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REPORT

on the European Union's role in promoting human rights and democratisation
in third countries
(COM(2001) 252 – C5-0653/2001 – 2001/2276(COS))

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

Rapporteur: Rosa M. Díez González

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PROCEDURAL PAGE

By letter of 10 May 2001, the Commission forwarded to Parliament a communication on the European Union's role in promoting human rights and democratisation in third countries (COM(2001) 252 – 2001/2276(COS)).

At the sitting of 13 December 2001 the President of Parliament announced that she had referred this communication to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible and the Committee on Budgets, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Industry, External Trade, Research and Energy, the Committee on Development and Cooperation and the Committee on Women's Rights and Equal Opportunities for their opinions (C5-0653/2001).

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had appointed Rosa M. Díez González rapporteur at its meeting of 28 May 2001.

The committee considered the draft report at its meetings of 19 February and 19-20 March 2002.

At the latter meeting it adopted the motion for a resolution by 48 votes to 0, with 3 abstentions.

The following were present for the vote: Baroness Nicholson of Winterbourne, acting chairman; Geoffrey Van Orden, vice-chairman; Christos Zacharakis, vice-chairman; Rosa M. Díez González, rapporteur; Ole Andreasen, Alexandros Baltas, André Brie, Gunilla Carlsson, Carlos Carnero González (for Glyn Ford), Gérard Caudron (for Klaus Hänsch), Alejandro Cercas (for Magdalene Hoff, pursuant to Rule 153(2)), John Walls Cushnahan, Véronique De Keyser, Pere Esteve, Francesco Fiori (for David Sumberg, pursuant to Rule 153(2)), Hélène Flautre (for Reinhold Messner), Pernille Frahm (for Efstratios Korakas), Per Gahrton, Gerardo Galeote Quecedo, Alfred Gomolka, Jorge Salvador Hernández Mollar (for Michael Gahler), Ulpu Iivari (for Linda McAvan), Giorgos Katiforis (for Sami Naïr), Joost Lagendijk, Catherine Lalumière, Jules Maaten (for Bob van den Bos), Cecilia Malmström, Pedro Marset Campos, Hugues Martin, Hans Modrow (for Luigi Vinci), Pasqualina Napoletano, Raimon Obiols i Germà, Arie M. Oostlander, Reino Paasilinna (for Mário Soares), Jacques F. Poos, María Rodríguez Ramos (for Emilio Menéndez del Valle, pursuant to Rule 153(2)), Lennart Sacrédeus (for Jas Gawronski), Jannis Sakellariou, José Ignacio Salafranca Sánchez-Neyra, Amalia Sartori, Jürgen Schröder, Ioannis Souladakis, Ursula Stenzel, The Earl of Stockton (for Alain Lamassoure), Ilkka Suominen, Hannes Swoboda, Charles Tannock, Antonios Trakatellis (for Armin Laschet), Demetrio Volcic, Karl von Wogau and Matti Wuori.

The opinions of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Development and Cooperation and the Committee on Women's Rights and Equal Opportunities are attached; the Committee on Budgets decided on 21 November 2001 not to deliver an opinion.

The report was tabled on 21 March 2002.

MOTION FOR A RESOLUTION

European Parliament resolution on the European Union's role in promoting human rights and democratisation in third countries (COM(2001) 252 – C5-0653/2001 – 2001/2276(COS))

The European Parliament,

- having regard to the Commission communication on the European Union's role in promoting human rights and democratisation in third countries (COM(2001) 252 – C5-0653/2001),
- having regard to the Commission report on the implementation of the European Initiative for Democracy and Human Rights in 2000 (SEC(2001) 801),
- having regard to the Commission working paper on Programming Human Rights and Democracy – Exercise 2001 (SEC(2001) 891),
- having regard to Articles 3, 6, 11 and 19 of the Treaty on European Union and Articles 177, 300 and 310 of the EC Treaty,
- 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,
- having regard to the Convention on the Elimination of Discrimination against Women (1979) and the Convention on the Rights of the Child (1989),
- having regard to the rules governing the Sakharov Prize for freedom of thought awarded annually by the European Parliament,
- having regard to the proclamation of the Charter of Fundamental Rights by the European Council in Nice in December 2000; and, not least, having regard to the 'new' fundamental rights enshrined in the Charter, which obviously require particular attention on the part of the EU itself,
- having regard to the European Union's Declaration of 10 December 1998 in Vienna on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights,
- having regard to the conclusions of the General Affairs Council of 25 June 2001 on the role of the European Union in promoting human rights and democratisation in third countries,

- 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)¹,
- having regard to its previous resolutions on human rights in the world of 5 July 2001, 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 1983²,
- having regard to its resolution of 1 March 2001 on the Commission communication to the Council and the European Parliament on the Community's development policy (COM(2000) 212 - C5-0264/2000)³,
- having regard to its resolution of 5 September 2000 on a common Community diplomacy⁴, and the communication from the Commission concerning the development of the external service (COM(2000) 456),
- having regard to its resolution of 26 October 2000 on the implementation of 'human rights/democracy' budget lines relating to campaigns in favour of a moratorium on capital punishment⁵,
- having regard to the conventions drawn up by the International Labour Organisation (ILO),
- having regard to the special report of the Court of Auditors No 12/2000 on the management by the Commission of support for the development of democracy and human rights in third countries⁶,
- having regard to the outcome of the 57th session of the United Nations Commission on Human Rights,
- having regard to Rule 47(1) 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 Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Industry, External Trade, Research and Energy, the Committee on Development and Cooperation and the Committee on Women's Rights and Equal Opportunities (A5-0084/2002),

¹ OJ C 320, 28.10.1996, p. 261.

² 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.

³ OJ C 277, 1.10.2001, p. 130.

⁴ OJ C 135, 7.5.2001, p. 69.

⁵ OJ C 197, 12.7.2001, p. 395.

⁶ OJ C 230, 10.8.2000, p. 1.

- A. whereas one of the main objectives of the European Union must be to uphold the universality and indivisibility of human rights – including civil, political, economic, social and cultural rights – as proclaimed by the 1993 World Conference in Vienna,
- B. whereas the rights of women and children form an inalienable, integral and indivisible part of universal human rights, as laid down in the Beijing Declaration and Platform for Action of 1995,
- C. whereas its leading role in the economic, commercial, political, diplomatic and development aid sectors gives the EU an extraordinary capacity for bringing to bear moral and political influence which should be used without reservation or hesitation to extend and improve democratisation and respect for human rights among its members,
- D. whereas measures to combat poverty and development cooperation are inextricably linked to the defence of human rights and democratisation, in that they promote the political, social and economic conditions necessary to guarantee peace and stability and ensure that everyone can live in dignity,
- E. whereas, also, in many former colonies of European States, often due to persisting influences emanating from the colonial powers, human rights, the principles of good governance and the recognition of the role of civil society do not receive particular encouragement or, indeed, are flouted,
- F. whereas, however, up to now this fact has not been incorporated in any objective analysis by the Member States of the causes of such aberrations on the part of individual third countries and so, unfortunately, does not form part of a coherent political approach to encouraging democracy and human rights,
- G. whereas the Cotonou Agreement signed in June 2000 with the ACP countries has enhanced the democracy clause included by the European Community as an 'essential element' of all its agreements with third countries and which is now based on respect for human rights, democratic principles and the rule of law, as well as on governance and sound management of public affairs,
- H. whereas the European Union must play a key role in actively upholding human rights and democratisation in third countries, encouraging the promotion of these rights through its external action and responding swiftly and effectively in the event of serious and persistent human rights violations,
- I. whereas reducing poverty, the main objective of the Union's new development policy, requires the existence of genuine participatory democracy and responsible, corruption-free governments,
- J. whereas the European Union can make a crucial contribution through its human rights and democratisation policy to eliminating the exclusive aspects of the globalisation process now under way and giving it a focus based on inclusion of the least favoured social groups and the poorest countries, so that both can benefit from all those effects of globalisation which help to promote human development,
- K. whereas respect for social rights and labour laws promotes lasting and equitable social

