fora in 2006, including the newly established UN Human Rights Council (UNHRC), the UN General Assembly, the Ministerial Council of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe;
19. Welcomes the Council's intention to strengthen the relationship between the European Union and the Council of Europe; to that end, calls on the Council and the Commission to take into account the recommendations set out in the Juncker report of 11 April 2006 entitled "Council of Europe-European Union: a sole ambition for the European continent";

20. Notes that the new UNHRC has the potential to develop into a valuable framework for the EU's multilateral human rights efforts and recognises that, in its first year of existence, the UNHRC set an ambitious working programme which includes reviewing and maintaining of the system of Special Procedures, the establishment and implementation of the Universal Periodic Review to which all states will be subject, the definition of its working methods and the promotion and protection of human rights, especially where those rights have been violated or are at risk; regrets, however, that the new UNHRC has proven to be ineffectual in responding appropriately to human rights crises around the world due to the use of the UNHRC by many states as a forum for political pressure instead of the promotion of human rights; calls on the EU institutions and EU Member States to play a more active role in the UNHRC within the framework of the community of democracies, in order to strengthen and deepen democratic norms and practices worldwide;
21. Calls on EU Foreign Ministers and Presidencies to use their political influence to work towards tackling the difficulties encountered by the new UNHRC; affirms the need for a clear political agenda as regards action by Member States within the UNHRC; stresses that the UNHRC must no longer be used as a political forum for conflict between different geographical and ideological blocs globally; therefore urges EU Foreign Ministers and Presidencies to work towards building a consensus within the UNHRC in favour of greater involvement on the part of the international community in contributing to the resolution of serious human rights and humanitarian abuses;
22. Reiterates its call for a wide-ranging human rights agreement between the parties to the conflict in Sri Lanka and its facilitation by an effective, independent international monitoring mission, with unhindered access to areas controlled both by the government and by the Liberation Tigers of Tamil Eelam, as recommended by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr Philip Alston; considers that the European Union, as Co-Chair of the Tokyo Donor Conference, should take the lead in developing a consensus on the proposals submitted to the UNHRC in this regard;
23. Recognises the need for the EU to make more effective use of its leverage in order to promote important issues on the agenda of the UNHRC and to better fine-tune its lobbying and outreach activities;
24. Reminds the Council of its above-mentioned resolution of 16 March 2006, which welcomed the establishment of the UNHRC and called on the EU to play a pioneering role within that institution; welcomes, in this context, the setting-up of a mechanism aimed at holding special sessions to respond to urgent crises and human rights violations; is concerned, however, about the already high degree of politicisation of UNHRC special sessions; calls for the retention and protection of the independence of the Special Procedures; welcomes the creation of a universal periodic review mechanism and calls in this regard for an evaluation process based on the implementation of the recommendations made by UN independent mechanisms; encourages the involvement of independent civil society where appropriate, and recognises the value of the involvement of victims of human rights violations in an interactive dialogue with the international community, especially in cases where people cannot express their opinions in their own countries; calls on EU members of the UNHRC to explain their votes on all resolutions;

25. Underlines the positive role that Special Rapporteurs can play in the UNHRC structure, and calls for continued support for such special procedures; recognises, however, that, if Special Rapporteurs are to be effective, they need to be properly financed and staffed; underlines that their independence should be preserved;
26. Urges Member States, in their bilateral dealings with UNHRC members, to push the agenda of the UNHRC in a positive direction; recognises that Parliament and the EU must continue to forge alliances outside Geneva, particularly with influential states; considers that Parliament needs to continue to attend UNHRC meetings on a regular basis;
27. Expresses its disappointment at the weakness of the UNHRC resolution on Darfur; considers that the Darfur conflict is increasingly affecting the stability of the Central African region and constitutes a threat to international peace and security; deplores the fact that the UNHRC delegation was prevented from entering Sudan by not being granted visas by the authorities; considers that immediately halting the spread of violence and protecting the people of Darfur must remain the highest priority for the international community; recognises also that long-term security can only be guaranteed with a political settlement of disputes in the region; urges both the Council and the Commission to work within the UNHRC towards the establishment of a comprehensive peace strategy involving all parties; urges the European Union and Member States to make more effective use of their leverage at UNHRC level and for the UNHRC to adopt appropriate and strong measures to respond to the humanitarian catastrophe in Darfur, following the report of the special UNHRC mission;
28. Expresses its concern at the difficulties experienced by EU Member States in reaching agreement with the Organization of the Islamic Conference on a series of UNHRC resolutions; considers that the continuing unresolved Israeli-Palestinian conflict is a major stumbling block to positive cooperation;
29. Expresses its concern at the effect on the ordinary Palestinian people of the EU decision to suspend the provision of aid through the Palestinian Authority, as a result of the failure of the Authority to fulfil legitimate conditions; urges expansion of the temporary international mechanism and urges the Council and the Commission to monitor changing circumstances closely and to encourage circumstances that would allow for the resumption of the provision of aid through the Authority;
30. Encourages EU members of the UNHRC to examine how they might make more effective use of their debating time;
31. Is concerned that, despite the fact that the Council's Working Party on Human Rights (COHOM) has increased the number of meetings it holds, more time and resources are required to achieve EU goals at UNHRC level; calls on Member States and the Commission to strengthen available human resources in Geneva;
32. Urges Member States not to support as candidates for positions of responsibility in international fora countries which have been shown to commit gross and systematic human rights and democracy violations; calls on Member States to enter into negotiations with like-minded influential states aimed at blocking the election of such countries to such positions; supports the call for all candidate countries to be required to cooperate with Special Procedures and other mechanisms set up by the UNHRC; in this respect, calls once again on Member States to express support for membership criteria which

would link accession to the UNHRC to the obligation for Member States to issue a standing invitation to UN mechanisms;

