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ANNUAL REPORT

on human rights in the world in 2000 and the European Union Human Rights Policy
(11317/2000 - C5-0536/2000 and C5-0628/2000 - 2000/2105(INI))

Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

Rapporteur: Matti Wuori

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PROCEDURAL PAGE

At the sitting of 14 April 2000 the President of Parliament announced that the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on human rights in the world in 2000 and the European Union Human Rights Policy.

By letter of 10 October 2000 the Council forwarded to the European Parliament an EU Annual Report on Human Rights (11317/2000).

At the sitting of 27 October 2000 the President of the European Parliament announced that this report had been referred to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible (C5-0536/2000).

By letter of 14 November 2000 the Commission forwarded to the European Parliament a report on the implementation of measures intended to promote observance of human rights and democratic principles in external relations for 1996-1999 (COM(2000) 726).

At the sitting of 29 November 2000 the President of the European Parliament announced that this report had been referred to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible and to the Committee on Budgets and the Committee on Development and Cooperation for their opinions (C5-0628/2000).

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had appointed Matti Wuori rapporteur at its meeting of 7 November 2000.

It considered the draft report at its meetings of 23-25 April 2001 and 28/29 May 2001.

At the latter meeting it adopted the motion for a resolution unanimously with 2 abstentions.

The following were present for the vote: Elmar Brok, chairman; Emma Nicholson of Winterbourne, vice-chairman; William Francis Newton Dunn, vice-chairman; Catherine Lalumière, vice-chairman; Matti Wuori, rapporteur; Alexandros Baltas, Bastiaan Belder, Andreas Brie, Pere Esteve, Michael Gahler, Per Gahrton, Gerardo Galeote Quecedo, Jas Gawronski, Alfred Gomolka, Bertel Haarder, Magdalene Hoff, Efstratios Korakas, Jan Joost Lagendijk, Alain Lamassoure, Pedro Marset Campos, Hugues Martin, Raimon Obiols i Germa, Arie Oostlander, Jacques F. Poos, Jannis Sakellariou, José Ignacio Salafranca Sánchez-Neyra, Jacques Santer, Elisabeth Schroedter, Ioannis Souladakis, Paavo Väyrynen, Johan Van Hecke, Christos Zacharakis, Maria Carrilho (for Mário Soares), Olivier Dupuis (for Emma Bonino), Monica Frassoni (for Daniel Marc Cohn-Bendit), Vasco Graca Moura (for José Pacheco Pereira), Georg Jarzembowski (for Ingo Friedrich), Cecilia Malmström (for Francesco Rutelli) and Doris Pack (for Hans-Gert Poettering)

The opinions of the Committee on Budgets and the Committee on Development and Cooperation are attached.

The report was tabled on 30 May 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on human rights in the world in 2000 and the European Union Human Rights Policy (11317/2000 - C5-0536/2000 and C5-0628/2000 - 2000/2105(INI))

The European Parliament,

- having regard to the second EU Annual Report on Human Rights (11317/2000 - C5-0536/2000)
- having regard to the report from the Commission on the implementation of measures intended to promote observance of human rights and democratic principles in external relations for 1996-1999 (COM (2000) 726 - C5-0628/2000),
- having regard to Articles 3, 6, 11 and 19 of the Treaty on European Union and Articles 177 and 300 of the Treaty establishing the European Community,
- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its Optional Protocols, in particular Article 19, and the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of Discrimination against Women (1967) and the Convention on the Rights of the Child (1989),
- having regard to the European Parliament's annual Sakharov Prize for Freedom of Thought,
- having regard to its previous resolutions on human rights in the world, adopted on 16 March 2000, 17 December 1998, 12 December 1996, 26 April 1995, 12 March 1993, 12 September 1991, 18 January 1989, 12 March 1987, 22 October 1985, 22 May 1984 and 17 May 1983¹,
- having regard to the proclamation of the Charter of fundamental rights by the European Council in Nice in December 2000,
- having regard to its resolutions on respect for human rights in the European Union, in particular the resolution of 16 March 2000²,
- having regard to its resolutions of 16 March 2000 on countering racism and xenophobia in the European Union³ and on the Commission communication: Countering racism, xenophobia and anti-Semitism in the candidate countries (COM(1999) 256 – C5-0094/1999)⁴,
- having regard to its resolution of 15 March 2001 on the Commission communication on

¹ OJ C 377, 29.12.2000, p. 336; C 98, 9.4.1999, pp. 267 and 270; C 20, 20.1.1997, p. 94; C 126, 22.5.1995, p. 15; C 115, 26.4.1993, p. 214; C 267, 14.10.1991, p. 165; C 47, 27.02.1989, p. 61; C 99, 13.4.1987, p. 157; C 343, 31.12.1985, p. 29; C 172, 2.7.1984, p. 36; C 161, 10.6.1983, p. 58.

² OJ C 377, 29.12.2000, p. 344

³ OJ C 377, 29.12.2000, p. 366

⁴ OJ C 377, 29.12.2000, p. 376

EU election assistance and election observation (COM(1999) 191 - C5-0259/2000) ¹,

- having regard to its resolution of 19 December 1997 on the report from the Commission on the implementation of measures intended to promote observance of human rights and democratic principles (for 1995) (COM (1996) 672 - C4 -0095/1997)²,
- having regard to the Special Report (No 12/2000)³ of the Court of Auditors on the management by the Commission of EU support for the development of human rights and democracy in third countries,
- having regard to its resolution of 17 December 1998 on the communication from the Commission to the Council and the European Parliament on “The European Union and the external dimension of human rights policy: from Rome to Maastricht and beyond” (COM (1995) 567 – C4-0568/1995)⁴,
- having regard to its resolution of 19 December 1997 on setting up a single co-ordinating structure within the Commission, responsible for human rights and democratisation⁵,
- having regard to its resolution of 20 September 1996 on the communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries (COM (1995) 216 – C4-0197/1995)⁶,
- having regard to its resolution of 5 September 2000 on a common Community diplomacy⁷ and the communication from the Commission on the development of the external service (COM (2000) 456),
- having regard to the Commission communication on the reform of the management of external aid (SEC (2000) 814),
- having regard to the new ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000⁸,
- having regard to its resolution of 1 March 2001 on the Commission communication on the European Community's Development Policy (COM (2000) 212 – C5 – 0264/2000)⁹,
- having regard the Council Regulation of 26 February 2001 on creating a rapid-reaction mechanism¹⁰ and its resolution on the proposal for a Council regulation creating the Rapid Reaction Facility of 17 January 2001¹¹,

¹ Texts adopted of that Sitting, Item 8

² OJ C 14, 19.1.1998, p. 399.

³ OJ C 230, 10.8.2000, p. 1

⁴ OJ C 98, 9.4.1999, p. 267.

⁵ OJ C 14, 19.1.1998, p. 402.

⁶ OJ C 320, 28.10.1996, p. 261.

⁷ Texts Adopted of that Sitting, Item 4

⁸ OJ L 317, 15.12.2000, pp. 3-353,

⁹ Texts Adopted of that Sitting, Item 12

¹⁰ OJ L 57, 27.2.2001, p. 5

¹¹ Texts of that Sitting, Item 7

- having regard to the results of the United Nations Conference on Human Rights in Vienna in 1993 and the conclusions of the United Nations Conference on Women and Development in Beijing in 1994,
 - having regard to the results of the 57th session of the UN Human Rights Commission,
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinions of the Committee on Budgets and the Committee on Development and Cooperation (A5-0193/2001),
- A. whereas common values such as the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law form the foundation of the EU's objectives for peace, development and international cooperation in the framework of EU foreign policy and development policy,
 - B. whereas Parliament's commitment to defending respect for human rights and its leading role in pressing for the development of EU human rights policies and in keeping human rights at the forefront of the EU agenda are clearly highlighted by the constant appeals from citizens concerned about violations of human rights, both inside and outside the EU,
 - C. whereas, faced with ongoing conflicts, increasing poverty and continuous violations of human rights and democratic principles, in their various forms, in a large number of countries, the EU must conduct a more consistent crisis prevention policy commensurate with its political and economic strength, and a bilateral and multilateral dialogue on issues concerned with human rights and the development of democracy in all its aspects,
 - D. whereas the latest developments showing increasing threats to freedom of expression and the safety of journalists in many countries raise serious concern,
 - E. whereas human rights are universal and the principle of national sovereignty should not deny the EU the right to seek to exert influence – and possibly to intervene – with a view to halting gross and systematic violations of human rights with grave humanitarian consequences,
 - F. whereas human rights and democratisation in other countries are a matter of European concern, and whereas the Union must back up its policies, declarations and dialogue with cooperation projects that will lead to improvements on the ground,
 - G. whereas the ACP-EU Partnership Agreement of Cotonou introduces new areas for political dialogue and political consultation such as conflict prevention and crisis management, good governance, the fight against corruption, enforced migration and gender equality, and strengthens the role of the Parliamentary Assembly in promoting the process of democracy,

- H. whereas coherence and consistency of EU policy on human rights and democracy must be ensured by improved cooperation and dialogue between the EU institutions, and the role of the European Parliament in EU human rights policy should, in the light of the recent development of human rights policy instruments and mechanisms by the Council and the Commission, be more targeted towards controlling the policies of these institutions,
- I. whereas the results of the Human Rights Discussion Forums, and in particular the Conference in Venice held in May 2000 on the theme "The European Union and the central role of human rights and democratic principles in relations with third countries", underlined the need to ensure the transparency and continuity of all available instruments to deal with human rights situations,
- J. whereas the report from the Commission on the implementation of measures intended to promote observance of human rights and democratic principles in external relations for 1996-1999 responds to the call from the European Parliament, Member States and partners in civil society for more accountability in the deployment of Community funds,
- K. whereas the Commission's reform of the management of external assistance aims to substantially improve the speed of delivery, and the quality and profile (visibility) of European Union external assistance since the exponential growth in the volume of aid has not been matched by appropriate changes in human resources, structures and management tools,

EU strategy for human rights

1. Underlines the fact that respect for human rights should be an integral element of, and should be prioritised in, all EU activities, including EU conflict prevention efforts, and that human rights matters must be addressed openly and efficiently in peace-building dialogues and in agreements with third countries; and thus calls on the Council and the Commission to elaborate more focused thematic human rights common strategies (for example on children and impunity), whereby the respective working programmes should systematically include sections on well-defined policies and actions aimed at promoting human rights and democracy;
2. Considers that a strategy can only be useful if it is conceived in such a way as to add real value to EU policy on human rights and democratisation; is therefore in agreement in demanding: that it should have specific annual priorities which, even if limited, are clearly defined and verifiable; that the setting of priorities should always go hand in hand with the indication of measures for the actual implementation of such priorities, by the various Community institutions and the Member States, and that the strategy as a whole should be subject to an annual review; lastly, that the strategy should ensure improved synergy and consistency between all the policies of the Union which have implications for the area;
3. Hopes that the guidelines adopted on 26 February 2001 by the General Affairs Council will improve the effectiveness of the Union's Common Strategies, which are an important instrument in promoting the Union's interests, including respect for human rights and the strengthening of democracy and the rule of law, in a more coherent manner;
4. Stresses, furthermore, that, with a view to a long-term political strategy, the Union's key instruments - whether development cooperation, humanitarian assistance, human rights

clauses in partnership and co-operation agreements, or deployment of funding under the Initiative for Democracy and Human Rights – should be informed by one common principle, namely the need to use all instruments in order to elicit the most beneficial changes and in a self-sustaining manner;

5. Calls, therefore, on the Commission to ascertain systematically whether EU action is likely to promote democratisation and respect for human rights in third countries, on the basis of a sound country assessment and a systematic ex ante analysis of the relevant action, possibly with the support of internationally experienced experts and local and international non-governmental organisations; strategy and instruments must be adapted with flexibility and mechanisms for monitoring and evaluation of results must be put in place;
6. Calls, furthermore, on the Commission to include a reference to the need for campaigns for the promotion of human rights and democracy as an integral part of its country strategy papers and to forward these papers systematically to Parliament;
7. Stresses the need for an efficient Union policy in the field of crisis management, which should be primarily based on the early use of all available tools for conflict prevention, such as the newly established rapid-reaction mechanism, a sustained political dialogue addressing human rights violations, and on close cooperation with the relevant international and regional organisations (UN, OSCE, OAU, etc.);

Conditionality and international diplomacy for human rights

8. Reiterates its concern about the fact that many international agreements by which the EU is bound and which include human rights clauses do not include implementing rules governing the suspension mechanism, as provided for in the ACP-EU Partnership Agreement, and insists, therefore, that adequate regulations should be adopted where necessary;
9. Notes that, formally, the Commission has the exclusive right of initiative as regards the invocation of the human rights clause, but calls on the Commission to respect Parliament's requests concerning the initiation of consultations foreseen in the suspension process;
10. Believes that criteria for the implementation of the clause need to be applied in a flexible manner; emphasises, however, that interpreting such clauses positively and with flexibility should never become a justification or a pretext for inaction, especially in cases of gross violations of human rights, in cases of torture, which should never be negotiable;
11. Reiterates that the current policies of 'blind' sanctions must be replaced by policies of 'smart' sanctions more appropriate to the specific circumstances of each country; urges the Council and Commission to develop further tools and mechanisms to target illegally expropriated assets of the heads of governments guilty of abuse - and their entourage - and to promote coordinated international efforts to restore such assets to the country of origin as soon as a genuine process of democratisation has started;
12. Calls on the Member States to ensure that their actions are consistent with the Union's measures in the field of external relations and, in particular, to suspend their bilateral

cooperation with any country with which the Union has suspended its cooperation and to maintain their suspension for the same length of time as the Union;

