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## **DRAFT REPORT**

on the Annual Report on Human Rights in the World 2006 and the EU's policy  
on the matter  
(2007/2020(INI))

Committee on Foreign Affairs

Rapporteur: Simon Coveney

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### 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)<sup>1</sup>,
- 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 instruments<sup>2</sup>,
- 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 ICC<sup>3</sup>,
- 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 beings<sup>4</sup>;
- 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 Union<sup>5</sup>,
- having regard to the ACP-EU Partnership Agreement and its revision<sup>6</sup>,
- having regard to its previous resolutions on human rights in the world,
- having regard to its resolution of 16 March 2006 on the outcome of the negotiations on the UN Human Rights Council and on the 62nd session of the UNCHR<sup>7</sup>,

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<sup>1</sup> Council document 13522/1/06.

<sup>2</sup> See Annex to this report.

<sup>3</sup> 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.

<sup>4</sup> OJ C 311, 9.12.2005, p. 1.

<sup>5</sup> OJ C 364, 18.12.2000, p. 1.

<sup>6</sup> OJ L 317, 15.12.2000, p. 3; OJ L 209, 11.8.2005, p. 27.

<sup>7</sup> *Texts Adopted*, P6\_TA(2006)0097.

- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements<sup>1</sup>,
  - having regard to all urgency human rights resolutions adopted by it,
  - 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 Exports<sup>2</sup>,
  - having regard to the conclusions of the EU Human Rights Forum, held in Helsinki in December 2006,
  - having regard to the UN International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, adopted 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 in December 2006,
  - having regard to the European Union Guidelines on promoting compliance with international humanitarian law (IHL)<sup>3</sup>,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A6-0000/2007),
- A. whereas the Council and Commission's EU Annual Report on Human Rights 2006 is a general overview of the activities of the European Union institutions regarding human rights inside and outside the EU,
  - B. whereas the 2006 European Parliament Annual Report sets out to examine, evaluate and, where appropriate, offer constructive criticism of the human rights activities of the Commission, the Council and the overall activities of the Parliament,
  - 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 an impact on its credibility and ability to implement an effective external policy,
1. Welcomes the fact that the EU is playing an increasingly active role on the world stage to improve human rights globally; considers that the most recent enlargement of the EU to 27 Member States with 485 million inhabitants has increased the global importance of the EU and has thus given it greater weight in its efforts to promote human rights internationally;
  2. Considers that greater priority needs to be given to improving the ability of the EU to address human rights concerns with respect to third countries and to mainstreaming human rights policy with respect to the EU's trade, development and other external policies vis-à-vis such countries;

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<sup>1</sup> OJ C 290 E, 29.11.2006, p. 107.

<sup>2</sup> *Texts Adopted*, P6\_TA(2007)0008.

<sup>3</sup> OJ C 327, 23.12.2005, p. 4.

3. Continues to emphasise the need for a common, consistent and transparent policy implemented by all EU Member States in their bilateral relations with third countries with questionable human rights records, and calls upon Member States to conduct their bilateral contacts with those countries in a manner consistent with EU policy;
4. Considers that the progress made in setting up the Fundamental Rights Agency 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 European Convention on Human Rights;

***The EU Annual Report on Human Rights in the World 2006 (drawn up by the Council and the Commission)***

5. Underlines the importance of the EU Annual Report on Human Rights in raising the visibility of human rights issues in general;
6. 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 Alexandr Milinkevic 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;
7. 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;
8. Underscores the importance of ongoing efforts to promote the mainstreaming of human rights and the coherence and consistency of the policies and actions of the EU and its Member States in the field of human rights;
9. Regards it as a positive development that this report endeavours to do justice to the activities of the European Parliament, but asks future Presidencies to report in the next EU Annual Report on the ways in which Parliament's resolutions have been taken into account by the Council and the Commission;
10. 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 development and trade, in particular within the Council's working groups;
11. Calls on the Council and the Commission to consider adopting the approach taken by governments of some Member States and by certain international 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;
12. 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;
13. Welcomes the increased consultation with the European Parliament and moves towards

the creation of an EU Annual Report that represents the views of the Council, the Commission and the European Parliament; considers 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;