33. Encourages the Council to use targeted sanctions, as introduced against the Belarusian regime, to penalise persons particularly responsible for violations of human rights in other countries;
34. Reiterates its request to the Council to explain how it was possible for Belarus to be elected onto the Governing Body of the International Labour Organization (ILO) in June 2005 when four major EU countries are permanent members of that Governing Body; asks the Council to explain its diplomatic demarches prior to that election and whether it considered opposing Belarus' membership;
35. Notes with concern that in October 2006 a report of a UN group of experts concluded that conflict diamonds from Côte d'Ivoire were infiltrating the legitimate diamond trade through Ghana, a Kimberley Process participant; calls on the Commission to use its position, as Chair of the Kimberley Process throughout 2007, to strengthen the mechanisms designed to stem the flow of conflict diamonds; recommends that the Commission work towards building a consensus requiring all sectors of the diamond trade to implement systems which track diamonds from the mines to the retailer, to have responsible and transparent policies in place with warranties verified by an independent auditor and to improve the accuracy of the rough diamond trade statistics so that effective analyses may be produced quickly enough to detect any trade in conflict diamonds;
36. Calls on the Council and the Commission to uphold the Oslo Declaration on Cluster Munitions of 23 February 2007, signed by 46 countries, which seeks the conclusion by 2008 of an international treaty prohibiting the production, use, transfer or storage of cluster bombs in accordance with the principles of international humanitarian law; calls on the Council and the Commission to take action at European Union level to ensure that the various Member States follow the example of Austria and Belgium in banning cluster bombs and at international level to ensure that those countries which have not yet signed the Oslo Declaration now do so;
37. Calls on the Council and the Commission to continue their vigorous efforts to promote the universal ratification of the Rome Statute and the adoption of the necessary national implementing legislation, in conformity with Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court¹ and the related Action Plan of 4 February 2004; welcomes the fact that Chad recently ratified the Rome Statute, thereby bringing the total number of states parties to 104 as at 1 January 2007; urges the Czech Republic, as the only remaining EU Member State not to have ratified the Rome Statute, to do so without delay; in the same spirit, calls on the Council and the Commission to encourage third countries to promote transitional justice mechanisms on their territory as a step towards securing justice for the victims of grave violations of human rights;
38. Welcomes the fact that references to the ICC have been included in several new European Neighbourhood Action Plans (relating to Egypt, Jordan, Moldova, Armenia, Azerbaijan, Georgia, Lebanon and Ukraine) and are being negotiated in the context of other new Action Plans as well as Partnership and Cooperation Agreements with several countries; fully supports the Commission's financing, via the European Instrument for Democracy

¹ OJ L 150, 18.6.2003, p. 67.

and Human Rights (EIDHR), of the work of, inter alia, the Coalition for the International Criminal Court, of No Peace Without Justice, of the International Federation for Human Rights and of Parliamentarians for Global Action to promote the ratification and implementation of the Rome Statute;

39. Recognises the importance that ratification of the Rome Statute by the United States would have from a global perspective; calls once again on the Council and the Commission to use all available mechanisms to encourage the US to sign and ratify the Rome Statute and also to express strong disapproval of US efforts to actively prevent other countries from ratifying the Statute and from proposing to third countries parallel agreements such as bilateral exemption treaties;
40. Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice;
41. Urges all Member States to contribute actively to ad hoc international judicial mechanisms, particularly those receiving voluntary funding;
42. Stresses that the above-mentioned transitional judicial mechanisms must never deviate from respect for human rights and the rule of law, this being the only means of ensuring justice for victims and preventing continued impunity for the most serious human rights violations;

Performance regarding the EU Human Rights Guidelines

43. Appreciates the ongoing efforts to implement the methods and policy priorities outlined in the five EU guidelines on human rights as well as the production of impact assessments for each of those guidelines, weighing up their effectiveness in forging change in third countries; is concerned at regular reports that the embassies of EU Member States in third countries and EU missions have little or no knowledge of the guidelines;
44. Asks the Commission to ensure that all its staff, in particular those working in the field of development policy, are sufficiently aware of the human rights guidelines; recognises the need for greater transparency regarding the way in which the different guidelines are operated, including feedback on individual cases and information on action taken by NGOs; calls for regular and transparent evaluations of the implementation of the EU guidelines involving Parliament, so as to allow it to play an active role in accountability;
45. Commends the German Presidency's commitment to establish EU human rights guidelines on the rights of the child; encourages it to consult Parliament, the Commission and civil society on the detail of such guidelines and, if necessary, to coordinate with the future Portuguese Presidency in order to complete the introduction of those guidelines, which should aim at the effective elimination of child labour, focusing principally on teaching and educating children, this being one of the Millennium Development Goals;
46. Notes that the EU guidelines relate to different countries in different ways and that individual plans to implement the guidelines are required in different circumstances;
47. Notes the responsibility of EU Special Representatives and EU missions abroad in promoting the EU guidelines; encourages a more proactive approach to promoting the guidelines at all levels; underlines the resource and personnel problem within EU

missions in third countries concerning guideline awareness, monitoring and implementation; calls on the Member State representations in third countries and the Commission delegations to coordinate more effectively, sharing structures and staff so as to create genuine “European Union embassies” throughout the world and thereby assume responsibilities in the field of human rights;

Death penalty

48. Urges Presidencies to continue the approach of promoting the abolition of the death penalty by prioritising a specific number of countries where there are prospects for a positive change in policy;
49. Encourages Presidencies to disclose which countries they intend to target in the context of the EU guidelines on the death penalty under the so-called “countries on the cusp” campaign aimed at states whose policy on the death penalty is in flux; encourages the Council and the Commission to seek greater support for moves by the current UN General Assembly to achieve a universal moratorium on capital punishment leading to its total abolition, including sentencing; urges the Council to update the guidelines, which date back to 1998, so that new elements and strategies which have developed since then can be taken into consideration;
50. Suggests that the Council undertake a review of the guidelines and that this review could provide for the EU to intervene with regard to individual cases of particular concern which do not fall under UN minimum standards as provided for in the guidelines;
51. Calls on the Presidency to encourage those remaining countries which have not signed up to and ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) to do so, as well as those Member States that have not signed Protocol No. 13 to the ECHR concerning the abolition of the death penalty in all circumstances¹; recognises, in that regard, that the guidelines on the death penalty could be implemented more coherently if Member States were to sign up to and ratify such protocols and conventions;
52. Welcomes the organisation in Paris (1-3 February 2007) of the third World Congress against the Death Penalty and associates itself with its final declaration; intends to follow up on the Congress, notably by developing the parliamentary dimension of the global campaign against the death penalty and raising the matter through its inter-parliamentary delegations and participations in joint parliamentary assemblies; calls on the Council and the Commission to take every possible opportunity to support the establishment of regional abolitionist coalitions, with a special focus on Arab countries;
53. Welcomes – as a good example of the effective use of the EU guidelines on the death penalty – the coordinated and public reaction of EU representations in Peru to the proposals to extend the death penalty in that country in violation of the Peruvian constitution and the American Convention on Human Rights;
54. Applauds the coordinated, effective action – both public and diplomatic – of the European Parliament, the Commission, concerned Member States and NGOs to secure the

¹ As at 7 February 2007, France, Italy, Latvia, Poland and Spain had signed but not ratified Protocol No. 13.

sovereign decision of the President of Pakistan to commute the death sentence imposed on, and ultimately release, Mirza Tahir Hussain, a British national who had served 18 years on death row in Pakistan; urges the EU to continue to raise individual cases under the death penalty guidelines and recommends that the Council and the Commission make effective use of the parliamentary dimension in this regard, having recourse, in particular, to timely and useful interventions by inter-parliamentary delegations;

