

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0274/2003

16 July 2003

ANNUAL REPORT

on human rights in the world in 2002 and European Union's human rights
policy
(2002/2011(INI))

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

Rapporteur: Bob van den Bos

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PROCEDURAL PAGE

At the sitting of 17 January 2002 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 2002 and European Union's human rights policy.

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy appointed Bob van den Bos rapporteur at its meeting of 11 September 2002.

At its meeting of 25 March 2003 the committee decided to include the following motion for resolution in its report:

- B5-0445/2002, by Maurizio Turco and others, on religious freedom, referred on 4 December 2002 to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible;

The committee considered the draft report at its meetings of 11 June, 7 and 8 July 2003.

At the latter meeting it adopted the motion for a resolution by 37 votes to 2, with 6 abstentions.

The following were present for the vote: Elmar Brok, chairman; Baroness Nicholson of Winterbourne, Geoffrey Van Orden and Christos Zacharakis, vice-chairmen; Bob van den Bos, rapporteur; Ole Andreasen, Per-Arne Arvidsson, Alexandros Baltas, Bastiaan Belder, André Brie, Michael Cashman (for Klaus Hänsch), Gérard Caudron, Philip Claeys, John Walls Cushman, Véronique De Keyser, Gianfranco Dell'Alba (for Emma Bonino pursuant to Rule 153(2)), Rosa M. Díez González, Glyn Ford, Michael Gahler, Gerardo Galeote Quecedo, Jas Gawronski, Vitaliano Gemelli (for Alain Lamassoure), Alfred Gomolka, Willi Görlach (for Magdalene Hoff), Vasco Graça Moura (for Armin Laschet), Richard Howitt, Efstratios Korakas, Ioannis Koukiadis (for Demetrio Volcic pursuant to Rule 153(2)), Joost Lagendijk, Catherine Lalumière, Jo Leinen (for Jan Marinus Wiersma), Pedro Marset Campos, Edward H.C. McMillan-Scott (for David Sumberg), Jean-Thomas Nordmann, Arie M. Oostlander, Lennart Sacrédeus (for Philippe Morillon), Jannis Sakellariou, Jürgen Schröder, Ioannis Soulidakis, Ursula Stenzel, Ilkka Suominen, Hannes Swoboda, Charles Tannock, Maj Britt Theorin (for Jacques F. Poos), Maurizio Turco (for Francesco Enrico Speroni pursuant to Rule 153(2)), Joan Vallvé, Karl von Wogau.

The report was tabled on 16 July 2003.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on human rights in the world in 2002 and European Union's human rights policy (2002/2011(INI))

The European Parliament,

- having regard to the motion for a resolution by Maurizio Turco and others on religious freedom (B5-0445/2002),
- having regard to the fourth EU Annual Report on Human Rights (12747/1/02),
- having regard to Articles 3, 6, 11, 13 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 and to all relevant International Human Rights instruments¹,
- having regard to the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002,
- having regard to its previous resolutions on human rights in the world, adopted on 25 April 2002, 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 30 January 2003 on the EU priorities for the 59th Session of the UN Commission on Human Rights³,
- having regard to its resolution of 25 April 2002 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)⁴, and to the Council conclusions of 25 June 2001,
- having regard to Council's conclusions of 10 December 2002 on human rights and democratisation in third countries, together with the practical measures endorsed for the implementation of the Council's conclusions of 25 June 2001,
- having regard to the Charter of Fundamental Rights of the European Union⁵,
- having regard to its previous resolutions on the situation as regards fundamental rights in

¹ **NOTA BENE: for all relevant basic texts, please consult the annexed table.**

² OJ C 131 E, 5.6.2003, p.138, OJ C 65 E, 14.3.2002, p. 336, OJ C 377, 29.12.2000, p. 336, OJ C 98, 9.4.1999, p. 270, OJ C 20, 20.1.1997, p. 161, OJ C 126, 22.5.1995, p. 15, OJ C 115, 26.4.1993, p. 214, OJ C 267, 14.10.1991, p. 165, OJ C 47, 27.2.1989, p. 61, OJ C 99, 13.4.1987, p. 157, OJ C 343, 31.12.1985, p. 29, OJ C 172, 2.7.1984, p. 36, OJ C 161, 10.6.1983, p. 58.

³ P5_TAPROV (2003) 0033.

⁴ OJ C 131 E, 5.6.2003, p. 147.

⁵ OJ C 364, 18.12.2000, p. 1.

the European Union, in particular the resolution of 15 January 2003¹,

- having regard to its resolution of 4 July 2002 on the American Service Members' Protection Act (ASPA)² and to its resolutions of 26 September 2002 and 24 October 2002 on bilateral immunity agreements³, and to the Council conclusions of 30 September 2002,
 - having regard to the EU Common Position on the International Criminal Court adopted on 11 June 2001 and extended on 20 June 2002⁴ and on 16 June 2003⁵, and to the related Action Plan adopted on 15 May 2002,
 - having regard to its resolutions of 19 November 1998, 18 January 2001 and 28 February 2002 on the International Criminal Court⁶,
 - having regard to its resolution of 17 July 2001 on female genital mutilation⁷,
 - having regard to the entry into force on 1 April 2003 of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000⁸,
 - having regard to the Action Plan adopted at the 5th Euro-Mediterranean Ministerial Conference in Valencia on 23 April 2002,
 - having regard to the conclusions of the Human Rights Discussion Forum of December 2002 in Copenhagen,
 - 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 (A5-0274/2003),
- A. whereas human rights - comprising civil, political, economic, social and cultural rights - are of a universal and indivisible, interdependent and interrelated nature, as confirmed by the 1993 UN Human Rights Conference in Vienna,
- B. whereas developing and consolidating democracy and the rule of law and respect for human rights and fundamental freedoms are a general objective of the Common Foreign and Security Policy of the European Union; whereas Community policy in the sphere of development cooperation should contribute to that general objective,
- C. whereas the European Union through its external relations and common foreign and security policy has committed itself to respect international human rights law and international humanitarian law,
- D. whereas at the second Ministerial Conference of the Community of Democracies, held in

¹ P5_TAPROV (2003) 0012.

² P5_TA(2002)0367.

³ P5_TA(2002)0449 and P5_TA(2002)0521.

⁴ OJ L 155, 12.6.2001, p.19 and OJ L 164, 22.6.2002, p.1.

⁵ OJ L 150, 18.6.2003, p. 67.

⁶ OJ C 379, 7.12.1998, p. 265, OJ C 262, 18.9.2001, p. 262, OJ C 293 E, 28.11.2002, p. 88.

⁷ OJ C 77 E, 28.3.2002, p.126.

⁸ OJ L 317, 15.12.2000, p. 3

Seoul from 10 to 12 November 2002, 118 countries, including all EU Member States, reaffirmed their commitment and determination to promote and defend democracy, the rule of law and human rights in the world,

- E. whereas for the EU to live up to its responsibility for peace and stability in the world, the Common Foreign and Security Policy must be strengthened, and importance be attached to an effective use of all provisions available to the Union in its external relations,
- F. whereas the credibility of the EU with respect to human rights policy in external relations depends also on the conduct of its policy on human rights and fundamental freedoms within its own borders,
- G. whereas the EU, in principle, applies a positive and cooperative approach to the promotion of respect for human rights in relation to third countries,
- H. whereas efforts to promote respect for human rights and democracy as fundamental objectives of EU external relations policies will fall short if the inherent principles are not given sufficient priority with regard to security-related, economic or political interests,
- I. whereas, unfortunately, some Member States of the EU, contrary to the obligations deriving from the Cotonou Agreement and other association and cooperation agreements with third countries, support undemocratic regimes in various parts of the world insofar as they serve those Member States' own national, economic, military and other interests,
- J. whereas in the so-called fight against terrorism the safeguarding of traditional, individual human rights must not take second place to the efforts to achieve collective security,
- K. whereas armed conflicts continued to be a serious threat for human rights and resulted in grave violations of human rights,
- L. whereas national security has become a major concern of many governments at the expense of human rights since the tragic events of 11 September, in particular by the suppression of political opponents, by branding them as "terrorists", by the creation of shadow criminal justice systems, and a greater reluctance by governments to criticise others' domestic policies; whereas this international climate has threatened human rights protection significantly,
- M. whereas the United States continued to deny internationally recognised rights to people arrested in the context of the 'war against terrorism'; whereas thousands of prisoners were detained from the war in Afghanistan in defiance of international humanitarian law and national legislation,
- N. whereas the human rights situation in the Middle East, North Africa and in parts of Asia was further aggravated in the name of "combating terrorism"; whereas clampdowns upon freedom of expression and assembly, intimidation of human rights defenders proliferated; whereas the regions continued to suffer from judicial and extra judicial execution, widespread use of torture and unfair trials,
- O. whereas the human rights clause introduced as an essential element in association and cooperation agreements with third countries needs to be applied in a truly operational

manner in order to address effectively human rights violations and prevent future abuses and provide for a clear implementing and suspending mechanism in the event of failure to comply with the clause,

- P. whereas violations of the human rights clause by third countries bound to the EU by agreements are not only infringements of the universal rights and freedoms recognised by the Universal Declaration of Human Rights but also constitute a violation of international treaties freely entered into by the parties,
- Q. whereas, according to the relevant EU Guidelines, Human Rights Dialogues are an acceptable option only if there is sufficient commitment in the partner country to improve the human rights situation on the ground; whereas the EU shall evaluate the results of the dialogues at regular intervals, to determine how far its expectations have been met,
- R. whereas the Council and the Commission have a responsibility to enhance the coherence and consistency of EU human rights policy by mainstreaming human rights and democratisation as objectives in all aspects of external relations, and by addressing those issues at all relevant meetings with third countries at all levels,
- S. whereas mainstreaming should be defined as the incorporation of attention for human rights considerations on all levels and in all policies and will only be effective if mainstreaming is imposed and supervised by the highest levels in the Council and the Commission,
- T. whereas within the European Parliament further efforts are needed to strengthen structures and working methods of its human rights policy; whereas, as a matter of priority, improvements are needed to ensure proper follow-up of its statements,
- U. whereas the Presidency should not only consult the EP on the main aspects and basic choices of the CFSP, but should also ensure that the views of the EP are duly taken into consideration; whereas regular information on the development and implementation of the Union's Common Foreign and Security Policy is the responsibility of the Presidency and the Commission,
- V. whereas ways and means need to be found to strengthen Parliament's position in ensuring proper accountability of the Council and the Commission in the execution of policy, in particular in respect of the implementation of human rights clauses,
- W. whereas human rights issues can, by their very nature, require immediate reactions; whereas the mechanisms provided under the current Rules of Procedure do not enable Members of Parliament to put questions to the Council and the Commission for urgent reply; whereas replies by the Council to parliamentary questions for written answer are always extremely delayed and too often vague and superficial,