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

14. Pays tribute to the excellent work of the outgoing Personal Representative for Human Rights of the High Representative, Mr Michael Matthiessen, during 2006; continues to support the newly appointed Personal Representative of the High 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 all Member State representatives will fully support her work at all times;
15. Considers that the EU's capacity to respond to and manage crises is insufficient at present; recommends that a new structure be put in place whereby a crisis management procedure would be automatically triggered where appropriate, providing the necessary coordination and decision-making capacity within a short space of time, so as to offer a comprehensive EU response;
16. 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;
17. Recognises the active involvement of the EU and its Member States with respect to human rights 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;
18. Notes that the new UNHRC has the potential to develop into a valuable framework for the EU's multilateral human rights efforts; regrets, however, that in its first year of existence, 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;
19. Calls on EU Foreign Ministers and Presidencies to use their political leadership 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 not become a political forum for conflict between different geographical and ideological blocs globally;
20. 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;
21. 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; calls, in this context, for the retention of the "special procedures" and the creation of a universal periodic review mechanism; is concerned, however, about the already high degree of politicisation of UNHRC special sessions; calls on EU members of the UNHRC to explain their votes on all resolutions;

22. 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;
23. 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;
24. Expresses its disappointment at the weakness of the UNHRC resolution on Darfur; regrets that concrete action has not been taken more quickly on the basis of that resolution, regrets the length of time it has taken for the UNHRC to agree on who should be part of the expert panel to be sent to Darfur and is concerned that the panel may not be independent and expertise-based in nature;
25. 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 conflict between the Israeli and Palestinian territories remains a major stumbling block to positive cooperation;
26. Encourages EU members of the UNHRC to examine how they might make more effective use of their debating time;
27. 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;
28. 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 violations;
29. 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;
30. 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 Court<sup>1</sup> and the Action Plan; 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;
31. 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 Initiative for

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<sup>1</sup> OJ L 150, 18.6.2003, p. 67.

Democracy and Human Rights (EIDHR), of the work of the Coalition for the International Criminal Court and of Parliamentarians for Global Action to promote the ratification and implementation of the Rome Statute;

32. Recognises the importance and influence of the US in terms of future ratification of the Rome Statute globally; 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 establishing the ICC and also to discourage the US from actively preventing other countries from ratifying the Statute;

#### ***Performance regarding the EU Human Rights Guidelines***

33. 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;
34. 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;
35. 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;
36. Notes that EU guidelines relate to different countries in different ways and that individual plans to implement the guidelines are required in different circumstances;
37. 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;

#### ***Death penalty***

38. Urges Presidencies to continue the approach of promoting the abolition of the death penalty by focusing on a specific number of countries where there are prospects for a positive change in policy;
39. 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 not to over-focus on their moratorium strategy as an end goal but to concentrate instead on the abolition of the death penalty as a whole 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;

40. 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;
41. Calls on the Presidency to encourage those remaining countries which have not signed up to 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 on the death penalty<sup>1</sup>; 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;
42. 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;
43. 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;

#### *Torture and other cruel, inhumane or degrading treatment*

44. 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 Protocol<sup>2</sup>; urges all EU Member States which have not so far signed and ratified OPCAT to do so in the coming year;
45. Recommends that the EU begin 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;
46. 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;
47. 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; regrets that the Finnish Presidency did not initiate a process of assessment, evaluation and planning for the torture guidelines, and urges future Presidencies to carry out such an assessment; calls on the Council to associate

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<sup>1</sup> As at 7 February 2007, France, Italy, Latvia, Poland and Spain have signed but not ratified Protocol No. 13 to the ECHR, concerning the abolition of the death penalty in all circumstances.

<sup>2</sup> 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), Romania (2007). Signed and ratified: the Czech Republic, Denmark, Poland, Spain, Sweden, the United Kingdom, Malta, Estonia and Slovenia. Therefore Greece, Hungary, Ireland, Latvia, Lithuania, and Slovakia have so far neither signed nor ratified the OPCAT.