Torture and other cruel, inhumane or degrading treatment

55. Welcomes the entry into force on 22 June 2006 of the Optional Protocol to the Convention Against Torture (OPCAT); notes that only 19 EU Member States have so far signed and only 9 ratified the Protocol¹; urges all EU Member States which have not so far signed and ratified the OPCAT to do so in the coming year;
56. Welcomes the launch of the International Convention for the Protection of All Persons from Enforced Disappearance; asks all EU Member States to sign and ratify it promptly;
57. Recommends that the EU continue to raise individual cases of torture under the torture guidelines in the same way as it has done with death penalty cases under the death penalty guideline;
58. Approves of the Council's decision to make the terms of certain demarches public, and recognises this step as progress towards greater transparency; asks the Council and the Commission to take into particular consideration the conclusions and recommendations of Parliament's study concerning implementation of the EU guidelines on torture and other cruel, inhuman or degrading treatment or punishment;
59. Underlines that, although those guidelines were adopted as long ago as 2001, the use of political dialogues, declarations and demarches in relation to the actual practice of torture has been minimal; encourages future Presidencies to carry out an assessment, evaluation and planning for the torture guidelines; calls on the Council to take into consideration the recommendations provided by the study on this matter requested by its Subcommittee on Human Rights within the Foreign Affairs Committee in the future process of evaluation of those guidelines; encourages the EU to broaden the scope of implementation, in particular by developing a procedure to identify and demarche on individual cases in selected countries;
60. Recommends to the German and Portuguese Presidencies that they continue the series of demarches on torture when and where relevant; underlines nevertheless that demarches alone are not enough and that other complementary actions should be carried out consistently and after thorough analysis of local situations, for example by strengthening relations with civil society groups working in the field of torture and ill-treatment, considering efficient ways to address individual cases of torture and ill-treatment in addition to those involving well-known human rights defenders and ensuring the

¹ Signed but not yet ratified (as of January 2007): Austria (2003), Belgium (2005), Cyprus (2004), Finland (2003), France (2005), Germany (2006), Italy (2003), Luxembourg (2005), the Netherlands (2005), Portugal (2006) and Romania (2007). Signed and ratified: the Czech Republic, Denmark, Poland, Spain, Sweden, the United Kingdom, Malta, Estonia and Slovenia. Therefore, Bulgaria, Greece, Hungary, Ireland, Latvia, Lithuania and Slovakia have so far neither signed nor ratified the OPCAT.

coherence and continuity of action of EU missions committed to fighting torture and ill-treatment in third countries;

61. Emphasises that the regular presence of the Presidency or the Council Secretariat in the relevant UN Committees as well as further cooperation with the Council of Europe and its Committee for the Prevention of Torture can result in substantial and useful material input into decision-making concerning demarches towards certain countries;
62. Urges the Council and the Commission to continue the practice of demarches in respect of all of the EU's international partners regarding the ratification of international conventions banning the use of torture and ill-treatment, as well as the provisions of rehabilitation to torture survivors; calls on the EU to regard the fight against torture and ill-treatment as a top priority of its human rights policy, in particular through enhanced implementation of the EU guidelines and all other EU instruments such as the EIDHR and by ensuring that EU Member States refrain from using diplomatic assurances with third countries where there is a real risk of people being subjected to torture or ill-treatment;
63. Reaffirms that female genital mutilation is a violation of the human right to physical integrity and is alarmed at attempts to place such acts of mutilation in the same category as standard medical practices;

Children and armed conflict (CAAC)

64. Welcomes the appointment of Ms Radhika Coomaraswamy as Special Representative of the UN Secretary-General for Children and Armed Conflict in April 2006, with the mandate of defining strategies to deliver tangible protection for children affected by armed conflict and to ensure the full implementation of international child protection standards and norms;
65. Welcomes the joint organisation by the French Foreign Minister and the UN Children's Fund (UNICEF) of the Conference entitled "Free Children from War" in February 2007, and the adoption of the Paris Principles and guidelines on children associated with armed forces or armed groups, as an important step in motivating the international community to promote protection, to raise awareness and to make the issue of children in armed conflicts central to peacekeeping and peace-building;
66. Stresses that girl soldiers give particular cause for concern, being victims of both sexual exploitation and all too frequent ostracism within their communities following their demobilisation, and calls for measures specifically addressing their problems and helping them to adapt following their demobilisation and return to civilian life;
67. Calls on all the Member States to ratify the optional protocols to the Convention on the Rights of the Child;
68. Notes that many countries, including some EU Member States, train children for armed conflict; calls on all countries to take steps to ensure that persons under the age of 18 are not given training for armed conflict;
69. Welcomes the Implementation Strategy (IS) adopted in April 2006 by the Austrian Presidency, which identifies specific recommendations for action, and its indications that

human rights issues should be considered systematically in the early stages of the planning of European Security and Defence Policy (ESDP) operations; praises the efforts made by the Finnish Presidency with a view to implementation of the IS; regrets that political tools available to the EU (such as demarches and political dialogues) have not been applied to their full potential since the adoption of the guidelines in 2003;

70. Emphasises the importance of continuing to focus on the guidelines in addition to the IS, inasmuch as the guidelines are more holistic; regrets that the Finnish Presidency undertook only very few demarches and other steps regarding CAAC; insists that the EU maintain high standards of quality and depth when monitoring and reporting on CAAC; urges the Commission and the High Representative for the CFSP to ensure that future Presidencies are fully aware of the IS;
71. Asks the Commission and the Council to draw up a list of questions for heads of mission to refer to in order to assist them in their regular reporting; asks the Commission and the Council to draw up a list of criteria determining whether or not a country is a “priority”, and asks that the Commission and the Council consult more with stakeholders with a view to seeking their opinions; urges the Commission and the Council to produce a paper, as suggested in the IS recommendations, containing proposals as to how to implement UN Security Council Resolution 1612 (2005);
72. Calls on the Commission to better reflect the aims of the guidelines by mainstreaming CAAC in all areas, including development cooperation;
73. Welcomes the call for proposals launched by the Commission in early 2006 with a view to selecting for funding projects that fight against the trafficking of women and children and seek to protect the rights of vulnerable groups in armed conflicts, especially children's rights;
74. Welcomes also the adoption in December 2006 of the EU Concept for support to Disarmament, Demobilisation and Reintegration, containing strong and systematic references to children, and EC support (via the Commission's Directorate-General for Humanitarian Aid, ECHO) to the UNICEF-led process of revision of the “Cape Town Principles” on the disarmament, demobilisation and reintegration of children;

Human rights defenders

75. Stresses that full implementation of the 2004 EU Guidelines on Human Rights Defenders must be prioritised and that the Council recommendations adopted in June 2006, further to the first review of the implementation of the guidelines conducted by the Austrian Presidency, must be followed up with concrete action; encourages the Council to facilitate adequate follow-up to demarches, and the evaluation of the impact of action taken on behalf on individuals, by creating a central database in respect of EU demarches;
76. Stresses that the EU needs to increase the level of awareness among all EU actors in Brussels, in capitals and at mission level about the existence, purpose, content and operational application of the guidelines; recognises that internal awareness-raising should aim at creating a deeper understanding of the work of human rights defenders; calls on the Commission and on Member States to organise training workshops for regional departments as well as staff in delegations, embassies and consulates on the application of those guidelines, with human rights defenders participating at an early

stage, as well as exchanges of good practice regarding the provision of financial and non-financial support to human rights defenders; considers that the idea of issuing visas for human rights defenders in grave danger, as recommended by the Council, should be an important priority;