Freedom of Thought, Conscience and Religion

- X. whereas religious freedom as enshrined in Article 18 of the Universal Declaration on Human Rights is defined as everyone's "right to freedom of thought, conscience and

religion" and "includes freedom to change his religion or belief, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance"; whereas the right not to confess any religion is implied and deserves equal protection,

- Y. whereas religions, beliefs and non-beliefs belong to the realm of individual freedom; whereas religions and beliefs form a reference system on the meaning of life and satisfy the spiritual needs of believers, who form more than 90% of the world's population,
- Z. whereas it is incumbent on governments to ensure that the rights of all persons to freedom of religion and belief or non-belief are fully protected,
- AA. whereas freedom of thought, conscience and religion is arbitrarily trampled upon and violated in various parts of the world, leading to sometimes severe and violent forms of persecution, including detention, torture, enslavement and the denial of freedom of speech, assembly and association, the threat of punishment for converting to another faith, and bans on missionaries,
- AB. whereas the State should, by definition, be areligious and whereas, in the absence of separation of State and religion or belief, it is sometimes difficult for believers or non-believers to live peacefully together, and problems for minorities might arise,
- AC. whereas single-party regimes are responsible for policies of oppression and serious violations of religious freedom, in particular in Lao PDR, Vietnam, Cuba and the People's Republic of China,
- AD. whereas many different types of barriers to freedom of thought, conscience and religion exist in the world today at state level, such as attempts to control or impose a religious belief or practice, hostility towards minority or non-approved beliefs, neglect of violations of freedom of thought, conscience and religion and discriminatory legislation and policies,
- AE. whereas the promotion and protection of the rights of persons belonging to minorities of any type contribute to political and social stability and to peace, and can enrich the cultural heritage of society as a whole,
- AF. whereas serious instances of intolerance, discrimination and acts of violence based on a misinterpretation of religion or belief occur in many parts of the world, including acts of intimidation and coercion motivated by religious extremism,
- AG. whereas religions, either in moderate or radical movements, often step in to fulfil tasks left untended by governments, in such areas as health and education,
- AH. whereas religions are increasingly instrumentalised for political purposes, in particular in the case of struggles for power or in the framework of ethnic disputes, and can be easily misused to inflame conflicts; whereas 12 of the current 30 major conflicts are related to religion,
- AI. whereas traditional peaceful relations between religions have been disturbed by power struggles e.g. in the Balkan region, the Moluccas, Nigeria, Sudan, Pakistan and India, where clashes which have principally affected the minority are witnessed between

Muslims and Christians, or Hindus and Muslims and other religious minorities,

- AJ. whereas it is vital to distinguish between religion as belief and peaceful worship, and religion as a vehicle to foster hatred and violence against others,
- AK. whereas a rise in the religiously motivated use of violence can be perceived world-wide, causing increased tensions between or within religions or beliefs,
- AL. whereas religious and atheistic extremism undermines the possibilities of different communities living peacefully and calmly together; whereas it, therefore, by definition, presents a threat to the right to freedom of religion and belief,
- AM. whereas the rise of religious extremism sometimes manifests itself through violence and protest against values of modern society, such as religious tolerance, freedom of expression, secularism, democracy and pluralism,
- AN. whereas the causes of rising extremism are multiple, with roots lying in elements of an economic, sociological, historical and/or political nature, and there is no single solution to combat the phenomenon,
- AO. whereas the expansion of extremist interpretations of religion is being fuelled by groups that are increasingly well organised and that seem to dispose of major financial resources,
- AP. whereas muslim extremism is particularly strong in the more advanced and apparently more secular Muslim societies, such as Algeria, Egypt, Lebanon and Tunisia, and is expanding notably in parts of Asia and Africa;
- AQ. whereas the repressive and anti-democratic policies too often conducted by the governments of the above-mentioned countries merely serve to bolster the extremist movements they claim to be combating by weakening the representatives of the democratic opposition,
- AR. whereas religious fanaticism may even appear in countries hitherto considered as secular in which there has traditionally been a separation between State and religion or belief, and whereas this new situation is tending to spread to politically more vulnerable countries,
- AS. whereas immutable and extreme interpretations of Sharia are prevalent in particular in countries such as Saudi Arabia and Iran and countries such as Sudan, Somalia and Nigeria,
- AT. whereas in several countries with a strong Muslim population, such as (the North of) Nigeria, Sudan and Pakistan, the re-establishment of Sharia and other practices that are perceived to be contrary to universal human rights can be witnessed,
- AU. concerned, in this connection, at the references to Sharia contained in the Afghan draft constitution,
- AV. whereas the rights of women and girls, as well as of other vulnerable groups of society, are in particular threatened by unacceptable practices, such as burning, stoning, female genital mutilation, child marriages or forced marriages in the name of culture, traditional practices, customs, or religion, which grant these groups an inferior social position and status,

- AW. whereas religious extremism may nurture other religious extremism, as is the case e.g. in the Asian sub-continent, where for instance in Pakistan, Indonesia and India extremism of one religion provokes extremism of another and vice versa,
- AX. whereas Hindu-fundamentalism is a growing threat to equal constitutional rights and access to justice for millions of people in India, especially for Muslim and Christian minorities,
- AY. whereas anti-conversion laws, such as those adopted or proposed in India and Sri Lanka, could easily be abused in practice to suppress religious minorities,
- AZ. whereas it is unacceptable to claim to have or to exercise political authority in the name of a religion or of another philosophy of life,
- aa. whereas the potential increase in violence and human rights violations resulting from the upsurge of religious and totalitarian secular extremism worldwide calls for a determined and broadbased reaction from the European Union and European society,
- ab. whereas globalisation has led to intensified interactions between people worldwide, making more urgent the necessity for tolerance with respect to beliefs and freedom of conscience, as well as the need to demand respect for people with religious backgrounds, in order to avoid conflicts between value systems,
- ac. whereas there is a risk of stigmatisation of religions based on a general misconception and ignorance of the culture and religion of the 'other', and which in itself can amount to a threat to religious freedom,
- ad. whereas the media can play an important role in diffusing knowledge and adequate information on beliefs and cultures, and in promoting mutual understanding between people from different religious backgrounds; whereas they should therefore avoid creating stereotyped images of other beliefs, whilst recognising their obligation to report truthfully where religious intolerance exists,
1. Human rights are the cornerstone for all internal and external policies of the European Union; urges therefore the Council and the Commission to speak out clearly against violations of human rights wherever they take place; strongly concerned by a possible marginalising of human rights vis-à-vis security-related, economic and political priorities;
 2. Strongly supports the Council's intention to achieve a more effective and visible EU human rights and democratisation policy through increased coherence and consistency between Community action and the Common Foreign and Security Policy, mainstreaming, greater openness and regular identification and the review of priority action;
 3. Calls on the Council, the Commission and the Member States to take the necessary steps in order to put into practice the measures contained in the COHOM report on the implementation of the follow-up to the general Affairs Council conclusions of 25 June 2001, which the Council endorsed on 10 December 2002, and to report to Parliament on progress achieved by the end of 2003;

Human Rights Clause

4. Calls on the Council and the Commission to present the human rights clause as a commitment by both parties to the agreement to respect human rights and to use the clause to induce positive change, but if this fails consequences should be drawn and the clause should come to full application;
5. Considers that the implementation of the human rights clause in association and cooperation agreements depends primarily on the political will of the EU to exert adequate pressure on the country concerned, and on assigning priority to human rights issues over economic, security and other political interests;
6. Takes the view that Member States which support, maintain in power or even bring to power undemocratic regimes in pursuit of their national policy to secure their own economic, military and other interests vis-à-vis third countries and which, thereby, place themselves in actual opposition to the objectives of the association and cooperation agreements in the fields of human rights, democracy and good governance, must be accountable at all times in this respect to the other Member States and the European Parliament;
7. Stresses, however, that the lack of a clear implementation mechanism hinders the effectiveness of the clause; considers the implementation mechanism of the Cotonou Agreement as exemplary for its provisions on consultations, suspension and participation by civil society;
8. Calls on the Commission to make the necessary proposal for an implementation mechanism for the human rights clause in order to maintain explicit pressure for significant improvements of the human rights situation in the countries concerned and to encourage sections of society that are in favour of promoting democracy and respect for human rights;
9. Calls on the Commission and the Council to set up and make public benchmarks for incentive and restrictive measures to be applied in order to enhance openness and credibility in the process of implementing the clause, whilst recognising that certain latitude needs to be given in determining how best to achieve these objectives;
10. Urges the Council and the Commission to set in motion structured dialogue procedures for the regular assessment of compliance by partner states with their human rights obligations;
11. Calls on the Council to set up, in its function as part of the Association and Cooperation Councils, specific subcommittees on human rights which are clearly linked to the highest level of political dialogue, with a view to implementing Article 2 of the Agreement;
12. Calls on the Commission and the Council to establish working groups or Human Rights Round Tables as part of a systematic methodology to implement the human rights clause; those working groups should aim at monitoring the country's human rights situation on the basis of existing monitoring instruments, propose specific action for improvement, including timetabling and benchmarking; the working groups should include representatives of civil society, NGOs, human rights institutions from the EU and the partner country; Members of Parliament should be invited to participate;

13. Calls on the Commission to collect and assess, together with EU Missions, information on specific violations of human rights, with particular attention to women's rights - such as the practice of infibulation and of other forms of female genital mutilation -, children's rights and the rights of disabled people in third countries, as an essential part of its monitoring role, above all with regard to those countries who are bound by a human rights clause as part of their agreements with the EU;
14. Recommends that, in addition to systematic human rights reporting, checklists should be developed, as well as training programmes and handbooks to assist officials;
15. Deplores once again the fact that Parliament is not involved in the decision-making process for initiating consultations or suspending an agreement; strongly insists, therefore, on being fully informed in good time of any such measures being taken; insists furthermore that its views on the type of clause to be negotiated in future agreements should be taken into due consideration;

Sanctions

16. Calls on the Commission and the Council to apply the restrictive and suspensive measures on the basis of an assessment of the seriousness of the situation that is less lenient than has been the case so far to the detriment of the clause's effectiveness and to the discredit of the legal value which should be attached to the human rights clause;
17. Calls on the Council and the Commission effectively to implement restrictive measures adopted by the EU, so that they do not remain simply as expressions of disapproval;
18. Calls on the Council, the Commission and Member States effectively to enforce EU sanctions policies in furtherance of human rights and to ensure that actions are not taken which deliberately undermine such policies, as in the case of Zimbabwe where the impact of targeted sanctions has been regularly undermined because of loopholes;
19. Calls for periodic review of sanctions policies in order to assess and enhance their effectiveness;

