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## **DRAFT REPORT**

on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter  
(2007/2274(INI))

Committee on Foreign Affairs

Rapporteur: Marco Cappato

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter (2007/2274(INI))

*The European Parliament,*

- having regard to the ninth European Union Annual Report on Human Rights (2007)<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 United Nations human rights conventions and the optional protocols thereto,
- having regard to regional human rights instruments, including in particular the African Charter on Human and Peoples' Rights and the Optional Protocol on the Rights of Women in Africa,
- 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 International Criminal Court<sup>3</sup>,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings and the 2005 European Union 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 United Nations Convention on the Rights of the Child,
- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the optional protocol thereto,

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<sup>1</sup> Council document 13288/1/07

<sup>2</sup> See the Annex to this resolution.

<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.

- having regard to the Charter of Fundamental Rights of the European Union<sup>1</sup>,
- having regard to the ACP-EC Partnership Agreement and its revision<sup>2</sup>,
- having regard to its previous resolutions on human rights in the world,
- having regard to its resolution of 7 June 2007 on the fifth session of the United Nations Human Rights Council and on the outcome of the negotiations on the United Nations Human Rights Council (UNHRC)<sup>3</sup>,
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements<sup>4</sup>,
- having regard to its resolution of 1 February 2007 on the initiative in favour of a universal moratorium on the death penalty<sup>5</sup> and to the resolution adopted on 18 December 2007 in the United Nations General Assembly on the world-wide moratorium of the use of death penalty,
- having regard to its resolution of 20 September 2001 on female genital mutilation<sup>6</sup>, which affirms that any form of such mutilation, of whatever degree, is an act of violence against women and constitutes a violation of their fundamental rights,
- having regard to its resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries, which stresses that women's rights be explicitly addressed in all human rights dialogues<sup>7</sup>,
- having regard to its resolution of 6 July 2006 on freedom of expression on the Internet<sup>8</sup>,
- having regard to all urgency human rights resolutions adopted by it,
- having regard to the European Union Human Rights Forum, held in Lisbon in December 2007,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities, which was signed by the European Communities and the majority of its Member States on 30 March 2007 and 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 Guidance Note on Disability and Development for European Union delegations and services, published in July 2004,

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<sup>1</sup> OJ C 303, 14.12.2007, p. 1.

<sup>2</sup> OJ L 317, 15.12.2000, p. 3; OJ L 209, 11.8.2005, p. 27.

<sup>3</sup> Texts adopted, P6\_TA(2007)0235.

<sup>4</sup> OJ C 290 E, 29.11.2006, p. 107.

<sup>5</sup> OJ C 250 E, 25.10.2007, p. 91..

<sup>6</sup> OJ C 77 E, 28.3.2002, p. 126.

<sup>7</sup> Texts adopted, P6\_TA(2007)0381.

<sup>8</sup> OJ C 303 E, 13.12.2006, p. 879.

- having regard to the United Nations Declaration on Human Rights Defenders and the activities of the Special Representative of the United Nations Secretary-General on the Situation of Human Rights Defenders,
  - 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<sup>1</sup>, on children and armed conflict and on human rights defenders,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A6-0000/2008),
- A. whereas the European Union Annual Report on Human Rights 2007 produced by the Council and the Commission provides a general overview of the activities of the European Union institutions regarding human rights inside and outside the European Union,
  - B. whereas the 2007 Annual Report 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,
  - C. whereas it should be acknowledged that the European Union's internal human rights record has a direct impact on its credibility and ability to implement an effective external policy,
  - D. whereas human rights and their protection rely on – and should be promoted in parallel with – the rule of law, democratic governance, the principle of the separation of powers and political accountability, the separation between church and State, as well as political rights that can allow their beneficiaries to be their own advocates of human rights,
  - E. whereas efforts must be made to focus greater attention on respect for fundamental human rights, in particular political rights, in the negotiation and implementation of bilateral or regional trade agreements, even those concluded with important trading partners,
  - F. whereas justice, freedom, democracy and the rule of law, guaranteeing as they do fundamental freedoms and human rights, are the pillars of sustainable peace, and whereas sustainable peace cannot be achieved through deals to protect those responsible for systematic human rights abuses or violations of international humanitarian law,
  - G. whereas policies promoting human rights remain under threat in various regions of the world, as the violation of human rights inevitably goes hand in hand with an effort by their violators to reduce the impact of any policy promoting them, particularly in

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<sup>1</sup> OJ C 327, 23.12.2005, p. 4.

countries where human rights violations are crucial in maintaining a non-democratic government in power,

- H. whereas 82% of disabled people still live below the poverty line in developing countries and continue to be subjected to the most grave human rights abuses, including denial of the right to life and exposure to inhuman or degrading treatment, and whereas the situation of children with disabilities is of particular concern in this regard,
- I. whereas, according to the Constitution of the World Health Organisation, 'the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition', and whereas the health of all peoples is fundamental to the attainment of peace and security,
1. Condemns the fact that the European Union is still far from conducting a coherent and hard-hitting policy to uphold and promote human rights around the world; considers that substantial progress needs to be made in order to ensure strict compliance with existing EU human rights provisions;
  2. Believes that, in order to bring about a significant improvement in the promotion of human rights, which is often hampered by the predominance of Member States' national interests, steps should be taken to strengthen the common foreign and security policy, which should consider the promotion of human rights as a priority;
  3. Calls on the Commission and the Council to make greater efforts to improve the ability of the European Union to respond rapidly to breaches of human rights by third countries, not least by mainstreaming human rights policy into European Union policies vis-à-vis such countries;

***General principles and proposals on human rights, democracy, peace and non-violence***

4. Reaffirms that human rights – as defined in the main international instruments and conventions, including the Charter of Fundamental Rights of the European Union – are universal rights, historically acquired natural rights, practical and effective respect for which is an essential means of guaranteeing the implementation and enforcement of international law and order, and the promotion of peace, freedom, justice and democracy;
5. Considers that the effective 'justiciability' of human rights throughout the world in local and national courts or, where this is not possible, supranational courts, should be an explicit and key objective of EU policies, starting with the common foreign and security policy;
6. Calls on the Commission and the Council, therefore, to take priority action – along the same lines as for the establishment of the International Criminal Court – to support the activities of all courts involved in protecting human rights; considers, in particular, that maximum support should be given to the work of the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights, and that steps should be

taken to help facilitate the establishment of a Court of Human Rights between non-authoritarian and non-dictatorial states in Asia and the Pacific;