13. Believes that the political dialogue should reflect a real partnership in which both sides learn from each other; calls on the Council to come to an agreement with the partner countries in order to address questions concerning human rights and democracy, the rule of law, respect for minorities, good governance and gender equality in its dialogues on a systematic and regular basis;
14. Calls on the Council to formulate concrete objectives for the human rights dialogue, to ensure that its results are regularly evaluated and that Parliament is systematically informed about the agenda and the results;
15. Calls on the Council and the Commission to ensure the coherence of their external action, irrespective of the existence or otherwise of agreements and suspensory or implementing clauses on respect for human rights;

European Parliament and interinstitutional co-operation

16. Decides to launch internal discussions on the way in which its competent bodies, starting with the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, currently monitor the issue of human rights and democracy, with a view to assessing whether and how these structures need to be improved;
17. Recommends that procedures should be drawn up to allow a coordinated and coherent follow-up of individual cases of human rights violations brought up through plenary resolutions, through the European Parliament's Committee on Foreign Affairs and Working Party on Human Rights and through interparliamentary delegations and joint Parliamentary committees;
18. Calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy to appoint one or more of its Members to carry out a coordinated and consistent follow-up to individual cases of human rights violations raised in plenary resolutions or through its relevant parliamentary bodies and to guarantee a better coordination with the human rights work of other committees; considers that the representative(s) thus appointed could also act as its official representative for human rights in relation to the outside world, in particular the EU institutions and the international organisations;
19. Calls on the Presidency to organise, with representatives of Parliament, pre-sessions of the Council's Working Group on Human Rights (COHOM) and meetings, with a view to the annual sessions of the UN Commission on Human Rights;
20. Reiterates its call on the Council's Secretary-General/High Representative for the CFSP to present an annual report to the Council and the EP on the results of the co-ordinating of positions and policies of the Member States in international organisations, alongside the Union's position and policies on issues concerning human rights and democracy;
21. Calls on the Council's Secretary-General/High Representative for the CFSP and on the Commission to discuss in advance with Parliament the annual orientations and priorities

of the Union in conflict prevention; calls on the Commission to present to the Parliament an overall evaluation report of the implemented actions and projects under the rapid-reaction mechanism, notably by indicating the amounts involved, their nature and the partner concerned;

22. Recalls that monitoring of human rights situations should be a primary task of the Policy Planning and Early Warning Unit and calls on the Secretary-General of the Council/High Representative for the CFSP to inform the EP about the activities of the task force 'horizontal issues' which deals with human rights and conflict prevention;
23. Calls on the Council to appoint a high-level liaison officer for external relations not only to attend, but also to participate as a speaker in the meetings of Parliament's Committee on Foreign Affairs; calls on the Council to respond in writing to the EP's annual report on human rights;
24. Stresses, furthermore, that joint reports to be drawn up by the EU's Missions and the Delegations concerned could substantially improve their coherence when assessing the human rights situation in third countries and should refer to Parliament's recommendations; considers that coordinated working methods should be extended to joint reporting to Member States' capitals and the EP;
25. Stresses that training of the EU Mission staff as well as Commission staff in RELEX, Development, ECHO and in particular in Delegations, should include a fundamental grounding in human rights and democracy issues; calls on the Commission to provide a sufficient budget for such training;
26. Stresses that the second EU Annual Report on Human Rights, while providing broader information about EU activities, does not yet contain information on human rights activities conducted by the Member States (links to national human rights reports and human rights bodies), or on the follow-up to Parliament's initiatives and statements;
27. Welcomes the effort put into the details and background information but encourages the Council to be more self-critical when reporting on policies and assessing the results, enabling democratic scrutiny, in particular by the European Parliament;
28. Deplores the fact that the second EU Human Rights Discussion Forum in December 2000 coincided with the EP Plenary session and insists on improved coordination between the institutions in order to ensure broad participation by Members of Parliament; calls on the Presidency and the Commission to organise future Human Rights Discussion Forums in Brussels in order to facilitate European Parliament participation;
29. Calls on the Belgian Presidency and the Commission to focus the attention of the next Human Rights Discussion Forum on the sex trade, asylum, immigration and trafficking in human beings;

30. In this respect, welcomes the Commissioner Mr Patten's insistence at the informal Council meeting in Nyköping on 8 May 2001 that implementation of a coherent human rights policy should not entail applying differing criteria to non-member States; also welcomes the Commission proposal submitted on 8 May on promoting human rights and democratisation in non-member States as a good basis for discussion;
31. Calls on the Council to set up a website on human rights issues; welcomes, in this context, the progress made by the Commission's Relex DG; emphasises the usefulness of a human rights website run jointly by the EU institutions on the Europa server;

Dialogue with non-governmental organisations defending human rights and democracy

32. Notes the importance of NGOs as partners for the EU and the Member States' governments in the human rights and democracy policy debate and in the implementation of programmes in third countries; calls, therefore, on the Commission to involve the NGOs as partners, who can cooperate in the political dialogue and not simply as actors implementing EU human rights and democracy support actions; at the same time, sees the need in some countries to check that supposed NGOs are not in reality 'GONGOs', i.e. government-organised NGOs, or even 'MONGOs', i.e. mafia-organised NGOs;
33. Recommends establishing dialogue and consultation mechanisms between the NGOs and the EU institutions and looks forward to the Commission communication on strengthening the relationship with NGOs;
34. Recognises the important contribution of the NGOs in providing Parliament with information for the preparation of its initiatives and statements, and in particular urgency resolutions; welcomes in particular the monthly Human Rights Contact Group meetings;

Cooperation with international organisations

35. Congratulates the High Commissioner for Human Rights, Ms Mary Robinson, on having given human rights a central role in the UN system by placing the emphasis on understanding human rights in their broadest sense - economic and social as well as civil and political rights;
36. Subscribes to the target set by the United Nations Secretary-General of placing human rights at the heart of every aspect of United Nations activity and underlines the need for adequate funding for the Office of the High Commissioner for Human Rights;
37. Calls on the Council and Commission to cooperate with UN Treaty bodies and special mechanisms, to take into account their findings and recommendations, and to contribute further to consistent and cohesive EU action in the framework of international organisations; believes that structures and cooperation have to be developed in a way that guarantees the complementarity and compatibility of the common efforts; encourages EU Member States to accede to the relevant UN conventions as soon as possible;
38. Reiterates its call on the Council and the Member States to support the proposal made at UN level that countries acceding to UN human rights instruments should issue a standing invitation to all relevant UN Special Rapporteurs;

Implementation of human rights budget

39. Recalls that Article 274 of the Treaty confers the sole responsibility for implementing the budget on the Commission and obliges it to implement the budget as established by the Budgetary Authority;
40. Emphasises the importance of involving the European Parliament in laying down guidelines and monitoring the implementation of human rights and democracy programmes; calls on the Commission to discuss with the Parliament's human rights working group the annual policy priorities for the human rights budget expenditure formulated within the context of an overall EU strategy;
41. Welcomes the increase in the human rights budget (B7-70) for 2001 but notes with concern that the implementation figures of the European Initiative for Democracy and Human Rights are not satisfactory; insists that the European Union must deliver in accordance with its political commitments;
42. Expects that the Commission's intention to define performance targets for the implementation of the European Initiative for Democracy and Human Rights (Chapter B7-7) will lead to improved results, will facilitate the evaluation process and will contribute to providing value for money for the taxpayer;
43. Remains convinced that the European Development Fund needs to be integrated into the general budget of the European Union in order to increase transparency and improve the allocation of resources;
44. Underlines that the management capacity of the programmes needs to be improved and the allocation of human resources reviewed, if necessary; insists that the implementation of Chapter B7-7 must reflect the importance that the European Parliament and the European citizen attach to the promotion of human rights and democracy;
45. Calls on the Commission to forward to Parliament a progress report on the reform of the management of external assistance and to publish annually and in due time for the budgetary Authority to take it into account the report on the implementation of measures funded through the European Initiative for Democracy and Human Rights; considers that more progress must be made with regard to thoroughly assessing projects, by establishing guidelines and standards, notably concerning pertinence, efficiency, effectiveness, impact and sustainability, cost-effectiveness and the pros and cons of co-financing with other international partners;
46. Welcomes the Commission efforts to decentralise and devolve the management of external assistance to the Commission delegations (and, where appropriate, the authorities of third countries) in order to improve the speed and quality of EU aid management; believes that the authorities of third countries should not be involved in the decision-making regarding the granting of funds under the European Initiative for Democracy and Human Rights;
47. Welcomes the efforts of EuropeAid with regard to transparency and customer service; recommends improving the human rights and democracy funding website by including selected projects and evaluation reports;

48. Stresses the importance of standardising the implementation procedures as well as the symbols used by the organisations involved in providing EU aid;
49. Recommends that the Commission establish a help line and e-mail-box for information on the application procedure for grants and that it organise seminars concerning the system of Community grants to local NGOs, linked to the implementation of human rights and democracy micro-projects;

Development

50. Points out that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realisation of these rights;
51. Stresses that human rights also include allowing the countries concerned to choose their own model of development in the context of stable political structures, for a socially and ecologically sustainable development, based on the economic and strategic potential of the country concerned;
52. Deplores in particular the tragic wars, civil conflicts and inter-ethnic strife which are a major cause of human rights violations;
53. Stresses the fact that human rights constitute a cornerstone within both the EU's development policy and the Cotonou Agreement;
54. Stresses the necessity to end discriminatory provisions against women and girls in national legislation, and to ensure equal access for all, regardless of gender, to education (both primary and higher education), the labour market, health care, etc;
55. Recalls its support for the setting of fair social standards in economic activity and its commitment to take part in efforts to combat the exploitation of labour throughout the world;

Respect for Freedom of Expression and Independent Journalism

56. Urges the Council and Commission to give priority to press freedom issues and especially the security and independence of journalists;
57. Calls on the Council and Commission always to take immediate and forceful action in the case of the disappearance, torture and intimidation of journalists anywhere in the world;
58. Stresses the inalienable right of any journalist in detention to a fair trial and calls for such trials of journalists anywhere in the world to be made open to observers from the international community;
59. Calls for concrete measures, including devoting sufficient resources to preventing attacks on journalists; calls for rigorous investigations into such attacks, to ensure that those responsible are brought to justice and victims obtain compensation; recalls that states have a positive duty to protect the media from attacks and to ensure that perpetrators do not enjoy impunity;

60. Calls on the Council and Commission to take all possible measures with a view to ensuring that persons who are the victims of a violation of the freedom of the press do not for that reason suffer any additional obstacles to their movement in the EU or in third countries other than the country in question;
61. Urges the Council and Commission to assist the media in trouble spots, using the expertise of local professionals and international journalism groups; calls for proposals to establish media help-centres in Colombia and East Timor, for example, providing opportunities for empowerment of local organisations in dealing with their difficulties;
62. Recommends that the Council and Commission support the adoption and implementation of codes of practice for security in journalism;
63. Condemns all forms of censorship and recommends that priority be given to promotion of freedom of expression, information and press freedom and public access to public documents; stresses that the principle of conditionality upon respect for human rights including freedom of expression, should be applied in political and economic relations with third countries;
64. Stresses that there can be no democratic, modern state without a strong civil society and free media, in which every citizen has unrestricted access to information via independent media;
65. Calls for a thorough analysis of existing obstacles to media freedom, including a review of all laws and regulations affecting access to information and the exercise of journalism, including libel, defamation and sedition laws;
66. Calls for continued support for the monitoring of the implementation of freedom of expression legislation; in this respect recommends that the Council and Commission take relevant actions aimed at coordination with other international institutions, such as the United Nations, the OSCE Representative on Freedom of Media, NGOs, journalist associations and trade unions and complementary measures;
67. Calls for governments to provide open access to information and urges them to adopt freedom of information legislation in line with international standards to ensure their implementation;
68. Calls upon governments not to interfere in the media or abuse legal measures to limit media freedom; urges governments to combat excessive media concentration, review draconian and disproportionate defamation laws and ensure a fair and transparent licensing system as well as fair control of the distribution of information;