Human rights dialogue and political dialogue

20. Expresses its view that human rights dialogues between the EU and third countries must not be turned into mere talking-shops, or be confined to exchanges of views on cultural and historical differences; instead, benchmarks for progress to be achieved and reflected on the ground have to be set up;
21. Although fully aware of the sensitivity of the issues and the occasional necessity for discretion in talks, urges the Council to be consistent with its own commitment to openness for the EU human rights issues being discussed under the political dialogue and the human rights dialogue;
22. Calls on the Council to initiate, under the political dialogue, specific dialogues on human rights with the associated countries of the Mediterranean region, with countries linked to the EU in partnership and cooperation agreements, such as Russia and Ukraine and the countries of South Caucasus, as well as in the context of Stabilisation and Association

Agreements with the countries of the Western Balkans;

23. Requests that procedures for dialogue between governments and civil society should be included in all association and cooperation agreements, through renegotiations or as joint declarations, in order to highlight the role of civil society and to promote mutual trust between the parties; stresses, in this regard, the uniqueness of the Cotonou Agreement, which involves civil society in a dialogue with governments and in development projects;
24. Encourages the Gulf Cooperation Council to make progress with the establishment of a Human Rights Round Table, with the aim of facilitating dialogue between the GCC and the EU on human rights issues;
25. Calls on the Council to act in accordance with the EU guidelines on the human rights dialogue, and to assess the EU human rights dialogues with Iran and China on a regular annual basis;
26. Regrets that, although the EU is committed to raising its concerns about human rights in meetings with China at all levels, the EU-China Summit of September 2002 did not take up any of the EU concerns on the situation in that country;
27. Calls on the Chinese Government to agree on the earliest possible date for the formally issued invitation to the UN High Commissioner for Human Rights, the UN Special Rapporteurs on Torture and on Education, and the Chair of the Working Group on Arbitrary Detention; calls on the Chinese Government formally to invite the UN Special Rapporteur on Religious Freedom;
28. Considers that Iran's readiness to enter into a human rights dialogue with no preconditions is a positive development with a view to the normalisation of relations between the EU and Iran;
29. Expresses its view that a failure of the human rights dialogue with Iran would have a direct impact on the negotiations on the trade and cooperation agreement, since the guidelines on human rights dialogues establish that progress on the ground is decisive and the Council's conclusions of 17 June 2002 clearly link progress in the negotiation of the agreement to progress made under the political dialogue, human rights being an integral part of it;
30. Calls on the Iranian Government to receive the UN Special Rapporteurs on Freedom of Expression and on Violence against Women at the earliest possible date; considers that the visits of the Working Group on Arbitrary Detention, in February 2003, and of the Working Group on Enforced Disappearances, arranged for June 2003, are a positive development, provided that their recommendations are implemented;
31. Condemns the use of stoning and all forms of degrading and cruel punishment, notably in Iran, Nigeria and Saudi Arabia; urges the Council and the Commission to insist in their political dialogue with governments on the abolition of these practices;
32. Takes note of the de facto moratorium on the imposition of sentences to death by stoning in Iran; urges the Iranian Government definitively to abolish this practice;
33. Calls on the Council, the Commission and the Iranian authorities to ensure that all relevant

international and Iranian NGOs, as well as MEPs and Iranian parliamentarians, are included in the Round Table of the EU-Iran human rights dialogue, in order to benefit from human rights expertise;

34. Calls on the Council and the Commission to cooperate closely with human rights organisations in Iran and China and the relevant UN human rights mechanisms, so as to ensure that the list of political prisoners submitted to the Iranian and Chinese authorities at the human rights dialogue is updated and that information received by the EU through the dialogue is shared with those mechanisms;
35. Calls on the Council to deepen the discussions, in the context of the Round Table of the human rights dialogue with Iran, on the rights of minorities, on the death penalty, on corporal punishments, and on freedom of association;
36. Calls on the Commission to ensure continuity of networking, funding for coordination and follow-up of the human rights dialogues' round tables, and to support the establishment of a permanent pool of human rights experts in the countries concerned, as a contribution to building up valuable human rights expertise;
37. Deplores the fact that, contrary to its request to the Council to take a strong political initiative in order to ensure rigorous scrutiny of the Russian Government's conduct in Chechnya, the issue was not dealt with as a key topic in the framework of the EU political dialogue at the EU-Russia Summits in 2002, nor at the EU-Russia Cooperation Council meeting in March 2003;
38. Calls on the Council to urge the Russian Government effectively to combat impunity in relation to violations of international human rights and humanitarian law, including possible war crimes; insists on an international inquiry commission on human rights abuses committed by the Russian security forces and by the Chechen fighters, if Russia does not prove to be engaged in national inquiries;
39. Reiterates its call on Russia to grant international humanitarian organisations, independent media and human rights monitors unhindered access to Chechnya, and to ensure that repatriation of internally displaced persons and refugees to Chechnya take place on the basis of full respect for the principles of humanitarian international law and exclusively on a voluntary basis;
40. Calls on the Council to urge the Russian Government to ensure the renewal of the full mandate of the OSCE Assistance Group to Chechnya as soon as possible, in order to contribute to the coordination of humanitarian assistance, conflict solution, preventing human rights violations, and supporting mechanisms for maintaining law and order in Chechnya;

UN Commission on Human Rights

41. Stresses that the human rights dialogue should not be considered as a replacement for the mechanisms of the UN Commission on Human Rights or UN General Assembly resolutions, but should go hand-in-hand with independent monitoring and regular reporting by the UN Special Rapporteur on the human rights situation in the country concerned;

42. Expresses its concern that the value of the UN Commission on Human Rights, as the world's primary body dealing with human rights, risks substantially being diminished by the negative tendency to become highly politicised; regrets that debates and resolutions do not reflect the human rights situation but rather the mobilisation of support for countries that are accused of human rights violations; no-action motions against resolutions often succeed, following high profile campaigns by the countries concerned; urges for all necessary reform to reverse the politicization process and thereby to maintain the credibility of this important forum;
43. Regrets the UN Member States' election of Libya, a country hardly conspicuous for its respect for human freedoms and rights, to chair the UN Commission on Human Rights;
44. Takes the view that conditions should be laid down to govern membership of the UN Commission on Human Rights, such as the signing, ratification and implementation of international human rights conventions and the admission to the country concerned of a special UN rapporteur; takes the view, further, that there should also be a shift in the rule governing decision-making in the UN Commission from unanimity to that of a two-thirds majority;
45. Regrets that the EU action taken at the 59th session of the UN Commission on Human Rights only partly reflects Parliament's position, and insists that the EU Presidency give full consideration to Parliament's priorities at future sessions; expresses, in particular, its disappointment that the EU, contrary to Parliament's request, did not sponsor any resolution on China or Iran;
46. Welcomes EU initiatives tabled at the 59th session of the UNCHR, of which 11 country resolutions and 2 thematic resolutions, and the numerous resolutions they co-sponsored making the EU one of the most active players at the UNCHR;
47. Regrets that in 2002 and in 2003 the UN Commission on Human Rights rejected the EU-sponsored resolution on Chechnya by a majority of one; regrets that a resolution on the human rights situation in Zimbabwe was blocked at both UN sessions through a no-action motion;
48. Regrets the UNCHR's rejection of the resolution on Cuba which condemned the long prison sentences given in April to 78 peaceful pro-democracy activists and criticised the summary trials to which they were subjected; expects a fresh and impartial trial in a court of law and calls on the Cuban Government to enable a UN human rights envoy to visit the island as soon as possible in order to report on the situation concerning fundamental freedoms and rights in Cuba;
49. Reaffirms its call on the Council and the Commission to be fully committed, in the EU's political and human rights dialogues with the countries concerned, to the implementation of resolutions initiated by the EU at the UN Commission on Human Rights, and to taking into due consideration the recommendations of the UN Special Rapporteurs and the resolutions of Parliament;
50. Decides to hold an annual debate with the Council and the Commission in order to evaluate the outcome of the United Nations Commission on Human Rights and the role the EU played in the Commission;

51. Recommends seeking in close cooperation with the Council arrangements to allow the President of the European Parliament to make a policy statement on behalf of the EP at the annual sessions of the UN Commission on Human Rights;
52. Asks its Conference of Presidents to consider a permanent presentation on administrative level resident in Geneva during the sessions of the UN Commission on Human Rights;
53. Calls on the Member States to undertake with the UN Member States that the financial resources provided for the Office of the High Commissioner for Human Rights from the regular budget of the UN will be increased, not least in the light of the new responsibilities in Iraq;
54. Calls for strengthened consultation, cooperation and coordination between the EU and the UN, in particular the Office of the High Commissioner for Human Rights, the OSCE and the Council of Europe, with respect to policy formulation, programmes and projects;
55. Calls on the Commission, the Council and the Member States strongly to support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations fora, particularly UN human rights bodies, the ILO and the World Bank, and to promote the call for a Special Rapporteur on caste discrimination;

Effectiveness of EU human rights policy

56. Calls on the Commission and the Council to review and better coordinate all ongoing mainstreaming activities within the EU, through agreeing a clear definition and methodology of mainstreaming as well as attention for lessons learnt in other sectors, international organisations and countries; calls on the EU Member States to mainstream human rights in relations with third countries and to share experiences and coordinate with other Member States and the EU institutions;
57. Notes that the new annual programming strategy of Council and Commission aim at a greater degree of cohesion, mainly through strengthened coordination at interinstitutional level and between successive Presidencies,
58. Reaffirms its view that the Institutions should define annual priorities and political action in a constructive dialogue in order further to strengthen the integrated political programming process of the Union; calls, therefore, on the Council to include Parliament in the dialogue on its Operational Programme for 2004;
59. Decides to hold an annual debate, with the Council and the Commission, on 'Human Rights Guidelines for External Action by the EU', in order to feed into the Council's orientation debate on external policy priorities and into discussions on how to improve the effectiveness of EU action in the field;
60. Deplores the fact that neither the Operational Programme of the Council for 2003, nor the EU Presidencies' programmes, outline any specific human rights agenda for a particular country or region;
61. Stresses that inconsistency of diverging political agendas under successive presidencies can only be avoided and continuity of action be guaranteed if programming of EU human

rights and democratisation policy is based on a long-term agenda with clearly identified objectives and measures for their implementation;