7. Considers that the right to democracy – understood as the right of every citizen to take part in the exercise of the sovereignty of the people in the framework of institutions subject to the rule of law – is a historically acquired universal human right explicitly recognised by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the 1993 Vienna Declaration and the United Nations Millennium Declaration; this right to democracy carries with it the duty for international community institutions, the European Union and all the Member States to work towards removing obstacles in the way of their full enjoyment around the world; the strategic goal of this should be to set up a genuine World Democracy and Democracies Organisation, to be achieved either by transforming and strengthening existing supranational institutions – using the Community of Democracies as a basis – or by establishing new institutions;
8. Considers that every State should, in the final instance, make its sovereignty subject to supranational rules and institutions established or to be established in order to guarantee genuine implementation of international human rights standards and treaties; considers that the 'totally sovereign national State', especially when it is built on ethnic, linguistic or religious divisions, is no longer suited to genuinely upholding individual freedoms and maintaining peace;
9. Considers Ghandian non-violence to be the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected; believes that its promotion should constitute a priority objective in EU human rights and democracy policy and intends to contribute to keeping up-to-date with and studying modern non-violent theory and practice, partly through a comparative analysis of the best practice used in the past; proposes, with a view to giving this idea a central political role, that a European Conference on Non-Violence be convened in 2009 and that 2010 be designated 'European Year of Non-Violence'; calls on the Member States to endeavour within the United Nations set-up to ensure that the 'Decade of Non-Violence 2010-2020' is proclaimed;

#### ***The European Union Annual Report on Human Rights 2007***

10. Underlines the importance of the European Union Annual Report on Human Rights in analysing and evaluating the European Union's human rights policy, and recognises that the Report has given an overview of the rising volume of European Union human rights-related activities;
11. Considers that more information should be provided for the assessment of previous policies and that elements and guidelines should be proposed to adjust the policy priorities on a country-by-country basis; reiterates its call for an assessment of the use and the results of European Union policies, instruments and initiatives on human rights in third countries, also through the introduction of indexes and other measurable criteria of evaluation;
12. Welcomes the public presentation of the 2007 Report by the Council and the

Commission at the December 2007 plenary session, in parallel with Parliament's award of its annual Sakharov Prize for Freedom of Thought to Mr Salih Mahmoud Mohamed Osman from Sudan; has now established a regular practice and made the December European Parliament plenary session an annual focal point for the EU's activities on human rights;

13. Calls once again on the Council and the Commission to consider drawing up an overall list identifying 'countries of particular concern' with respect to human rights violations, and underlines the importance of developing criteria by which to measure and compare countries by reference to their human rights score, allowing different categories of countries to be defined and thereby enabling specific policy priorities to be established;

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

14. Pays tribute to the work of the Personal Representative for Human Rights of the High Representative, Mrs Riina Kionka, during 2007; continues to support her activities and the efforts to increase the visibility and strengthen the role of the European Union in international human rights fora; expects that the High Representative, the Council and all Member State representatives will fully support her work in promoting human rights;
15. Considers that the European Union's capacity to prevent, respond to and manage crises has proven to be insufficient, and requests the Council to gradually transform the civilian aspects of the European Security and Defence Policy into a 'Civil Peace Service' for the management of short-term civilian crises and longer-term peace building; is of the opinion that, within this framework, the European Union should strengthen civil society networks on the ground – at sub-national, national and regional levels – so as to foster confidence building, capacity building, monitoring and awareness raising, thereby supporting the institutionalisation of civil society participation in regional and sub-regional peace and security structures;
16. Reiterates its request to the Commission to encourage European Union Member States, and third countries with which there are ongoing negotiations for future accession, to sign up to, and ratify, all core United Nations and Council of Europe human rights conventions and the optional protocols thereto; draws the attention of European Union Member States to, in particular, the need to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which none of the Member States has ratified to date<sup>1</sup>;
17. Calls for prompt ratification of the United Nations Convention on the Rights of Persons with Disabilities by the European Community and its Member States; insists that the Optional Protocol to the Convention should be regarded as an integral part thereof, and calls for simultaneous accession to the Convention and the Protocol;
18. Emphasises the need to improve the active involvement of the European Union and its Member States with respect to human rights and democracy issues as regards their participation in a variety of international fora in 2007, including in the first year of work

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<sup>1</sup> As of June 2007.



of the United Nations Human Rights Council (UNHRC), the United Nations General Assembly, the Ministerial Council of the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe;

19. Calls for improved cooperation and coordination between the Council of Europe and the European Union; welcomes the fact that a Memorandum of Understanding between the Council of Europe and the European Union was signed on 11 May 2007 and calls on both parties to put it into practice; in particular, refers to the following recommendations contained in the Juncker Report:
  - the recommendation that the Commissioner for Human Rights of the Council of Europe should be the institution to which the European Union, like all the Council of Europe's member states, could refer all human rights problems which were not covered by the existing monitoring and supervisory machinery;
  - the recommendation that machinery be devised to promote and strengthen democracy and make full use of the Venice Commission's expertise;
20. Notes that the UNHRC has the potential to develop into a valuable framework for the European Union's multilateral human rights efforts; regrets the fact that during the last year of activities that new body has not improved the United Nations' human rights record; trusts that the implementation of the Universal Periodic Review mechanism to will achieve the first concrete results and improvements; calls on the Council and the Commission closely to monitor this process so as to ensure that it implements United Nations General Assembly Resolution 60/251, which is the starting point for the universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; calls on the Council of the EU to find ways in which the European Parliament may be formally involved in the framework of this newly established procedure;
21. Welcomes the fact that the complaint procedure based on the previous '1503 procedure' will continue to allow individuals and organisations to bring complaints about gross and reliably attested violations of human rights to the attention of the UNHRC, and calls on the Commission and the Council to ensure that non-governmental organisations (NGOs) continue to be heard in the UNHRC, so that they may avail themselves of the prerogatives granted by their consultative status to submit written communications and make oral declarations;
22. Reaffirms the importance of the special procedures and country mandates within the Human Rights Council; condemns the European Union's decision to support a resolution calling for the non-renewal of the mandate of the human rights experts on Darfur and the Human Rights Council's decision not to renew the mandates on Belarus and Cuba;
23. Calls on the Council, the Commission and the Member States to propose a reform of the Human Rights Council so as to ensure that only countries which have issued a standing invitation under all the procedures are admitted to take part; pending such a reform,

calls for this rule to be applied in determining whether the EU should support candidate countries;