69. Urges all countries, that have taken measures to control and limit the use of modern technology, to guarantee their citizens' right to freely use e-mail and internet without censorship;
70. Requests governments to ensure the freedom of reporting, i.e. protection of whistleblowers who disclose information in the public interest and to guarantee by law the right of journalists everywhere not to reveal confidential sources of information;
71. Expresses its concern over the gradual concentration of the media and the consequent danger of the disappearance of private and independent media in Russia; expresses the wish, in addition, that the difficult conditions which Ukrainian journalists have faced in the recent past can be resolved soon in order to ensure a free and independent press;
72. Calls for governments to promote a positive economic and regulatory environment for media including actions which guarantee the labour and social rights of journalists, lower the financial burdens on the media (tax, licensing) and encourage the extension of telecommunication lines to rural and other under-served areas; recommends that government information should be made available through the Internet;
73. Calls for appropriate measures to be taken to convert state-controlled broadcasting bodies into free public-service broadcasting bodies so as to reflect a pluralistic society; is therefore particularly concerned at the development in Russia of a tendency to curb reportage that criticises the government;
74. Recommends that governments ensure open access to information and communication technologies and create the necessary legal, professional, technical and educational infrastructure for their use;
75. Recommends that governments ensure transparency and fairness in the allocation of technical and financial resources in all public sector areas;
76. Urges governments to take measures to combat undue commercialisation of media and anti-trust rules that recognise the special social, cultural and democratic value of information;
77. Recommends that governments ensure effective access to the media for ethnic, religious, cultural and linguistic minorities and other vulnerable groups, and bear in mind that under international law states have a positive duty to promote the plurality and diversity of media sources;
78. Urges the Commission to implement strategies to reinforce media quality through media training assistance programmes; welcomes and supports the efforts made by independent organisations of media professionals who are developing self-regulation of media for better accountability;
79. Calls on the Commission to work towards the establishment of an ethical journalists' code at national level, so as to prevent the media being used as a channel of propaganda to promote violence, discrimination, intolerance and hatred;
80. Stresses that the right to privacy and personal data protection should be meticulously

protected while combating cybercrime and other abuse of new technologies;

Human and minority rights in the context of EU Enlargement

81. Urges the candidate countries to speed up the improvement of prison systems and the reform of the judiciary, criminal procedure and the penal code, where necessary, to shorten the length of pre-trial detention and to provide for state-guaranteed legal aid; calls upon the Commission to enhance institution-building measures, including training, to strengthen the democratic functioning of law enforcement bodies;
82. Regrets that the Roma minorities in several candidate states are still subject to serious discrimination on the labour market, in education, in contacts with authorities and in civil society, and that Roma are subject to police assault and racist violence; considers the change in people's attitudes towards Roma to be of fundamental significance for the emancipation of Roma;
83. Welcomes the development of action plans for social and political integration of the Roma by the governments of Bulgaria, the Czech Republic, Hungary and Slovakia, but notes that no significant progress has been made; urges the government of Romania to follow this direction; urges the governments of these countries, the Council and the Commission to allocate adequate financial resources for the implementation of these strategies, and to closely associate the Roma communities and the local authorities in the implementation, monitoring and adjustment of programmes and projects;
84. Welcomes the attempts by the Romanian Government to abolish repressive legislation regarding sexual minorities, and stresses to Romanian legislators that basic human rights will at no point be open to negotiation;
85. Welcomes the adoption of a National Programme for Social Integration in Latvia, and of similar programmes for the integration of the Russian-speaking population in the other Baltic States; urges the respective authorities to speed up the implementation of the programmes in terms of legal provisions, institutions and financial allocations;
86. Calls on the Slovak government to improve its policy and cultural subsidies in favour of cultural diversity and the maintenance of national minorities' cultural heritage; calls on the Commission to closely monitor the implementation of the Law on the Use of Minority Languages in Official Communication;

87. Calls on the Romanian government to fully implement with the full weight of the law the UN Convention on the Rights of the Child as a prerequisite for accession;
88. Urges the Commission to explicitly raise human rights violations against the Kurdish population in the context of the Accession Partnership with Turkey; urges the Turkish government to ensure the safe return of more than 500.000 expelled Kurdish villagers to south-east Turkey; welcomes the government's reform intentions and urges their translation into concrete measures; calls on Turkey, as a further positive step, to sign and ratify the European Framework Convention for the Protection of National Minorities; urges Turkey to end torture and ill-treatment, as well as impunity for these human rights abuses; calls on Turkey to protect human rights defenders against harassment; calls upon Turkey to abolish the death penalty and to adopt, as a matter of urgency, measures to bring about a real improvement in the situation in prisons; calls on the Turkish government to comply also with the judgement of European Court of Human Rights of 10.05.2001 that condemned Turkey for gross human rights violations in Cyprus;
89. Calls on the Commission, in the context of political dialogue with Turkey, to raise the question of human rights in the occupied part of Cyprus and particularly the question of press freedom;
90. Calls on the Turkish government to repeal all judicial and other bureaucratic obstacles to the Christian minorities, whose members are deprived of their legitimate rights to their properties in Turkey; considers it indispensable for minorities once again to have their own religious seminaries to educate their own clergy;
91. Calls on the Council and the Commission to continue their efforts to improve the effectiveness of programmes concerning respect for democracy and human and minority rights in the candidate countries; asks for steps to be taken to facilitate the participation of social partners, NGOs, local authorities and representatives of national minorities in the programming, implementation and monitoring of these programmes;

Recommendations on other issues requiring urgent international action

92. Calls on the Commission and the Member States to develop a more active policy in the field of corporate social responsibility with regard to human rights, and reiterates its call to promote the comprehensive application of ILO conventions to prevent social exploitation, notably ILO Convention No.182 on the Worst Forms of Child Labour; underlines the need for an ongoing human rights impact assessment of this aspect of EU trade policy; stresses the importance of codes of conduct on human rights for business, such as the OECD Guidelines for Multinational Enterprises and ILO Conventions on Labour rights;

93. Calls on the EU, its member states and other countries involved, to take adequate multidisciplinary measures against organised trafficking in human beings, in particular with respect to women and children, including the protection of victims, provision of information for potential immigrants on the risk of trafficking and exploitation, and utilisation of programmes such as TACIS;
94. Urges all states to ratify without reservation and implement the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), including its additional Protocol, and to suppress reservations concerning the convention; urges states such as Saudi Arabia to halt ongoing discrimination after ratification; condemns in particular the practice of 'honour killings' in Jordan and Pakistan; urges all governments to formulate legislation against all forms of domestic violence and to refrain from invoking religious or cultural considerations to avoid obligations in this respect;
95. Denounces the existence of obscurantist regimes which, particularly in Afghanistan, defend archaic forms of mental and physical violence and disregard the most basic human rights, particularly those of women;
96. Calls upon the Presidency to play an active role in the upcoming UN-mediated peace talks with the Taliban in Afghanistan; underlines the need to build up international pressure against the regime and the countries supporting it, in particular Saudi Arabia, Pakistan and the United Arab Emirates, by blocking all weapon deliveries and establishing trade embargoes; calls upon the Commission to take all necessary steps to help improve the situation of the Afghan refugees in Pakistan;
97. Calls for the genital mutilation of women to be fully recognised as a human rights violation; urges the governments concerned to prohibit female genital mutilation and provide for the rehabilitation and treatment of victims; calls for suitable protection to be given to such women where they seek asylum owing to the threat of physical mutilation;
98. Calls on the EU to put pressure on the UN to undertake a major international study on violence against children, with due regard to institutional and domestic violence, including remedies and rehabilitation; notes that the United States, together with Somalia, is the only country that has not yet ratified the Convention on the Rights of the Child;
99. Welcomes the conclusion and adoption of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts; calls on all EU Member States to ratify this Protocol without reservations and to adopt without reservation legislation preventing the recruitment and abduction of persons under 18 for military purposes, for instance in Sudan and Uganda; calls for the establishment of an effective Special Court in Sierra Leone to try those responsible for the gravest human rights abuses since 1991;
100. Welcomes the Guidelines to EU Policy Towards Third Countries on the Death Penalty; reiterates that the application of the death penalty to persons under 18 years and the mentally retarded contravenes the International Covenant on Civil and Political Rights as well as customary international law; calls on all states to introduce a moratorium on executions with a view to completely abolishing the death penalty and reiterates firmly its request to the United States, China, Saudi Arabia, Congo, Iran and other states to immediately end all executions;

101. Calls on the EU to work urgently for a strong Convention on the Protection of All Persons from Enforced Disappearances, expresses its deepest concern at the alarming rate of disappearances in Chechnya and Algeria and calls on Colombia to dismantle its paramilitary groups, and end impunity;
102. Welcomes the adoption of the Guidelines to EU policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as a decisive step to make the eradication of torture a key objective of the EU human rights policy; encourages EU Member States and institutions to apply the Guidelines strictly; calls on the EU to take measures to guarantee access for the UN rapporteur on torture to countries covered by EU partnership and association agreements;
103. Urges all states that have not yet done so to ratify the UN Convention Against Torture as a matter of priority; calls on all states to promote the drafting and adoption of a strong Optional Protocol to the UN Convention Against Torture, providing for unlimited inspection of places of detention based on the principle of 'any time, any place'; invites all governments to recognise the competence of the UN Committee Against Torture to examine individual complaints and urges them rapidly to establish an effective procedure for the investigation of torture allegations according to UN standards;
104. Welcomes the fact that 139 states signed the Rome Statute of the International Criminal Court (ICC) before the 31 December 2000 deadline, and that by that time 27 states had ratified; calls upon all states to ratify before the end of this year; and calls upon all states to continue to support the work of the existing International Criminal Tribunals and to support the establishment of new tribunals on Chechnya, East Timor and Iraq;
105. Reiterates its call upon all states to end repression and discrimination against peaceful religious and philosophical minorities; urges, in particular, China to end the repression of the Falun Gong as well as its Islamic, Christian and Buddhist population, Russia, Georgia, Syria and many other states to lift their ban on Jehovah's Witnesses, Ukraine to stop discrimination of Greek-Catholics, Armenia to counter hostility against Muslims and Azerbaijan and Turkmenistan to end discrimination against Christians;
106. Calls upon the EU to investigate to what extent its policies contribute to the abolition of caste-discrimination and the practice of untouchability in India;
107. Stresses that homosexuals are still victims of discrimination, prejudice and denial of their basic human rights in countries all over the world, including some EU Member States and applicant countries such as Romania; calls upon the eighty countries in the world which still prohibit homosexuality in their domestic law to change this legislation without delay; urges those states which impose the death penalty on homosexuals to stop doing so immediately;
108. Recognises that disabled people, in particular persons with intellectual impairment and persons with severe and multiple disabilities are particularly vulnerable to human rights abuses and that this matter requires serious attention by the EU institutions and by governments throughout the world;
109. Asks the EU Member States to increase their support for the UN International Decade of the World's Indigenous Peoples, and the EU to support the UN/ECOSOC Indigenous

Peoples' Permanent Forum so that it can become operational as soon as possible, as well as the rights of indigenous peoples for appropriate intellectual property laws and for an equitable benefit from the commercial use of their ancestral knowledge; urges all EU Member States to sign and ratify ILO Convention 169 on Indigenous and Tribal Peoples;

110. Calls on the EU Member States – in this year of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance – to take active measures to combat xenophobia and racism against refugees, asylum seekers, and migrants; urges all states to ratify, without limiting reservations, the Convention on the Prevention and Punishment of the Crime on Genocide and the Conventions on the Elimination of All Forms of Racial Discrimination;
111. Urges EU Member States to reaffirm their commitments under the 1951 Refugee Convention to protecting refugees and asylum-seekers, and to reverse the current negative policy-trends, signified by increased liability for carriers and stricter visa requirements; urges all states to adopt this Convention and the 1967 Protocol Relating to the Status of Refugees without delay; calls on the EU to accede to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; calls on the EU and the Member States to gear up their asylum policy to the CFSP to ensure that no asylum-seekers will be sent back to their country of origin without sufficient guarantees for their personal security;
112. Calls for EU Member States to support the right of genuine conscientious objection from military service and to identify those countries where such objection is not recognised;
113. Calls upon all EU Member States to enact legally-binding restrictive criteria for arms exports, based on their existing commitments under international law, incorporating as a minimum the EU Code of Conduct on Arms Exports; calls for restrictions on licensed production arrangements and the activities of arms brokers and shippers, and effective monitoring and verification of end-use undertakings; urges all states to provide for effective parliamentary scrutiny of arms exports and to improve public transparency through the publication of detailed annual reports on arms exports; calls on EU Member States to encourage others to adopt similar legally-binding practices, unilaterally and through regional and international fora;
114. Urges EU Member States to consider the fight against the spread of small arms a priority and to advocate the adoption of a comprehensive and effective action programme at the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,
115. Calls on EU Member States to ban the manufacture, promotion, trade and use of police and security equipment for cruel, inhuman or degrading purposes or with medical effects that are not fully known;

116. Condemns the actions of terrorists which, through murder and intimidation, deprive people in many countries of their right to life and to freedom of expression and deliberately provoke action by state authorities which may impact negatively on human rights;
117. Urges all states to take practical steps to protect humanitarian aid workers and human rights defenders against all forms of aggression, and when such acts occur, take steps effectively to investigate them and prosecute the perpetrators; recalls the UN Declaration on Human Rights Defenders as adopted on 9 December 1999 and stresses that EU embassies and offices in third countries should monitor the activities of local human rights organisations and defenders and intervene to support and protect these whenever necessary; encourages the EU to support legally, politically and financially those NGOs which, through non-violent means stand up for the protection of human rights defenders in other countries;
118. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organisation on Security and Co-operation in Europe, the United Nations Organisation, the governments of the accession candidate countries and the governments of the countries referred to in the resolution, as well as the EU offices of the leading Non Governmental Organisations on Human Rights.