development,

- L. whereas the long-term dialogue on democratisation and human rights is also a key element in the European Union's conflict-prevention strategy,
- M. whereas the proposed code of conduct for the Union's external relations as regards human rights is not aimed at coercion, but rather the adoption of positive measures that can no longer be delayed such as global support for democracy and human rights, the signing, ratification and application of international human rights instruments and thus the prevention of future crises,
 - 1. Welcomes the above-mentioned Commission communication, which puts forward important proposals and suggestions concerning the European Union's role in promoting human rights and democratisation in third countries which are partners of the Union;
 - 2. Supports in particular the Commission's proposals to systematically incorporate human rights into a transparent political dialogue with third countries, give genuine substance to the democracy clauses contained in the Union's association agreements and trade agreements and include the promotion of human rights and democracy in external aid programmes,
 - 3. Regrets the absence of specific proposals to encourage greater consistency in the work of the various Community institutions and end the almost total dependence in this sphere on the political will of the Council, reflected in the frequent requirement for unanimous decision-making, and calls on the Convention on the future of Europe to put forward firm proposals to this end;
 - 4. Requests that the demands regarding democratisation and respect for and protection of human rights placed on third countries which are partners of the Union should in all circumstances take precedence over any legitimate economic, commercial or any other interests of the Union and its individual Member States;
 - 5. Calls for active and widespread use of the 'social incentive', 'environmental incentive' and 'anti-drugs' clauses contained in the new Generalised System of Preferences (GSP) for the period 2002-2004, which provide for additional preferences to be extended to countries complying with the standards laid down by the ILO and with international legislation on the environment and on combating the production and trafficking of drugs;
 - 6. Regrets the frequent inability of the EU Member States to maintain a common position at the annual session of the United Nations Commission on Human Rights in Geneva, thereby tarnishing the Union's image and undermining the development of its foreign policy;
 - 7. Requests that any third country wishing to maintain political, economic, commercial or any other type of relations with the European Union should sign, ratify and apply unequivocally and without reservation the existing basic texts on human rights, including in particular the Rome Statute establishing the International Criminal Court;

8. Proposes that an interinstitutional code of conduct be drawn up in order to ensure a more coherent and equitable approach in the Union's external action on democratisation and human rights; considers that this code should govern the relations between the Union and the more than 120 States to which the democracy clause is currently applicable as an essential element of the various agreements in force between these countries and the Union;

Principles for an interinstitutional code of conduct for the Union's external relations in the field of human rights

9. Calls therefore on the Commission to draw up an initial proposal for a code on which a decision should be taken immediately by the Council and Parliament and which takes into account the following elements at least:
 - (a) Any political, economic or commercial relations maintained by the European Union with *third States recognised by the United Nations as States which support or sponsor terrorism* shall be immediately suspended for breach of the democracy clause. The only exception shall be humanitarian measures or political measures designed solely to encourage a change of policy on the part of the State concerned;
 - (b) *Abolition of the death penalty and a requirement that a universal moratorium be introduced on capital punishment* should represent an essential element of the relations between the European Union and third States, so that the existence of the death penalty in a third State will automatically trigger a demand that it be abolished or that a universal moratorium be introduced as a clear indication of the EU's position;
 - (c) No third State may *accede to the European Union* without having signed and ratified by the date of its accession all basic treaties and agreements on human rights which have been signed and ratified by all Member States of the Union at that date;
 - (d) Any third State wishing to conclude any kind of *association agreement* with the European Union must also have signed, ratified or acceded to, by the date on which the agreement is concluded, the basic treaties and agreements on human rights; furthermore, the State in question must guarantee satisfactory practical application of provisions governing human rights and not be considered liable for failure to respect or serious and persistent breaches of human rights, based on the following indicators: the relevant United Nations reports (including resolutions of the Commission on Human Rights, reports of special rapporteurs and decisions of the monitoring bodies for the main conventions); the annual report to be drawn up by the European Union Human Rights Agency proposed in this report; decisions of the competent judicial bodies, such as the European, inter-American or African Courts of Human Rights; and the reports drawn up by the main NGOs in this field;

- (e) Any third State wishing to conclude with the European Union any type of *cooperation agreement* or any type of agreement other than those described above must demonstrate its willingness to sign, ratify or accede to, by the date on which the agreement is concluded, the basic treaties and agreements on human rights, not be considered liable for failure to respect or serious and persistent breaches of human rights and be able to secure gradual and appreciable improvements in the application and effective guarantee of such rights, to be monitored on the basis of the indicators described above;
 - (f) In the case of *occasional human rights violations*, which can be verified on the basis of the indicators mentioned above, the measures which may be adopted by the Union shall include *suspension of agreements signed by the EU and its Member States with the third State in question, suspension of high-level contacts and changes to cooperation programmes*, involving postponement of projects or use of different channels for the provision of aid;
 - (g) Any third State having or wishing to conclude any type of agreement with the European Union must also respect all basic treaties and agreements on *international humanitarian law* which have been signed and ratified by all Member States of the Union;
 - (h) The application of the democracy clause may under no circumstances affect the provision of *humanitarian aid* to third States, irrespective of the type of relations they have with the European Union. This aid should preferably be distributed by United Nations agencies, NGOs and other civil society organisations in the country concerned, rather than through government channels;
 - (i) Where necessary, the *procedure for suspending* agreements should be the same *mutatis mutandis* as that laid down in Article 7 of the EU Treaty for punishing serious and persistent breaches of human rights by Member States of the European Union, as supplemented by the Treaty of Nice, and which provides in particular for the State in question to submit its observations. As part of this procedure, in accordance with the provisions of the Treaty of Nice, the European Parliament may also decide, by a simple majority of its Members, to propose that the Council suspend an agreement in application of the democracy clause;
 - (j) This code of conduct should also apply to any *amendment of all agreements* signed by the European Union with third States;
10. Maintains that the objective of the Union in assessing the progress made by the various partner countries in the field of democratisation and human rights must be not only to ensure a *consistent approach to different countries and regions*, but also and above all to *prevent unfair or unequal treatment and double standards* in its dealings with all of them;
11. Stresses that this code should not focus on the punitive and suspensive nature of human rights clauses but should instead essentially be based on mutual respect between all contracting parties in the relations between the EU and third countries; in this perspective it should fully incorporate all possible positive incentives, including generous cooperation programmes, such as to improve the respect of human rights at all

levels;