62. Recommends that human-rights and democracy issues should be reserved as a permanent item on the agenda of the Council for External Relations meetings;
63. Calls on the Commission further to develop the integration of human rights and democratisation aspects in the Country Strategy Papers, with the aim of ensuring that all external cooperation programmes take into account human rights priorities for third countries, so as to complement effectively the funds for human rights projects under the European Initiative for Democracy and Human Rights;
64. Calls on the Council and the Commission to introduce a systematic human rights impact assessment at the level of policy formulation and with regard to the implementation of the external assistance programmes; underlines in this regard that a 'sustainable development impact assessment' is already undertaken in relation to EU trade policy; stresses that the impact assessment must be in full consistency with the EU guidelines on the death penalty and torture;
65. Calls on the Presidency and the Commission to promote the setting up of a 'European Network on Human Rights and Democracy in External Relations, to be established with the Human Rights Policy Directorates of Foreign Ministries and national Human Rights Institutes of Member States and candidate countries, the EU Missions in third countries, the European Commission's External Service, with the relevant bodies of the Council and the European Parliament, with regional and international organisations such as the UN, the Council of Europe, the OSCE/ODIHR, as well as with international NGOs;
66. Considers that the Network's main objectives should be to increase human rights expertise at national and interinstitutional level, to contribute to EU human rights policy-making and implementation, to strengthen openness and exchange of information in the field, and to improve links between interrelated services; recommends that the Network should interact through the exchange of information online through a specific website to be set up and through seminars being organised on related subjects;
67. Stresses the necessity of providing specific human-rights training for diplomats serving in the Commission's External Service and in EU Missions;

European Parliament interaction with the Council

68. Reiterates its firm belief that the Council's interaction with Parliament on human rights issues is far from satisfactory; urges the Council substantially to improve information to Parliament on action taken on human rights policy and to respond more positively to Parliament's positions and statements, in particular as expressed in Urgent Resolutions, so that Parliament can contribute more effectively to the implementation of EU human rights policy;
69. Expects major progress in dialogue with the Council following its conclusions of December 2002; calls on the Council to act in accordance with its intention to work towards more involvement with its Foreign Affairs Committee, to consider elaborating more developed reactions to Parliament's Annual Report on Human Rights as well as to

its resolutions on human rights issues in general;

70. Reiterates its call on the Council to react comprehensively on the EP Annual Report on Human Rights, in the context of the EU Annual Report and, as an early reaction after the adoption of the EP Report, in the form of a written follow-up paper; expects that the Council's reaction will give a clear indication of whether or not, and if so for what reason, it plans to implement Parliament's requests;
71. Reiterates its call on the Council and the Commission to improve the EU Annual Report's structure; insists that the Report should provide an analysis of the impact of the EU actions and an assessment of compliance with human rights clauses in agreements with third countries;
72. Calls on the Council to report, at ministerial level and at least once during each Presidency, to its committee responsible on the follow-up of EP resolutions, in particular on resolutions on cases of breaches of human rights, democracy and the rule of law;
73. Insists that Council's reporting should also include an assessment of the human rights dialogues and issues being discussed under the political dialogue, with the emphasis on human rights in the framework of Association/Cooperation Council meetings and EU Summits with third countries, the EU position taken at the UN Commission on Human Rights and at the UN General Assembly;
74. Calls on the Council to arrange for participation by the chair of the Council's working group on human rights (COHOM) in meetings of its committee responsible; expects the Council's representative to be prepared to answer ad hoc questions from Members on urgent matters;
75. Calls on the Council to arrange for ad hoc meetings of COHOM with the rapporteur of the EP Annual Report on Human Rights, as it was already the case in June 2003, as well as with MEPs on a regular basis, in particular with a view to the preparation of the annual session of the UN Commission on Human Rights, on the occasion of the submission of the Presidency's programme related to external relations and human rights action, and as debriefings on the outcome of COHOM meetings;
76. Stresses the need to establish strengthened working relations in respect of human rights between the General Secretariat of the Council, the Commission and the secretariats of its own committees responsible, in order to enhance information and to improve pro-active initiatives by its members in this field;
77. Insists that the Council review its procedures in order to ensure that the deadlines for answering parliamentary questions for written answer will be respected;
78. Calls on the Council and Commission to provide the relevant committees of the European Parliament regularly with the calendars of the Commissioners, representatives of the Presidency as well as a calendar of the upcoming political dialogues, in order to enable the Parliament to present Council and Commission with its recommendations;

European Parliament action in the field of human rights and democracy

79. Stresses, as a matter of priority, that its own structure and working methods should be improved in order to ensure the necessary systematic follow-up of its human rights action, with particular attention to individual cases raised, and to provide increased support for Members' initiatives;
80. Underlines in this regard the obvious necessity to strengthen its administrative capacities in the human rights field which, at present, are clearly understaffed;
81. Recommends strongly improving the mainstreaming of human rights in its external relations activities, and increasing the visibility of its human rights activities;
82. Considers that it should use all parliamentary provisions available more extensively, not only for debating EU human rights policy issues, but also for providing systematic information on the follow-up of EP recommendations, in particular Oral Questions during Question Time, to be held also in committee;
83. Recommends that its committees responsible should apply more frequently the new Rules of Procedure (104a) providing additional opportunities for debating violations of human rights at the level of committees;
84. Stresses that meetings with parliamentarians and civil society from third countries having signed the human rights clause should contribute in a more efficient way to Parliament's monitoring of the concrete implementation of the clause;
85. Stresses that public hearings with representatives of civil society from third countries, and in particular with human rights defenders should be systematically organised with a view to the EP assent procedure on agreements;
86. Recommends that its Conference of Delegation Chairmen agree on guidelines aimed at mainstreaming human rights issues at the level of meetings with parliamentarians from third countries; recommends, in particular, that human rights be systematically discussed, individual cases be raised, and regular exchanges of views with local NGOs be held;
87. Recommends the setting up of a committee on human rights and democracy under the forthcoming Euro-Mediterranean Parliamentary Assembly in order to allow for a more structured dialogue on human rights and democracy issues contributing to strengthened cultural sensitivity and increased effectiveness of the Euro-Mediterranean Partnership in this area;
88. Decides to strengthen and systematise contacts with former Sakarov Prize laureates with a view to guaranteeing the protective effect of the prize for laureates and monitoring the situation of human rights and fundamental freedoms in the respective countries; encourages continued support to those former Sakharov Prize laureates who suffer from oppression in their country;
89. Expresses its commitment to become more closely involved in the democratisation process in third countries; recommends, therefore, participation by Members of Parliament, possibly in cooperation with the Council of Europe, in EU-funded projects for the training of parliamentarians from third countries in support of democracy, to enable them to contribute their expertise and exchange best practices;

90. Decides to improve, at the level of its committee secretariats, the scrutiny of questions for written answer; considers that answers relating to human rights and democracy issues should be made public online;
91. Reconsiders the re-establishment of a committee for human rights;

Openness towards civil society

92. Considers that human rights defenders, in particular those active in third countries, are more encouraged in their engagement when the EU explicitly and openly advocates improvement of the human rights situation in third countries in the context of the political dialogue;
93. Urges the EU to provide human rights activists who have testified before the Institutions with support once they return to their countries, and to ensure that no further measures of retortion or intimidation are taken against them;
94. Calls on the Commission and the Council to underline, in their political dialogues with third countries, the important role of human rights defenders and their need for protection as they increasingly become targets of human rights violations, also due to counter-terrorism measures by governments, which often limit the freedom of expression and movement of human rights defenders to a disproportionate extent in comparison with their legitimate work;
95. Calls on the Council and the Commission to make every effort to guarantee the physical integrity and total independence of journalists in their work;
96. Calls on the Presidency regularly to consult and inform non-governmental organisations active in the human rights field on its activities so as to ensure that the openness achieved under the Danish Presidency will continue;
97. Calls, in particular, on the Council to make comprehensive and timely information available online, including agendas and results of COHOM meetings, human rights dialogues and political dialogues, and actions taken in human rights policy-making and implementation in relation to third countries;
98. Calls on the Commission and the Council to improve the structure of their relevant websites to better reflect the respective competencies in the field of CFSP and of Community action; calls on the Commission to better structure its websites in order to facilitate access for actors, in particular in the field of project funding;
99. Calls on the Commission and the Member States to continue to brief local non-governmental organisations in third countries on EU human rights policy, consistent with the Commission's recent Communication on the Participation of Non State Actors, and to invite them to regular reporting to EC Delegations and EU Missions on the situation in the country concerned in order to strengthen human rights impact assessment;
100. Underlines the necessity to invite representatives of third countries for participation in the EU Human Rights Forum and to widen the field of experts to trade and development;

101. Stresses again that information on the role of the EU in the world, which has been selected as a priority topic of the new information and communication strategy for the European Union, should emphasise EU human rights policy with the aim of raising awareness;

European Initiative for Democracy and Human Rights (EIDHR)

102. Calls on the Commission to consult Parliament on the updating of the programming document for EIDHR funding in 2004 at the earliest possible stage; calls on the Commission to engage in an early dialogue with the European Parliament in the light of the upcoming review of the human rights regulations which expire in 2004;
103. Takes note of the fact that the adoption of the Commission's updated priorities for EIDHR funding (in November) and the adoption of the EU budget (in December) for the budgetary year to come, creates a time gap which prevents the Commission from fully taking account of the EP budgetary remarks; decides to discuss this problem with the Commission in order to find arrangements leading to a solution;
104. Regrets successive attempts by the European Commission to reduce allocations to Article 190403 (Budget line "Development and consolidation of democracy and the rule of law - Respect for human rights and fundamental freedoms", previously B7 - 7010) in its Preliminary Draft Budget and reiterates support for the important activity financed under this heading;
105. Notes that the last report on the implementation of EIDHR projects dates back to 2000; calls on the Commission to publish these reports annually, as being a useful instrument for evaluation;
106. Encourages the Commission to take the reform process of the management of the EIDHR further and to enable the availability of sufficient and qualified human resources to guarantee the efficient implementation of the EIDHR programmes and to make an end to the delays in implementing the 2001 and 2002 EIDHR micro-projects schemes;
107. Advocates its participation in the regional workshops organised by the Commission on EIDHR-funded projects and the assessment of their impact;
108. Calls on the Commission, in the process of establishing a National Indicative Programme, to intensify consultation of the civil society in the country concerned on the measures proposed for promoting respect for human rights and democracy; calls on the Commission to support participation by independent associations in implementing projects and to extend legal provisions on civil society participation already contained in the Cotonou Agreement to other countries and regions in the world;
109. Calls on the Commission to give specific attention to women, children, ethnic and religious minorities and disabled people in the EIDHR programme and to effectively monitor the participation of civil society organisations representing the interests of these vulnerable groups in EIDHR funded projects;
110. Calls on the Commission to include Iran in the focus countries for EIDHR funding for 2004 in order to help civil society, independent media and non-governmental organisations to enhance their profile and play a decisive role in the process of democratisation of Iranian

society, as well as to follow through issues discussed under the human rights dialogue; calls on the Commission and the Council to improve their co-ordination in this regard;