77. Emphasises the importance of making the handbook for the implementation of the guidelines available to human rights defenders on the ground; encourages COHOM to disseminate translations of the EU Guidelines for Human Rights Defenders in EU languages that are the lingua franca in third countries and in key non-EU languages amongst regional desks and embassies/delegations; stresses that EU missions need to reach out to local human rights defenders in a more proactive manner;
78. Calls on the Council and the Commission to raise the situation of human rights defenders systematically in all political dialogues including bilateral dialogues with EU Member States; calls on the Council to inform Parliament systematically about the implementation of the guidelines on the ground and to involve it fully in the process of evaluating them; welcomes the fact that one of the priorities of the EIDHR is the protection of human rights defenders, which includes the introduction of urgent protection measures by the EU; welcomes also the initiative of the global EU campaign in support of women human rights defenders; notes the reports and recommendations of the UN Special Representative on Human Rights Defenders, Ms Hina Jilani;

Guidelines on human rights dialogues and recognised consultations with third countries

79. Stresses that the European Union global strategy for the promotion of human rights and democracy cannot be based solely on bilateral or multilateral relations between States, but must involve and encompass as far as possible non-governmental actors, including parliamentarians, academics, intellectuals, journalists, the defenders of democratic values, activists, NGO leaders and opinion makers;
80. Welcomes the fact that the Council has drawn up a document providing an overview of human rights dialogues and consultations; asks the Council to take into consideration Parliament's own-initiative report, currently being drafted, on the evaluation of human rights dialogues and consultations with third countries; in this context, regrets that the Council's evaluation was declared confidential and asks the Council to respond favourably to the invitation to develop, together with Parliament, a system whereby selected Members of the European Parliament can be kept informed about classified activities; suggests once again that such a scheme could be modelled on the system for informing selected MEPs about classified material regarding security and defence; takes the view that, in general, dialogue concerning human rights should be planned and conducted transparently, with appropriate means being sought to attain that purpose;
81. Emphasises the need to strengthen and improve the EU-China human rights dialogue considerably; recognises that China has now decided to have all death penalty cases reviewed by the Supreme Court, but remains concerned that China still carries out the majority of executions worldwide; stresses that China's human rights record remains a matter of serious concern; calls on the Council to provide a more detailed briefing to Parliament in public session following discussions; stresses the importance of reiterating points that were raised in previous dialogues; supports the Commission and the Council in their current reflections on ways of improving the dialogue; notes that, despite significant economic reforms, political and human rights concerns still persist regarding such matters

as political imprisonment, forced labour, freedom of expression and religion, rights of religious and ethnic minorities, the Laogai camp system and allegations of organ harvesting; notes that such concerns should receive more focus in the build-up to the Beijing Olympic games; urges the EU to ensure that its trading relationship with China is contingent upon human rights reforms and calls in this regard on the Council to make a comprehensive evaluation of the human rights situation before finalising any new Partnership and Cooperation Framework Agreement; calls on the Council and the Commission to raise the issue of Tibet and to actively support the strengthening of the dialogue between the Chinese Government and envoys of the Dalai Lama;

82. Is very concerned that the human rights dialogue with Iran has been interrupted since 2004 due to a lack of cooperation from Iran; regrets that, according to the Council, no progress had been made; urges Iran to re-engage in the dialogue and, drawing on input from the EU, to define benchmarks aimed at real improvements in the field; calls on the Commission to implement all actions required within the framework of the EIDHR, so as to promote contacts and cooperation with Iranian civil society and to further support democracy and human rights; expresses its deep concern regarding the deterioration of the human rights situation in Iran and points out, in particular, the intensification of the repression directed against human rights defenders; at the same time, deplores the fact that Iran continues to apply the death penalty under conditions which violate international standards, and denounces in particular the executions of juvenile offenders; calls on the Council to express concern about the human rights situation in the country in all its contacts with the Iranian government and to concentrate its efforts on protecting human rights defenders, and especially women, as well as to persuade Iran to adopt an immediate moratorium on executions as a first step towards abolition;
83. Notes the continuation of the EU human rights consultations with Russia; supports the Council in its aim of developing those consultations into a frank and genuine EU-Russia human rights dialogue and calls for the involvement of the European Parliament and of European and Russian NGOs in such a process; regrets that the EU has had only limited success in bringing about policy change as a result of raising difficult issues such as the situation in Chechnya, impunity and the independence of the judiciary, the treatment of human rights defenders, the independence of the media and freedom of expression, the treatment of ethnic minorities, respect for the rule of law and human rights protection in the armed forces, discrimination based on sexual orientation as well as other issues; is concerned about Russian legislation limiting the activities of NGOs; deplores the fact that journalists and human rights defenders have been threatened and remains appalled at the murder of Anna Politkovskaja; expects that Russia will take further measures to protect freedom of expression and the security of journalists and human rights defenders; considers, in this regard, that Russian cooperation with UN human rights mechanisms as well as the ratification of all relevant human rights conventions should be regarded as a priority by the EU; is concerned about allegations that the Russian government is behind the poisoning of Alexander Litvinenko, who died in November 2006 in London; expresses concern at new allegations being brought against Mikhail Khodorkovsky, the former Yukos chief detained in 2003, and is equally concerned about his alleged treatment while in detention; urges the Commission and the Council to raise such cases with Russian authorities at the highest level and in the new Partnership and Cooperation Agreement with Russia; urges the Commission to lay down clearer obligations and establish more efficient monitoring mechanisms, in addition to the human rights clause, in order to achieve a real improvement in the human rights situation;

84. Welcomes the efforts made so far by the Council, the Commission and the European Parliament to combat human rights abuses in Belarus; stresses that this policy should be continued, with particular emphasis on violations of freedom of speech and of the rights of peaceful assembly and association, as well as violations of the rights of national minorities; points to the need to support the political opposition, which is a target of repression;
85. Urges the Commission and the Council to set up human rights subcommittees with all neighbourhood countries aimed at the promotion of human rights and democracy, as has been the case for Morocco and Jordan and as is presently envisaged for Egypt, Tunisia and Lebanon; reiterates its call for Parliament to be associated with the preparation of these meetings and to be duly informed of their outcome;
86. Recognises attempts to set up a human rights dialogue with Uzbekistan, but notes that this has not been possible due to the inability of Uzbekistan to approach such a dialogue in a constructive way; considers, in this regard, that engaging in a human rights dialogue with Uzbekistan should not lead to the lifting of sanctions imposed on that country if no progress is made in the area of human rights and democracy; consequently, calls on the Council to make a comprehensive evaluation of the human rights situation before taking any decision;
87. Is confident that progress in the Six-Party Talks will contribute to a more favourable political climate in which the human rights dialogue with the Democratic People's Republic of Korea might be re-opened; calls on the Commission and the Council to vigorously pursue that objective in the course of contacts and negotiations with the DPRK;
88. Notes the negotiations by the Commission and the Council in relation to Turkey's road to accession and the problems that have been encountered; is concerned about the limited progress achieved to date and the need for greater focus on human rights issues in Turkey, especially as regards freedom of religion for all religious communities and full enjoyment of their property rights, protection of minorities, freedom of expression and human rights concerns relating to the population of Kurdish origin in the south-east of the country; condemns the tragic murder of journalist Hrant Dink in January 2007, which exemplifies a nationalistic feeling amongst certain sections of Turkish society, but was encouraged by the strong condemnation of the murder across the country including by the government and the swift apprehension of the perpetrators; encourages the Turkish government to change Article 301 of the Turkish Penal Code, which clearly limits freedom of expression in the media;
89. Asks the Council and the Commission, particularly in post-conflict situations, including situations in which the rape of women and girls has been used as a weapon of war, and in which violence against women is still widespread, to take into account efforts of partner countries to address past human rights violations as evidence of current commitments to human rights issues;
90. Underlines that, during human rights dialogues and consultations, EU institutions should raise all concerns relating to violations of human rights and fundamental freedoms as well as cases of discrimination; stresses the importance of such dialogues and consultations when violations are widespread and/or systematic and recognises that international pressure can play a role in preventing further violations;