12. Endorses the approach geared to 'humanitarian aid based on human rights', because of the importance it can have in terms of conflict prevention in cases where a humanitarian crisis has been caused by a violent conflict;
13. Calls on the Commission to secure that the respect of women's rights as a part of human rights is included as a key element in all Community programmes and as a criterion for external relations with non-member countries, including trade agreements and co-operation agreements;
14. Calls on the Commission, in all external relations with third countries in which financial aid is given, as well as in commercial agreements, cooperation agreements and development aid, to make it a specific condition that the country in question is required to eradicate and penalise the worst kinds of violence against women, as well as genital mutilation, stoning, public punishment, torture, and rape in times of war; calls on the Commission to check systematically whether these conditions have been met and to draw up reports on the subject;
15. Urges the Commission to work alongside other international agencies, such as UNIFEM and the World Bank, to ensure that gender issues become part of mainstream development decisions;
16. 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; stresses the vital role which the WTO and ILO must play in this area and the need for them to effectively implement a joint work programme;
17. Underlines the importance of programmes such as MEDA and TACIS in promoting human rights and democratisation in particularly sensitive areas of the world;
18. Calls on the Commission to intensify its efforts with a view to adopting a concise Green Paper on CSR as soon as possible;
19. Calls on the Commission to say what methods should be used to ensure genuine respect for the codes of conduct for enterprises drawn up by international organisations such as the United Nations, the ILO and the OECD;
20. Encourages the Commission to open national contact points for the monitoring of the OECD guidelines for Multinational Enterprises from June 2000 in its delegations in third countries, similar to the national contact points in all Member States;
21. Recalls that Article 13 of the EC treaty requires the European Union to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and that this obligation must, not only in theory but also in reality, form an integral part of the policy of the European Union in relation to both existing and future trade partners, as well as in the negotiations with the applicant States on the fulfilment of the Copenhagen criteria;

Institutional proposals

22. Considers it vital to communitise the CFSP as soon as possible, as the only way of ensuring true consistency in the Union's actions in this field and tackling the current situation where the different institutions, particularly the Council, have to deal with these matters, as regards both geography and subject matter, in some cases within the Community framework and in others at intergovernmental level (CFSP);
23. Calls on the Convention on the future of Europe to examine the institutional reforms necessary, along the lines set out in this resolution, to strengthen the Union's role in promoting human rights and democratic principles through the CFSP;
24. Proposes that the Parliament produced by the 2004 elections should establish a Commission on Human Rights responsible for problems relating to human rights, democratisation in third countries and relations with international organisations active in the sphere of human rights;
25. Supports the establishment of a European Union Agency for Human Rights and Democracy, as proposed in the conclusions of the Cologne European Council;
26. Considers that this agency should be responsible for providing information and advice, as proposed by the Committee of Wise Men, and, in particular, should draw up a global overview of the human rights situation by country, to which the European Union should pay special attention when formulating and carrying out the various Union policies;
27. Considers that the European Union Agency for Human Rights and Democracy should likewise be called upon to submit an annual assessment, based on the provisions of the above code of conduct, of all cooperation and association agreements between the Union and third countries;
28. Considers that, with a view to incorporating human rights and democracy into EC aid programmes, the activities of the European Union Agency for Human Rights and Democracy could include assessment of the impact of non-structural measures, in view of their great importance to reconciliation processes in the wake of armed conflicts;
29. Considers that before the signing of any accession, association or cooperation agreement between the EU and a third country, the Commission should draw up a report on the situation as regards democratic principles and human rights in that country, with a recommendation as to whether or not the negotiations in progress should be completed; the Council and the European Parliament shall be required to give an opinion on this recommendation, with the approval of both institutions being required for the agreement to be signed;
30. Requests that, as part of the political dialogue and debate on country strategy documents, emphasis be placed on the need to ensure the right to education and considers that universal access to education should be considered a thematic priority, since it is an essential fundamental right;
31. Calls on the Commission to ensure that the reports on this matter drawn up by the Commission's external delegations are forwarded promptly to the European Parliament;

32. Understands that conflict situations produce serious human rights violations and, in this connection, considers that education for peace, as an integral part of peacemaking and peacekeeping measures, should be one of the priorities of the EIDHR within the framework of conflict prevention;
33. Considers that civil society has a vital contribution to make in formulating and monitoring Union policy in these areas and supports the continuation of the periodic debate forums on human rights held in cooperation with the Presidency and with the participation of the Union institutions and representatives from academic bodies and NGOs;
34. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

I. INTRODUCTION

In theory, there are no substantial differences in the approach adopted by the Union institutions, which all consider the development and consolidation of democracy, respect for and protection of human rights and fundamental freedoms, the rule of law and the fight against poverty as fundamental objectives of the Union and the CFSP, as laid down in Article 11(1) of the Treaty on European Union. It is when it comes to translating words into deeds, however, that differences between the institutions emerge. In most cases, it could be said that the Council – and often even the Commission – tend in practice to turn a blind eye to human rights violations and that *all too often the democratic demands made on our partners take second place to the economic and commercial interests of the Union as a whole and of its individual Member States*. This is clearly shown, for example, by the failure of the Commission and Council to act in the countless cases of human rights violations committed by a great many of the Union's political and commercial partners, which have repeatedly been condemned by Parliament. This is clearly illustrated by the list attached to the recent Wuori report (A5-0193/2001).

Under these circumstances, the aim of this report is not to reiterate the Union's by now well-known position on this matter, but rather to seek to put forward proposals for firm action, both in the negotiation of agreements of all kinds between the European Union and third States (based on the requirement for a democracy clause) and in the application of these agreements (including strict compliance with this clause), as well as their possible suspension (which should be linked to the setting of strict and non-discriminatory conditions, avoiding the double standards which currently prevail). With this in view, a code of conduct is proposed bringing together a series of rules designed to govern the actions of the EU institutions in this field, to ensure that their external action is conducted in a genuinely consistent and fair manner.

II. POVERTY VERSUS DEMOCRATISATION OF HUMAN RIGHTS

To continue to allow the world's poorest countries and peoples, which account for 80% of its population, to sink further into poverty represents one of the greatest threats to the Union's internal and external security. Indeed, there is nothing that can be done to contain the growing desperation of the vast numbers of the world's population trapped in total ignorance and poverty. This is an ideal breeding ground for terrorism of all kinds, for extreme fundamentalism and authoritarian and dictatorial forms of government. Accordingly, even if the Union is not moved by considerations of solidarity, justice and moral duty, its own self-interest and that of its Member States should prompt it to make the fight against ignorance and poverty one of the basic geopolitical objectives of its foreign policy.

The alternative will be a proliferation of conflicts in areas near and far, conflicts that are increasingly hard to control, on a larger scale and fought with weapons that are ever more lethal and more easily available. The recent events in New York and Washington are only the latest example of this. The world is no longer what it was and perceptions of it have changed; the Union's foreign policy must take account of this new factor, which has fresh implications requiring something much more than the tired old military or security responses, which may have worked in the past but which will never again be effective in dealing with the major

conflicts that will inevitably be sparked by the explosive mix represented by countless poor peoples and countries sunk in ignorance and despair and governed by corrupt and dictatorial regimes.

In practical terms, a good way of averting these dangers would be first of all to *work genuinely for the future of democracy, human rights and the rule of law* in all of the many countries which are partners of the European Union, the world's leading trading power. For while it is true that, as a general rule, democracy seems to be extending its reach throughout the world – at least in formal terms – what is certain is that, if the democratic institutions of all these partner countries are not capable of finding just solutions which assist the majority of their populations, end the major social inequalities and resolve the great social problems plaguing most of these countries and their societies, then there is every reason to fear that many of them will return to the old and deeply rooted tradition of authoritarianism in one form or another. Ultimately, a classic question remains relevant and the EU needs to find an answer to it: *how much poverty can democracy tolerate?* Your rapporteur therefore believes it is vital to plan innovatory measures and generous cooperation programmes to provide funding for all States and their legally operating institutions, that will make a crucial contribution to coordinating the efforts of the public and private sectors and of civil society in defending democracy. Specifically, the *promotion of democracy, human rights and the rule of law* should be genuinely integrated as part of the Union's foreign policy on the basis of the following principles:

- Agreements of all kinds with the Union's partners must become a genuine and verifiable platform for the promotion of respect for human rights and democratic principles in all countries concerned;
- Any State which violates or fails to undertake to support and apply these rights and principles must be excluded from all summits, meetings and aid programmes, while all agreements of any kind existing at that time between the State concerned and the EU must be cancelled;
- All agreements concluded must make provision not only for democracy and human rights clauses, but also for the procedure to be adopted for suspending the agreement if these clauses are breached.