111. Calls on the Commission to assist Russia with EIDHR-funded projects to develop the Kaliningrad region, in order to promote the quality of democracy, the rule of law and public administration;
112. Calls on the Commission to urge the Russian Government to reduce the high tax levied at more than 30% on subsidies to human rights programmes funded by foreign foundations or organisations which, for obvious reasons, hampers implementation of these kinds of projects;
113. Deplores that increased financial support from the Commission for the prevention of torture have been at the detriment of funding for organisations offering concrete assistance and rehabilitation to victims of torture; urges the Commission to allocate balanced funding to both, the prevention and continuous support to rehabilitation to victims of torture;
114. Calls on the Commission to focus on the social reintegration of prisoners through EIDHR-funded projects; calls on the Commission to give special attention to the situation of the most vulnerable groups of detainees, such as juveniles, women, foreigners, people from ethnic and religious minorities and homosexuals and victims of torture;

Freedom of Thought, Conscience and Religion

115. Calls on the Council and the Commission to respond effectively in the event of serious and persistent violations of freedom of thought, conscience and religion in third countries, by taking clear positions towards the governments concerned and by avoiding double standards;
116. Calls on the Council and the Commission systematically to emphasise in discussions under the political dialogue the importance of protecting the fundamental freedom of religion and belief or non-belief, not only by way of writing those freedoms into the constitution or penal code, but by putting them into practice;
117. Calls on the Council and the Commission to set up guidelines for EU policy towards third countries on freedom of religion and freedom of expression;
118. Condemns all forms of violations by the State of the right to religious freedom, which is the case under totalitarian regimes which suppress and try to control religious belief and simple worship, and also when discriminatory legislation or policies are used towards minorities and non-approved religions, and in the case the state neglects the problem of discrimination against, or persecution of, minorities or non-approved religions; urges those governments to respect international human rights law and guarantee freedom of thought, conscience and religion;
119. Expresses its solidarity with the Montagnard Christian populations who have suffered violent repression for decades at the hands of the Hanoi authorities, and calls on the Vietnamese Government to put an end to its policies of oppression and extermination;
120. Notes the first positive steps taken by the Vietnamese Prime Minister vis-à-vis the

Patriarch of the Unified Buddhist Church, banned by the regime for more than 20 years, but emphasises that the Vietnamese Government must take practical measures without delay to guarantee religious freedom and respect for fundamental rights, starting with the release of the Venerable Thich Quang Do, held in total isolation in the Thanh Minh Zen monastery in Saigon;

121. Condemns also the constant violations of fundamental rights in the Lao PDR and the policies of brutal and constant oppression to which the Hmong populations and christian populations are subjected;
122. Calls on the Council and the Commission to discuss, under the political dialogues with the Indian Government, the threat posed to human rights, and in particular to religious freedom, by the current 'anti-conversion laws', an abuse of Hinduism for nationalistic purposes, and the situation in Gujarat;
123. Deplores the violence directed against members of minority communities in Pakistan and, in particular, those from the Christian and Ahmadi communities and the government's failure to protect those individuals; deplores also the arbitrary application of the law of blasphemy;
124. Considers that the European Union, on the basis of the separation of church and state, should encourage representatives of different religions to develop a policy designed to improve tolerance, mutual understanding and respect for different cultural and religious communities, inside as well as outside the European Union;
125. Calls on the Council and the Commission to enter into dialogues with local religious leaders in order to create more understanding for the role religion can play in an open society, and to discuss how EU Member States deal themselves with secularism and religious freedom;
126. Calls on the EU, in its discussions on freedom of thought, conscience and religion with third countries, to use the international Human Rights standards as the ultimate yardstick; at the same time it must seek points of reference in the convictions, values and norms of the counterpart, with a view to abolish horrific punishments or practices that occur in the name of religion and violate human freedoms and rights, in particular in the case of application of Sharia, and encourage the development of alternative punishments and of laws compatible with international human rights standards;
127. Calls on the Council and the Commission to address the issue of religious freedom and freedom of conscience in the referential framework of general human values, and to encourage religious leaders to interpret their texts in such a way as to uphold those values;
128. Considers that the Cairo Declaration on Human Rights in Islam (1991) and the Arab Charter on Human Rights (1994) are partly in blatant contradiction with the Universal Declaration of Human Rights; calls therefore on the Council and the Commission to invite leaders of the Islamic world to compare their vision of Islamic laws with that Declaration, in order to lift bans and threats against changing religion and avoid excesses such as inhumane punishments or practices and give priority to alternative punishments;
129. Calls on the Council and the Commission to enter into dialogue with leading Islamic

scholars to identify and highlight punishments which are described as 'Sharia' but which are in reality nothing more than tribal customs;

130. Expresses deep concern at the growth of religious extremism in Pakistan and the imposition of Sharia law in the North West Frontier Province by an alliance of religious fundamentalist parties;
131. Calls on the Commission to fund external aid projects in support of victims of violations of religious freedom, in particular those persecuted because of their faith, as well as victims of culturally or religiously motivated barbaric practices, such as stoning, female genital mutilation, amputation and arranged marriages involving coercion;
132. Reiterates that measures aiming to combat female genital mutilation must involve the communities concerned and tally with their situation, so as to ensure that they become convinced of the need to eradicate such practices;
133. Calls on the Council and the Commission to make the early identification of the abuse of religions for political purposes a priority in the EU human rights policy, and, on the basis of dialogue with the relevant leaders, to seek to prevent violent religious extremism;
134. Calls on the Commission to encourage and assist, where possible, third countries in taking all necessary action to combat violence, hatred, intimidation and coercion motivated by intolerance based on religion, belief or non-belief, with particular regard to religious and philosophical minorities and to practices which discriminate against women and violate their human rights;
135. Underlines the key role of education for deepening mutual understanding and respect for different religions; calls, therefore, on the Commission, by means of a constructive but impartial attitude towards religions, to foster mutual acceptance among citizens of differing faiths; takes the view that incitement to hatred should be a criminal offence, including when it occurs in the sphere of education; calls on the Commission, Council and Member States to ensure that they do not fund school books and other material which promotes religious or other hatred; considers that access to modern communications technologies and language courses can facilitate inter-cultural exchanges, tolerance and understanding for other religions within and outside the European Union;
136. Considers that the media should be discouraged from creating stereotyped images of other religions as enemies through for instance raising cultural awareness amongst them;
137. Calls on the Council, the Commission and the Member States to place the emphasis, in the training modules for their staff dealing with external relations, on acquiring thorough knowledge of the values and practices of different cultures and religions in order to deepen their cultural sensitivity;
138. Calls on the Commission to promote structures for inter-cultural and inter-religious dialogue and to provide the necessary funding;
139. Recommends deepening the inter-cultural dialogue between the EU and third countries around specific themes, such as the right to change or renounce one's faith, women's rights and the rule of law compatible with international human rights standards, and intensifying

the dialogue with the participation of Members of the European Parliament, government representatives, parliamentarians, academics and representatives of civil society from both the EU Member States and third countries;

140. Welcomes the initiative of the President of the Commission in setting up a 'High-Level Advisory Group on Dialogue between Peoples and Cultures' with a view to stepping up an inter-cultural dialogue with and between the countries and societies on the Mediterranean's southern shore, based on the key principles of equality, co-ownership and cross-fertilisation, and aimed at strengthening internal cohesion within EU societies;
141. Expects that the findings of the Advisory Group's report, scheduled for late September 2003, will identify practical approaches and specific measures for fostering inter-cultural dialogue, and will be given operational follow-up not only by the Commission but also by Member States and the Mediterranean partners at national and local level;
142. Stresses the importance of a permanent structure for inter-cultural and inter-religious dialogue, and calls on Member States and the Mediterranean partner countries for the early creation of the Euro-Mediterranean Foundation decided upon at the Ministerial Conference in Valencia in April 2002; underlines that the Foundation should act as a catalyst for inter-cultural dialogue involving the general public, particularly in the education system, and encourage more positive media involvement;
143. Calls on the Commission to work in close cooperation with 'inter-cultural and inter-religious dialogue' initiatives undertaken in the framework of the Council of Europe, the Organisation for Security and Co-operation in Europe, the UNHCHR, and other national and international fora, in order to avoid duplication and enhance experience and knowledge of the subject;

Thematic issues

144. Reaffirms that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law; reiterates its call for a UN mechanism to be established in order to monitor and analyse the human-rights impact of counter-terrorism measures;
145. Calls upon Member States, the accession countries and all third countries to consider as a matter of urgency the need to sign and ratify the Optional Protocol to the UN Convention Against Torture, and to provide sufficient funding to ensure that the treaty serves its intended purpose;
146. Calls on the Presidency and Member States to ensure the early adoption of the Commission's proposal of 30 December 2002 relating to restrictions on trade in equipment used for capital punishment, torture or other cruel, inhuman or degrading treatment;
147. Calls on the Council and the Commission to prioritise the issue of trafficking in women and children in their political dialogue with the countries concerned; urges Member States and candidate countries to transpose swiftly the Council's framework decision of 19 July 2002; calls for the early ratification of the UN protocol on trafficking, which supplements the UN Convention against transnational organised crime;

148. Calls on the Council and the Commission to support the fight against slavery in affected countries, including specifically the situation of bonded child labour, and urges the governments of these countries to investigate the full extent of the problem and institute measures for the eradication of this gross violation, such as mechanisms for release and rehabilitation;
149. Calls on the Council and the Commission to address and take concrete measures on the issue of caste discrimination in political dialogues and in EU development and trade cooperation with the countries concerned; calls for the establishment of bilateral consultative mechanisms on the issue and support for the emancipation of the Dalits through external assistance programmes; urges the EU to avail of every opportunity to ensure that the General Recommendation XXIX on Descent-based Discrimination, adopted by the UN Committee on the Elimination of Racial Discrimination in August 2002 be given the widest recognition in terms of implementation;
150. Calls on the Council to include in its Human Rights Report an analysis on caste-based discrimination, as well as factual reports and a critical assessment of the effectiveness of the EU's Human Rights Policy in terms of addressing caste discrimination;
151. Calls on the Commission to propose a legal framework for combating the illegal economic exploitation of third countries by private companies from the EU, and for independent monitoring of compliance with the February common position on the trade in diamonds;
152. Supports the efforts undertaken by the ILO to bring about a permanent elimination of forced labour in all countries concerned; reiterates its call to the Council to strengthen its common position so as to include a foreign investment ban in order to stop international business from profiting from the widespread and systematic use of forced labour;
153. Calls upon the Council and the Commission to address and take concrete measures in respect of those countries that have laws that discriminate on the grounds of sexual orientation;
154. Calls upon the Council to undertake everything possible to stop the exploitation of workers and to end the repression of trade-unions and the killings of trade-unionists; urges the European Union to investigate thoroughly on the situation of trade unions and trade unionists in all countries which have co-operation agreements with Europe;