91. Notes with concern that the participation of Parliament is not always as comprehensive as it should be in human rights dialogues and consultations, and encourages the Council and the Commission to open up the dialogues to increased participation by Members of the European Parliament;

General scrutiny of Council and Commission activities including the performances of the two Presidencies

92. Commends the cooperation between the Finnish and Austrian Presidencies aimed at ensuring a consistency of approach towards human rights and democracy issues; looks forward to the German, Portuguese and Slovene Presidencies' continuation of this process of collaboration;
93. Supports the Council and the Commission in their stance against the ongoing human rights and democracy violations in Burma/Myanmar and the EU's commitment to attaining its stated objectives, namely to see the establishment of a legitimate, democratically elected civilian government which respects the human rights of its people and restores normal relations with the international community; urges the Commission and the Council to strengthen the EU's common position by adopting more effective and targeted sanctions in light of the reality that the situation in Burma/Myanmar continues to deteriorate; encourages the Council and the Commission – as part of the common position on Burma/Myanmar – to engage more proactively with Association of Southeast Asian Nations (ASEAN) countries and neighbouring states to urge them to use their influence responsibly so as to bring about positive change; calls for a proactive initiative to be taken by the UNHRC, which could take the form of a special session on this matter; encourages the Council and the Commission to urge China, India and other countries which continue to supply weaponry and other support to the military junta to desist from this and to join the international community in its efforts to bring about change for the better in Burma/Myanmar; notes the efforts made to date at UN Security Council level in recognition of the continuing humanitarian crisis; urges the Council and the Commission to seek a consensus with China, Russia and South Africa on a binding resolution, requiring meaningful tripartite dialogue between the State Peace and Development Council, the National League for Democracy and the ethnic nationalities, and the release of all political prisoners, including Aung San Suu Kyi;
94. Expresses its disappointment at the lack of any positive results in the process to obtain the release of, or ensure a fair trial for, five Bulgarian nurses and one Palestinian doctor, who were detained and sentenced to death by the Libyan regime for intentionally infecting children with the AIDS virus, on the grounds of confessions obtained through torture; notes that, despite ongoing efforts by the Commission to resolve the issue through political dialogue and by providing medical treatment to the infected children, the Libyan regime remains as defiant as ever with regard to the case and continues to issue provocative statements in the media; in light of this, urges the Commission to review its policy tools vis-à-vis Libya so as to find a more efficient approach to resolving the issue quickly and put an end to eight years of agony and flagrant human rights violations;
95. Regrets that the Council and the Commission have failed to take any decisive action to persuade the Ethiopian Government to immediately and unconditionally release all elected Members of Parliament and other political prisoners and to fulfil its obligations with respect to human rights, democratic principles and the rule of law; recalls the several

European Parliament resolutions on Ethiopia, adopted since the 2005 Ethiopian elections observed by the EU, and especially the most recent of these, adopted on 16 November 2006¹;

96. Invites the Council and the Commission to encourage and assist the government of Senegal in preparing for the prompt and fair trial of Hissène Habré, in order to answer accusations of mass violations of human rights;
97. Recognises the significant human rights consequences of the ongoing war in Iraq and the complex nature of the current fragile political situation; notes the reports and resolutions adopted by Parliament on Iraq and the recommendations contained within them; urges the Council and the Commission to constantly assess how the EU could play a more constructive role in bringing about stability in Iraq; notes with total stupefaction the provisional suspension by ECHO of humanitarian aid for Iraq, notwithstanding the disastrous situation afflicting the suffering Iraqi people and Iraqi refugees; welcomes, however, the resumption of this aid from February 2007;
98. Commends the Commission for raising the profile of the problem of human trafficking in the EU and urges that the necessary measures be taken to combat the trafficking of human beings, in particular women and children; urges the Commission to continue to hold to account Member States which have not complied with agreed anti-trafficking conventions and directives, particularly Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities²; also emphasises that in the fight against trafficking in human beings a human rights approach with respect to the victims of trafficking should be adopted; praises the Austrian Presidency in particular for organising a number of anti-trafficking initiatives including an EU expert conference in June 2006 on the implementation of the EU Plan on Trafficking in Human Beings, and notes the conclusions and recommendations resulting from that two-day event;
99. Regrets that the Finnish Presidency did not organise a fourth meeting of the EU Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes, which represents an invaluable means of strengthening cooperation among EU Member States in investigations and prosecutions of international crimes at national level; draws attention to the commitment in the Council's conclusions on the EU Network to hold one meeting during each Presidency, and calls for effective implementation of the conclusions of previous EU Network meetings; asks each Presidency to make this a standard point in its programme;
100. Welcomes the communication from the Commission entitled "Towards an EU Strategy on the Rights of the Child" (COM(2006)0367); hopes that the Commission is thereby providing a solid basis for more effective and comprehensive policies designed to protect the most fundamental rights of the child; is concerned, however, at the increasing lack of respect for the rights of the child being shown at international level;
101. Deplores the fact that the violence in Darfur has continued unchecked, and that the Sudanese government has not been held accountable for its repeated failures to comply

¹ *Texts Adopted*, P6_TA(2006)0501.