24. Calls on the European Union and its Member States to increase their involvement and coordination with respect to the Community of Democracies (CD), given that the CD's permanent secretariat will be established in Poland and that the chairmanship of its Convening Group is currently held by Portugal, which will officially host the next Ministerial Conference, to be held in Lisbon in 2009; considers that greater involvement on the part of the European Union could enhance the CD's influence and credibility, in particular by strengthening the Democracy Caucus in the United Nations and by fostering more inclusive and legitimate participation by civil society actors in the workings of the CD, especially as regards the format of the Ministerial Conference;
25. In this regard, calls on the European Union to formally engage with other democratic governments from other regional groups in order to start formal cooperation and consultation within the UNHRC with a view to guaranteeing the success of initiatives aimed at the respect of the principles contained in the United Nations Universal Declaration of Human Rights; considers that it is only through concerted action by a cross regional alliance of democratic states, such as the CD, that the European Union's multilateral human rights efforts can be effective in United Nations fora, as has been shown by the recent successful adoption, on 18 December 2007, of a United Nations General Assembly resolution on the use of the death penalty;
26. Welcomes the fact that the Commission used its position, as chair of the Kimberley Process throughout 2007, to strengthen the mechanisms designed to stem the flow of conflict diamonds; reiterates the importance of the Kimberley Process, given the connection between stopping the trade in conflict diamonds the achievement of sustainable peace and security; also welcomes Turkey and Liberia as new participants in 2007 and the re-admission of the Republic of the Congo to the Kimberley Process (bringing to 48 the total number of participants, including the European Community representing 27 Member States);
27. Welcomes the fact that the third international conference aiming at the conclusion of an international treaty prohibiting the production, use, transfer or storage of cluster bombs in accordance with the principles of international humanitarian law was held in Vienna in December 2007 with the full support of the European Union<sup>1</sup>; calls on Romania and Cyprus, as the only two EU Member States that have not yet done so, to endorse the Oslo Declaration of 23 February 2007; fully supports the next Oslo Process conferences planned to take place in Wellington from 18 to 22 February 2008 and in Dublin from 19 to 30 May 2008; expects that all European Union Member States will be able to sign the treaty at the ceremony planned to be held in Oslo in late 2008;
28. Calls on the Council and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the adoption of the requisite national implementing legislation, in conformity with Council Common Position

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<sup>1</sup> Over 140 civil society representatives and 138 states participated (of which 94 have endorsed the Oslo Declaration or the Oslo Process).

2003/444/CFSP of 16 June 2003 on the International Criminal Court<sup>1</sup> (ICC) and the Action Plan; points out that not all Council presidencies pursue this common goal with the same vigour; asks all presidencies to mention the status of the ICC cooperation in all summits with third countries; requests that such efforts be extended to include ratification and implementation of the Agreement on the Privileges and Immunities of the ICC, which is an important operational tool for the Court; notes the entry into force on 8 December 2007 of the agreement with the United Kingdom on the enforcement of sentences (and the entry into force of a similar agreement concluded with Austria in 2005), and urges all Member States to consider concluding similar agreements with the ICC; acknowledges the Cooperation and Assistance Agreement between the European Union and the ICC as an important tool to supplement the obligations incumbent on individual Member States;

29. Welcomes the fact that Japan ratified the Rome Statute in July 2007, thereby bringing the total number of States Parties to 105 in December 2007; urges the Czech Republic, as the only remaining European Union Member State not to have ratified the Rome Statute, to do so without delay;
30. Calls once again on all countries, but in particular the United States of America, Chile and Turkey, to ratify the Rome Statute; is concerned that the failure of the United States to do so plays into the hands of all states and governments which show a blatant disregard for international criminal law;
31. Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice; in this regard, notes with satisfaction the cooperation of the Democratic Republic of the Congo in the transfer of Germain Katanga to the ICC, the cooperation of Serbia in the arrest and transfer of Zdravko Tolimir to the International Criminal Tribunal for the former Yugoslavia (ICTY) and the cooperation of Serbia and Montenegro in the arrest and transfer of Vlastimir Đjordjević to the ICTY; however, notes with concern the persistent failure of Sudan to cooperate with the ICC by arresting and transferring Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman; notes with concern that the ICC warrants for the arrest of four members of the Lord's Resistance Army in Uganda have not yet been executed; also notes with concern that Radovan Karadžić and Ratko Mladić remain at large and have not been brought before the ICTY; in this regard, reiterates that signature of a Stabilisation and Association Agreement is conditional upon full cooperation with the ICTY, and that this should lead to the arrest and transfer of all remaining indictees; considers further that the current proceedings brought against Liberia's former President, Charles Taylor, by the Special Court for Sierra Leone in The Hague constitutes a significant development towards the ending of impunity;
32. Underscores the need to strengthen the international criminal justice system and in this respect recognises the establishment of the Justice Rapid Response mechanism in November 2007 as a new international cooperative mechanism for the provision of expertise and assistance where the identification, collection and preservation of information would assist in a wide range of international and transitional justice

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<sup>1</sup> OJL 150, 18.6.2003, p. 67.

options<sup>1</sup>; urges the ICC to intensify its outreach efforts with a view to engaging communities in situations under investigation in a process of constructive interaction with the ICC, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process; highlights the role that can be played by non-judicial mechanisms in addressing violations of human rights and international criminal law, provided that such efforts respect due process and are not a sham;

33. Welcomes the adoption by the United Nations General Assembly of the resolution on the rights of indigenous peoples and congratulates the Council and Member States for backing the adoption of this text, which will create a framework in which States can protect and promote the rights of indigenous people without exclusion or discrimination; at the same time, notes with concern that, without new instruments to guarantee the implementation of the resolution in question, real improvements in the life of indigenous peoples, especially those living under authoritarian and dictatorial regimes, cannot be expected, and urges the Commission to follow up on its implementation, in particular through the European Instrument for Democracy and Human Rights;

#### ***Performance as regards the European Union human rights guidelines***

34. Calls once again on the Commission and Member States' embassies and consulates to ensure that all their staff are fully aware of the human rights guidelines; considers that the creation of the new European External Action Service should be used proactively to harmonise the approaches of the missions of Member States and the Commission abroad in the area of human rights, by sharing structures and staff so as to create genuine 'European Union embassies';
35. Takes note of the German and Portuguese Presidencies' drive to finalise European Union human rights guidelines on the rights of the child; is looking forward to receiving within the next year drafts of the specific implementing measures that will concentrate on implementing the holistic and comprehensive approach which the core Guidelines develop;
36. Calls on the Presidency to find ways to improve coordination and cooperation between the Council's working parties in relation to making demarches in areas of common concern, for example between the Working Party on Human Rights (COHOM) and the Working Party dealing with the ICC, as regards international criminal justice and children and armed conflict;
37. Urges the Council to update the guidelines in order to fully recognise the importance of the enjoyment of the highest attainable standard of health as a fundamental right, with particular regard to pain management;

#### ***The death penalty***

38. Welcomes the above-mentioned resolution adopted by the United Nations General

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<sup>1</sup> [http://www.justicerapidresponse.org/Documents1/JRR\\_NY\\_NOV07\\_FinalOutcomeDocument.pdf](http://www.justicerapidresponse.org/Documents1/JRR_NY_NOV07_FinalOutcomeDocument.pdf).