Death penalty

155. Reaffirms its view that the EU must continue to work towards the universal abolition of the death penalty; calls upon all states which still retain the death penalty in their penal legislation to establish a moratorium on all pending executions with a view to abolish the death penalty completely;
156. Urges all states who still maintain the death penalty to act in accordance with the resolution 2003/67 adopted at the 59th session of the UN Commission on Human Rights, which calls for the death penalty not to be imposed for non-violent acts, crimes committed by under-18s or those suffering from a mental disorder, on pregnant women or on mothers with dependent infants; opposes strongly the use of the death penalty on the basis of gender-discrimination legislation, public executions, and cruel punishments such as stoning,

which should be stopped immediately;

157. Calls on the Italian Presidency to honour its commitment to ensure that a universal moratorium on executions is adopted at the forthcoming United Nations General Assembly;
158. Welcomes the abolition of the death penalty for ordinary crimes in Turkey, but calls for an abolition of the death penalty in all cases;
159. Reiterates its concern about the increasing number of death sentences in other countries with which the European Union has close relations such as the United States, Saudi Arabia and the Peoples Democratic Republic of China;
160. Calls on the newly elected state authorities of Nigeria to ensure that existing legislation in their various states complies with the Nigerian Constitution and with international human rights law, ratified by the Nigerian government; urges in particular the northern states who have introduced the Sharia Penal Legislation to discontinue the practice of the mandatory use of the death penalty and other inhuman punishments such as amputations and stoning, and to cease the endorsement of 'vigilante' groups;

International Tribunals

161. Calls on the EU to ensure the establishment of an international commission of inquiry into allegations of grave abuses of human rights and international humanitarian law in the context of the conflict in the Democratic Republic of Congo; deplores the failure of the UN Commission on Human Rights in 2003 in this regard, despite the request by the UN High Commissioner;
162. Underlines the high importance it attaches to full cooperation of all countries and parties in the Western Balkans with ICTY;
163. Calls on the Government of Indonesia to address the deficiencies of the ad hoc tribunal on East Timor in order to secure a substantiated account of the human rights violations that occurred in 1999 so as to bring all perpetrators of human rights violations to justice; calls for continued attention to assisting the safe return of refugees to East Timor from camps in Indonesia;

International Criminal Court

164. Welcomes the entry into force of the Statute of the International Criminal Court on 1 July 2002 and the inauguration of the Court on 11 March 2003; invites all states which have not done so to accede to the ICC Statute, and calls on all signatory states to ensure its early ratification;
165. Calls on all State Parties to proceed urgently with harmonising their national legislation with the provisions of the Statute, in order to co-operate with the ICC and fully to exercise the principle of complementarity between the ICC and the national courts;
166. Welcomes the adoption of a new Council Common Position on the International Criminal Court, strengthening the EU support to the Court and calls on the Italian Presidency to

adapt and update the Action Plan in accordance with the new mandate and goals stemming from the Common Position;

167. Calls on the United States to give up its policy of discouraging governments from ratifying the Rome Statute by pressurising States worldwide for the conclusion of 'bilateral non-surrender agreements' and of obstructing multilateral cooperation in the framework of the UN on the grounds of the 'American Service-Members' Protection Act';
168. Invites the Council and the Commission, as well as its own interparliamentary delegations, to include ratification and implementation of the ICC Statute as an item on the agenda of political contacts with third countries, in particular with the US;
169. Calls on all governments not to conclude any 'bilateral non-surrender agreement' with the United States as these are contrary to the Rome Statute and inconsistent with the EU Council Conclusions and Guiding Principles of 30 September 2002; and to refuse to engage in the scheme to transform the fight against terrorism into a pretext for the conclusion of such agreements;
170. Is convinced that a number of South-East Asian countries may take China and Japan as examples for their eventual ratification and implementation of the ICC Statute, in particular in the context of the efforts of the United States to obtain bilateral immunity agreements from the countries of this region; calls therefore on China and Japan to accede to the International Criminal Court Statute as soon as possible;

Iraq

171. Takes note of the resolution adopted at the UN Commission on Human Rights in 2003 whereby the mandate of the Special Rapporteur on Iraq will be extended for a further year; calls for the deployment of human rights monitors as soon as the security situation permits;
172. Reiterates its call on the Council and the Member States to engage in the establishment of a commission under the mandate of the Secretary General of the United Nations and/or the Security Council for the purpose of investigating war crimes and crimes against humanity committed under the Iraqi Regime, with a view to creating an ad hoc International Criminal Tribunal to try the persons responsible for those crimes;
173. Calls on the working group on minorities within the United Nations Sub-Committee on Human Rights to study the situation in Iraq;
174. Calls on the newly appointed Special Representative of the UN Secretary General to monitor, in cooperation with the United Nations High Commissioner for Refugees and other relevant agencies, as well as the occupying Power in Iraq, the situation of refugees and the internally displaced inside Iraq, and provide remedies for abuses they suffer, including when refugees and displaced populations return to their home areas and property;

Indigenous Peoples

175. Requests the Commission and the Council to ensure the full implementation of the 1998 and 2002 Council resolutions on indigenous peoples, in particular the development of a

specific methodology for the development work with indigenous communities and the training of Commission staff;

176. Requests the Council and the Commission to follow up Parliament's demands to promote a word wide policy on indigenous peoples in general and not only on indigenous peoples in developing countries;
177. Strongly supports the demands of the Pygmies, Masao, San and other indigenous peoples in Africa to be recognised by the African countries as indigenous communities, according to the international debate on this issue;
178. Requests to put where appropriate the issue of indigenous peoples as a permanent item on the agendas of its interparliamentary delegations with countries where indigenous people are living in order to check and complete the relevant information in the Country Strategy Papers;
179. Requests the Commission to include in all Country Strategy Papers about countries with indigenous peoples a specific paragraph or chapter on their living conditions and main concerns;
180. Calls on the Commission to include in agreements with third countries specific clauses and mechanisms to assess respect for and the protection of the fundamental rights of indigenous peoples, who are all too often the victims of extremely serious and systematic violations;
181. Reiterates its demand to establish a permanent delegation between the European Parliament and the UN forum on Indigenous peoples;

Children's rights

182. Expresses its concern about the serious violation of children's rights, as set out in the Convention of the Rights of Child, including the right to health, education and nutrition as well as protection from violence, exploitation and abuse; notes that 600 million children live in poverty world-wide; every three seconds a child dies from malnutrition, lack of water or health care; 130 million children, two-thirds of them girls, are deprived of basic education; two million children have been killed in wars over the last ten years; more than 300,000 children under 18 years of age are actively participating in armed conflicts; two million girls are victims of female genital mutilation;
183. Calls on all countries to ratify and enforce the UN Convention on the Rights of the Child and its Optional Protocols, the Mine Ban Treaty of Ottawa, the ILO Convention to eliminate the Worst Forms of Child Labour, and the ILO Minimum Age Convention;
184. Calls on the Council and the Commission to introduce a stronger children's rights perspective into all EU external and internal policy areas, based on strategic implementation guidelines, and to ensure overall co-ordination; calls on the Council and the Commission to develop a strategy for the follow-up of the Special Session on Children of the UN General Assembly;
185. Calls on the Council to start drafting a Common Strategy on children and armed conflict;

stresses that any action must target those involved in trafficking and their clients, adequate sanctions must be planned and applied in the country of origin, of transit and of destination, and child victims must benefit from adequate protection;

186. Calls on the Commission to ensure that the issue of children and armed conflict is adequately reflected in the Country Strategy Papers, with particular attention to prevention and rehabilitation measures for child soldiers;

Disabled people

187. Notes with grave concern the evidence presented by the Disability Awareness in Action report (March 2003) that over the last 12 months there have been 483 reports of abuse concerning 4 292 disabled people across the globe, and that 13% of the total number of victims have died as a direct result of human rights abuse;
188. Expresses serious concern about the evidence presented in the respective reports of the Amnesty International on users of psychiatric treatment and the Report by Mental Disability Advocacy Centre on Caged Beds which informs us of the severe human rights abuses experienced by disabled people living in institutions across Europe which needs must be immediately addressed by the Governments of the countries concerned;
189. Is particularly concerned about the continued use of cage beds in psychiatric hospitals and in social care homes for people with intellectual disabilities used in a number of Eastern European countries; calls on the countries concerned to cease this degrading and inhuman practice without delay;
190. Reiterates its support for a UN Convention on the Human Rights of Disabled People which must build on the provisions of the UN Standard Rules in such a way as to fully recognise and promote the rights of disabled people and that such a UN Convention must be legally binding;
191. Calls on the UN members and Agencies to ensure that the six existing UN Human Rights Conventions are interpreted to recognise and fully promote the rights and needs of disabled people and their families, which has not been the case up to now;
192. Calls on the Commission to ensure that disability is explicitly referred to in European Commission reports on human rights and that disabled people are recognised in the work of the European Commission as a group particularly vulnerable to human rights abuses;

Prison conditions

193. Expresses its concern that the rising numbers of detained people world-wide, together with the lack of additional resources, create major pressure on prison systems and a higher risk of disregard of human rights and human detention conditions;
194. Calls on the Council and the Commission to encourage, in relations with third countries, the adoption of provisions in penal codes for alternative punishments to prison sentences for minor offences; underlines the importance of improving prison conditions, in order to tackle in particular the spread of life-threatening diseases like malaria, tuberculosis, hepatitis and HIV/AIDS in detention centres and the situation of juveniles, women,

foreigners, people from ethnic and religious minorities and homosexuals in prisons;

195. Calls on the Council and the Commission to include in the EU Annual Report, under thematic issues of particular importance to the EU, information on specific action taken in relation to prison conditions;
196. Urges the Commission to make an extended inventarisation of the prison conditions in countries with which the EU has a cooperation or association agreement;
197. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe, the OSCE and the governments of the countries referred to in this resolution, as well as the EU offices of the leading non-governmental organisations on human rights.