² OJ L 261, 6.8.2004, p. 19.

with international demands and protect its citizens from violence, while welcoming the recent indictments issued by the ICC; regrets that the EU has not taken more unilateral action regarding the crisis in Darfur and has not tried harder to persuade the government of Sudan to accept an international peacekeeping force; stresses that persistent diplomatic pressure is needed to demonstrate to the government of Sudan that its verbal commitments must be followed by comprehensive and sustained efforts aimed at halting the violence in Darfur, and that the international community will not accept further neglect by Sudan of its commitments and its responsibility to protect its citizens; urges the Council to agree a plan of specific, targeted sanctions to be imposed on the Khartoum regime, in accordance with a clear timetable, in the event of non-compliance with the demands of the international community; urges the EU to contribute (and to put pressure on others to also contribute) to an international peacekeeping force and the enforcement of the no-fly zone over Darfur, and to ensure that the African Union is adequately resourced and assisted to fulfil its mandate; asks that the EU push for a UN peacekeeping mission in Chad with a strong civilian protection mandate; implores the Member States, the Council and the Commission to assume their responsibilities and to provide effective protection for the people of Darfur from a humanitarian disaster;

102. Calls for the adoption of a code of conduct on the standards to be adhered to by military and civilian peacekeeping and humanitarian personnel while on mission in areas of armed conflict, to include sanctions for non-compliance with the high standards of conduct expected, especially in relation to any form of gender-based violence;
103. Welcomes the fact that five Member States have appointed special Ambassadors for Human Rights in order to conduct outreach activities, specifically in the human rights area, to third countries and notes the ongoing work in this area; asks other Member States to consider taking the same step;
104. Requests from the Commission and the Council an overview of countries which have not issued standing invitations to all Special Mechanisms, Special Rapporteurs and Special Representatives of the United Nations;
105. Welcomes the use of the new instrument of an EU list of “prisoners/detainees of concern” in respect of a few individual countries; reiterates its request that the Council should establish EU lists of “prisoners/detainees of concern” for each third country where there are human rights concerns and that it should raise the relevant list at each political dialogue meeting; asks the Commission to inform Parliament about all such existing lists;
106. Welcomes the fact that the Commission and the Council now establish and regularly update lists of “focus countries” in relation to specific issues, notably the list of countries “on the cusp” for the death penalty, “focus countries” in relation to torture and countries where the situation of human rights defenders is particularly distressing;
107. Is surprised that the Council Secretariat has so far not adhered to the decisions of the General Affairs Council of 12 December 2005 adopting the provision that the Council's updated EU human rights fact sheets are to be made available to all EU institutions¹; looks forward to receiving the current version of those fact sheets as soon as possible;
108. Welcomes the recognition by the Council that the newly adopted International

¹ Council Conclusions of 12 December 2005, 15293/1/05 REV 1, Annex, p. 14.

Convention on the Rights of Persons with Disabilities will further enable the EU to turn its attention outward in the promotion and protection of disability rights and, in the context of that new Convention, requests that the EU more effectively monitor the human rights situation of persons with disabilities in third countries with a view to reporting on key findings by 2009-2010;

109. Insists that all human rights and democracy discussions with third countries, instruments, documents and reports including the Annual Reports need to address explicitly discrimination issues including the issues of ethnic minorities, religious freedoms including discriminatory practices towards minority religions, and explicitly the protection and promotion of the rights of ethnic minorities, the human rights of women, the rights of children, the rights of indigenous peoples, disabled people including people with intellectual disabilities, and people of all sexual orientations, fully involving their organisations, both within the EU and in third countries, where appropriate;
110. Takes the view that an active policy to promote human rights cannot be confined to the cases attracting greatest public notice; points out that serious violations of rights occur on the fringe of public scrutiny, in closed institutions, for children, the elderly and the sick, and in prisons; points to the need for the Union to bring expert scrutiny to bear on the life of those institutions;
111. Asks the Council to reassess the procedure for listing terrorist groups and also to consider a clear method for taking groups off the list if they deserve to be removed therefrom (taking into account their attitude, history and practice);
112. Considers that a clear, efficient and harmonised common arms export control policy, anchored in a legally binding code of conduct, can play a decisive role in the fight against terrorism, in conflict prevention, in regional stability and in the promotion of human rights, and calls on the EU Presidency, the Council, the Commission and Member States to continue to be supportive of an International Arms Trade Treaty;
113. Deplores, as expressed in its resolution of 14 February 2007, the failure by the Council and the EU Presidencies to comply with their obligations to keep Parliament fully informed of the main aspects and basic choices of CFSP in relation to the work of its Temporary Committee investigating the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners;
114. Underlines that, at this stage when it is not possible for the EU to offer Belarus full participation in the neighbourhood policy, the EU should still make every effort to find appropriate ways to prevent further anti-democratic developments and human rights violations in that country, which is a direct neighbour of the EU; therefore calls on the Council and the Commission to monitor closely the situation in Belarus and to increase their support for the activities of civil society, NGOs and the political opposition;

The Commission's external assistance programmes

The European Instrument for Democracy and Human Rights (EIDHR)

115. Welcomes the fact that the Commission and the Council agreed with Parliament, at the latter's insistence, that a special financing instrument (the EIDHR) was needed for the promotion of democracy and human rights worldwide;

116. Welcomes the consultations carried out by the Commission with NGOs and civil society in relation to the implementation of the new EIDHR; calls for complete transparency regarding the ways in which money is spent and projects are chosen and assessed under that instrument;
117. Welcomes the adoption, under the EIDHR, of a new measure (among the ad hoc measures recently introduced under that instrument), making it possible to take urgent action for the protection of human rights defenders without the need for a tendering procedure; calls on the Commission to implement this new measure rapidly and effectively;
118. Notes that EIDHR funds used for European Union election observation missions in 2006 amounted to 23% of the total EIDHR funds used (EUR 35 176 103) and that such missions were conducted to 13 countries and territories including Aceh, Fiji and the Democratic Republic of Congo;
119. Notes that a large proportion (49%) of the total EIDHR funding for projects contracted in 2006 went to big thematic projects and only a small proportion (24%) to micro projects implemented by EC delegations; expects that the new financial instrument will enable the Commission to finance those NGOs which play a key role in the promotion of human rights and democracy in their countries but which are not legally recognised by the authorities in those countries;
120. Remains concerned that the administrative burden on civil society organisations as recipients of funding must be reduced and flexibility in the disbursement of funds increased by allowing re-granting, smaller grants for grassroots organisations and funding for unregistered NGOs;
121. Recommends that the Commission draft clear guidelines in order that potential recipients of funding understand the objectives and qualifying criteria;

Assistance programmes in general

122. Welcomes the fact that the Commission has begun to mainstream issues related to respect for human rights, democratic principles, the rule of law and good governance into programming meetings and documents when developing legal bases for instruments, country strategies, national indicative programmes, sectoral programmes, individual projects and evaluations; welcomes the fact that officers preparing projects or programmes have guidelines on how to mainstream such issues;
123. Welcomes the fact that the Commission (DG EuropeAid) is in the process of commissioning a study on how to mainstream into its activities a number of governance areas such as democratisation, the promotion and protection of human rights, reinforcement of the rule of law and the administration of justice, empowerment of civil society, public administration reform including anti-corruption, decentralisation and local governance; supports the Commission's work in developing this study into a practical tool to be used for the mainstreaming of governance into EC development cooperation for the benefit of programme managers in delegations and at headquarters level and consultants involved in the design or implementation of EC programmes; looks forward to receiving the study once it has been finalised;