EXPLANATORY STATEMENT

Since the adoption of the last EP annual report some major developments and events have taken place in the field of external policies and in particular with regard to the promotion of human rights and democracy in third countries.

With a view to enhancing a global strategy of human rights and democracy in external relations and in order to improve EU action which is in keeping with the EU's credibility on the world stage, consistency and coherence, co-operation and coordination, transparency and accountability remain the most important objectives for EU external policies, the relevant EU instruments and all actors involved.

The first part of the present EP annual report reiterates some important recommendations that were included in its previous report but have not been implemented and formulates some new recommendations in order to help to consolidate and further develop the EU human rights policy. In the tradition of the last annual report, the second part of the report deals with a specific problem in wider terms - the violation of the fundamental right of freedom of expression. The third part of the report includes issues relating to minorities, in particular in the framework of enlargement.

In keeping with its established practice, the European Parliament must continue to make its demands to overcome the horrendous and ongoing violations of human rights everywhere in the world. This section is included in the last part of the report.

Coordination and Cooperation - Achievements and challenges

Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. The improvement of the coherence of the Union's actions in external relations and the conversion of its political objectives into concrete actions are a precondition for ensuring that the Union can act with adequate political weight as an international actor. The external measures must be coherent, performance – targeted, flexible and based on a real partnership between the EU institutions and the Member States.

Council

The Council decided that a general policy debate should take place at the beginning of each year with a view to the adoption of budget guidelines, in order to decide annually the main political objectives in external relations. The Council called on the EU institutions and the Member States to take account of the results; the Presidency and the Commission should inform Parliament. In 2002 the priorities will include poverty reduction and integration of the developing countries in the global economy, conflict prevention and non-military crisis resolution, as well as co-operation with other important international actors.¹

The Council adopted guidelines to be included in all cooperation programmes to ensure complementarity and consistency of EU external policy measures between the Community and the Member States. The Council stressed the need for mutual information about all aspects of

¹ Conclusions, 9 October 2000

cooperation programmes, including preparation and monitoring of implementation of projects. In addition, the beneficiary countries should be more closely involved in the development of strategies and programming. Improved coordination should also be extended to the co-funders, in particular the UN system. A general evaluation by the Commission and the EU Missions will be part of the Council's annual policy debate. ¹

Following strong criticism from the SG/HR of the CFSP ², the Council agreed on guidelines to strengthen the effectiveness of the Union's Common Strategies. CS should bring clear added value and be more focussed on specific issues, identified in advance; they should cover specific, well defined and verifiable policy objectives; CS should improve coherence, coordination and synergy between the CFSP, Community action and Member States' activities and all appropriate means and resources available. Regular monitoring of the progress in the implementation of verifiable objectives and necessary adjustments will be part of an annual review in January, drawing on the contributions of the SG/HR and the Commission. ³

The EU Annual report on Human Rights is aimed at providing more transparency with regard to the EU's main conclusions and measures vis-à-vis partner countries and in the framework of international organisation and is intended to be an important reference document. The second Annual Report is not substantially different from the first, but includes more detailed (background) information. However, there is still no assessment of the impact, or regional breakdown of measures or any indication of individual cases and, despite Parliament's request, the second Annual report still lacks information about Parliament, Member States and Commission activities. No reference whatever is made to the recommendations of the European Parliament.

Following the first two annual Human Rights Discussion Forums (1999 and 2000) and the follow-up conference in Venice in May 2000, a Conference on EU human rights and democracy policy, including the new strategy on election observation and electoral assistance, will be held on 28 and 29 May 2001. The Presidency has taken the initiative of organising this Conference in order to further strengthen the Union's dialogue with the European Parliament and civil society and increase the coherence and transparency of EU human rights policy.

Commission

To provide a framework for its interventions on specific countries, the Commission develops a country strategy within each of the co-operation programmes (which covers essentially the mainstream financial, technical and economic co-operation programmes of assistance). The Court of Auditors⁴ recommended that the Commission should develop country strategy papers, of which policies for democracy support and protection of human rights should form an integral part. The country strategy papers should be systematically forwarded to Parliament.

A country assessment, measured against consistent guidelines, requires the definition of priority areas for intervention and the identification of individual measures. The potential impact on

¹ Conclusions, 22/23 January 2001

² Javier Solana's Common Strategies Report to the General Affairs Council on 22 – 23 January; see also the Communication to the European Commission of Commissioner Patten: External Relations: Demands, Constraints and Priorities, June 2000

³ Conclusions, 26/27 February 2001

⁴ Special Report on Management of Funding in the field of Human Rights and Democracy

economic, social, cultural, civil and political human rights of the actions should be assessed ex ante and regular monitoring mechanisms and evaluation of results should be put in place. Programme performance is crucial to the success of external assistance policies as a whole, and needs to feed back into the programming cycle. To ensure objectivity, this level of evaluation should be carried out independently. If necessary, strategy and instruments must be adapted with flexibility.

In order to increase the effectiveness of the activities related to supporting democratisation in an environment where (multilateral) democracy assistance is still a new area ¹ it might be useful to develop a “democracy database” including analyses, reports and research done on key issues of democracy. In order to enhance understanding of complex issues of democratisation, a roster of experts should be developed who could assist in formulating guidelines for assessing the needs of each country. Local actors should be more closely involved to ensure greater dialogue, especially those who are able to offer important inside information, networking and access to local stakeholders.

The Commission participates through the Relex Directorate-General and the external service of Delegations in the implementation of the CFSP. Article 20 TEU provides for the EU-Delegations to co-operate with the EU-Missions through information and common assessment. In its resolution on a common Community diplomacy, Parliament suggested that the Head of the EU-Missions and the Delegation should draw up regular joint reports on the country concerned. Joint statements would substantially improve consistency in assessing the human rights situation and facilitating decisions on adequate strategies and instruments.²

Beside the classical task in development co-operation, trade policy and humanitarian aid, political, representation and information functions have become more important over the years at Delegation level. The growing conditionality of aid on respect for human rights and on commitment to the democratisation process calls for closer political monitoring and for a new dialogue with both governments and representatives of the civil society. Training of staff serving in the Relex DG and the external service of Delegations, as well as in the Development DG, the Trade DG and ECHO should therefore provide specialised qualification in human rights and democracy policies.³

European Parliament

From 1984 to 1999, a subcommittee of the Foreign Affairs Committee dealt specifically with human rights and democracy issues. At the beginning of this 5th legislature of Parliament, the sub-committee was not reinstated. There were various reasons for this, including the poor attendance of members and lack of competencies of the sub-committee. Nevertheless, the sub-committee offered a valuable platform for discussions on human rights with various partners (i.e. NGOs, missions, human rights experts). It organised a number of hearings, forwarded the drafts of human rights reports to the full committee and took its own initiatives on various subjects (working papers on the reform of the urgency procedure, election observation, human rights clauses, Sakharov Prize statute, etc.).

¹ Report of the International Institute IDEA: recommendations to the UN to increase the effectiveness in UN activities related to supporting democratisation in a changing environment.

² EP resolution adopted on 5.9.2000

³ Idem

Nowadays, the responsibility for human rights falls fully within the remit of the “Committee for Foreign Affairs, Human Rights, Common Security and Defence Policy”. By including “human rights” in the committee’s name, Parliament has highlighted the importance it attributes to human rights. A working group on human rights was set up again (as was the case until 1984), comprising a representative from each political group. However, the current arrangements, which should have led to improved consideration of human rights matters, are not satisfactory. The working group is struggling against organisational problems and does not have any recognised competence.

An improvement in this situation will depend on the political will of the Foreign Affairs Committee members. The rapporteur believes that the committee should appoint a vice-chairman for human rights, organise a regular question time on human rights issues with the Commission (and possibly with a high-level official from the Council) and invite the Commissioner for external relations for exchanges of views on EU human rights policy issues and on Parliament's recommendations, including urgency resolutions. Commissioner Patten confirmed his readiness to react extensively on Parliament's annual report on human rights; the Commission's written remarks are not always exhaustive.

In line with the request made by Parliament last year with regard to the establishment of procedures which would allow a coordinated and consistent follow-up to Parliament's resolutions, in particular on individual cases of human rights violations, the possibility of appointing an EP “representative” for human rights (possibly the same vice-chairman of the Foreign Affairs Committee) should be examined. This person could also act as official EP representative/observer to the EU-institutions, i.e. in the COHOM and international organisations. The Presidency should be invited to organise, with representatives of Parliament, pre-sessions of the Council's Working Group on Human Rights (COHOM) and meetings, with a view to the annual session of the UN Commission on Human Rights; Interparliamentary Delegations and Joint Parliamentary Committees must take due account of Parliament's recommendations in their meetings with partner parliamentarians and report on the follow-up, in particular as regards individual cases, to the Foreign Affairs Committee.

As it approaches mid-term, Parliament should consider the possibility of giving added impetus to its human rights work by establishing a permanent parliamentary structure.

The UN, the OSCE and the Council of Europe

The UN represents an important reference point and partner for the EU as far as the adoption of human rights and democracy standards is concerned. The EU therefore needs to dialogue closely with the partners in the UN system and to contribute adequately to the UN budget. The extent of the growing budgetary demands faced by the Office of the High Commissioner for Human Rights was clearly outlined by the United Nations Secretary General when he stated that human rights must be established as an essential component of the rule of law in international affairs. The EU subscribed to this broad perspective and welcomed the launch of the (first) Annual Appeal of the Office of the High Commissioner for Human Rights.

Ms Mary Robinson announced that she was stepping down from her post in September 2002, saying she thought she could do more outside the "constraints" of the United Nations system. What kind of constraints? Pressure from governments of member states to tone down criticism

of human rights violations? The refusal to cooperate with UN attempts to improve human rights protection? Or budgetary constraints?

In the field of crisis management, close cooperation between the EU, the OSCE and the UN is a cornerstone of security; no institution or organisation is able to meet these challenges on its own¹. The SG/HR of the CFSP agreed with the UN-SG on ways to strengthen the practical cooperation between the EU and the UN. Existing cooperation between the EU and the OSCE already covers a wide range of areas focused in particular on the civilian aspects of crisis management. The EU Nice report recommends that the EU deepen its dialogue with, and support for, key partners; structures and co-operation have to be developed in a way that guarantees the complementarity and compatibility of the common efforts.

As regards relations between the Council of Europe and the EU institutions, a joint declaration on partnership and cooperation is due to be signed in the spring between the Council of Europe and the European Commission. Joint programmes to promote respect for human rights and democracy have existed already for some years. As regards the European Parliament and the Parliamentary Assembly of the Council of Europe, as well as the European Court of Human Rights, possible forms of cooperation should be explored, both at the parliamentary and administration level. ²

Non-Governmental Organisations

Non-governmental organisations provide initiatives outside the established power structures and are a key to important aspects of human rights work. At the 1st Human Rights Discussion Forum, Commissioner Patten stated that: "In human rights and democratisation as in all areas of external relations the Commission should draw on the views of experts. The knowledge and experience of the European human rights NGO community is unparalleled in the world. It would be intellectual vandalism to ignore their views."

When presenting the recent Commission report on the implementation of the EIDHR budget, he stressed that, without the vital contribution of NGOs, who were the principal partners in implementing projects under this budget, the vast majority of activities could never have been realised. Commissioner Patten confirmed that the development of the Union's partnership with non-governmental organisations and civil society, on the level of Member States (national capacity building) and EU institutions was a major priority.

The annual Human Rights Discussion Forum now offers NGOs a platform for dialogue with the EU institutions. Nevertheless, there might be a need for a better-defined status, including structured dialogue and formal mechanisms for consultation of these organisations. Responding to the EP annual report for 2000, the Commission confirmed that it is working towards the establishment of a European Human Rights NGO network.

Having been consulted on the forthcoming communication from the Commission on strengthening relations with NGOs, a number of leading NGOs have put forward two

¹ Address by Javier Solana to the OSCE Permanent Council, Vienna, 18 January 2001

² To this end, Parliament's Conference of Presidents will hold a meeting with the Committee of Presidents of the Council of Europe's Parliamentary Assembly in June 2001

complementary proposals to increase co-ordination among them and consultation of NGOs by EU institutions.¹ Hitherto, the wide range of interests and objectives among Human Rights NGOs, as well as their determination to maintain their independence, which should not be jeopardised, have made coordination a difficult task. The monthly meeting of the Human Rights Contact Group is an informal meeting bringing together NGOs, MEPs and staff from the EU institutions

Conflict prevention and crisis management

Given the increasingly complex nature of today's conflicts, coherent and integrated strategy formulation has become necessary. Violations of human rights and humanitarian principles and a lack of democracy are among the root causes of many of today's violent conflicts, the majority of which are internal. Promotion of human rights and democratisation must therefore be seen as key issues if sustainable peace is to be achieved and post-conflict reconstruction and development are to succeed.

The Council's report to the Nice European Council on 'Improving the coherence and effectiveness of EU action in the field of conflict prevention' stresses that 'the gap between international commitments and practical implementation must be a priority in our conflict prevention policies'. This is reminiscent of the statement of the High Commissioner for Human Rights at this year's session of the UN Human Rights Commission. 'What impressed me most (when she became High Commissioner) was the great gulf which divides the high aspirations of the Universal Declaration, the Covenants and the other international human rights instruments, and the harsh reality which so many people face in their daily lives'.