EXPLANATORY STATEMENT

Introduction

The situation of human rights in the world remains of great concern. Increased political attention and further codification of human rights have not enabled the prevention of serious violations of these rights. The causes are diverse and include abuse of power, politics, ethnic and religiously motivated violence, poverty, terrorism and the absence of a democratic constitutional state. The international community is also to be blamed as it takes half-hearted positions in respect of perpetrators. Fear of damage to economic, political or security interests holds states back from firmly combating or preventing human rights abuses. The United States and the European Union could make a substantial contribution to improvement if only they would operate vigorously and in a concerted way.

In 2002, however, this was not the case. The Bush Administration was aloof and extremely selective in its human rights policy. It was not much concerned about international organisations and important treaties. The United States (US) is, for example, along with Somalia, the only country that has not ratified the Convention on the Rights of the Child. The US also refuses to associate itself with the International Criminal Court (ICC), and is even pursuing an active campaign to obtain the support of others in this. The Americans were also criticised because they do not always take account of human rights in their fight against terrorism. Due to the rise of anti-American sentiments in the world, Washington is facing increasing difficulty in acting as the guardian of moral values, including human rights.

The European Union (EU) as a community of values and an important economic power should play a leading role. Considering the shortcomings of the Americans, it is even more urgent that the EU leads a coherent and consistent policy. Unfortunately this is less the case than it could and should be. There is no lack of formally agreed ambitions¹, but in practice, national interests are often considered more important and hinder the EU from acting more forcefully. Furthermore, the pursuit of consensus often leads to inaction or to a strongly watered-down position. EU states that are members of the United Nations Commission on Human Rights suffer from this. Together with Human Rights Watch, one can question whether the achievement of unity should always remain the highest goal, and whether this is not too easily used as a pretext for the absence of firm action. It is difficult to obtain good insight into what has been the basis for the decision made by the Council.

This also holds for the European Parliament, which is sometimes less well informed than the most important NGOs. In this report a number of recommendations are being made for improved information to be made available to Parliament, with a view to enabling it to improve its functioning in the field of human rights. The Council often ignores the views of Parliament. Unlike the Commission, it is not present during human rights plenary debates, hardly ever reacts to Parliament resolutions, scarcely comments on the Annual Report on Human Rights in the World and brushes off parliamentarians by reacting to their questions with long delays. Your rapporteur considers the relationship between the Council and Parliament in the field of human rights to be a subject for improvement. Parliament has raised many serious country situations and individual cases in plenary and in committee. Strikingly, it has often managed to find

¹ Conclusions of the Council of 25 June 2001 and 10 December 2002

compromises between the different political parties. Parliament's attention is, however, much more directed at condemnations and recommendations for action, than at the so-called 'follow-up': what have the Commission and the Council done following EP statements, and how has the country concerned reacted to that? It is time for Parliament to fill this gap and to organise its work in order to meet this goal.

Political condemnations of human rights violations by the EU are often not very effective. The so-called political or human rights dialogues which the EU undertakes with third countries have so far not led to many results. There is a danger that shadowy deliberations are being used by human rights offenders to evade public denunciation. Thus, the character of these dialogues should be changed: they must become less permissive and more open, civil society must be more strongly engaged, and clear benchmarks need to be defined.

At the same time we need to intensify the discussion on the question of having a more positive approach in addition to pure condemnations. We should try to commit countries to realising structural improvements. Under the EC budget chapter 'European Initiative on Democracy and Human Rights', some undoubtedly very valuable projects are funded. One can wonder if these projects will have sustainable effects. More generally it remains of greatest importance that the EU continues to combat deeper causes of human rights violations. Essential in this respect are poverty reduction, capacity building, the establishment of the rule of law and good governance.

Your rapporteur wants to call attention for an important human right: the right to freedom of religion and belief. All over the world religious freedom continues to be suppressed by totalitarian regimes. In addition human rights are also violated in the name of religions. Nearly half (12) of the 30 violent conflicts in the world, with more than 1000 casualties¹, have (also) a religious character. Radicalism is on the rise in several religions at the same time (Hinduism, Islam, Christianity, Judaism). Religions are increasingly instrumentalised and abused to serve political purposes. One falls back on the roots of one's own religion to emphasise one's own identity and to distinguish oneself from outsiders. Up to now there has not been a real dialogue between all concerned parties. This is, however, absolutely necessary in order to generate mutual understanding, tolerance and respect. It is now more urgent than ever to organise cultural exchanges on a wide scale and at different levels. The EU must take the initiative in this. The big challenge for the coming years is the need to prevent conflicts with religious and cultural dimensions.

The Council conclusions of 25 June 2001 on the EU's role in promoting human rights and democratisation in third countries aim at achieving a more effective and visible EU human rights and democratisation policy. The Council confirmed its commitment to coherence, consistency, mainstreaming and openness through a strengthened dialogue with the European Parliament and civil society, and regular identification and review of priority actions on 10 December 2002 with the endorsement of practical measures for the implementation of the commitments. Progress will be reviewed towards the end of 2003.

Human Rights Clause

The EU must show the political will to put human rights into practice. It should not remain

¹ 'The World at war, The Defense Monitor CDI, January/February 2003, Volume XXXII, Number 1

silent on human rights violations and let political, strategic or economic interests prevail over its commitment to defend and promote human rights. The EU has a number of legal and political provisions at its disposal for conducting its human rights policy, but it needs to apply them more effectively.

One example is the human rights clause, which has been systematically inserted in the EU's cooperation and association agreements since 1995 (Article 2). The clause, which stipulates that 'relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides their internal and international policy (...)' seems, however, more a 'dead letter' than an 'essential element' of the agreements.

Apart from the EU's lack of political will to implement the human rights clause, the absence of a proper implementation mechanism further hinders the effectiveness of the clause. As concerns the Euro-Mediterranean Association Agreements, Amnesty International summarises the situation as follows: 'The human rights perspective has been so far notably and painfully absent from the reality of the Barcelona Process. The human rights clauses in the Agreements with the Mediterranean countries must become a constructive tool to address precarious human rights situations in these countries and to prevent future abuse.'¹ There is no indication of a real dialogue taking place on the basis of the clause; it remains unclear how it is being used and what results it has brought about.

Guidelines and procedures for the introduction and progressive removal of negative measures exist in a very rudimentary form. Where one Party has failed to fulfil an obligation, the Agreement provides for 'appropriate measures' to be taken, with priority given to those that least disturb the functioning of the Agreement (and in accordance with international law and in proportion to the violation). Measures are the subject of consultations within the Association Council where the Presidency assumes primary responsibility for the application of the clause.

The Commission, as the Guardian of the Treaties and under the obligation to ensure coherence and consistency in the EU policies, must use its right to take the initiative in order to ask the Council for appropriate action in cases of flagrant human rights violations. The indication of concrete guidelines for incentive and restrictive measures to be applied, would help to decide when the EU should act.

A clear implementation mechanism actually only exists for the ACP/Cotonou Agreement. The mechanism is particularly useful, since it spells out how consultations should proceed, that suspension is a last resort, and that mechanisms for dialogue between governments and civil society should be established. It is Parliament's view that the Cotonou clause should be negotiated for future agreements, e.g. for the trade and cooperation agreement with Iran.

Most of the countries against which the EU applies restrictive measures in the context of the Common Foreign and Security Policy or the European Community belong to the ACP countries, and for most of these countries the UN Security Council has adopted resolutions imposing sanctions.

During the period of reporting (2002-2003), EU sanctions were renewed against Liberia,

¹ AI Memorandum to the Greek Presidency

Zimbabwe and Haiti, imposed on Somalia and the Democratic Republic of Congo, extended for Sierra Leone and lifted against Angola. Apart from ACP countries, EU restrictive measures applied to the following countries: Burma/Myanmar, Indonesia (adopted in 1999), Moldova and, for obvious reasons, based on resolutions of the UNSC, to Iraq. Sanctions against Afghanistan were lifted.

No agreement has been suspended as such. Measures have partially discontinued development aid (e.g. for Haiti, Sudan), not including those cooperation programmes that directly benefit the people. Most sanctions concern an embargo on arms or related material, as well as on equipment which can be used for internal repression/terrorism. For some countries measures include a visa ban for government representatives, the trade in diamonds and a freeze on the assets within the EU of persons responsible for human rights violations.

Sanctions should not be used simply as a way of expressing disapproval, but need to be implemented effectively. Inconsistency in the EU position has been evidenced in the case of restrictive measures applied on Zimbabwe and Belarus concerning a travel ban imposed on government representatives.

As regards Zimbabwe, the EU decision to authorise the invitation of Mugabe to the France/Africa Summit was strongly criticised by the European Parliament as a lack of consistency in EU policy.

On the occasion of the ACP-EU Joint Parliamentary Assembly meeting, which was due to take place in Brussels on 25-28 November 2002, Parliament's Conference of political group chairmen decided to prevent access to the EP buildings by two Zimbabwe ZANU-PF members. The decision led to the cancellation of the meeting.

On 13 February 2003, on the eve of the renewal of sanctions by the Council, Parliament called for additional measures to be imposed on Zimbabwe, notably the ending of the residency rights in Europe for people subject to EU sanctions, the banning of their families from jobs or education in the EU and sanctions in international sport and cultural events. The Council simply rolled over the existing sanctions on Zimbabwe.

In the case of Belarus, the refusal to prolong the accreditation necessary for the OSCE Mission in Minsk and the worsening human rights situation in the country were reasons for the fifteen EU Member states to agree to ban entry to EU territory of several of the members of the Belarus government, including its president, Alexander Lukashenko. Although the Danish Presidency's compromise allowed for people targeted by the ban to come to the EU to attend meetings scheduled by international organisations, Portugal refused to apply the sanction. In April 2003, on the basis of the OSCE Chairman's confirmation that conditions had been met for the smooth functioning of the Mission, the Council lifted the restrictive measures, despite the deteriorating situation of human rights, democracy and the rule of law in Belarus.

The request by Cuba for accession to the ACP-EU Partnership Agreement (Cotonou) might be another case of inconsistency in the EU position. The situation in the country has been set back by the new wave of arrests of dissidents in March 2003 and the executions of those responsible for the hijacking of a ship. The refusal to cooperate with UN human rights procedures is also a pending question. The EP has expressed the view that the EU can only enter into a political dialogue to bring about Cuba's accession to the Cotonou Agreement if the situation in the

country improves. The Community has yet to adopt its position on this request within the ACP-EC Council of Ministers.

At present, human rights are the subject of discussion under the political dialogue. In order to make the human rights clause in Association and Cooperation Agreements operational, compliance by States with their human rights obligations must be regularly assessed. The signatory parties must set in motion a proper, structured dialogue for the assessment. This will enhance the credibility of the EU human rights policy.