124. Welcomes the fact that the Commission is in the process of drafting governance profiles for all ACP countries in the context of the 10th European Development Fund programme; calls, however, for greater transparency in the process of developing the governance profiles, to involve real and effective consultation with all stakeholders, including ACP partners and civil society organisations; calls on the Commission to include, in the section on social governance, government performance in the provision of basic social services to their entire populations;
125. Welcomes the fact that the Instrument for Economic Cooperation and Development Cooperation (ECDCI) has been split into two in such a manner that developing countries are now separated from industrialised ones¹; remains concerned, however, that no instrument now appears to cover conflict prevention;

Implementation of human rights and democracy clauses in external agreements

126. Recalls its above-mentioned resolution of 14 February 2006 regarding future EU policy on the application of human rights clauses in all EU agreements; notes as a first reaction that the Commission outlined several measures to improve the application of the clause, such as gradually extending human rights committees to more third countries; points out that the Council has not yet given a specific reply to the above-mentioned resolution, preferring continued implementation of the clause in the more general foreign policy context; welcomes the fact that heads of Commission delegations in third countries are required, as part of their mandate, to emphasise human rights more specifically; is concerned, however, by the recent Commission proposal to exempt India from the rule that all EU agreements must include a human rights and democracy clause, in the context of the negotiations for the EU-India Free Trade Agreement; considers that such a move would be a retrograde step and could set a worrying precedent for future negotiations on trade agreements; requests, therefore, that the Commission and the Council adopt a clear position on the detailed proposals contained in the above-mentioned resolution of 14 February 2006; stresses in particular the need to introduce a monitoring mechanism, regular assessment of compliance with human rights obligations and a progressive system of penalties for non-compliance in order to ensure proper implementation of the human rights and democracy clause contained in agreements concluded by the EU with third countries;
127. Notes that the Commission intends to draft new measures to improve implementation of the democratic clause, such as the progressive extension of human rights committees to encompass a larger number of third countries, or the invitation to the “EU heads of delegation” throughout the world to place greater emphasis on human rights; observes, however, that it is necessary for the Commission to table a strategic political plan together with a specific legislative initiative for the comprehensive reform of the democratic clause as indicated by Parliament, this being a strategic problem concerning the general approach of the European Union to the issue of human rights;
128. Draws the attention of the Council and the Commission to, in particular, the need to

¹ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41) and Council Regulation (EC) No 1934/2006 of 21 December 2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories (OJ L 29, 3.2.2007, p. 16).

systematically include a human rights clause in all new-generation sector-based agreements such as trade agreements so as to further foster the promotion, protection and realisation of human rights within the aims of those agreements;

Mainstreaming of human rights

129. Continues to support the Council in its efforts to mainstream human rights and democracy throughout the EU's work, in particular by focusing on the regular review and implementation of a particular set of EU human rights guidelines;
130. Points out that numerous internal policies, particularly those relating to asylum, immigration and anti-terrorist measures, are having a major impact on respect for human rights in third countries; considers that greater efforts must be made to ensure that the internal policies in question comply with human rights and international humanitarian law; expresses its deep concern at the high number of deaths of refugees trying to enter Member States; calls for more legal options to seek asylum and urges the Member States to take into account human rights violations, considering the right of persons coming from third countries to be granted asylum in a Member State; observes that, under the body of case-law established by the European Court of Human Rights, European States may under no circumstances return individuals to States where they are in danger of being subjected to torture or cruel, inhuman or degrading treatment;
131. Welcomes the ongoing work that the Council and the Commission are undertaking in order to strengthen the coherence between the EU's human rights policy and other international policies; considers it vital for the pursuit of a credible EU human rights policy that such coherence be reinforced; considers it necessary for Europe in future to speak with one voice; approves of the central theme of the EU Human Rights Forum entitled "Mainstreaming Human Rights and Democracy into European Union Policies";
132. Calls on the Commission to continue to monitor closely the granting of GSP+ benefits (Generalised System of Benefits) to countries which have shown serious flaws in the implementation of the eight ILO conventions relating to core labour standards, on account of breaches of civil and political rights or the use of prison labour; asks the Commission to develop criteria for when the GSP should be withdrawn on human rights grounds;
133. Condemns unconditionally all forms of exploitation of children, whether in the form of sexual exploitation, including child pornography and child sex tourism, or compulsory labour, together with all forms of human trafficking; notes with indignation the absence of any real reduction in the sexual exploitation of children, particularly as a result of internet use; takes the view that serious criminal offences are hereby being committed which must be prosecuted and punished;
134. Urges the Commission to continue to promote corporate social responsibility with European and local companies; asks the Council to report back to Parliament on any feedback from the UN Special Representative on Business and Human Rights, Mr John Ruggie, clarifying standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;
135. Welcomes the conclusions of the General Affairs Council of 13 November 2006 on promoting gender equality and gender mainstreaming in crisis management;

136. Recognises that immigration policy has become a priority on the Union's internal and external policy agenda and that in its texts the Union has been attempting to link immigration and development and ensure that the fundamental rights of immigrants are respected; maintains, however, that the reality on the ground gives the lie to those texts; expresses particular disquiet at the fact that agreements for the readmission of illegal immigrants are being concluded with third countries that do not have the legal and institutional machinery needed in order to handle the readmission of nationals and protect their rights; calls on the Council and the Commission to brief it on the progress made in this area since the publication, in 2005, of the first annual monitoring and evaluation report on cooperation by third countries to combat illegal migration; recommends that Parliament be involved from the outset when readmission agreements are to be negotiated and concluded; and maintains, in short, that any migration policy has to be a common policy and, above all, preventive rather than punitive;
137. Reiterates the importance of EU internal policy promoting adherence to international human rights law and the need for Member States to legislate in a way consistent with, inter alia, the obligations arising out of the Geneva Conventions, the Convention against Torture, the Genocide Convention and the Rome Statute of the ICC; welcomes the progress made in the application of universal jurisdiction in some Member States; in pursuit of greater coherence of internal and external policies, encourages the Council, the Commission and the Member States to incorporate the fight against impunity for serious international crimes in the development of a common EU area of freedom, security and justice;
138. Asks the Commission, the Council and the Member States to systematically include in the framework of discussions on human rights and fundamental freedoms with third countries the issue of persecution of, or discrimination against, persons on the basis of their sexual orientation, and to take appropriate progressive measures when similar human rights violations take place; requests them to take all necessary initiatives at the international level to stop persecutions based on sexual orientation as well as for decriminalisation, such as the adoption of a resolution on these issues by UN bodies, and decides to sponsor and celebrate every year, on 17 May, the International Day Against Homophobia;