Assembly on 18 December 2007, calling for a global moratorium on the use of the death penalty, and recognises the positive cross-regional nature of the initiative;

39. Urges the Council to update the guidelines on the death penalty, in order to support all activities aimed at full implementation of the United Nations General Assembly resolution, which *inter alia* calls upon all States that still maintain the death penalty to respect international standards that provide safeguards guaranteeing the protection of the rights of those facing the death penalty, in particular the minimum standards set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984; points out that the resolution provides the Secretary-General with information relating to the use of capital punishment and observance of the safeguards guaranteeing the protection of the rights of those facing the death penalty and seeks to progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed; further points out that the resolution ends by calling on all United Nations Member States to establish a moratorium on executions with a view to abolishing the death penalty;
40. Calls on the Presidency to encourage Italy, Latvia, Poland and Spain, which have not yet ratified Protocol No 13 to the ECHR on the death penalty, to do so<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;
41. Welcomes the decision by the Justice and Home Affairs Council on 7 December 2007 to subscribe to the joint Council of Europe/European Union Declaration establishing a European Day against the Death Penalty, which will be celebrated on 10 October each year; welcomes the proceedings of the European Conference in Lisbon on 9 October 2007, calling once again for the eradication of the capital punishment in Europe and promoting the universal abolition of the death penalty;
42. Welcomes the abolition of the death penalty in Albania on 25 March 2007 (for all crimes); in Kyrgyzstan on 27 June 2007; in Rwanda on 26 July 2007; in the State of New Jersey (in the United States of America) on 13 December 2007; and in Uzbekistan on 1 January 2008;

*Torture and other cruel, inhumane or degrading treatment*

43. Notes that Greece, Hungary, Latvia, Lithuania and Slovakia have so far neither signed nor ratified the Optional Protocol to the Convention Against Torture (OPCAT); notes that Austria, Belgium, Cyprus, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Portugal and Romania have so far signed but not ratified it; urges all European Union Member States which have not hitherto signed and/or ratified the Optional Protocol to the Convention Against Torture to do so without delay;
44. Is concerned about the true commitment to human rights of European Union Member States who refuse to sign the above-mentioned International Convention for the

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<sup>1</sup> As of 10 January 2008, Italy, Latvia, Poland and Spain had signed but not ratified Protocol No 13 to the ECHR, concerning the abolition of the death penalty in all circumstances.

Protection of All Persons from Enforced Disappearance; asks all European Union Member States who have not done so to sign and ratify it promptly<sup>1</sup>;

45. Refers the Council and the Commission to the recent study entitled 'The Implementation of the European Union Guidelines on torture and other cruel, inhuman or degrading treatment or punishment' presented to the European Parliament's Subcommittee on Human Rights on 28 June 2007 and to COHOM in December 2007; calls on both to follow its recommendations, e.g. the recommendation that a clear global vision be developed with a national focus examining the local political, social, cultural, and legal context; calls on the Commission – after analysis – to send instructions to its delegations and to Member States' missions with a view to helping them to implement the guidelines;
46. Looks forward to the assessment of the implementation of the European Union Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, which is being prepared for presentation to COHOM; in the context of the revision of this set of Guidelines, expects COHOM to discuss specific criteria for action concerning individual cases with a view to improving the implementation of the Guidelines; recommends the adoption of measures to ensure respect for the absolute prohibition of torture and to resist any attempt to establish an European Union position legitimising the use of diplomatic assurances to facilitate the transfer of persons to a country where they might be at risk of torture;
47. Calls for an update of the Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment in the light of Article 15 of the United Nations Convention on the Rights of Persons with Disabilities, which concerns freedom from torture or cruel, inhuman or degrading treatment or punishment;
48. Requests the regular presence of the Presidency or the Council Secretariat in the relevant United Nations Committees as well as further cooperation with the Council of Europe and its Committee for the Prevention of Torture in order to achieve substantial and useful material input into decision-making concerning demarches towards certain countries;
49. Urges the Council and the Commission to continue the practice of demarches in respect of all of the European Union's international partners as regards the ratification of international conventions banning the use of torture and ill-treatment, as well as the provision of rehabilitation assistance to torture survivors; calls on the European Union 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 European Union guidelines and all other European Union instruments such as the European Instrument for Democracy and Human Rights and by ensuring that Member States refrain from accepting diplomatic assurances from third countries where there is a real risk of people being subjected to torture or ill-treatment;

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<sup>1</sup> Signatories (as of December 2007): Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia, Spain, Sweden. (Only two countries – Albania and Argentina – have ratified the Convention, which requires 20 ratifications for entry into force.)

*Children and armed conflict*

50. Welcomes the report of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict, published on 13 August 2007, concluding that Member States of the United Nations should apply concrete and targeted measures against recalcitrant violators;
51. Welcomes the progress made in the application of international child protection standards as regards holding alleged perpetrators to account, such as the charges brought by the ICC against senior leaders of various fighting factions in the Democratic Republic of the Congo and the charges brought against four senior members of the Lord's Resistance Army; regards as notable achievements the ruling by the Special Court for Sierra Leone that the recruitment or use of children aged under 15 in hostilities is a war crime under customary international law and its recent conviction of military commanders for recruiting children;
52. Welcomes the increased inclusion of children in a wide range of negotiations, agreements, peace-building and peace-keeping efforts, agendas and treaties; emphasises, however, that clauses on children in peace agreements should be specific and that their goals should be achievable;
53. Welcomes the increased inclusion of children in mechanisms for accountability for crimes under international law (recognising in this regard the efforts made by the Liberian Truth and Reconciliation Commission to that end in 2007) as an important means by which to give effect to the right of children to participate in decisions that affect their lives; emphasises, however, that the best interests of the child must guide any such involvement, including through the implementation of age-appropriate policies and procedures and the promotion of the rehabilitation and reintegration of child victims;
54. Welcomes the fact that the Integrated Disarmament, Demobilisation and Reintegration Standards (2006), the Paris Principles and the Guidelines on Children Associated with Armed Forces or Armed Groups (2007) represent major progress in policy formulation and now require effective implementation;
55. Welcomes the fact that seven more nations (Argentina, Croatia, Guatemala, Laos, Mauritania, Morocco and Ukraine) have joined the international commitment to stop the recruitment of children in armed conflicts known as the Paris Commitments and Principles, and regrets that the USA has not signed because of its opposition to the clause concerning the ICC;
56. Calls on the remaining Member States who have not done so to sign and ratify without delay the optional protocols to the Convention on the Rights of the Child<sup>1</sup>;