Parliament 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;

48. 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 coherence and continuity of action of EU missions committed to fighting torture and ill-treatment in third countries;
49. 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;
50. 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; 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;

#### *Children and armed conflict (CAAC)*

51. Welcomes the nomination of a 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;
52. Welcomes the joint organisation by the French Foreign Minister and 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;
53. 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 ESDP operations; 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;
54. 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 and no implementation of the IS; insists that the EU maintain high standards of quality and depth when monitoring and reporting on CAAC;
55. Asks the Commission and the Council to draw up a list of questions for heads of

missions 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 S/RES/1612 (2005);

56. Calls on the Commission to better reflect the aims of the guidelines by mainstreaming CAAC in all areas, including development cooperation; 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 conflict, in particular children's rights; 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 ECHO) to the UNICEF-led process of revision of the 'Cape Town Principles' on the disarmament, demobilisation and reintegration of children;

#### *Human rights defenders*

57. Stresses that full implementation of the 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;
58. 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;
59. 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;
60. 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; 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;

*Guidelines on human rights dialogues and recognised consultations with third countries*

61. 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;
62. Takes note of the evaluation of the EU-China human rights dialogue as showing a mixed picture, and emphasises the need to strengthen and improve that dialogue considerably; welcomes the fact that China has now decided to have all death penalty cases reviewed by the Supreme Court; points out, however, that China's human rights record is still a matter of 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 remain regarding such matters as, inter alia, the lack of freedom of expression and religion, allegations of organ harvesting and the Laogai camp system; 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;
63. 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;
64. Notes the continuation of the EU human rights consultations with Russia; recognises 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, the treatment of human rights defenders, the independence of the media and freedom of expression, respect for the rule of law and human rights protection in the armed forces, as well as other issues; deplores Russian legislation limiting the activities of NGOs; points out the threat that many journalists find themselves under and remains appalled at the cold-blooded murder of Anna Politkovskaja; expects that Russia will take better measures in future to protect freedom of expression and the security of journalists; 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;
65. Welcomes the decision to set up Human Rights Subcommittees with all neighbourhood countries; recommends that such Subcommittees be put in place for each

neighbourhood country, as has been the case for Morocco and Jordan and as is presently envisaged for Egypt, Tunisia and Lebanon;

66. 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;
67. 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 in particular at the need for greater progress on human rights issues in Turkey; condemns the tragic murder of journalist Hrant Dink in January 2007, which exemplifies a growing nationalistic feeling in parts of Turkey; encourages the Turkish government to change Article 301 of the Turkish Penal Code, which clearly limits freedom of expression in the media;
68. Asks the Council and the Commission, particularly in post-conflict situations, to take into account efforts of partner countries to address past human rights violations as evidence of current commitments to human rights issues;
69. Notes that, among the issues covered in human rights dialogues and consultations, the issue of freedom of religion or belief should not be avoided;
70. 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***

71. Commends the cooperation between the Finnish and Austrian Presidencies aimed at ensuring a consistency of approach towards human rights issues; looks forward to the German, Portuguese and Slovene Presidencies' continuation of this process of collaboration;
72. Supports the Council and the Commission in their strong stance against the ongoing human rights violations in Burma/Myanmar; urges the Commission and the Council to continue to monitor the effectiveness of the EU's common position and to recognise 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 ASEAN countries and neighbouring states of Burma/Myanmar to urge them to use their influence responsibly so as to bring about positive change; notes the action taken at UN Security Council level in response to the continuing humanitarian crisis in that country;
73. 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;
74. Commends the Commission for raising the profile of the problem of human trafficking in the EU; 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 authorities<sup>1</sup>; 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;

75. 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;
76. Regrets that the EU has not taken more unilateral action regarding the crisis in Darfur; stresses that more serious measures need to be taken to persuade the Government of Sudan to accept an international peacekeeping force; urges the EU to contribute (and to put pressure on others to also contribute) to that force 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;
77. 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;
78. 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;
79. 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;
80. 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;
81. 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 institutions<sup>2</sup>; looks forward to receiving the current version of those fact sheets as soon as possible;
82. Insists that all human rights instruments, documents and reports including the Annual

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<sup>1</sup> OJ L 261, 6.8.2004, p. 19.