The added value of the newly created Rapid Reaction Mechanism² is speed and flexibility in Community intervention in situations of crisis or imminent crisis. The instrument will provide immediate financing for non-combat (civilian) activities. The RRF corresponds to Parliament's view that priority must be given to conflict prevention, in view of the wide range of tools already available, and to non-military crisis management, including close cooperation with international and regional organisations³.

The Council should discuss with Parliament the Union's annual policy guidelines and priorities in conflict prevention. The Commission will present a communication on conflict prevention which will address issues such as strengthening the objectives of peace, democracy and social stability in the external assistance programmes.

The crisis coordination unit in the Relex DG will be responsible for the management of the rapid reaction mechanism. However, parallel structures in the Commission and the Council Secretariat should be avoided⁴. Some of Parliament's earlier requests concerned the monitoring of human rights situations as a major task of the Policy Planning and Early Warning Unit and regular reporting to the EP by the SG/HR. The activities of the task force on horizontal issues, which deals with human rights and conflict prevention, should be clarified.

¹ Discussion Paper of NGOs of 30 September

² Council Regulation adopted on 26/27 February 2001

³ Resolution B5-172/2001, adopted on 1 March 2001

⁴ Communication of Commissioner Patten: External Relations: Demands, constraints and priorities, June 2000

Conditionality and international diplomacy for human rights

Since its adoption in 1995, the human rights clause is part of all cooperation agreements concluded between the EU and (over 120) third countries. The clause is not intended to define new standards, but confirms existing obligations which are part of the international law commitments binding upon most countries of the world. In case of non-fulfilment of fundamental obligations, such as respect of human rights, democratic principles and the rule of law, the Community has the right to suspend the application of the agreement. The procedure for suspending agreements is based on a Commission proposal, followed by a Council Decision. Formally, Parliament has no right to invoke the human rights clause.

The new ACP-EU Partnership Agreement concluded in Cotonou in June 2000 introduces respect for fundamental social rights, good governance and gender equality as essential elements of the new agreement, aiming at sustainable development. A modified consultation procedure puts more emphasis on the responsibility of the country concerned, but the economic, social, cultural and historical situation of the country concerned will be taken into due consideration. In the framework of EU development strategies the agreement confirms that institutional, political and legal reforms, capacity building and the strengthening of civil society are subject to particular attention in the process of promoting democracy.

The contracting parties agreed to establish a regular dialogue which includes the possibility of addressing human rights and democracy, conflict prevention and regional stability issues. The European Parliament has consistently stressed the importance of the political dialogue, which should aim at concrete progress and should be evaluated regularly.

In January 2001, the Council applied Article 96, paragraph 2 c) of the Cotonou Agreement in the case of Haiti, after the consultations between the Community and the Haitian authorities did not result in substantial improvements as regards the restoration of democracy and in particular respect for the electoral law. But, given its wish to avoid penalising the population, the Union will continue to closely follow the process and has reiterated its readiness to establish a reinforced political dialogue with the Haitian authorities in order to contribute to the democratic process. Part of the outstanding payments from the European Development Fund will be used to finance projects in support of the population, civil society, democracy and the rule of law. Should the situation improve, the Union is prepared to review its decision. However, should there be no improvement, it will consider taking further measures.

Parliament has called on several occasions for a policy of 'smart sanctions' instead of 'blind sanctions'. In contrast to blind sanctions which hit indiscriminately and therefore increase the suffering of innocent and vulnerable individuals and groups, smart sanctions are targeted against the repressive elite and their entourage. In Yugoslavia a restrictive EU policy on travel documents prevented the leadership from continuing to travel around the world. The freezing of foreign bank accounts and /or foreign properties prevents a state's leadership from continuing to plunder the resources of their country and export these in safety abroad. The EU should take a lead in such a policy of smart sanctions and could also take the lead in international efforts to restore such assets to the country of origin, as soon as a genuine process of democracy has started.

Implementation of EIDHR Budget

The Commission has presented its report on implementation of the 'European Initiative for Democracy and Human Rights' (Budget-Chapter B7-70) covering the period between 1996 and 1999. The report gives a detailed financial, geographical and thematic breakdown of funding. The last report on implementation of this budget was published in 1995, followed by Parliament's resolution adopted in December 1997. The report responds largely to the criticisms made by Parliament over the years, in particular regarding the lack of transparency and accountability in the deployment of Community funds. This explains the fact that for the first time in this kind of report, assessments of performance have been analysed, including a summary of external evaluations of particular regional programmes. The Commission shares Parliament's view that more progress must be made in the thorough evaluation of projects. The Commission should set up guidelines and standards, notably concerning pertinence, efficiency, effectiveness, impact and sustainability, cost-effectiveness and the pros and cons of co-financing with other international partners.

Largely thanks to the EP, the resources available under the EIDHR have grown dramatically from only ECU 200 000 in 1987 to ECU 102 million in 2001. Between 1996 and 1999, EUR 300 million were allocated from the EIDHR. Over the same period it has become increasingly clear that the Commission is ill equipped to manage aid volumes on this scale. The speed of delivery and quality of projects have suffered badly. Parliament has identified unclear and divided responsibilities within the Commission, chronic staff shortages, excessively complex administrative procedures and a lack of adequate evaluation as the main internal causes of these delays and the resulting poor quality of projects¹.

The new implementation report covers the period during which management deficiencies were still at their peak. In addition, the suspending of implementation of Chapter B7-70, followed by the European Court of Justice's ruling of 12 May 1998, worsened the backlog of payments. The funding was resumed following an Interinstitutional agreement reached at the end of July 1998 and the adoption of two human rights regulations in April 1999 as a new legal basis.

In May 2000, the Commission started the reform of its external assistance management, under the new Commissioner for external relations. The reorganisation of the human rights and democratisation unit covering all regions in the world in the Relex DG together with the management reform, are significant changes which have affected the funding of EU operations through the EIDHR budget.

The list of novelties is, to a large extent, a result of the repeated requests made by the European Parliament, since 1997, if not earlier. Most significant is the creation of the EuropeAid Co-operation Office (1 January 2001); the Human Rights Unit in EuropeAid covers all budget lines under the EIDHR and will work together with the Relex Human Rights Unit. The new organisation seems to be less confusing and hopefully more effective. EuropeAid will manage the full project cycle, from identification to evaluation and be responsible for the technical and financial aspects of most EU and European Development Fund external assistance programmes (excluded are the pre-accession programmes, humanitarian aid, macro-financial assistance); the offices for technical assistance will be dismantled; the 'geographical' External Relations and Development DG will remain responsible for the multiannual programming of external assistance, monitored by an Interservice Quality Support Group.

¹ i.e. Report by Imbeni, Lenz, Barros Moura (1997)

The EuropeAid website (europa.eu.int/comm/europeaid) is a central source of information on the implementation of programmes. The website contains full details of contract procedures: application forms, standard contracts, procurement notices, calls for proposals, etc. The website should be improved by specific information about the EIDHR budget and the relevant final evaluation reports on projects and programmes.

A shift in management responsibilities to the EC delegations (by the end of 2003 all EC delegations should manage the external assistance programmes in the countries under their remit), will hopefully further improve the management of assistance, intensify EU coordination locally and involve the beneficiary countries more closely in order to ensure that EU assistance is more in line with national policies and is more responsive to changing needs on the ground.

The Commission stresses the progress that has been made in 2000 in paying outstanding commitments (in volume and number compared to 1999) and in speeding up the pace of payment execution (which stood at 74,9% in November 2000) within the general 60-day time-scale. Parliament should ask the Commission to present a progress report on the management reform in terms of quantity and quality.

Within the areas of activity covered by the human rights regulations thematic priorities are identified annually by the Member States and the Commission in the framework of the Human Rights Committee. In respect of apportionment of responsibilities between the institutions,¹ the Commission should be open to dialogue with Parliament and accept its request that the annual priorities for funding of human rights and democracy support be discussed with the human rights working group.

The Commission proposed a substantial decrease in the EIDHR 2001 budget, arguing that its resources were not sufficient for managing the budget efficiently. Parliament, however, not only reinstated but increased the total budget, after having agreed to additional statutory posts for external assistance management and in view of substantial improvements following the reformed internal management organisation.

Human rights projects pose special difficulties for the Commission, as they almost invariably are required to be small-scale and labour-intensive in management terms. Almost half the Commission officials are fully occupied in executive tasks, in implementing policies and in managing and supervising programmes and projects. In order to improve the management conditions, the Commission can either increase the length or the amount of projects. However, this would mean sacrificing projects which are supposed to be executed by smaller NGOs. Another approach would be to expand decentralised micro-projects. The backlog of payments still exists and it goes against the credibility of the Commission and implicitly of the EP.

At this stage (April 2001), the EuropeAid Human Rights Unit has received over 1500 proposals to evaluate within two months. However, according to the responsible services, they will probably be able to approve only 150 proposals. This is of course a major concern for both

¹ Human rights Regulations, Article 4(2) and Article 11: The Commission enjoys the right to implement operations and shall plan, appraise, decide upon and administer, monitor and evaluate operations under this regulation

sides, the applicant NGOs and the Commission's services.

For the 2001 budget, Parliament followed the Commission proposal for a new structure for Budget Chapter B7-70. In order to facilitate the management of this chapter, the 11 geographical and thematic lines were reduced to three world-wide thematic lines, reflecting the objectives of the Human Rights Regulations. However, in order to heighten the visibility of EU priorities and strengthen budgetary transparency, Parliament reinstated the special budget lines for EU election assistance and observation and for support for the International Criminal Tribunal and introduced geographical earmarking. Parliament should, together with the Commission, evaluate the effect of this new structure and envisage, if necessary further changes in order to improve the management of funding.

A regular updated overview of total spending by the Community, the Member States and international donors for human rights and democracy support would be most helpful to improve efficiency, complementarity and coordination of the Union's external assistance. The EU and its Member States account for 55% of all international aid, and some 66% of all grant aid. However, there is no automatic feedback mechanism at EU level concerning centralised information about the bilateral activities of Member States.

Violation of the fundamental right of freedom of expression

Freedom of expression and independent journalism are the bedrock of democracy. Without them it is impossible to guarantee respect for pluralism and human rights. An independent judiciary and independent media are indispensable for an autonomous and critical civil society.

Democracy in an information society is only as strong as the equality of access to information. The scope for freedom of speech determines the public area for democratic exchange. This public information space, which corresponds to the 'agora' or 'forum' of ancient forms of western democracy, is still vitally important as it provides the life force for, but may also set the limits of, democracy. Freedom of expression should not only encompass a negative freedom from censorship and coercion, but also involve positive measures to promote equal and effective participation in decision making through transparency and open government. It is in the nature of hierarchical power structures to become opaque and foster internal secrecy while seeking transparency from others in order to exercise maximum control.

Freedom of speech and the right to disseminate information are vital to other human rights, political and civil rights, individual fundamental freedoms, collective and social, including economic and cultural rights; first - as well as second - and nascent third generation human rights. They provide a litmus test for the quality of democracy and rule of law in society and a measure of the respect for human values. These aspects of democracy are epitomised in the evolution of a human rights culture and international codification of treaties, conventions and other human rights instruments, 'soft law', and agreement on the Statute of the International Criminal Court.

Without free speech, gross violations of human rights will not be reported and perpetrators continue with impunity.

In a world of greater interdependence and an emerging doctrine of the primacy of universal

human rights over national and state sovereignty, freedom of expression and information become even more essential. Amartya Sen once pointed out that famines and other similar social catastrophes are virtually unknown in countries with a well-developed freedom of expression culture.

This crucial function is currently facing both external and internal threats: in addition to the traditional forms of repression and censorship, we are witnessing developments that could be described as an ‘implosion of journalism’. These are largely a result of the concentration of the production and dissemination of both news and entertainment – sometimes amalgamated into ‘infotainment’ – that is at the forefront of economic and cultural globalisation.

Modern media and the people who work for the industry are buffeted by the process of change that is reshaping the information landscape. Commercial exploitation of information is greater than ever before while political pressures have intensified as technology has improved the capacity for "breaking news". The traditional mission of journalism -- to inform, educate and entertain according to well-understood ethical and professional values -- is creaking under the burden of new responsibilities, including the demands of globalisation.

New media and the proliferation of electronic communication channels may lead to an overexposure to trivial and recycled content, while the basic political and professional function of media to inform may become ever narrower and more superficial. There will be more white areas on the map of shared human experience both geographically and temporally, with the loss of a historical perspective and a shortening attention span. In the former Socialist countries of central and eastern Europe a pattern of journalism may well be emerging that could combine the worst features of the old Statist system and a Western commercialised media culture at its lowest denominator.

The media improve the climate for democratic debate and decision-making by holding governments and powerful groups to account, by exposing violations of human rights and by providing information that is reliable, useful and of high quality.

The lack of adequate legislation or of simple rules to guarantee the right of access to public documents continues to hamper free expression. In some countries governments limit public scrutiny of their actions through secrecy rules and bureaucratic obstacles to journalistic inquiry. The debate over establishing the parameters of transparency and openness is an inevitable balancing act between confidentiality in the public interest and the peoples’ right to know. For freedom of expression to be guaranteed, the primary rule should be in favour of openness.