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<sup>1</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (as of November 2007): not ratified by the Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Luxembourg, Malta, the United Kingdom.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (as of October 2007): not ratified by Estonia, Greece, Hungary, the Netherlands; neither ratified nor signed by

57. Notes that the Portuguese Presidency followed the German initiatives under the guidelines and instructed all missions in priority countries to regard the country-specific strategies adopted by COHOM on 15 June 2007 as standing instructions to be incorporated in the work of the Heads of Missions in the area of children in armed conflicts; welcomes the fact that the Presidency has also forwarded to local Presidencies the reports received by relevant NGOs regarding specific countries;

*Human rights defenders*

58. Calls on the Council and the Commission to engage in a more transparent and systematic implementation of the European Union Guidelines on Human Rights Defenders, given that this is an important and innovative instrument designed to protect and support human rights defenders most at risk;
59. Expects that the identification of the Guidelines on Human Rights Defenders as a priority element of the European Union's human rights foreign policy will be matched by the effective implementation of those Guidelines in local strategies concerning 120 countries; points out that the lack of European Union demarches on behalf of human rights defenders in certain countries, such as in China, Tunisia, Ethiopia, Iran and Russia, appears to reflect a lack of consensus among European Union Member States, with individual Member States prioritising different foreign policy interests and thus making collective action impossible;
60. Considers that a consistent approach should also focus on strengthening capacity-building among human rights activists and fostering consultation and interaction mechanisms between them and their governments on issues of democratic reform and human rights promotion, in particular when processes of democratisation are at stake;
61. Calls on the Commission and the Council to actively encourage human rights defenders to disseminate information on non-violent theory and practice and seek to promote knowledge of and exchanges between them on best practice, based on first-hand experience in the field;
62. Asks the Council to consider urgently the matter of emergency visas for human rights defenders; considers that the confidentiality of European Union demarches in favour of human rights defenders is sometimes useful but asks that, despite this confidentiality, European Union local forces should always inform NGOs on the ground about such demarches in a confidential manner;
63. Emphasises once again 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 European Union Guidelines for Human Rights Defenders in European Union languages that are the lingua franca in third countries and in key non-European Union languages amongst regional desks and embassies/delegations; welcomes the fact that, so far, translations are available in languages such as Russian, Arabic, Chinese and Farsi but stresses that more translations need to be produced locally; urges European Union Member States to simplify the issue

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Cyprus.



of visas to human rights defenders who are invited to attend events organised within the European Union or who are fleeing worsening security conditions;

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

64. Calls on the Council and the Commission to initiate a comprehensive evaluation of the guidelines on human rights dialogues and to develop clear indicators for the impact of each dialogue and criteria for the initiation, cessation and resumption of dialogues;
65. Reiterates its call for human rights dialogues to be based on reciprocity with regard to both the territory of the European Union and that of third countries;
66. Reiterates its call for human rights issues to be reviewed at the highest political level in order to give greater political weight to human rights concerns; considers that this dialogue should therefore never be used to confine the subject to experts' meetings and thereby relegate it to a secondary position in relation to other political issues; calls therefore on the Council and the Commission to take the following measures:
  - to publicise the objectives set for each dialogue and monitor their implementation;
  - to require an evaluation to be carried out on each dialogue 'every year', and not 'preferably' every year;
  - to ensure that each meeting within the dialogue entails, in addition to a strand of technical discussions for officials, a political strand directly involving those with responsibilities at 'ministerial' level;
  - to involve European Parliament representatives in the dialogues and, in particular, in evaluation meetings at which individual cases are discussed;
67. Emphasises once again in this context the proposals set out in Parliament's above-mentioned resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries;
68. Stresses that China remains a systematic violator of human rights, and that, despite promises made by the regime with an eye to the forthcoming Olympic Games, the Chinese human rights record has not improved; emphasises the need for a radical intensification of the European Union-China human rights dialogue; welcomes the fact that China has decided to have all death penalty cases reviewed by the Supreme Court, but remains concerned that China still carries out the greatest number of executions worldwide; notes that, despite repeated assurances by the Chinese government of its intention to ratify the International Covenant on Civil and Political Rights, ratification is still pending; regrets that no common European Union-China declaration on human rights was adopted at the European Union-China Summit held on 28 November 2007 in Beijing, despite the fact that the intention to issue such a declaration had been announced originally; calls on the Council to provide a more detailed briefing to Parliament following discussions, including a detailed list of demarches conducted in individual cases by the Council and Member States; notes that, despite significant economic reforms, systematic violations of political and human rights still persist regarding such matters as political imprisonment, attacks on, and intimidation of, lawyers and human rights defenders, the lack of an independent judiciary, forced labour,

freedom of expression and religion, rights of religious and ethnic minorities, arbitrary detentions, the Laogai camp system and allegations of organ harvesting; notes that more focused emphasis should be placed on such concerns in the run-up to the Beijing Olympic Games, which constitute an important historic opportunity for the improvement of human rights in China; in this regard, remains concerned about Chinese legislation, including the State Secrets system, preventing the transparency necessary for the development of good governance and a system in which the rule of law prevails; is concerned about the limits placed on the freedom of the Chinese and international media, including the internet, blogging and access to information for the Chinese and international press; remains equally concerned about the blacklisting of journalists and human rights activists, including the Dalai Lama, his associates and Falun Gong practitioners; emphasises the need to continue, even after the Olympic Games, carefully to monitor the human rights situation and the changes in the legislation concerning this issue; urges the European Union to ensure that its trading relationship with China is contingent on 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 issues of Inner Mongolia, Eastern Turkestan and Tibet, to actively support the strengthening of a transparent dialogue between the Chinese Government and envoys of the Tibetan Government in Exile and to mainstream the issue of human rights implications of Chinese policies in Africa; remains alarmed by the systematic violation of the human rights of ethnic Uyghurs in the Xinjiang Autonomous Region;