III. TERRORISM AS AN IMPEDIMENT TO THE PROMOTION OF HUMAN RIGHTS AND DEMOCRATISATION IN THIRD COUNTRIES

The events of 11 September 2001 marked a point of no return in the way in which terrorism is perceived and in the response to it. Aware of this, in its resolution of 25 October 2001 on the progress achieved in the implementation of the common foreign and security policy, the European Parliament categorically stated that combating terrorism must become a central component of European foreign policy, combining aspects of internal and external security. Furthermore, according to Parliament, the International Criminal Court is the appropriate institution to bring the perpetrators and those behind these terrorist acts to justice. However, the approach to be followed cannot be exclusive, still less 'eurocentric'. On the contrary, close cooperation is needed with other crucial players in the field of international relations, first and foremost the United States. Naturally, the United Nations and its Security Council are the ideal framework for a comprehensive and global alliance against terrorism. It is therefore

clear from all the above considerations that any third State wishing to maintain political, economic, commercial or any other kind of relations with the European Union must be willing to sign, ratify and apply unequivocally and without reservation the basic provisions governing human rights, both at multilateral and regional level, including in particular the Convention on the International Criminal Court. To allow any other approach would give an impression of laxity and irresponsibility which, sooner or later, as experience has shown, would seriously jeopardise the Union's credibility, as well as, in plain terms, helping to deepen the feelings of bitterness, despair and injustice among the peoples and individuals who are behind these countless acts of terrorism. In other words, there can never be good reason nor justification for terrorism, but it would be suicidal to ignore the pretexts that help it to spread. At least one of these could be much more effectively targeted by the European Union through intelligent use of the instruments available for its foreign policy in the wider sense. One need only look briefly at the current situation in the Middle East, where most of those directly involved in the conflict and their neighbours are negotiating or are already parties to Euro-Mediterranean association agreements with the EU, in a region where the Union is also the main provider of development aid.

IV. RATIONAL USE OF PRESSURE ON THE PART OF THE EU

In order to further its objectives in the field of human rights and democratisation across the whole spectrum of its external relations, the EU has at its disposal a great many instruments, which for the most part it has so far calamitously failed to use in a determined and coherent manner. Some of these instruments, in the field of diplomacy or foreign policy, are widely used, such as actions or statements in United Nations fora, parliamentary diplomacy or sanctions. Many others, however, differ in kind but generally have in common the fact that they have been insufficiently exploited. This is true of existing Community instruments in the field of the environment, trade, the information society and immigration.

Other measures involve financial cooperation and one of the most forceful ways the Union has of bringing pressure to bear to influence the behaviour of its partners with regard to democratisation and human rights is undoubtedly the use of its *aid programmes*. According to figures from the Commission, the European Community's external aid programmes (Phare, Tacis, ALA, MEDA, CARDS) account for an annual sum of EUR 5 000 000 000, to which can also be added the resources of the European Development Fund, which operates under the Cotonou Agreement and provides aid for the ACP countries (EUR 13 500 000 000 under the 9th EDF for the period 2000-2007). All these financial instruments offer an ideal basis for reinforcing the Union's efforts not only with regard to respect for human rights (including economic, social and cultural rights) and democratisation, but also with a view to combating the underlying causes of poverty, which is a fundamental objective of the Union's new development cooperation policy.

Consideration needs to be given to the effectiveness of the democracy clause and, above all, its practical application to date. In addition to a clear code of conduct for the application of the democracy clause, the EU needs to establish *new and parallel monitoring mechanisms designed to back up those already available*, so that it can check on compliance with human rights and democratisation by any of its political and economic partners. Highly useful indicators in this field would be a review of trends in human rights violations such as torture

and the death penalty, the extent to which international observers and human rights activists are able to operate freely and uphold the interests of the most disadvantaged groups and, above all, the requirement by the Union for full compliance with the provisions of the agreements it has concluded with third countries (accession agreements, Euro-Mediterranean association agreements, association agreements of all kinds, cooperation agreements, etc.).

V. A CODE OF CONDUCT FOR THE EU's EXTERNAL RELATIONS WITH REGARD TO HUMAN RIGHTS

The resolution forming part of this report proposes a code of conduct designed to ensure a more coherent and more equitable approach in the Union's external action in the field of democratisation and human rights, laying down a set of standards to govern relations between the EU and the more than 120 third States to which a democracy clause currently applies as an essential element of the various agreements in force between these countries and the EU.

21 February 2002

OPINION OF THE COMMITTEE ON CITIZENS' FREEDOMS AND RIGHTS, JUSTICE AND HOME AFFAIRS

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

on the European Union's role in promoting human rights and democratisation in third countries

(COM(2001) 252 – C5-0653/2001 – 2001/2276(COS))

Draftsman: Giuseppe Di Lello Finuoli

PROCEDURE

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Pernille Frahm draftsman at its meeting of 10 October 2001.

It then appointed Giuseppe Di Lello Finuoli draftsman on 20 February 2002 as Pernille Frahm was no longer a member.

It considered the draft opinion at its meetings of 3-4 December 2001 and 19-20 February 2002.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Ana Palacio Vallelersundi, chairman, Robert J.E. Evans, vice-chairman, Lousewies van der Laan, vice-chairman; Giacomo Santini, vice-chairman; Giuseppe Di Lello Finuoli, draftsman; Alima Boumediene-Thiery, Giuseppe Brienza, Michael Cashman, Charlotte Cederschiöld, Carmen Cerdeira Morterero, Ozan Ceyhun, Carlos Coelho, Gérard M.J. Deprez, Francesco Fiori (for Marcello Dell'Utri pursuant to Rule 153(2)), Janelly Fourtou (for Thierry Cornillet pursuant to Rule 153(2)), Pernille Frahm, Marie-Françoise Garaud (for Mario Borghezio), Evelyne Gebhardt (for Gerhard Schmid), Malcolm Harbour (for The Lord Bethell pursuant to Rule 153(2)), Adeline Hazan, Jorge Salvador Hernández Mollar, Pierre Jonckheer, Margot Keßler, Timothy Kirkhope, Eva Klamt, Ole Krarup, Baroness Sarah Ludford, Hartmut Nassauer, William Francis Newton Dunn, Paolo Pastorelli (for Bernd Posselt), Hubert Pirker, Heide Rühle, Ole Sorensen (for Francesco Rutelli), Patsy Sørensen, The Earl of Stockton (for Mary Elizabeth Banotti), Joke Swiebel, Fodé Sylla, Anna Terrón i Cusí, Maurizio Turco, Gianni Vattimo (for Valter Veltroni) and Christian Ulrik von Boetticher.

SHORT JUSTIFICATION

Through this communication the Commission wishes to strengthen and refocus the overall strategic approach to human rights issues to ensure that such issues permeate all Community policies, programmes and projects.

The Commission's aim, guided by compliance with the rights contained in the EU Charter of Fundamental Rights, is to strengthen coherence between the EU's internal and external approaches.

With a substantial budget for external assistance, the EU will have influence and leverage which it can deploy on behalf of democratisation and human rights.

Since 1992 the Commission has included in all its agreements with third countries a clause defining respect for human rights and democracy as 'essential elements' in the EU's relationship. This approach has been further developed in the Community's development policy (Article 177 of the EC Treaty), as confirmed in the Cotonou Agreement signed with the ACP countries in June 2000.