Political cultures opposed to democratic values and open debate continue to provide the most damaging threat to freedom of expression around the world. Forms of direct censorship, the prosecution and jailing of journalists, closure of independent media, and the imposition of laws and regulations designed to stifle critical and independent opinion continue to prevail in many countries, such as, Iran, China, Cuba, Democratic Republic of Congo, Angola, Burma, Pakistan, Belarus, and Colombia. Recent efforts to control or ban certain Internet content have raised new fears among freedom of expression groups.

Freedom of expression and information is enshrined in several international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant

on Civil and Political Rights and its Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. Similarly, the rights of persons who seek to promote human rights and educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights, are enumerated in the UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (General Assembly Resolution 53/144 of 9 December 1998).

Censorship through Violence

Many individuals, journalists and media staff continue to risk their lives or freedom in defence of the right to know of and to publish the problems of their society such as corruption, financial abuse, drug trafficking, terrorism or ethnic conflict. The measures taken by the police, security forces or various non-state actors include extrajudicial, summary or arbitrary executions, kidnapping, torture, harassment of and/or threats to individuals and journalists exercising their right to freedom of expression, as well as material destruction of communication facilities.

The annual reports of press freedom organisations, such as the International Federation of Journalists (IFJ), record the sacrifice made by journalists and other media professionals. Last year 63 killings were recorded, many of them targeted assassinations of journalists in countries affected by terrorism or civil strife such as Colombia, Spain, Bangladesh and Mozambique. More than 1,000 journalists and media staff have been killed over the past ten years. In conflict zones media staff are invariably among the victims. For instance, in the Israel and the Palestinian territory, since the start of the latest crisis, close to 100 journalists have been wounded, beaten, arrested, harassed and had their equipment confiscated. One continuing concern is the complacency of governments in the face of these attacks. The failure to carry out serious inquiries has given rise to the belief that, in some parts of the world, journalists can be murdered with impunity.

The case of Mr. Géorgiy Gongadze is worth mentioning in this respect. Mr. Gongadze, who ran the Internet newspaper “Ukrainska Pravda” in Ukraine, disappeared on 16 September 2000 after directing harsh criticism about the President and his followers. The investigation of the case is claimed to have been incompetent, filled with mistakes, delays and inconsistencies by the authorities.

As an early warning indicator for conflict prevention, restrictions on the right of freedom of expression can indicate deterioration in the general human rights situation in the country. Opposition to open debate and critical opinion is particularly fierce in times of conflict and even democratic countries have been implicated in recent targeting of the media. During 2000 Israel launched military strikes against Arab broadcasting installations, accusing Palestinians of “propaganda” and citing as justification the NATO air strike against Radio Television Serbia in 1999. Journalists and press freedom groups warn that all media are now vulnerable to accusations of “propaganda” and punishing military attacks by any side in a conflict. Geneva Conventions respecting the rights of media personnel to be identified as civilians in conflict need to be strongly reinforced.

Sharper competition within the media is also reflected in coverage from conflict zones. Young and inexperienced freelance journalists are risking their lives reporting from such areas and even experienced correspondents are subject to pressures from rival news organisations which

can undermine risk awareness. As the nature of conflict has switched more and more towards internal conflicts within states, non-state actors are more difficult to address than state parties and thus the provisions of the Geneva Conventions are increasingly ignored. Chechnya presents a model example of problems facing journalists in extreme situations. Local as well as foreign journalists have become victims of murders, violence and an “epidemic” of kidnappings. This has resulted in isolation of the region as foreign reporters have abandoned the area. There have also been some positive developments this year concerning the safety of journalists. The media-industry has started to acknowledge its own responsibility for the safety of its employees. The recent decision by a number of major media (including the BBC, CNN, APTN, ITV) to adopt a Code of Conduct for Safety for their staff illustrates that the need for safe working conditions is being taken seriously by some media.

Access to information

Equal and open access to diverse sources of opinion¹ is a prerequisite for the public to act as a democratic participant in a political society. Moreover, freedom of expression is also an empowerment right, which gives the individual the means to control his life and the opportunity to take part in debates within the community of which he is a member. Access to government-held information is essential for accountability and combating corruption, promoting good governance and honest elections.

Many countries around the world are now introducing freedom of information laws which comply with international standards. In central and eastern Europe the following countries now have such laws and implementation is just beginning: Albania, Bosnia, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Slovakia. South Africa has freedom of information legislation, and other countries considering such laws include India, Nigeria and various countries in Southern America. The existence of a freedom of information legislation is now seen as a benchmark of democratic development and the adoption and effective implementation of such laws are encouraged.

However, despite far-reaching legislation constraints remain. The enforcement and implementation of law is sometimes undermined by the fact that the concept of transparency is lacking in administrative culture and the tendency of politicians to manipulate the media. Greater confidence should be promoted and complementary means, including education and media campaigns, should be used, thereby raising public awareness of the social and cultural value of information.

Other factors, mainly based on economic and educational coordinators, are also involved, especially in Africa, Asia and Latin America. Availability of information is usually dependent on the knowledge of the official or major language of the country and/or on the place of residence as the printed press seldom reaches rural areas. Moreover, television coverage is mainly limited to cities. Due to high illiteracy rates, radio often remains the only source of information. It is therefore strongly recommended that viable community media be established, which reach the local people and enable marginalised sections of society to have a say.

Legal Restrictions

Even where a climate of fear does not prevail and where constitutional guarantees exist,

¹ See *the Public's Right to Know. The Principles on Freedom of Information Legislation*. Based on international and regional standards drafted by Article 19 - the International Centre against Censorship.

political interference in media or suppression of free speech takes place through restrictive regulation and/or via a legal landscape that inhibits the ability to publish freely (e.g. through draconian libel, defamation and sedition laws, excessive or disproportionate damages and other sanctions), leading to intimidation, passivity and self-censorship. Legal constraints can be either horizontal, vertical or both.

In many parts of the world unjustified invocation of national security laws pose a serious threat to freedom of expression. For instance, the criminal codes of eighteen Latin American countries have provisions criminalising "contempt of authority". Among them Chilean legislation, stipulating such contempt to be a crime against state security, with a maximum prison penalty of five years, is unique in being more repressive in nature and scope, and being used more frequently. Attempts at redressing this situation have been slow.

In Turkey restrictions on freedom of expression are often linked to protection of certain public interests such as territorial integrity, national security or public order. According to Reporters Sans Frontiers, in 2000 the RTÜK suspended dozens of radio stations and television channels for a total of over 4200 days on accusations mainly of "incitement to violence, terror and ethnic discrimination".

Finland has incorporated 'security' in the constitutional bill of rights on an equal footing with personal liberty.

Indirect pressure is also often applied on essential media services, including broadcasting, printing facilities, distribution systems and allocation of public advertising revenues. Such practices are used, for instance in Russia to bring nation-wide TV stations under governmental control. In Belarus the director of Magic, an independent publishing house, was charged under Administrative Violations Code for publishing a newspaper critical of the conduct of parliamentary elections.

The freedom of movement of journalists is also largely hampered by guidelines which require visas specifying the purpose, itinerary and meetings with government officials, etc., renewable work permits or respect for the "laws of the country, its culture and its traditions".

Vulnerability of media and problems of professionalism (globalisation)

Freedom of expression should always be exercised in a responsible manner.

Government influence, owners and editors with a political or a commercial agenda, lack of job security, increased use of freelance journalists, integration and convergence of media with added pressure for immediacy, precarious economic conditions and a low level of democratic culture all contribute to lowering journalistic standards. They also may jeopardise subscriptions or affect advertising revenue and make media fall prey to questionable funding and create unhealthy dependencies.

Restricted access to information may force journalists to use illegal and unethical means of obtaining information. There is a need to vigorously assist and encourage independent media organisations wishing to raise professional standards and to develop important skills in a self-regulating environment.

Public broadcasting system

In many countries of Africa, Asia and Europe the public service broadcaster is often no more than a mouthpiece of government. But undue pressure occurs even in settled democracies.

In some of the candidate countries to the European Union public fears remain that governmental parties exercise too much influence over radio and television. In Hungary only the ruling parties are represented in television and radio boards. The recent crises affecting Czech television as well as Bulgarian radio have been a reflection of the same problem. A genuinely independent regulatory authority should therefore be established.

A fair and transparent licensing system is equally important. The public broadcasting system is facing multiple problems trying to provide a balanced and diverse mix of programmes as it has to compete for audience and advertising revenues with private broadcasting companies. Arrangements should be kept in place to enable Public Service Broadcasters to operate without having to compete in the same marketplace for audience share and/or advertising revenue with private broadcasters.

Media concentration and commercialisation/standardised programmes

The growth of monopolies and the emergence of a global media economy also threaten freedom of expression. The information technology gap between rich and poor societies continues to widen as traditional media outlets, dominated by a handful of media conglomerates from North America, Europe and Japan, increase their influence through a process of vertical and horizontal concentration of media ownership. Traditional media also dominate on-line news and information services on the Internet.

There is an ongoing debate between the proponents of state regulation and the advocates of deregulation, arguing that market-led media ensures competition which in turn keeps the quality high and prices low by forcing suppliers to take risks and to innovate continually.

As it is, however, the communication market is not perfectly competitive and deregulation can prevent competition by undercutting new entrants to the market. The threat to pluralism and freedom of expression from "gate keeping" whereby a network owner denies access to rival content providers was demonstrated during 2000 in the United States when Time-Warner denied the Disney Corporation's news network ABC access to its cable network. It was restored only after considerable public outcry.

Moreover, competition provides for freedom of choice mainly between commercially viable alternatives, while the profit motive alone cannot guarantee an adequate supply of information and special services, including a wide range of cultural stimuli, which nevertheless remain necessary in a pluralistic and democratic society.

Internet

Since the strategic choice of personal computers over mainframe hardware computer-mediated communication has become an increasingly important medium. It is global, albeit still unavailable to the overwhelming majority of humankind, decentralised, fast, interactive, independent of heavy infrastructure and user-controlled. While providing a new dimension to

the freedom of expression, it has however created unforeseen challenges and problems, which are still largely unresolved.

Many governments have chosen the path of control and regulation of these technologies rather than making them more easily accessible, by investing in the expansion of existing networks, upgrading technical capacities to reach under-served areas, permitting the establishment of new information networks and exchanges and educating the general public in computer proficiency. Access to Internet has been restricted through direct censorship on government-controlled servers and by holding Internet service providers legally responsible for information posted on their servers by others. Internet users have been imprisoned; Web sites shut down (Tunisia) and pressure placed on service providers to remove the anonymity of users in order to censor the content (Singapore, Myanmar, Vietnam, Cuba, China, Malaysia).

These and similar measures designed to prevent political dissent and to censor a free flow of information, even if it is seen as undermining political or cultural stability, as well as proposals by police and other national authorities to comprehensively monitor data sent over the Internet within national boundaries cannot, as a rule, be accepted as being legitimate and necessary in a democratic society.

However, there are legitimate concerns that require urgent attention. Cybercrime, including investment scams, credit card and other fraud, identity theft, child pornography, racism and hate speech, is rapidly increasing with the globalisation of other forms of criminal activities together with trade, financial markets and other services and the expansion of e-commerce.

Many of the new problems can be solved through the judicious application of existing international standards. Technological solutions and innovations are generally to be preferred to legislative and other repressive measures. The vulnerability of the new technologies should not be used as an alibi for the establishment of more suppressive control regimes.

At the same time governments must strike a balance between pursuing cybercrime and respecting individual and collective rights. Procedural safeguards and privacy standards must remain in place in order to keep the criminal law system fair and equitable and to prevent the erosion or corrosion of established human rights standards and guarantees. Data privacy will remain a central issue, and the EU must ensure that its cybercrime initiatives are consistent both with the EU Data Protection Directive and the human rights standards that have evolved through the practice of the European Court on Human Rights under the European Convention on Human Rights and its Protocols, together with other relevant human rights instruments, in particular Article 10 of the European Convention and Article 19 of the UN Covenant on Civil and Political Rights. Access to personal data would be granted only when there is a well-grounded and demonstrated need. Internet service providers should not bear the cost incurred.

Rigorous steps must be taken to bridge the 'digital divide', which is not confined to the widening global gulf separating the rich north and the poor south, but is to be found increasingly in the industrialised OECD-world as well. A deepening digital apartheid would not only exacerbate social and economic inequality, but also pose an unprecedented threat to the fragile structure of human rights protection and the very fabric of democracy.

Ethnic, Linguistic, Cultural and Religious Minorities¹

The portrayal of minorities in the mainstream media shapes public attitudes towards them and is crucial in fighting racism. It is an established fact that the media frequently reinforce and reproduce stereotypes of minorities and portrays them as a problem within the society.

It is essential that minorities be granted access to the mainstream media. Unbiased visibility often has a dual effect: while shaping the attitudes of the general public about minorities, it may also help them to adapt and to integrate into their host society while enabling them to maintain their distinctive characteristics. As Elias Canetti once said, what we abhor most is the alien touch. Familiarity usually breeds empathy and tolerance, not contempt. One of the greatest challenges we will have to cope with is the increased heterogeneity of our societies.