69. Remains concerned that the human rights dialogue with Iran has been interrupted since 2004 due to a lack of cooperation from Iran; reiterates the views expressed by it in respect of the last report, calls on the Council, the Commission and the Member States to support dissidents and democratic activists and to strengthen – through peaceful and non-violent means – existing processes that can foster democratic, institutional and constitutional reforms, ensure the sustainability of those reforms and consolidate the involvement of all Iranian human rights defenders and civil society representatives in policy-making processes, reinforcing the role played by them in the general political discourse; condemns the new morality campaign launched by the Iranian authorities since early April 2007, whereby thousands of men and women were arrested in moves to 'counter immoral behaviour'; condemns the Iranian regime's increasing use of capital punishment;
70. Regrets the lack of results from the European Union-Russia consultations on human rights and calls for Parliament to be involved in such a process; encourages the efforts made by the Council and the Commission to bring about a state of affairs whereby the consultations take place alternately in Russia and in the European Union, whereby Russian Ministries other than the Ministry of Foreign Affairs also participate in the consultations, and whereby the Russian delegation participates in the meetings of Russian and European NGOs or parliamentary bodies organised in conjunction with the consultations; regrets that the European Union has had only limited success in bringing about policy change as a result of raising sensitive issues such as the situation in Chechnya and other Caucasian Republics, 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; believes that the long-standing item debate on Chechnya should be extended to cover the worrying situations in Ingushetia and Dagestan; deplors the continued persecution of journalists, human rights defenders and NGOs, for instance the recent harassment of Novaya Gazeta and of the Nizhny Novgorod Foundation to Promote Tolerance; urges Russia to 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 OSCE, Council of Europe and United Nations human rights mechanisms as well as the ratification of all relevant human rights conventions should be regarded as a priority by the European Union, most notably the ratification of Protocol No 14 to the ECHR, amending the control system of the Convention; deplors Russia's unwillingness to invite international election observers in suitable numbers and sufficiently in advance to allow them to properly supervise the elections in accordance with OSCE standards, and is therefore compelled to question the democratic credentials of the parliamentary elections; urges the Commission and the Council to raise human rights issues, including individual 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;

71. Urges the Commission and the Council to set up human rights subcommittees with all neighbourhood countries; reiterates its call for parliamentarians to be associated with the preparations for those meetings and to be informed of their outcome; is of the view that, while first rounds of meetings, such as was the case in Tunisia and Egypt, might focus on establishing the durability of the subcommittee and fostering trust and confidence among partners, such subcommittees, notably with Morocco now, should move towards a result-oriented phase, with the establishment of concrete benchmarks and indicators of progress; recalls that these subcommittees have no decision-making power but may submit proposals to the relevant Association Committee or to bodies at a higher level in the political dialogue, which have a responsibility, under the European Neighbourhood Policy Action Plans and Association Agreements, to discuss human rights issues as part of the political dialogue; suggests that outcome documents discussed at expert-level meetings also be placed on the agenda of the political level meetings (summits) of the human rights dialogues and consultations, so as to reduce discrepancies in statements on the human rights situation given by both sides to the press, which statements are often conflicting;
72. Recognises attempts by the Commission and the Council to organise a second round of the European Union-Uzbekistan dialogue on human rights in May 2008; points out once again that the holding of a dialogue on human rights and experts' meetings on the 2005 Andijan massacre do not in themselves constitute progress and cannot be used as a reason for the lifting of sanctions; notes that the absence of an independent international inquiry into the Andijan massacre and the lack of any improvement in the human rights situation in Uzbekistan – these being the conditions laid down by the European Union for the lifting of sanctions – have logically led to the sanctions against Uzbekistan being extended; welcomes the fact that the conclusions of the General Affairs and External

Relations Council of 15 and 16 October 2007 have introduced specific conditions which have to be met within a period of six months in order for the visa restriction suspension to be maintained ; invites the Commission and the Council to carry out a serious assessment of the impact of the decision to suspend for six months some of the visa restrictions that form part of the European Union sanctions against Uzbekistan, and to review the overall human rights situation in the country; deplores the fact that Uzbekistan has so far failed to deliver any progress in any of these respects; is appalled by the 23 December 2007 presidential election in Uzbekistan, which according to the OECD Office for Democratic Institutions and Human Rights was 'held in a strictly controlled political environment, leaving no room for real opposition, and generally failed to meet many Organisation for Security and Co-operation in Europe commitments for democratic elections'; condemns the murders of Mark Weil, founder and art director of the independent Ilkhom Theatre, in Tashkent on 9 September 2007, and of the journalist and critic of the Uzbek regime Alisher Saipov in the Kirgiz city of Osh on 24 October 2007; reiterates its call for the immediate release of political prisoners<sup>1</sup>; welcomes the abolition of death penalty;

73. Supports the willingness of Council to establish human rights dialogues with each of the remaining four Central Asian countries; calls for the dialogues to be results-oriented and fully in line with the European Union Guidelines on Human Rights Dialogues with Third Countries, guaranteeing the involvement of civil society and of the European Parliament; calls for the establishment of the dialogues to be matched by adequate resources within the Council and Commission secretariats; points out that, in some cases, the practical arrangements are not conducive to efficiency in the conduct of the dialogues, e.g. where providing only consecutive interpretation is provided, as in the case of the Turkmenistan human rights dialogue;
74. Notes that backtracking by the European Union on the commitments which it has given to Turkey on its road to accession is an important factor in the delaying of further human rights reforms in Turkey;
75. Hopes that those responsible for the assassination of Benazir Bhutto are identified and held responsible as soon as possible; notes the worsening human rights situation in Pakistan throughout 2007, including in particular the threats to the independence of the judiciary and the freedom of the media; notes the adoption of a new Country Strategy Paper for Pakistan and welcomes the mainstreaming of conflict prevention and human rights throughout that document; notes that the first meeting of the European Community-Pakistan Joint Commission was held in Islamabad on 24 May 2007 and stresses the need for human rights to be at the forefront of the agenda for all subsequent meetings;

### ***Female genital mutilation and other harmful traditional practices***

76. Emphasises that efforts to eliminate all forms of female genital mutilation should be

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<sup>1</sup> In particular Mutabar Tadjibaeva, chair of the human rights organisation Plammenoe Serdtse, and of the 12 human rights defenders: Saidjahon Zainabitdinov, Nosim Isakov, Norboi Kholjigitov, Abdusattor Irzaev, Habibulla Okpulatov, Azam Formonov, Alisher Karamatov, Mamarajab Nazarov, Dilmurad Mukhiddinov, Rasul Khudainasarov, Bobumurod Mavlanov and Ulugbek Kattabekov.

intensified both at the grass-roots level and within the policy-making process, so as to highlight the fact that such mutilation is both a violation of human rights and a gender issue;

77. Insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls, including all forms of harmful traditional or customary practices, for example female genital mutilation and early or forced marriage, all forms of trafficking in human beings, domestic violence and femicide, exploitation at work and economic exploitation;
78. Calls on the Council, the Commission and Member States to use the human rights clause to make combating all forms of female genital mutilation a priority issue in relations with non-Member States, particularly those States that have preferential relations with the European Union under the Cotonou Agreement, and to put pressure on them to adopt the necessary legislative, administrative, judicial and preventive measures to put an end to these practices;
79. Calls on the Council, the Commission and Member States to promote in particular the ratification and implementation by African Union Member States of the African Union Protocol on the Rights of Women in Africa;
80. Calls on the Council, the Commission and Member States to enhance the EIDHR and to ensure the allocation of funds for activities addressing the elimination of all forms of female genital mutilation;

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

81. Deplores the ongoing violations of human rights and democracy by the military junta in Burma and supports the European Union's commitment to attaining its stated objectives, namely the establishment of a legitimate, democratic civilian government which respects the human rights of its people and restores normal relations with the international community; welcomes the Council's adoption in November 2007 of a common position renewing existing restrictive measures and introducing additional restrictive measures, but regrets the exclusion from those measures of crucial sectors such as energy; condemns the brutal response of the Burmese authorities to the demonstrations by the Buddhist monks and all other peaceful demonstrators; welcomes the appointment of a European Union Special Envoy for Burma and asks the Commission to actively support the Burmese pro-democracy movement in the framework of the EIDHR;
82. Calls on the Council Presidency to focus on countries of particular concern as regards human rights; in particular, encourages the Council to fully implement the European Union guidelines on Human Rights Defenders and to allocate additional resources for projects under the EIDHR, in particular for promoting democracy in Belarus, Burma, Cuba, Eritrea, Laos, North Korea, Uzbekistan, Vietnam and Zimbabwe; considers that the conception and implementation of those projects should not be conditional on the consent or cooperation of the respective regimes;

83. Welcomes the holding of the European Union's first Anti-Trafficking Day on 18 October 2007, designed to raise awareness of human trafficking and stress the European Union's long-standing commitment to its eradication;
84. Welcomes the European Union NGO Human Rights Forum organised by the Portuguese Presidency and the Commission and held in Lisbon in December 2007 on the topic of economic, social and cultural rights; endorses the recommendations of the Forum, which reaffirmed the indivisibility and universality of human rights and succeeded in linking the external and internal aspects of European Union policies;
85. Welcomes the fourth meeting of the European Union Network of Contact Points in respect of persons responsible for genocide, war crimes and crimes against humanity, which took place in The Hague on 7 and 8 May 2007; takes note of the work of that meeting, which was entirely devoted to Rwanda and investigations of Rwandan suspects by European states;
86. Calls on the Council Presidency to address the lack of action by the European Union in Darfur; welcomes the African Union/United Nations Hybrid operation in Darfur (UNAMID), unanimously approved on 31 July 2007 by United Nations Security Council Resolution 1769 (2007) as a small step in the right direction; notes that UNAMID took over from the African Union Mission in Sudan (AMIS) on 31 December 2007, and has an initial mandate expiring on 31 July 2008; expects that the 7,000-strong AMIS, which has hitherto been responsible for peacekeeping, will merge into this new force and that all necessary measures to ensure the ability of UNAMID to fulfil its mandate will be undertaken, including periodic review of the number of peacekeepers deployed; insists, none the less, that the arrest warrants issued by the ICC in relation to Darfur must be executed as soon as possible;
87. Welcomes the fact that work has begun in the United Nations on achieving a uniform standard of conduct for all categories of personnel involved in peacekeeping missions; notes that the Task Force Plan of Action outlines the requirement that a set of six core principles be incorporated into all codes of conduct of the Inter-Agency Standing Committee (IASC), including a principle prohibiting sexual activity with persons under the age of 18, regardless of the age of majority or age of consent applying locally; welcomes the fact that this code of conduct now applies to all United Nations peacekeeping and humanitarian personnel; welcomes the creation of personal conduct units within the United Nations Missions in Burundi, Cote d'Ivoire, the Democratic Republic of the Congo and Haiti to investigate allegations and to assist victims; expects full implementation of the code of conduct in all United Nations Missions, including where appropriate the enforcement of criminal sanctions against those personnel proved to have raped or sexually exploited children;
88. Welcomes the fact that the Council establishes and regularly updates lists of focus countries in respect of which additional concerted efforts are made with a view to implementation of the European Union Guidelines on children and armed conflicts, on the death penalty (so-called 'countries on the cusp') and on human rights defenders; notes that a similar practice is also envisaged under the Implementation Strategy of the new European Union Guidelines on the promotion and protection of the rights of the

child; encourages the Commission and the Council to extend this good practice, which allows the European Union *inter alia* to react in a more effective manner through demarches, statements and other forms of action, to the European Union Guidelines on torture; encourages the Council and the Commission to involve United Nations Special Mechanisms and to take into account recommendations and urgency resolutions of the European Parliament when identifying focus countries;

89. Reiterates its request that all human rights and democracy discussions with third countries, instruments, documents and reports, including the Annual Reports, explicitly address discrimination issues including the issues of ethnic minorities, religious freedoms including discriminatory practices towards minority religions, the protection and promotion of the rights of indigenous peoples, 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 European Union and in third countries, where appropriate;

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

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

90. Calls for complete transparency regarding the ways in which money is spent and projects are chosen and assessed under the EIDHR; calls for publication on the internet of all chosen projects, whenever compatible with the protection of the recipient;
91. Welcomes the adoption, under the EIDHR, of a new measure 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;
92. Notes that EIDHR funds committed for European Union election observation missions in 2007 amounted to 23% of the total EIDHR funds used (EUR 30.1 million) and that 11 such missions were conducted;
93. Notes that a large proportion (around 50%) of the total EIDHR funding for projects contracted in 2007 went to big thematic projects and only a small proportion (24%) to country-based support schemes (equivalent to micro-projects); notes also that only a small part of the funds were destined for Asia, the most problematic continent in terms of human rights violations; suggests that the geographical balance be rethought;
94. Notes that care must be taken in funding international organisations whose funding is provided through assessed contributions of Member States, such as the ICC, since funding provided to such organisations is tantamount to subsidising States Parties, who are under an obligation to provide such funding to those organisations, and places other projects and institutions that rely on EIDHR funding at risk, such as NGO projects and the legacy program and outreach work of the Special Court for Sierra Leone;