Poverty reduction, the main objective of the European Community's development policy, will only be sustainably achieved where there are functioning participatory democracies and accountable governments. Similarly, there is an urgent need to guard against the process of globalisation having a negative effect on the welfare of the world's poorest and most vulnerable groups and heightening the exclusion of billions of people.

In more general terms, a higher priority should be placed on human rights and democratisation in the European Union's relations with third countries by using the opportunities offered by political dialogue, trade and external assistance.

The Commission therefore, justifiably, stresses the need to adjust European policies to ensure that they have a positive impact on human rights and democratisation, and especially as far as our committee's competences are concerned, with regard to justice and home affairs, immigration, asylum and the fight against organised crime, issues which also relate directly to the applicant countries' accession process.

Lastly, the Commission also emphasises, as part of the development of this strategy of respect for and promotion of human rights, the special responsibility of multinational companies and the indispensable contribution of civil society and NGOs in these areas.

CONCLUSIONS

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs 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:

1. Approves the initiative of the Commission, in the communication under examination, to develop the EU's role in promoting human rights and democratisation in third countries especially through a more coherent and comprehensive approach including all policies concerned;
2. Nevertheless reaffirms the EU's prior responsibility to continually strive to raise the general level of protection of civil, economic and social rights within its territory, for the benefit of all legal residents especially of asylum seekers and migrants who are still too often subject to direct and indirect discrimination and racial violence;
3. Recalls that Article 13 of the EC treaty requires the European Union to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and that this obligation must, not only in theory but also in reality, form an integral part of the policy of the European Union in relation to both existing and future trade partners, as well as in the negotiations with the applicant states on the fulfilment of the Copenhagen criteria;
4. Recommends, especially in the context of a comprehensive approach to legal immigration, defined at the Tampere European Council, the systematic inclusion of protection of human rights, the fight against corruption and the Article 13 criteria of the EC Treaty as a main clause in the partnership agreements concluded at national and European level, with countries of origin or transit so that the common European immigration policy could be implemented in order that both sides would benefit in a perspective of co-development allowing the return of migrants to their countries of origin;
5. Takes note of the instrumental use of the human rights clause that, as demonstrated by the recent cases of Laos and Egypt, does not have the wanted effect of ensuring effective respect for human rights in third countries;

6. Asks the Council and the Commission to draft a concrete proposal for the implementation of the human rights clause, containing in particular clear, precise and verifiable mechanisms for monitoring and evaluation of the human rights situation in third countries that have signed an agreement with the EU, and making it possible to determine progressive and proportional actions and measures to be taken by the EU when human rights and fundamental freedoms are violated;
7. Is concerned that the European Monitoring Centre on Racism in Vienna has been able to present documentation that Muslims and other ethnic minorities have been victims of 'harassment' after September 11th, and it is important to underline the fact that the fight against terror is not a fight against certain religions and peoples;
8. Also recommends that, when implementing measures to fight against terrorism at European and international level, due consideration should always be given to a strict respect for human rights;
9. Notes in this context the Commission's intention to favour a constructive partnership with governments of third countries, based on dialogue and support, but also, in cases of breaches by governments of essential elements of the agreements especially in matters concerning respect for human rights, the fight against corruption and the Article 13 criteria of the EC treaty, measures such as postponement of new projects and suspension of cooperation, and the continuation of projects carried out by NGOs to support the local population;
10. Recommends that the clauses connected to trade and customs agreements be regularly examined and that the European Parliament be informed on the situation through an annual follow-up in the Commission;
11. Underlines that if a partner breaks the condition repeatedly the agreements must be suspended or cancelled; that the European Parliament will not accept double standards and will not accept that the European Union on the one hand demands human rights, democracy, respect for minority rights and rule of law but on the other hand through neglect of these demands gives a signal that the partner's policy is accepted; in this context the European Parliament finds it strange that the agreement between Israel and the European Union is being used to sell products from settlements on the occupied territories which - according to international law - are not a part of the state of Israel without any consequences for the agreement;
12. Underlines nevertheless the importance of not overlooking the exposed groups such as those who are AIDS/HIV infected, who do not want to be tested or examined, because of the fear of being stigmatised if found to be infected, disabled people (with specific needs) and the need for accessibility to treatment by traumatised and tortured victims;

13. Notes also that the Commission highlights the role and responsibilities of multinational companies in the field of protection of human rights, and notes that many multinational companies violate the rights of children in particular – and demands at the least minimum wages, a safe working environment and, as a minimum, basic access to schools and education; welcomes that the European chocolate industry will begin the fight against child labour, but urges that this should not lead to a situation where child prostitution will be the only alternative for the children;
14. Affirms that so long as discrimination on the grounds of sex, race or ethnicity, religion or belief, disability, age or sexual orientation continues to be embedded in the law or in official government policies in applicant countries, the Copenhagen political criteria have not been met;
15. Is convinced of the urgent need to combat the still-widespread phenomenon of discrimination and unequal treatment in the applicant countries, calls for the implementation of existing EU legislation in this field (directives on sexual equality, the race directive and the Employment Framework Directive) as part of the '*acquis communautaire*' and encourages the applicant countries to set up comprehensive anti-discrimination policies in consultation with relevant NGOs;
16. Underlines also the necessity for applicant countries to fulfil, with the EU technical and financial assistance, their commitments as far as protection of human rights is concerned, especially in the field of the fight against discrimination, racism, effective implementation of the right of asylum and protection of minorities;
17. Notes, however, that the EU also has a great responsibility for many economic and legal reforms in the applicant countries, which has led to a significant strain on public budgets, which complicates the fight, amongst other things, for the rights of the Roma peoples in the applicant countries;
18. Underlines the necessity to cooperate with the applicant countries in the fight against sexual abuse of women and children in combating trafficking in human beings and white slave trade, and urges the applicant countries to take the necessary steps in the field of justice and internal affairs to strengthen the fight against corruption and money laundering.

OPINION OF THE COMMITTEE ON INDUSTRY, EXTERNAL TRADE, RESEARCH AND ENERGY

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

on the European Union's role in promoting human rights and democratisation in third countries

(COM(2001) 252 – C5-0653/2001 – 2001/2276(COS))

Draftsman: Hans-Peter Martin

PROCEDURE

The Committee on Industry, External Trade, Research and Energy appointed Hans-Peter Martin draftsman at its meeting of 11 July 2001.

It considered the draft opinion at its meetings of 10 October and 6 November 2001.

At the latter meeting it adopted the following conclusions unanimously.

The following took part in the vote: Carlos Westendorp y Cabeza, chairman; Renato Brunetta and Peter Michael Mombaur, vice-chairmen; Hans-Peter Martin, draftsman; Konstantinos Alyssandrakis, Giles Bryan Chichester, Christos Folias, Pat the Cope Gallagher, Norbert Glante, Alfred Gomolka (for Godelieve Quisthoudt-Rowohl), Michel Hansenne, Roger Helmer, Hans Karlsson, Bashir Khanbhai (for John Purvis), Constanze Angela Krehl (for Mechtild Rothe pursuant to Rule 153(2)), Werner Langen, Albert Jan Maat (for W.G. van Velzen), Eryl Margaret McNally, Nelly Maes, Erika Mann, Angelika Niebler, Barbara O'Toole (for Glyn Ford), Reino Paasilinna, Elly Plooi-j-van Gorsel, Samuli Pohjamo (for Astrid Thors), Bernhard Rapkay (for Rolf Linkohr), Imelda Mary Read, Paul Rübig, Ilka Schröder, Esko Olavi Seppänen, Claude Turmes (for Caroline Lucas), Alejo Vidal-Quadras Roca, Dominique Vlasto, Anders Wijkman, Myrsini Zorba and Olga Zrihen Zaari.