Minority presence in the media tends to strengthen national cohesion, rather than eroding the unity of nation states, which is an argument often advanced by countries such as Turkey or Indonesia. Media strategies should be devised not only to combat discrimination but also to effectively improve the equality of different ethnic and other groups, including measures for positive discrimination. Special emphasis should be given to a dynamic interpretation of the provisions of Article 27 of the International Covenant on Civil and Political Rights. The proliferation of communications channels and technologies, including satellite broadcasting and 'open channels', may strengthen the identity and internal cohesion of minorities and diasporas, but it may also isolate them into 'cable ghettos', a risk that any responsible media strategy should strenuously avoid.

Human and minority rights in the context of EU Enlargement

Human rights and respect for and protection of minorities are a pre-requisite of EU membership. Several political instruments and financial resources have been created in the framework of the EU-Enlargement strategy to promote the cause of human rights and democracy in the candidate countries.

Most of the candidate countries include considerable ethnic, linguistic, cultural and religious minority populations, whose satisfactory integration remains vital for political stability and neighbourly co-existence. Candidate countries have taken positive steps by ratifying international human rights instruments and adopting national legislation and programmes for social, economic and cultural integration of the minorities. Yet these legislative and programmatic steps need to be translated into action through proper implementation and monitoring in close co-operation with the population concerned.

Detainees still face inhumane treatment in the majority of prisons in the candidate countries due to substandard, overcrowded prisons and detention facilities with alarming health and sanitary conditions. The length and poor quality of pre-trial detention exacerbate the situation, in particular for juvenile offenders. Police officials and prison employees are reportedly abusing their power and are poorly trained with respect to human rights. Provisions for state-guaranteed legal aid for persons who can not afford legal fees are insufficient.

Although, generally speaking, the rights of minorities are being increasingly safeguarded, the plight of the Roma, in particular, continues to cause grave concern. Their situation remains alarming despite several measures undertaken to facilitate economic, political and social

integration. The Roma continue to suffer from widespread discrimination, racial harassment and violence, combined with a lack of protection by the police and the judiciary. Their living conditions remain very poor and the level of unemployment among them is disproportionately high.

In line with the short-term priorities outlined in the respective Accession Partnerships Bulgaria, the Czech Republic, Hungary and Slovakia have adopted policies and programmes for the integration - i.e. improvement of educational and employment opportunities - of the Roma population. Yet more emphasis is needed on their implementation and allocation of adequate budgetary resources.

All three Baltic states have made further progress in the integration of the Russian-speaking population. Improvements especially in the area of language policy have contributed to an increased observation and safeguarding of their rights. However, continuous monitoring is needed to ensure that sufficient resources are allocated in co-operation with other international donors to the national integration programmes.

The actual implementation of Slovakia's Law on the Use of Minority Languages in Official Communication needs further monitoring, as reportedly few citizens take up the opportunities outlined in the law. Moreover the protection of minority languages figures low on the state's education and cultural policy agenda.

The Kurdish population in Turkey continues to face discrimination and repression. Their linguistic and cultural rights are largely denied. Arrests and disappearances of the Kurdish people and those defending their rights continue. In order to fulfil the accession criteria, Turkey has to find an equitable political solution with regard to the Kurdish population - a minority in Turkey, a majority in south-eastern Turkey. This solution has to include a full recognition of the political, cultural and linguistic rights of the Kurdish community.

The Turkish army has to play a constructive role in the country's democratisation process and to withdraw from political life. Turkey's general human rights record remains unacceptable; torture is routinely used in police stations and prisons; human rights defenders are threatened and silenced. While Turkey is a member of the Council of Europe, death penalty still has not been abolished by law.

Candidate countries' efforts towards political reform continue to be supported through the PHARE and the PHARE Democracy Programme. PHARE is also used for promoting minority interests, i.e. by financing national Programmes for Integration of the Roma and language training programmes in the Baltic States. However, the scope for protection and promotion of minority rights and minority languages needs to be further investigated with regard to the candidate countries' participation in other Community programmes such as the new Phare-ACCESS, Leonardo and the 5th RTD Framework Programme, so as to guarantee representatives of national minorities equal access to these programmes.

Violations of human and minority rights have been one of the main causes of the dramatic outbreak of violence in the Western Balkans. Since the Kosovo war the EU has tried to deal with human and minority rights issues in various countries of the region via the Stabilisation and Association process. Many changes have already taken place in these countries and, in particular, new political leaderships more aware of the importance of tolerance and pluralism have emerged. Nevertheless, the EU must keep the pressure on those South-Eastern European countries whose potential membership has been recognised by the European Council in Feira.

Recommendations on other issues requiring urgent international action

Violation of rights of workers, women and children

Despite agreed international labour standards, social exploitation, slavery and other forms of forced labour of adults and children continue. The EU should make human rights assessments in its trade agreements and enterprises should work out and implement 'codes of conduct'. Trafficking of human beings for commercial and sexual reasons must be stopped and EU programmes should be used for that purpose. Discrimination and violence against women should stop as well as the horrendous violence against the most vulnerable members of society, namely children, both within and outside the home. In particular this report reiterates its long-standing demands to put an end to the phenomenon of child soldiers.

Violation of rights by 'law enforcement officials'

The death penalty continues to be applied in many countries. In Saudi Arabia women and men are condemned to be stoned to death. In the United States, even youngsters and mentally ill individuals are executed. At least a global moratorium on executions should be introduced immediately. Kidnappings by authorities and paramilitary groups in many countries should stop and the EU must work for a strong global convention against extrajudicial killings. The eradication of torture must be a key objective for the EU's human rights policy. How can the EU have relations with a state which maintains medieval standards in its juridical practice? Impunity must end and the International Criminal Court must come into being. Hopes are high that before the end of the year 2001 the minimum level of ratification can be reached for the ICC to begin to function.

Violation of rights of minorities and of indigenous people

This section addresses the need to combat discrimination and repression against those who find themselves in a minority position because of their individual, philosophical and religious capacities or convictions. This includes both the rights of homosexuals and religious and philosophical minorities such as Jehovah's Witnesses and the Falun Gong. Besides, we are now in the mid-term of the 'United Nations World Decade for Indigenous Peoples' and within the UN a Permanent Forum for Indigenous People has been established. The EU should support all campaigns to uphold their rights, in particular intellectual property rights and the equitable benefit from the commercial use of ancestral knowledge. So far the Commission has been delayed in the drafting of reports on this issue, which have been requested by the Council.

Genocide and racism, refugees and the right to asylum, in particular for deserters

It is sad to note that in this Year of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, asylum seekers have to fight repressive policies against refugees. This trend of repression must be reversed and providing them with access to the EU, if even on a temporary basis, should protect those in need of asylum. In the light of the ongoing violent conflicts, protection should be given in particular to those who refuse to be recruited for war by warlords or repressive governments. The EU should at least grant asylum rights and refugee status to those who need such protection because of their non-militarist attitude: conscientious objectors and deserters from wars that are condemned by the

EU.

Proliferation of arms

There can be no credible EU human rights policy without a strict arms exports policy that prevents transfers of weapons to human rights abusers or warring parties. The existing Code of Conduct on Arms Exports must be made mandatory for this purpose. Apart from this it must be clear now that the uncontrolled spread and misuse of small arms is greatly responsible for the violation of human rights all over the world. The UN conference on this issue, to be held in July 2001, is the first global initiative to tackle this humanitarian challenge and should therefore be as effective as possible, for instance by elaborating a comprehensive plan of action. Recently, it has been outlined that the production, use and export of anti-riot materials and interrogation devices must be controlled because used in the wrong hands at the wrong moment they are used for ill-treatment, torture and even to kill victims within the walls of prisons or police stations.

Humanitarian aid workers and human rights defenders

Those who stand up for human rights must be provided with the best possible protection because these are the most endangered individuals. In 1999 alone there were reports of almost 300 attacks against humanitarian aid workers in the form of rapes, robberies and car-jacking and these numbers do not include the numerous kidnappings for political and financial purposes. However, the threats are even more serious for local human rights activists. Local EU offices should help to protect them and EU embassies should open their doors for activists urgently needing to escape from repression. European governments should also provide legal, political and financial support for those foreign NGOs which in their capacity as human rights defenders protect local human rights activists by non-violent accompaniment.

List of resolutions adopted by the European Parliament (Rule 50) between September 1999 and March 2001, and relating directly or indirectly to human rights violations in the world:

Country	Date of adoption of resolution
<u>AFRICA</u>	
ALGERIA	18.01.01
ANGOLA (press freedom – Cabinda)	17.02.00 / 15.03.01
BURUNDI	18.11.99 / 07.09.00
CAMEROON	20.01.00
DEMOCRATIC REPUBLIC OF CONGO	15.02.01 see also: Resolution on the 57 th session of the UNCHR (paragraph 20) adopted on 18.01.01
COTE D'IVOIRE	20.01.00 / 16.11.00 / 14.12.00
DJIBOUTI	16.12.99
GUINEA	15.02.01
EQUATORIAL GUINEA	18.05.00
MOZAMBIQUE	14.12.00
NIGERIA	15.02.01
UGANDA	06.07.00
RWANDA	18.11.99
WESTERN SAHARA	16.03.00
SIERRA LEONE	16.12.99 / 18.05.00 / 07.09.00 see also: Resolution on the 57 th session of the UNCHR (paragraph 20) adopted on 18.01.01
CHAD	20.01.00
TOGO	16.09.99
TUNISIA	15.06.00 / 14.12.00
ZIMBABWE	13.04.00 / 18.05.00 / 06.07.00 / 15.03.01
<u>AMERICA</u>	
CENTRAL AMERICA	16.11.00
CHILE	14.12.00
COLOMBIA	07.09.00 see also: Resolution on the 57 th session of the UNCHR (paragraph 21) adopted on 18.01.01
UNITED STATES (Dineh people – death)	17.02.00 / 13.04.00 / 06.07.00

penalty)	
GUATEMALA	18.05.00
NICARAGUA	16.12.99
PARAGUAY	15.06.00
PERU	16.03.00 / 15.06.00 / 05.10.00
<u>ASIA</u>	
BURMA	16.09.99 / 18.05.00 / 07.09.00 / 16.11.00 see also: Resolution on the 57 th session of the UNCHR (paragraph 18) adopted on 18.01.01
KASHMIR	16.03.00
CAMBODIA	17.02.00 / 18.01.01
CHINA	20.01.00 / 15.02.01 see also: Resolution on the 57 th session of the UNCHR (paragraph 14) adopted on 18.01.01
TIBET	13.04.00 / 06.07.00
FIJI	06.07.00
INDONESIA	16.12.99
KALIMANTAN	15.03.01
MOLUCCAS	07.10.99 / 20.01.00 / 6.07.00
EAST TIMOR	16.09.99 / 18.11.99 see also: Resolution on the 57 th session of the UNCHR (paragraph 19) adopted on 18.01.01
LAOS	15.02.01
NEPAL	07.09.00
PAKISTAN	18.11.99 / 15.02.01
PHILIPPINES	18.05.00
SOLOMON ISLANDS	06.07.00
SRI LANKA	18.05.00
TAIWAN	13.04.00
VIETNAM	16.11.00
<u>EUROPE</u>	
BELARUS	07.10.99
DAGESTAN	16.09.99
KOSOVO	16.09.99 / 07.10.99 / 22.07.99 / 18.11.99 / 17.02.00 / 15.06.00 / 15.02.01
MACEDONIA	05.10.00
RUSSIA	18.11.99 / 18.01.01
SERBIA	16.03.00 / 15.06.00

CHECHNYA	07.10.99 / 18.11.99 / 20.01.00 / 17.02.00 / 16.03.00 / 13.04.00 / 15.02.01 see also: Resolution on the 57 th session of the UNCHR (paragraph 21) adopted on 18.01.01
TURKMENISTAN	15.03.01
TURKEY	22.07.99 / 13.04.00 / 07.09.00 / 18.01.01
FORMER YUGOSLAVIA	14.12.00
<u>MIDDLE EAST</u>	
AFGHANISTAN	16.12.99 / 05.10.00 see also: Resolution on the 57 th session of the UNCHR (paragraph 16) adopted on 18.01.01
SAUDI ARABIA	see also: Resolution on the 57 th session of the UNCHR (paragraph 17) adopted on 18.01.01
EGYPT	20.01.00
IRAQ	20.01.00 / 13.04.00 / 06.07.00
IRAN (press freedom – Jews)	16.09.99 / 13.04.00 / 18.05.00
KUWAIT (women's rights)	16.12.99
<u>MISCELLANEOUS</u>	
CHILDREN KIDNAPPED BY THEIR PARENTS	15.03.01
DEATH PENALTY	07.10.99 / 18.11.99 / 16.12.99 / 13.04.00 / 06.07.00 / 26.10.00
RACISM AND XENOPHOBIA	17.02.00 / 16.03.00 / 06.07.00
INTERNATIONAL CRIMINAL COURT	16.12.99 / 18.01.01

25 April 2001

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on human rights in the world in 2000 and the European Union Human Rights Policy
(11317/2000 - C5-0536/2000 and C5-0628/2000 - 2000/2105 (INI))

Draftsman: Terence Wynn

PROCEDURE

The Committee on Budgets appointed Terence Wynn draftsman at its meeting of 5 December 2000.