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

95. Deplores the fact that the human rights and democracy clause, an essential element of all cooperation and partnership agreements with third countries, is still not being implemented in a concrete fashion, due to the lack of a mechanism that would allow it to be enforced;
96. Emphasises once again in this context the proposals set out in Parliament's above-mentioned resolution of 14 February 2006 on human rights and democracy clauses in European Union agreements;
97. Reiterates its call for the human rights clauses to be implemented through a more transparent procedure of consultation between the parties, detailing the political and legal mechanisms to be used in the event of a request for bilateral cooperation to be suspended on the grounds of repeated and/or systematic human rights violations in breach of international law; considers that clauses should also include details of a mechanism to allow for the temporary suspension of a cooperation agreement as well as a 'warning mechanism';
98. Notes that the European Union did not in 2007 conclude any new agreements containing human rights clauses;
99. Welcomes the fact that the Commission and the Council suspended Belarus' trading preferences in June 2007 under the Generalised System of Preferences (GSP) in consequence of the failure of the government of Belarus to implement any of the recommendations presented by the International Labour Organisation (ILO) in 2004;

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

100. Calls on the Commission to continue to monitor closely the granting of 'Generalised System of Preferences plus' 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 determining when the GSP should be withdrawn on human rights grounds;
101. Recalls the Declaration on the Right to Development, adopted by United Nations General Assembly resolution 41/128 of 4 December 1986, which recognises that the right to development is an inalienable human right and that States have the primary responsibility for the creation of conditions favourable to the realisation of the right to development, and must take steps to formulate international development policies with a view to facilitating the full realisation of this right; calls for measures to ensure that international development programmes designed to address this responsibility of States are inclusive of and accessible to persons with disabilities, in accordance with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities, signed by the European Communities on 30 March 2007;
102. Recalls that the European Union general budget for 2008 provides for appropriations that cover disability to be checked to ensure that, as Community aid, they comply with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities, and calls for these provisions of the budget to be rigorously implemented and followed



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103. Calls on the Council to do its utmost to implement the fundamental right to health as regards the treatment of pain and access to opioid analgesics, noting that the International Narcotics Control Board has asked the international community to promote the prescription of painkillers, especially in poor countries, as severe under-treatment is reported in more than 150 countries;
104. 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;
105. Urges the Commission to continue to promote corporate social responsibility among European and local companies; asks the Council to report back to Parliament on any feedback from the United Nations Special Representative on Business and Human Rights which clarifies standards of corporate responsibility and accountability for trans-national corporations and other business enterprises with regard to human rights;
106. Recognises that immigration policy has become a priority on the EU's internal and external policy agenda and that in its texts the EU has been attempting to link immigration and development and to ensure that the fundamental rights of immigrants are respected; maintains, however, that the reality on the ground belies 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;
107. Calls on the Council to ensure that the rights of refugees, asylum seekers and migrants are fully respected in practice when enhancing cooperation with third countries on immigration and asylum; emphasises that, in particular, the mechanism of the European Neighbourhood Policy should be used to monitor human rights performance in this field; calls on the Council and the Commission to check that, in the context of cooperation policies relating to action against illegal immigration, no support is given to police and judicial bodies in countries which commit serious and systematic violations of human rights and/or do not report on the way in which the relevant funds are used;
108. Calls on the Commission and the Council to take European Union initiatives at international level to fight persecution and discrimination based on sexual orientation and gender identity, e.g. by promoting a resolution on this issue at United Nations level and granting support to NGOs and actors who promote equality and non-discrimination; condemns the fact that many countries have criminalised homosexual behaviour, that Iran, Saudi Arabia, Yemen, Sudan, Mauritania, the United Arab Emirates and parts of Nigeria impose the death penalty for homosexual activities, that 77 countries have laws that allow state authorities to prosecute, and possibly impose a prison sentence on, people for same-sex acts and that several countries, such as India, Pakistan, Bangladesh, Uganda, Kenya, Tanzania, Zambia, Malawi, Niger, Burkina Faso, Sierra Leone and Malaysia, have laws providing for the imposition of terms of imprisonment lasting from 11 years to life; fully supports the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity;

urges Member States to grant asylum to persons who risk persecution in their countries of origin because of their sexual orientation and gender identity;

109. Calls on the Commission and the Council to ensure, with a view to the planned 2009 ministerial meeting of the United Nations Office on Drugs and Crime (UNODC), that the funding supplied to international agencies such as those of the United Nations to combat illegal drugs are never used either directly or indirectly to support security bodies in countries which commit serious and systematic violations of human rights or apply the death penalty in drugs-related cases; calls also for a document to be prepared, setting out in a comprehensive and detailed manner the best practices implemented by all European Union Member States on human rights and drug policies on the occasion of the forthcoming session of the United Nations Commission on Narcotic Drugs;
110. Reiterates the importance of European Union 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 and the Additional Protocols thereto, 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 European Union area of freedom, security and justice;
111. Reiterates its concern regarding restrictions on internet content, whether they apply to the dissemination or to the receipt of information, that are imposed by governments and are not in strict conformity with the guarantee of freedom of expression; in this respect, requests the Council and the Commission to draw up Community rules on trade with third countries concerning goods, including software, hardware and other similar items, the sole purpose of which is to conduct general surveillance activities and to restrict access to the internet in a manner inconsistent with freedom of expression, and the import and export of such goods, with the exception of goods the sole purpose of which is the protection of children; considers that the same should apply as regards surveillance and/or military technology destined for countries which are systematic violators of human rights; calls also for concrete solution to be found in order to prevent European businesses from providing those countries with personal data that may be used to violate such rights, particularly freedom of expression;

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

112. Asks the Council to participate in debates on urgency resolutions and calls for the Subcommittee on Human Rights to be given a more constructive role in the development of consistent and transparent criteria for the selection of urgency topics;
113. Recommends that resolutions and other key documents relating to human rights issues be translated into the language spoken in the targeted areas, particularly into languages whose use is not recognised by government authorities responsible for human rights violations;

114. Strongly regrets the rejection by the Burmese and Cuban authorities of Parliament's request for their agreement to the sending of a delegation to visit former Sakharov Prize laureates; considers that Parliament should facilitate the establishment of a network of Sakharov Prize laureates, with regular meetings being held in Parliament;
115. Reminds Parliament's delegations that they should systematically include in the agenda of their visits to third countries an inter-parliamentary debate on the human rights situation;
116. Acknowledges the work of its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, and the report of that Committee resulting in the resolution in that regard adopted by Parliament on 14 February 2007<sup>1</sup>; requests the European Union and Member States to work together at all levels to denounce the practice of extraordinary rendition now and in the future;

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117. 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 Organisation for Security and Cooperation in Europe and the governments of the countries mentioned in this resolution.

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<sup>1</sup> OJ C 287 E, 29.11.2007, p. 309.