SHORT JUSTIFICATION

Following the events of the 11th of September the issue of human rights has moved again to the top of the political agenda. This applies to most fields of the political debate, including trade.

In order to achieve enduring peace and sustainable prosperity, a coherent human rights policy without double standards is essential. The European Union should assume the leading role in achieving this goal. In the age of globalisation, the task of promoting and enforcing the universality of human rights has to be a matter of utmost relevance to the economic sector as well, namely to transnational corporations. Political decision-makers can facilitate this by facing up to decisions.

The EU should therefore take a clearly visible and proactive approach, using political dialogue, trade and external assistance to achieve these goals and turn globalisation into a truly inclusive process.

This Commission communication regarding the EU's role in promoting human rights and democratisation in third countries focuses mainly on the role of EU external assistance in promoting human rights and democratisation. It emphasises the need to promote coherent and consistent policies in support of human rights and democratisation to put higher priority on these issues in the EU's relations with third countries and to adopt a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR).

The EP recognises and welcomes the fact that the European Commission in the proposed communication states its willingness to uphold the universality and indivisibility of human rights - civil, political, economic, social and cultural.

The Commission acknowledges the fact that global actors such as transnational corporations should also be encouraged by the EU to play a full part in increasing respect for human rights world-wide. The question remains, however, how these transnational enterprises can be convinced to use their often considerable influence within a developing country to support the EU's attempt to promote human rights and which activities they should undertake. More concrete measures regarding their contribution, such as enormously increased transparency in the actions of multinational companies need to be discussed and implemented.

Moreover, it must be pointed out that human rights and democracy are values that stand on their own and must not only be seen - as the report suggests - as prerequisites of successful trade.

Some other very important points remain vague in the communication. For instance, dialogue with third countries and with their trade unions and civil society is regarded as very important and also worthy of improvement; but no details are presented on how to improve the situation. Furthermore, the Commission will identify a limited number of 'focus countries' on which it intends to concentrate its support with the help of targeted projects. The criteria for choosing these 'focus countries', and the consequences of this approach, are not yet adequately explained. Moreover, the need for continuing contact and cooperation with international organisations and human rights organisations is recognised, as well as the need to participate in and set up new assistance programmes. But again, it is not entirely clear which sort of

programmes have been implemented so far, and how improvements can be made.

More precise information on the current situation regarding these issues and suggestions concerning their improvement would be welcome.

In this context it is important to link human and social rights with trade and investment activities in developing countries, a trend that has been led by NGOs, trade unions and the European Parliament.

CONCLUSIONS

The Committee on Industry, External Trade, Research and Energy 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:

1. Emphasises the importance of the human rights clause in all Community agreements of political or economic relevance with third countries; asks, however, for a reformulation of the clause in order to clarify and make explicit all its dimensions – civil, political, economic, social and cultural - and insists that the 'suspension mechanism' should, in all cases, be based on clear procedures, and that implementing regulations should be adopted where necessary;
2. Takes the view that clear and periodically executed human rights consultation procedures should be part of all future EU agreements with third countries and that existing agreements should be reformed in this sense;
3. 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; stresses the vital role which the WTO and ILO must play in this area and the need for them to effectively implement a joint work programme;
4. Believes that it is time to take stock of the GSP social policy incentive clause, which is likely to become less and less effective with trade liberalisation and the 'everything but arms' programme;
5. Underlines the importance of programmes such as MEDA and TACIS in promoting human rights and democratisation in particularly sensitive areas of the world;
6. Places considerable importance on the development of the role and status of women in EU-funded programmes, e.g. MEDA and TACIS;
7. Highlights the importance, when setting new objectives and priorities, of the common principles of the fight against poverty, good governance and respect for fundamental rights and the environment and for the world trade order;
8. Calls on the Commission to intensify its efforts with a view to adopting a concise Green Paper on CSR as soon as possible;

9. Calls on the Commission to say what methods should be used to ensure genuine respect for the codes of conduct for enterprises drawn up by international organisations such as the United Nations, the ILO and the OECD;
10. Encourages the Commission to open national contact points for the monitoring of the OECD guidelines for multinational enterprises from June 2000 in its delegations in third countries, similar to the national contact points in all Member States;
11. Welcomes the Commission's effort to systematically assess the human rights and democratisation impact of co-operation projects, so as to both avoid negative effects and enhance positive impacts;
12. Calls on the Commission to specify its intention of improving its dialogue with third countries;
13. Calls on the Commission to come up with concrete guidelines on how to identify the 'focus countries' as well as to specify the desired effects of the planned measures and how they can be achieved;
14. Welcomes the approach to promote coherence and consistency across EU and EC policies and 'mainstreaming' human rights and democratisation objectives in the EU's relations with third countries, in particular through political dialogue and strategic use of the external assistance programmes.

11 October 2001

OPINION OF THE COMMITTEE ON DEVELOPMENT AND COOPERATION

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

on the communication from the Commission to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries (COM(2001) 252 – C5-0653/2001 – 2001/2276(COS))

Draftsman: Concepció Ferrer

PROCEDURE

The Committee on Development and Cooperation appointed Concepció Ferrer draftsman at its meeting of 25 June 2001.

It considered the draft opinion at its meetings of 13 September 2001 and 11 October 2001.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Joaquim Miranda, chairman; Lone Dybkjær and Margrietus J. van den Berg, vice-chairmen; Concepció Ferrer, draftsman; Teresa Almeida Garrett, Marie-Arlette Carlotti, Nirj Deva, Karin Junker, Bashir Khanbhai, Glenys Kinnock, Karsten Knolle, Paul A.A.J.G. Lannoye, Miguel Angel Martínez Martínez, Hans Modrow, Didier Rod, Francisca Sauquillo Pérez del Arco, Bob van den Bos, Anders Wijkman (for Domenico Mennitti) and Jürgen Zimmerling.

SHORT JUSTIFICATION

The Commission's communication on the EU's role in promoting human rights and democratisation in third countries seeks to set this policy in the context of the new overall strategic approach adopted by the Commission in external relations, in order to ensure that these issues are taken into account in all Community policies, programmes and projects and to ensure greater effectiveness and consistency of Union action in the field of human rights, promoting democracy and combating poverty.

The Commission's aim of an active policy to promote human rights is nothing new. Since 1992 the EU, in its agreements with third countries, has included the 'democratic clause' by virtue of which respect for human rights and democracy is defined as 'an essential element' in their relationship with the EU. Similarly, the Joint Statement by the Council and the Commission on the Community's development policy states that the promotion of human rights, democracy and good governance is an integral part of the new development policy. Furthermore, the process of economic globalisation means that greater attention must be paid to the subject of human rights since, if no correctives are applied, the process is likely to aggravate inequalities, which means that the most vulnerable groups and people may be condemned to live in conditions which constitute a violation of human rights.

The communication proposes three major areas for action:

- making the policies to be carried out more consistent,
- the integration of human rights and democratisation in political dialogue in the context of cooperation with third countries
- the functioning of the European Initiative for Democracy and Human Rights (EIDHR)

A. Greater consistency

Undoubtedly, Community activities cannot be viewed in isolation from other activities of the EU and its Member States, and the effectiveness of the EU in the field of human rights and, also, its credibility, depend to a great extent on this consistency. Your draftsman therefore agrees with the various proposals formulated by the Commission in this sphere, especially as regards social rights and the need to step up coordination between the actions of the various Community institutions and the Member States. Similarly she agrees that the Commission can best ensure that Community policies in the sphere of human rights are coherent, although she considers that the Council and the Member States must also accept responsibility in this area.