It considered the draft opinion at its meeting of 25 April 2001.

At this meeting it adopted the following conclusions unanimously.

The following were present for the vote: Terence Wynn, chairman and draftsman; Bárbara Dührkop Dührkop, vice-chairman; Jean-Louis Bourlanges, Carlos Carnero González (for Paulo Casaca pursuant to Rule 153(2)), Joan Colom i Naval, Carlos Costa Neves, Göran Färm, Markus Ferber, Salvador Garriga Polledo, Catherine Guy-Quint, Jutta D. Haug, Anne Elisabet Jensen, John Joseph McCartin, Juan Andrés Naranjo Escobar, Bernhard Rapkay (for Neena Gill pursuant to Rule 153(2)), Heide Rühle, Kyösti Tapio Virrankoski, Ralf Walter, Brigitte Wenzel-Perillo.

EXPLANATORY STATEMENT

Introduction

The scope of the report under consideration is limited to the implementation of appropriations in Chapter B7-7 ("European Initiative for Democracy and Human Rights")¹. The report analyses the implementation of the European Union human rights policy and formulates some recommendations. Your rapporteur takes the opportunity to draw the attention of Members specifically to the current budgetary situation in Chapter B7-7.

Legal Base

Council Regulations 975/1999 and 976/1999² provide the legal base for implementing appropriations in Chapter B7-7. Council Regulation 975/1999 includes a financial reference amount of € 260 Mio for the period 1999-2004. Council Regulation 976/1999 includes a reference amount of € 150 Mio for the same period. However, according to the IIA of 6 May 1999 (§34), these figures are not binding on the Budgetary Authority, as the legal base has not been adopted under codecision.

Budgetary context

The promotion of human rights and democracy is a top-priority policy for the European Parliament. Indeed, it was at Parliament's request that the European Initiative for Democracy and Human Rights and the corresponding budgetary structure (Chapter B7-7) were launched in 1994. Not surprisingly, the appropriations earmarked for specific human rights activities increased from only € 200.000 in 1987 to € 102 Mio in the 2001 budget.³ The following table illustrates the amounts entered in Chapter B7-7 since 1996:

	1996	1997	1998	1999	2000	2001
CA	82,000,000	78,625,000	97,400,000	98,000,000	94,798,006	102,000,000
PA	73,700,000	64,925,000	75,800,000	77,100,000	81,917,776	81,800,000

In the course of the 2001 budget procedure, the Commission had proposed to cut appropriations in Chapter B7-7 by around 10% and proposed a new nomenclature, which reduced the existing number of lines in the Chapter from 11 regional and thematic items to 3 thematic ones only. Whereas Parliament is supportive of rationalising the budget, it insists that it also needs to be presented in a transparent way for the citizen, so it could not accept a rationalisation of the nomenclature that does not earmark appropriations for the different

¹ It should be noted that all geographic regulations (MEDA, Phare, TACIS, PVDALA) and other more horizontal regulations such as on the integration of gender issues in external aid, on co-financing operations with European non-governmental organisations or on decentralised cooperation also provide for the financing of measures to advance the respect of human rights and democracy. The same applies to the European Development Fund (EDF). However, these are not the object of this report, only appropriations under B7-7.

² Legal base: Council Regulation 975/1999 laying down the requirements for the implementation of development co-operation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and that of respecting human rights and fundamental freedoms (OJ L 120, 8.5.1999); Council Regulation 976/1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries (OJ L 120, 8.5.1999).

³ This figure has been entered in Chapter B7-7 ("*European Initiative for Democracy and Human Rights*") and does not include appropriations that can be made available under the regional programmes or the EDF.

regions and that does not reflect Parliament's political priorities. It was decided in Parliament's first reading to reinforce Chapter B7-7 up to a total amount of € 102 Mio, from € 94,8 Mio in the 2000 budget and from € 88 Mio in the Preliminary Draft Budget presented by the Commission. Moreover, Parliament decided to include the regional split in the remarks of the three thematic lines¹ and add two thematic lines for two political activities that have to be reflected in the budget in view of their importance: B7-704 ("*Support for the activities of international criminal tribunals and for the setting-up of the International Criminal Court*") and B7-709 ("*Support for democratic transition and the supervision of electoral processes*").² This nomenclature suits both the need to rationalise the budget and the need to ensure transparency for the citizen. Now it is understood that the Commission may propose a further rationalisation of the nomenclature with its PDB 2002, by simplifying the Chapter to one single budget line. Parliament, as one arm of the Budgetary Authority, will have to ensure that its political priorities are reflected.

Implementation problems

The backlog in outstanding commitments remains a source of concern. The pre-2000 commitments still outstanding amount to € 170 Mio and the following schedule of payments has been determined in the 2001 budget:

Commitments		Payments				
		2000	2001	2002	2003	Subsequent years
Pre-commitments still outstanding	170,143,891	65,559,551	34,200,000	31,500,000	38,884,340	10,511,000
Commitment appropriations made available again and/or carried over 1999						
Appropriation for 2000	87,813,400	10,523,438	32,000,000	31,000,000	14,289,962	7,934,952
Appropriation for 2001	102,000,000		15,600,000	36,700,000	29,500,000	22,700,000
Total	359,957,291	76,082,989	81,800,000	99,200,000	82,674,302	41,145,952

The Court of Auditors concluded in its report 12/2000³, that the general findings of the

¹ B7-701 ("*Promotion and defense of human rights and fundamental freedoms*"); B7-702 ("*Support for the democratisation process and strengthening of the rule of law*"); B7-703 ("*Promotion of respect for human rights and democratisation by preventing conflict and restoring civil peace*")

² See the opinion of the Committee on Budgets (Rapporteur Jutta Haug) on the Communication from the Commission on EU Election Assistance and Observation (PE 289.571) and the report from the Committee on Foreign Affairs (Rapporteur Giovanni Fava) (A5-0060/2001).

³ Special report 12/2000 on the management by the Commission of European Union support for the development of human rights and democracy in third countries, together with the Commission's replies, OJ 230, 10.8.2000.

evaluation have been positive. However, it underlined that the Commission had allocated insufficient staff resources to the management of the different programmes. Parliament has always attached the greatest importance that the sole responsibility of the Commission for implementing the budget is respected (Article 274 of the Treaty), in the same vein, however, your rapporteur insists that the Commission has no power of discretion in deciding what it wants to implement and what not. Therefore, the Commission is urged to take all the necessary steps to reduce the backlog in outstanding commitments.

Implementation figures 1996-2000 (Commitments)

	1996	1997	1998	1999	2000
Total appropriations available	90,750	90,125	89,400	98,138	98,896
Appropriations used	90,659	89,568	82,550	94,223	93,828
Total Appropriations used/Appropriations available	99,90%	99,38%	92,34%	96,01%	94,88%

Implementation figures 1996-2000 (Payments)

	1996	1997	1998	1999	2000
Total payments available	82,200	66,425	82,800	76,790	91,858
Payments used	65,246	59,318	65,908	46,954	53,155
Total payments used/Payments available	79,37%	89,30%	79,60%	61,15%	57,87%

The figures above demonstrate that implementation has worsened over the last years. This is a preoccupying trend that may oblige the Budgetary Authority to bring the level of appropriations more in line with the actual implementation. This situation puts the European Parliament in a dilemma, as it attaches greatest importance to this policy area. It also puts the European Union in a very bad light, as it is not delivering in accordance to its commitments

The Commission's reform process has been supported by the Budgetary Authority, which made the appropriations available in the 2001 budget for additional 400 posts and it will be considered to endorse a further re-inforcement in the 2002 budget of around 317 posts. The Commission must demonstrate an improvement in implementation and management and respect Parliament's priorities.

Your rapporteur also shares the view of the Court of Auditors that, as is the case in so many other programmes, greater visibility for the involvement of European funds is needed and that the overall impact on the human rights situation should be improved.

Conclusions

The Committee on Budgets requests the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as leading Committee to include the following paragraphs in its draft resolution:

1. Recalls that Article 274 of the Treaty confers the sole responsibility for implementing the budget on the Commission and obliges it to implement the budget as established by the Budgetary Authority;
2. Notes with concern that the implementation figures of the European Initiative for Democracy and Human Rights are not satisfactory; insists that the European Union must deliver in accordance with its political commitments;
3. Underlines that the management capacity of the programmes needs to be improved and the allocation of human resources reviewed, if necessary; insists that the implementation of Chapter B7-7 must reflect the importance that the European Parliament and the European citizen attach to the promotion of human rights and democracy.
4. Expects that the Commission's intention to define performance targets for the implementation of the European Initiative for Democracy and Human Rights (Chapter B7-7) will lead to improved results, will facilitate the evaluation process and will contribute to providing value for money for the taxpayer;
5. Remains convinced that the European Development Fund needs to be integrated into the general budget of the European Union in order to increase transparency and improve the allocation of resources;
6. Requests the Commission to submit a report on the implementation of measures to promote observance of human rights and democratic principles on a yearly basis and in due time for the budgetary Authority to take it into account.

11 April 2001

OPINION OF THE COMMITTEE ON DEVELOPMENT AND COOPERATION

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on human rights in the world in 2000 and the European Union Human Rights Policy
(11317/2000 - C5-0536/2000 and C5-0628/2000 - 2000/2105(INI))

Draftsman: Paul Coûteaux

PROCEDURE

The Committee on Development and Cooperation appointed Paul Coûteaux draftsman at its meeting of 22 November 2000.

It considered the draft opinion at its meeting of 10 April 2001 and adopted the following conclusions by 22 votes to 2, with 3 abstentions.

The following were present for the vote: Lone Dybkjær, vice-chairman and acting chairman; Margrietus J. van den Berg, vice-chairman; Paul Coûteaux, draftsman; Yasmine Boudjenah, John Bowis (for John Alexander Corrie), Marie-Arlette Carlotti, Nirj Deva, Concepció Ferrer (for Bashir Khanbhai), Michael Gahler (for Karsten Knolle), Vitaliano Gemelli, Roger Helmer (for Pier Ferdinando Casini pursuant to Rule 153(2)), Richard Howitt, Renzo Imbeni, Glenys Kinnock, Wolfgang Kreissl-Dörfler, Paul A.A.J.G. Lannoye, Nelly Maes (for Didier Rod), Miguel Angel Martínez Martínez, Arlene McCarthy (for Jean-Claude Fruteau pursuant to Rule 153(2)), Hans Modrow, Luisa Morgantini (for Joaquim Miranda), Ulla Margrethe Sandbæk, Francisca Sauquillo Pérez del Arco, Charles Tannock (for Hervé Novelli), Jan-Kees Wiebenga (for Bob van den Bos), Anders Wijkman (for Fernando Fernández Martín), Stavros Xarchakos, Jürgen Zimmerling.

CONCLUSIONS

The Committee on Development and Cooperation calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following points in its motion for a resolution:

- having regard to the United Nations Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Declaration on the Elimination of Discrimination against Women (1967) and the Convention on the Rights of the Child (1989),
 - having regard to the results of the United Nations Conference on Human Rights in Vienna in 1993 and the conclusions of the United Nations Conference on Women and Development in Beijing in 1994,
1. Stresses that human rights are universal and fundamental for democracy and good governance and underlines the need for the rule of law;
 2. Considers that no pretext can justify a lack of respect for international conventions on human, economic and social rights and that this respect forms the basis for international cooperation;
 3. Points out that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realisation of these rights;
 4. Stresses that human rights also include allowing the countries concerned to choose their own model of development in the context of stable political structures, for a socially and ecologically sustainable development, based on the economic and strategic potential of the country concerned;
 5. Considers that it is up to these countries to choose the means to establish institutions which guarantee respect for human rights, better integration of women and their legal and social rights and participation in the political process, and encourage freedom of expression by independent media;
 6. Deplores in particular the tragic wars, civil conflicts and inter-ethnic strife which are a major cause of human rights violations;
 7. Stresses the fact that human rights constitute a cornerstone within both the EU's development policy and the Cotonou Agreement;
 8. Calls on the Council, the Commission and the Member States to ensure that the EU's external and internal policies – in particular its policies on trade, development cooperation and the CFSP – are consistent with a common strategy on human rights;
 9. Calls for the universal ratification of key international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on

Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Elimination of Racial Discrimination and the Convention against Torture, and urges all governments to ratify without reservation and implement these Conventions;

10. Stresses the necessity to end discriminatory provisions against women and girls in national legislation, and to ensure equal access for all, regardless of gender, to education (both primary and higher education), the labour market, health care, etc;
11. Calls for an end to the genital mutilation of women and other practices against women's individual wishes;
12. Insists that the abolition of the death penalty must become a key element of European human rights policy and calls on the Council to raise this issue in dialogue with third countries;
13. Recalls its support for the setting of fair social standards in economic activity and its commitment to take part in efforts to combat the exploitation of labour throughout the world;
14. Emphasises the importance of the human rights clause as a basis for a common effort to improve respect for human rights, and insists that the suspension mechanism for agreements which include the human rights clause should, in all cases, be based on clear procedures, and that implementing regulations should be speedily adopted where necessary.