Effectiveness of the European Parliament's interventions in human rights cases

139. Welcomes Parliament's important role in the human rights sphere, and in safeguarding commitments to improving human rights and democracy throughout the world by scrutinising the activities of other institutions and, in particular, through the Sakharov Prize;
140. Asks the Council and the Commission to note the study by the European Inter-University Centre for Human Rights and Democratisation entitled "Beyond Activism: The impact of the resolutions and other activities of the European Parliament in the field of human rights outside the European Union", finalised in October 2006;
141. Welcomes the activities of the Subcommittee on Human Rights, including regular reports by the Presidency, the Commission and the Personal Representative for Human Rights, exchanges of views (notably with UN Special Rapporteurs and independent experts), numerous hearings, expert testimony and studies; suggests that the impact of its work could be enhanced by systematic association with other committees such as the

Committees on Development, International Trade, Civil Liberties, Justice and Home Affairs, Women's Rights and Gender Equality and Budgets;

142. Recognises that the Subcommittee on Human Rights has continued to be committed to evaluating the implementation of the EU instruments in the fields of human rights and democracy, with special focus on the EU guidelines on torture, to making the Commission and the Council accountable for their actions in this field, to setting up a constant dialogue with international institutions on human rights issues, to providing a platform of expertise and, at the same time, an input on human rights and democracy aspects in response to reports from the Foreign Affairs Committee, to drafting own-initiative reports on specific human rights instruments, to mainstreaming human rights issues throughout the different bodies of the Parliament (committees and delegations), to organising and preparing the Sakharov Prize award procedure and to providing a platform for a permanent dialogue with civil society representatives;
143. Stresses the importance of enhanced cooperation with national parliamentarians with a view to coordinating the monitoring of human rights policies; considers that the Subcommittee on Human Rights should seek to open channels of communication and organise meetings with analogous committees of the national parliaments of EU Member States as well as of the third countries;
144. Calls for a more constructive role for the Subcommittee on Human Rights in the development of consistent and transparent criteria for the selection of urgency topics so as to ensure that parliamentary interventions are timely and have maximum impact; suggests that debates and voting time on urgency resolutions should be reorganised so that the Council may participate;
145. Recommends full implementation of the guidelines for Parliament delegations on visits to third countries;
146. Recommends translating resolutions and other key documents relating to human rights issues into the language spoken in the targeted countries;
147. Welcomes the active role played by the Subcommittee on Human Rights, the Committee on Foreign Affairs, the Committee on Development and the President of Parliament in standing up to cases of injustice around the world, especially through the award of the Sakharov Prize; considers that Parliament should aim at conferring more than a momentary visibility and that it should better fulfil the expectations raised, e.g. through systematic liaison with former laureates and sustained support; takes the view that the European Parliament should facilitate the establishment of a network of Sakharov Prize laureates, with regular meetings being held in the European Parliament so that the Sakharov Prize laureates may associate themselves with Parliament's activities in the field of human rights; strongly regrets the response of the Burmese and Cuban authorities to Parliament's request for their agreement to the sending of a delegation to visit former Sakharov Prize laureates;
148. Asks the Subcommittee on Human Rights to raise the profile of public hearings by improving attendance by MEPs and media visibility; calls on the Subcommittee to continue to invite prominent experts and key actors to attend, and to consider extending invitations to third country representatives and heads of EU missions; asks the Subcommittee to draw operational conclusions from all its meetings and exchanges of

views with a view to following up on commitments and information obtained and on policy options devised;

149. Welcomes the resolutions passed by Parliament calling for the closure of the Guantánamo Bay detention centre and the contributions that Parliament has made to raising the profile of that centre and its human rights concerns relating thereto; calls on the Council and the Commission to urge the US Government to find a mechanism that will facilitate the charging or releasing of detainees in accordance with international law; welcomes the fact that, in May 2006, Albania became the first country to resettle five Chinese Uighurs from Guantánamo, but regrets that 13 Chinese Uighurs who have been cleared for release by the United States Government remain in Guantánamo Bay as the United States Government has rightly concluded that they cannot be returned to China for fear of torture; calls on the Council, the Commission and Member States to work with the United States Government to facilitate the settlement of all those remaining individuals who the United States has concluded pose no threat to the United States or its allies but who cannot be returned to their home countries for fear of torture; is concerned that the very existence of the Guantánamo Bay detention centre continues to send out a negative signal as to how the fight against terrorism is being pursued;
150. Considers that the effectiveness of Parliament's work on human rights and democracy could be enhanced by establishing priorities for its actions, notably by focusing on issues where it is possible to reach a broad political consensus; considers that its Subcommittee on Human Rights should set up small working groups to follow each of the human rights guidelines; considers that existing formal powers should be better used to promote human rights, in particular the budgetary powers and the right to give assent;
151. Recalls its resolution of 18 January 2007 on Gender Mainstreaming in the Work of the Committees¹; calls on its committees to make every reasonable effort to respect gender balance in their activities (including the composition of delegations and invited speakers) and to implement gender action plans put forward by the Members appointed within each Committee as responsible for gender mainstreaming;
152. Suggests that different policy areas within the European Parliament could be better linked through the work of the committees in charge of human rights, budgets and international trade, in such a way as to improve the integration of budgetary and trade issues in the articulation of human rights concerns, so as to make the latter more realistic in terms of achievement and better attuned to the formal powers of the European Parliament;
153. Calls on the Council systematically to invite MEPs to attend preparatory and de-briefing sessions, such as those organised with NGOs, for human rights dialogues with third countries as well as European Neighbourhood Policy subcommittees on human rights;
154. Regards it as a priority to continue to work closely with the United Nations, in particular the UNHRC, and with Council of Europe representatives and bodies; considers that it is also important to establish closer working relations with the ACP, Euro-Mediterranean (EMPA) and Euro-Latin American (EUROLAT) parliamentary assemblies in order to exchange specialist knowledge and ensure greater coherence with regard to activities in the field of human rights and democracy;

¹ *Texts Adopted*, P6_TA(2007)0010.

155. Acknowledges the work of its Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, and the report of that Committee adopted on 14 February 2007¹; welcomes the efforts to collect information, examine the allegations and establish the facts in that regard and to raise the profile of extraordinary rendition and the use of EU countries by CIA aircraft to transport victims as a breach of human rights and a violation of international law; notes the criticism, as well as the recommendations, addressed to the Council, its Secretary General/High Representative and Member States; notes the role of its competent committees in ensuring the appropriate political follow-up to the above-mentioned report; requests the EU and Member States to work together at all levels to denounce the practice of extraordinary rendition now and in the future;
156. Welcomes the adoption of its resolution of 1 February 2007 on the human rights situation of the Dalits in India²;

Resources devoted to human rights work

157. Welcomes the fact that the Commission now gives greater prominence to human rights in the mandate of heads of Commission delegations in third countries;
158. Welcomes the fact that, in the ongoing process of renewing the mandates of the EU Special Representatives, a reference to human rights has been added to all the mandates;
159. Advocates that increased human resources in the human rights area be made available to all Special Representatives appointed by the Council;

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160. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe, the OSCE, the governments of the countries and territories mentioned in this resolution, and the offices of the main human rights NGOs based in the EU.

¹ *Texts Adopted*, P6_TA(2007)0032.

² *Texts Adopted*, P6_TA(2007)0016.