B. Human rights and democratisation in political dialogue

Your draftsman agrees with the Commission that political dialogue with all the countries with which it has relations and the 'essential elements' clause constitute a good basis for achieving the EC's objectives in the sphere of human rights, democracy and good government, as well as in order to prevent conflicts, especially if the starting-point for this dialogue, as proposed by the Commission, is the analysis of the political and security situation included in the Country Strategy Papers, seen in a broader context including the regional dimension, the human rights situation and the rule of law, and if, furthermore, dialogue includes the establishment of specific goals which will make it possible to measure the progress made as time goes on. In this context the proposal to consider integrating the promotion of human rights and democracy as an

essential element in the EC's aid programmes, including humanitarian activities, is particularly appropriate.

C. The European Initiative for Democracy and Human Rights (EIDHR)

Your draftsman welcomes the Commission's proposals for the EIDHR with a view to improving its operation and exploiting more fully the opportunities offered by this instrument, in line with the requests made by the EP which, on several occasions, has highlighted the inadequate impact of EC aid, *inter alia* because of the failure to focus on priorities and the short duration of the aid. The fact that the EIDHR complements other instruments available to the Community to support the aims of promoting human rights and democratic processes, as well as the fact that it is an essential accompaniment to the CFSP as regards human rights, democratisation and conflict prevention, requires a more strategic approach to be developed, a number of more specific thematic priorities to be defined and, in the longer term, account to be taken of the added value which may be generated by the EIDHR and a number of specific countries to be selected on the basis of the EU's political and development priorities. All this would be in line with the proposals made by the Commission in its communication.

CONCLUSIONS

The Committee on Development and Cooperation calls on 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:

1. Reaffirms the universal and indivisible nature of human rights and hence considers that the fight against poverty and development cooperation policy are inseparable from the upholding of human rights and democratisation, in that they promote the political, social and economic conditions needed to guarantee peace and stability and ensure that every individual can live in dignity; stresses in particular, that the IMF should place more emphasis on its policies on human rights;
2. Stresses the importance of the consistency of the policies of the EU and the Member States and backs the Commission's proposals aimed at stepping up the coordination of their actions;
3. Points out that the new ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000, strengthens the role of the Parliamentary Assembly in promoting the democratic process and opens up new channels for political dialogue and consultation (on conflict prevention and crisis management, the principles of good administration of public affairs, measures to combat corruption and forced emigration, and equality between the sexes);
4. Requests that all the parties concerned should be reminded of the importance of ratifying the Cotonou Agreement and notes that so far Denmark is the only Member State of the Union which has ratified the agreement;
5. Requests that all the parties concerned should be reminded of the importance of a swift ratification of international instruments concerning human rights and the social, economic

and cultural rights inseparably linked to them, in particular the right to health and education for all;

6. Calls on the Commission to endeavour to implement the commitment to human rights set out in the association agreements concluded between the European Union and its Mediterranean partners (Article 2), in particular by systematically including human rights on the agenda of meetings between partners, in cooperation with the NGOs concerned, setting up an independent unit for analysis, supervision and early warning, or by defining the principle and practicalities for setting up independent missions to investigate violations of human rights on the territory of one of the signatories;
7. Points out that the process of democratisation is an ongoing long-term action which requires the holding of free elections to appoint citizens' representatives, but also the emergence and structuring of civil society, whilst respecting local cultures; the European Union must therefore support these measures as a matter of priority in the context of its development cooperation policy;
8. Requests that the States should be urged to use all existing resources, and to create new instruments if necessary, in order to combat corruption and money laundering effectively;
9. Requests that in the context of political dialogue and the discussion of the Country Strategy Papers the need to guarantee the right to education should be emphasised, and considers that universal access to education should be considered as a thematic priority, in view of the commitments to achieving universal education by the year 2015 made by the EU in Jomtien, Copenhagen and Dakar;
10. Insists on the strengthening of the institutional and administrative capacity of the States to guarantee the provision of basic public services for the population and to establish a real constitutional state respecting the human, social and economic rights of the citizens;
11. Considers that education for peace, as an integral part of peacemaking and peacekeeping measures, should be one of the priorities of the EIDHR in the framework of conflict prevention;
12. Calls on the Commission to include, in its development cooperation plans, the funding of projects for the reconstruction of judicial systems, particularly in developing countries which are going through a process of peacemaking or reconciliation following an armed conflict;
13. Calls on the Commission to include, in the context of incorporating the promotion of human rights and democracy as an essential element in the Community's aid programmes, an evaluation of the impact of non-structural measures, in view of their great importance in processes of reconciliation following an armed conflict;

14. Expresses approval of the 'humanitarian assistance based on human rights' approach, because of the importance which this approach may have in preventing conflicts in cases where a humanitarian crisis has been caused by a violent conflict;
15. Reiterates the need to ensure that developing countries have access to the new information and communication technologies, in view of the impact they may have on combating poverty;
16. Requests that the policy of mainstreaming be stepped up and is in favour of all Country Strategy Papers proposing practical measures to promote human rights and democratisation and urges that these measures be considered a priority;
17. Considers it essential that the budget appropriations for human rights and democracy should take account of the commitments made by the EU and should match its ambitions; regrets, in this context, the lack of consistency between the Commission and the Council;
18. Urges that, in view of Article 8 of the Cotonou Agreement, the Union should adopt a consistent policy on sanctions, by assigning priority to respect for human rights, the only guarantee of this consistency, and by setting this priority above economic interests; requests, in this context, that the Commission should lay down objective and transparent criteria for the application of Article 8 as regards sanctions and calls on the Council of the European Union to respect the procedure envisaged in the framework of political dialogue, without omitting the phase of consultation with the ACP countries, so that all the partner countries are treated on an equal footing; calls on the Commission to consider more closely improving the effectiveness of the sanctions and devising targeted sanctions in order to restrict their effects on the most vulnerable civilian populations;
19. Calls on the Commission, in line with the 'social incentive clause' in the SPG, to propose new measures to encourage businesses operating in developing countries, together with assessment and follow-up mechanisms, to assist compliance with basic ILO standards; considers that the devising of social guarantees negotiated between the social partners and including a system of independent control and evaluation is a promising approach;
20. Calls on the Commission to report to the European Parliament annually on the state of human rights in third countries;
21. Considers that it would be very helpful to take up again the idea of having a single person responsible for topics linked to human rights and democratisation in third countries, in order to promote the visibility of Commission action in this field, without this meaning that either the distribution of competences in the Commission or the idea of adopting a horizontal approach for these issues would be affected;
22. Requests that the principle contained in Article 8.7 of the Cotonou Agreement should be extended to the various geographical areas where political dialogue on human rights and democracy is being developed between the EU and third countries; this article ensures that regional and subregional organisations, as well as representatives of civil society, will be involved in political dialogue;

23. Reiterates that it is important for the Union and the Member States to adopt practical measures, including measures on the spot, for training in human rights for people working in the security sector, as well as for the protection of those upholding human rights, and to allocate the necessary budgetary resources.

4 March 2002

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

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

on Human Rights and Democratisation: role of the European Union in third countries
(COM(2001) 252 – C5-0653/2001 – 2001/2276(COS))

Draftsman: Lone Dybkjær

PROCEDURE

The Committee on Women's Rights and Equal Opportunities appointed Lone Dybkjær draftsman at its meeting of 1 October 2001.

It considered the draft opinion at its meetings of 22 January 2002 and 26 February 2002.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Anna Karamanou, chairperson; Marianne Eriksson and Jillian Evans vice-chairpersons; Lone Dybkjær, draftsman; María Antonia Avilés Perea, Regina Bastos, Ilda Figueiredo, Fiorella Ghilardotti, Lissy Gröner, Heidi Anneli Hautala, Rodi Kratsa-Tsagaropoulou, Amalia Sartori, Miet Smet, Patsy Sörensen, Joke Swiebel, Helena Torres Marques, Feleknas Uca, and Anne E.M. Van Lancker.