<sup>2</sup> Council Conclusions of 12 December 2005, 15293/1/05 REV 1, Annex, p. 14.

Reports need to address explicitly discrimination issues including the issues of ethnic minorities, religious freedoms including discriminatory practices towards minority religions, 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;

83. 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);

#### ***The Commission's external assistance programmes***

##### *The European Instrument for Democracy and Human Rights (EIDHR)*

84. 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;
85. 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;
86. 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 including Aceh, Fiji and the Democratic Republic of Congo;
87. 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 in their countries but which are not legally recognised by the authorities in those countries;
88. 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;
89. Recommends that the Commission draft clear guidelines in order that potential recipients of funding understand the objectives and qualifying criteria;

##### *Assistance programmes in general*

90. 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;
91. 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;

92. 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;
93. 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 ones; remains concerned, however, that no instrument now appears to cover conflict prevention;

#### ***Implementation of human rights and democracy clauses in external agreements***

94. 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; welcomes the fact that heads of Commission delegations in third countries are required, as part of their mandate, to emphasise human rights more specifically; requests, however, that the Commission and the Council adopt a clear position on the detailed proposals contained in the resolution of 14 February 2006;

#### ***Mainstreaming of human rights***

95. Continues to support the Council in its efforts to mainstream human rights throughout the EU's work, in particular by focusing on the regular review and implementation of a particular set of EU human rights guidelines;
96. 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;
97. Calls on the Commission to continue to monitor closely the granting of GSP+ 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;
98. 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 clarifying standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;
99. Welcomes the conclusions of the General Affairs Council of 13 November 2006 regarding gender equality and gender mainstreaming in crisis management;
100. 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 Geneva Conventions, the Convention against Torture, the Genocide Convention and the Rome Statute of the ICC;

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

101. Welcomes Parliament's important role in the human rights sphere, and in safeguarding commitments to improving human rights throughout the world by scrutinising the activities of other institutions and, in particular, through the Sakharov Prize;
102. 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;
103. Welcomes the activities of its Subcommittee on Human Rights within the Foreign Affairs Committee, including regular reports, exchanges of views, 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 Committee on Budgets and the Committee on International Trade;
104. 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; proposes the setting-up of a permanent working group of members of the Subcommittee for the drafting of urgency resolutions; suggests that debates and voting time on urgency resolutions should be reorganised so that the Council may participate;
105. Recommends full implementation of the guidelines for Parliament delegations on visits to third countries;
106. Welcomes the active role played by the Subcommittee on Human Rights, the Committee on Foreign Affairs 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;
107. 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 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;
108. Welcomes the resolutions passed by the 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;
109. Considers that the effectiveness of Parliament's work on human rights 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 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;

110. Calls on the Council systematically to invite MEPs to attend de-briefing sessions, such as those organised with NGOs, and de-briefings concerning human rights dialogues with third countries;
111. Regards it as a priority to continue to work closely with the United Nations and with Council of Europe representatives and bodies;
112. Notes 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 in particular the report of that Committee adopted in February 2007; welcomes the attempt to establish the facts in that regard and to raise the profile of extraordinary rendition as a human rights violation;

***Resources devoted to human rights work***

113. Welcomes the fact that the Commission now gives greater prominence to human rights in the mandate of heads of Commission delegations in third countries;
114. Welcomes the fact that, in the ongoing process of renewing the mandates of the EU Special Representatives, reference to human rights has been added to all the mandates;
115. 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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116. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the accession countries, the United Nations, the Council of Europe, the OSCE, the governments of the countries mentioned in this resolution, and the offices of the main human rights NGOs based in the EU.