SHORT JUSTIFICATION

The Commission's communication (COM(2001) 252) on the European Union's role in promoting human rights and democratisation in third countries – has not become less important or relevant after the terror attacks on 11 September 2001, which violated our democratic values and way of living.

This communication should be welcomed as an attempt to ensure a higher and more effective profile on human rights and democratisation policies. Since the early 1990s the European Union has raised its profile in this field. Article 6 of the EU Treaty and the EU Charter of Fundamental Rights are the most important internal milestones. But also in our relations with the candidate countries the EU has emphasised human rights and democratisation, through the Copenhagen criteria and the *acquis communautaire*, which also focus on women's human rights. These policies should be applied in our relations with third countries as well.

The most positive aspects of the communication includes the Commissions proposals to:

- Promote coherence and consistency in support of human rights amongst EU institutions and Member States
- Systemically integrate human rights into transparent political dialogue with third countries and give substance to human rights clauses in EC trade and association agreements by establishing benchmarks for progress
- Mainstream the promotion of human rights and democracy in external assistance programmes
- Encourage multinational corporations to play their part in increasing respect for human rights

However, the communication lacks clarity on how these policies will actually be implemented in the Commission's work in the field. This is evident when it comes to women's situation in the world. In many parts of the world women are systematically oppressed and their rights violated. Women are too often victims of religious or cultural habits, for example genital mutilation, forced marriages, poverty, etc. On the other hand, women are often the entrance-gate to issues such as health and education for their children, as well as to sustainable development and economic growth for all in society and thereby also to the progress of human rights and democratisation in the country concerned. Therefore we need policies, also in the field, that clearly address how women's human rights are improved and their participation in democracy is enhanced.

There is no doubt that mainstreaming of women's issues, as the communication points out, is important, but it requires that there is the expertise in the Commission as well as at the delegations. It is of course positive that in implementing the EIDHR (European Initiative for Democracy and Human Rights) the Commission will ensure the promotion of gender equality, through 'mainstreaming' it as a crosscutting issue in all projects. It will also ensure training of Commission staff in headquarters and delegations in human rights and democratisation and mainstreaming. However, how will the Commission ensure that necessary expertise will be available?

The communication calls for actions that address the root causes of the problems, rather than the symptoms (p. 15). However, what specific policies will be changed in the future policy?

Mainstreaming is fine, but women's issues also require emphasis on how women are empowered so that they themselves can be better able to change their situation. As long as more than two thirds of the 900 million people in developing countries that are illiterate are women, empowerment is difficult. Especially because many of them who are lucky to attend school leave it before they have acquired basic numeracy and literacy skills. The lack of role models among women who are now participating in political, administrative or business life is appalling.

Therefore if we in reality should make a long-term commitment to ensure human rights and democratisation, the EU should make strategies for women's education. Primary education for the many is necessary and of paramount importance, but it will take a long time to educate empowered women. Therefore it is equally important to support women's access to higher education and universities, in order to create role models for other women in the struggle for equal rights. Support from the EU and the Member States should include dialogue and support to the quality of the curricula, education of teachers, ICT, knowledge of human rights etc. Administrative and ICT education are of special importance because they ensure that women have the competencies to participate in the political, legal and administrative structures and private business life. However, in areas where states and societies traditionally are more reluctant to ensure women's education it should be considered how the Commission and the Member States directly or indirectly can support an extra effort to ensure that women get a possibility to do something about their situation. This could be for example support for the ministries of education, public or private universities.

CONCLUSIONS

The Committee on Women's Rights and Equal Opportunities 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 World Summit for Social Development (Copenhagen, 1995) and the Fourth World Conference on Women (Beijing, 1995),
 - A. Whereas abuse and/or violation of human rights and democratisation is often gender specific, flouting women's dignity ; violence and in particular forced trafficking in women and rape against women are clear examples of this abuse;
 - B. Whereas more than 1 billion people in the world today, the great majority of whom are women, live in complete poverty, mostly in developing countries; women and children are usually the main victims in conflicts, natural disasters, etc.;
 - C. Whereas 900 million people in developing countries are illiterate, two thirds of them being women; whereas 130 million children have no access to basic education, of whom again almost two thirds are girls, and a further 150 million children – once again most of them girls – leave school before they have acquired basic numeracy and literacy skills;
 - D. Whereas access to education and training is a fundamental right to both women and men and an essential precondition for achieving the goals of equality, development and peace; whereas literacy of women is an important key to improving health, nutrition and

education in the family, as well as women's participation in decision-making in society;

1. Highlighting the Commission's key role in implementing the EU's global strategy for equality between women and men, which covers all policies aimed at promoting such equality, either by adapting policies (proactive intervention/gender mainstreaming) and/or by implementing concrete actions aimed at improving women's position in society (reactive intervention/specific actions);
2. Calls on the Commission to develop and implement a comprehensive policy programme for mainstreaming women's rights as human rights, including concrete criteria, strategies and instruments for follow-up activities with regard to advisory services, technical assistance, reporting methodology, gender impact assessments, coordination, public information and human rights education;
3. Calls on the Commission to report annually on the extent to which gender mainstreaming has been realised in the framework of its human rights and democratisation policies and programmes by indicating
 - which programmes were gender relevant;
 - which concrete gender indicators were used;
 - how many women were reached by or participated in these programmes;
 - what part of the relevant budgets were involved;
4. Calls on the Commission to secure that the respect of women's rights as a part of human rights is included as a key element in all Community programmes and as a criterion for external relations with non-member countries, including trade agreements and co-operation agreements;
5. Commends the Commission for its intention of mainstreaming gender equality in all thematic priorities pursued under the EIDHR and stresses the value of transparency and accountability in this respect;
 - Requests the Commission, when implementing priority (1) Support to strengthen democratisation, good governance and the rule of law, to pay due attention to equal rights for women and men both in the law and in the official policies of the countries concerned (labour law, family law, etc.) and to specific programmes to raise the political awareness and participation of women;
 - Requests the Commission, when implementing priority (2) Activities in support of abolition of the death penalty, to pay due attention to countries where particularly cruel varieties of the death penalty such as stoning are still used, in particular against women ;
 - Requests the Commission, when implementing priority (3) Support for the fight against torture and impunity and for international tribunals and criminal courts, to pay due attention to rape and other forms of violence against women, both as a weapon of war and as part of 'normal' daily reality, and to trafficking in women and forced prostitution;
 - Requests the Commission, when implementing priority (4) Combating racism and xenophobia and discrimination against minorities and indigenous populations, to realise that the largest group of the population that is systematically discriminated against in all countries is women and that support for comprehensive gender equality programmes should therefore top the agenda;

6. Calls on the Commission, in all external relations with third countries in which financial aid is given, as well as in commercial agreements, cooperation agreements and development aid, to make it a specific condition that the country in question is required to eradicate and penalise the worst kinds of violence against women, as well as genital mutilation, stoning, public punishment, torture, and rape in times of war; calls on the Commission to check systematically whether these conditions have been met and to draw up reports on the subject;
7. Calls on the Commission to promote the necessary expertise in gender-relevant policy-making among its staff both at the Commission and at its posts and missions abroad;
8. Urges the Commission to work alongside other international agencies, such as UNIFEM and the World Bank, to ensure that gender issues become part of mainstream development decisions;
9. Calls for special targeting on gender issues, especially with respect to ensure that women participate in both primary and higher education.