First, we suggest that the Council should set up, in its capacity as part of the Association and Cooperation Councils, specific subcommittees on human rights, which are clearly linked to the highest political level of political dialogue, with a view to implementing Article 2 of the Agreements. For the EU-Morocco Agreement, the Association Council decided to set up six subcommittees on different issues, regrettably not, however, on human rights topics. In addition, in order to be better prepared for reacting to and preventing human rights abuses, the Council and the Commission should establish a monitoring mechanism by setting up specific working groups as is the case for the accession procedures. These working groups would be mandated with monitoring the human rights situation in the country concerned, and would propose timetabling and benchmarking for moving forward.

The European Parliament decided to strengthen its role in the context of the assent procedure for Association Agreements. First with Egypt¹, and more recently with Lebanon² and Algeria³, Parliament expressed its strong concerns on the human rights situation in these countries with the adoption of a political resolution which has become practice since. This is an important step in the process of parliamentary scrutiny of the implementation of Article 2 by the Council and the Commission, which were called on to take all aspects of the resolution as points of reference for assessing the country's compliance with its human rights obligations.

The interparliamentary dialogue will take on another dimension after the establishment of the Euro-Mediterranean Parliamentary Assembly, which was decided in April 2002 at the Euro-Mediterranean Ministerial Conference in Valencia, and whose main task should be the follow-up and parliamentary scrutiny of the Euro-Mediterranean Association Agreements. The new assembly should address, as a matter of priority, democratisation and human rights issues in the associated countries and set up a committee on human rights and democracy in order to allow a more structured dialogue on these issues.

Human rights dialogue - political dialogue

Consistency and cohesiveness are important whenever the EU assesses the human rights situation in a third country, the more so if the EU becomes engaged in a dialogue on human rights. In other words, although the EU applies a country-by-country approach, since there is no general format for a human rights dialogue, the EU must not sacrifice the principles of its own guidelines, which oblige it to agree on clear benchmarks with the country concerned and to achieve real progress reflected on the ground. Only in that case is the dialogue an acceptable option. The dialogue's results must be evaluated at regular intervals, in order to determine how

¹ Resolution of 29.11.2001, OJ C 153 E, 27.6.2002, p. 264.

² Resolution of 16.1.2003, (P5_TA(2003)0018).

³ Resolution of 10.10.02 P5_TAPROV(2002)0463.

far its expectations have been met.

Dialogues should not provide legitimisation for the marginalisation of human rights vis-à-vis security-related, economic or political priorities. Thereby, the country's historical and cultural situation can never be accepted as an excuse for violations of human rights.

The response of the National People's Congress to the EP resolution on the EU strategy towards China mirrors a typical reaction: 'Promotion and protection of human rights is a historical process in which all countries are positioned, and no country should consider its own human rights record is perfect.'¹ The Iranians also have their arguments. At a meeting of the Foreign Affairs Committee in January 2003, the Foreign Minister of Iran emphasised the special provisions of Islamic law and the fact that the separation of powers in Iran can cause resistance by the judiciary to governmental reforms, in particular concerning stoning and public executions. The Minister underlined that one also should not forget the cultural differences which exist between Iran and the EU.

However, as Commissioner Chris Patten said: 'Human rights dialogues cannot turn into debating shops, or only into exchanges of views on cultural differences. Instead, benchmarks for progress have to be set up.'²

When the Council assessed the human rights dialogue with China³ held in November 2002 and in March 2003 it highlighted the following results: an informal invitation to the UN High Commissioner for Human Rights, to the UN Special Rapporteur on Education and on Torture, and to the Chair of the Working Group on Arbitrary Detention. No dates have been agreed yet on the Chinese side. China also expressed its intention to issue an unconditional formal invitation to the UN Special Rapporteur on Religious Freedom.

On the other side, the Council expressed its concerns about the continuation of violation of human rights in the Republic, in particular the extensive use of the death penalty, the 'strike-hard campaign', in particular in Xinjiang, the widespread use of torture and arbitrary detention, 're-education through labour', repression of the freedom of expression, religion and association in China, in particular against human-rights and internet activists, proponents of free trade unions and followers of underground Christian churches and the Falun Gong, and the serious restrictions on the religious and cultural rights of Tibetans. The Chinese failed to demonstrate mutual confidence, which needs to be the basis of the Union's human rights dialogue with China, in the context of the trial and the execution of the Tibetan Lobsang Dhondup.

International and Chinese human rights organisations characterised the human rights situation in China at the end of 2002 not only as a 'lack of progress' but as 'a serious degradation in areas such as extra-legal detentions, repression against ethnic minorities in the name of fighting terrorism, and extensive use of the death penalty for non-violent offences.'⁴ An EP delegation on a visit to China and Tibet in July 2002 also concluded that it did not observe any important changes in the approaches by the Chinese leadership to issues relating to democracy and human

¹ Letter of 22.04.2002 from the Mission of the People's Republic of China to the EP Secretary-General concerning the resolution of 11.04.2002 on the Commission's communication on an EU Strategy towards China

² FAC meeting, 27 January 2003

³ GAC conclusions of 18 March 2003, 6941/03 (Presse 63)

⁴ International Federation of Human Rights and the Human Rights in China (HRIC) note to the EU, 12.11.2002

rights.¹

Although the EU is committed to raising its concerns about human rights in meetings with China at all levels, the EU/China Summit of September 2002 did not take up any such criticism.

In December 2002, the EU initiated its human rights dialogue with Iran, in parallel to the negotiations on a Trade and Cooperation Agreement. Iran's readiness to enter into a human rights dialogue with no preconditions has to be considered as a positive development with a view to the normalisation of relations between the EU and that country.

When the Council first assessed the human rights dialogue with Iran², it expressed serious concern about executions carried out in the absence of respect for internationally recognised safeguards, the practice of public executions, the use of torture and other forms of cruel, inhuman and degrading punishment in Iran, the continued absence of due process of law and the prosecution of lawyers, the continued violations of human rights and discrimination against women, in law and in practice, the discriminatory practices against religious minorities, in particular the Baha'is, whose faith is not recognised by the Iranian Constitution.

We learned that the discussions under the human rights dialogue, held on 16/17 December 2002 and 14/15 March 2003, were conducted in a constructive atmosphere on subjects such as discrimination (women's rights and rights of minorities, racial discrimination and xenophobia), the prevention of torture, fair trials and the rule of law.

The Iranian Government agreed to receive a number of UN Special Rapporteurs later this year, including the Rapporteurs on Freedom of Expression and on Violence against Women. The Working Group on Arbitrary Detention visited Iran in February 2003. A visit by the Working Group on Enforced Disappearances has been arranged for June 2003. This development is certainly an important step forward, after years of refusal to allow any visit by the Special Rapporteur for Iran, provided that their recommendations are implemented. The Council took due note of the de facto moratorium on the imposition of sentences to death by stoning as a first step towards abolition of this practice, and urged the Government of Iran to establish a moratorium on all executions with a view to their eventual abolition.

For the EU, all areas of deepened cooperation with Iran 'are interdependent, indissociable and mutually reinforcing elements of a global approach.'³ The failure of the dialogue should have a direct impact on future EU-Iranian relations, in particular on negotiations for the Trade and Cooperation Agreement. According to the guidelines on human rights dialogues, progress on the ground is decisive, and according to Council's conclusions of 17 June 2002, progress on the Agreement is linked to progress made in the four areas of political dialogue, including human rights. Commissioner Chris Patten reaffirmed the link again on a visit to Iran in February 2003.

Political dialogues are becoming increasingly important as part of the relationship with third countries. Parliament has, on numerous occasions over the years, urged the 'mainstreaming' of human rights into external policies. The Council's commitment to making human rights an integral part of all meetings with third countries and at all levels, in programming discussions

¹ Report on the 19th EP-China Interparliamentary meeting, PE 320.362

² GAC conclusions 18 March 2003

³ GAC conclusions, 14/15 May 2002

and in Country Strategies, is reflected in the basic principles (3.1) of the EU guidelines on human rights dialogues. The EU is committed in principle to applying a positive and cooperative approach whenever possible. At the same time the EU reserves the right to speak out clearly against serious violations of human rights, wherever they take place.

In the case of EU relations with Russia, both the Danish and Greek Presidencies attached importance to measures that would strengthen democracy, human rights, the principles of the rule of law and public institutions in Russia. In the context of its work plan for the implementation of the Common Strategy, the Greek Presidency identified as specific priorities reform of the judicial system, guarantees of freedom of expression and finding a political solution in Chechnya, including renewal of the OSCE Assistance Group's mandate, which expired on 31 December 2002 following Russian proposals involving serious changes to the mandate.

The EP called on the Council, to take a strong political initiative in the framework of its political dialogue with the Russian Federation, in order to promote a negotiated solution to the conflict in Chechnya.¹ But the issue was not dealt with as a key topic at the EU/Russia Summits in 2002. At the 6th Meeting of the Cooperation Council between the EU and Russia, held on 15 April 2003, neither the situation in Chechnya nor the human rights situation in Russia were the subject of discussions.² On 25 March 2003, the EP received the long-outstanding formal invitation for the visit of its ad hoc delegation to Chechnya, which is now scheduled for 14-17 June 2003.

Dialogue was the focus at the fourth Europe-Asia summit (ASEM 4) in Copenhagen, where relations between Asia and Europe were further strengthened. The EU increased its dialogue with the Asian countries mainly on security-policy issues, particularly the fight against international terrorism, and on cooperation in the light of the global economy. The EU-ASEM Summit conclusions do not mention any specific human rights discussion.

Parliament urges the Council to be consistent with its own commitments to more openness. If the EU wishes to make its human rights policy towards third countries more credible, scrutiny of the issues under discussion is needed. The conclusions on the assessment of human rights dialogues or press statements published on EU Summits with third countries or Association/Cooperation Council meetings have not proven to be an adequate source of information. For instance, the joint statement on closer cooperation in the fight against terrorism, adopted at the November EU/Russia Summit, did not mention Chechnya; only at the final press conference did the Danish Presidency announce that the issue had been discussed. In its oral statement on the outcome of the 6th Meeting of the Cooperation Council between the EU and Ukraine in March 2003, the Presidency announced that the issue of media freedom had been discussed, but the official conclusions of the meeting do not refer to that discussion.³ This gap has to be filled, while taking into consideration the sensitivity of the issue and the necessary diplomacy and discretion in talks.

UN Commission on Human Rights

¹ EP resolution on the outcome of the European Council meeting in Brussels on 24/25 October 2002, adopted on 7/11/02 (P5_TA(2002)0531).

² Press:98 No 7933/03

³ Press release 7412/03 (Presse 75)

Paragraph 9 of the EU guidelines can be highlighted: '(...) the fact that there is a human rights dialogue between the EU and a third country will not prevent the EU either from submitting a resolution on the human rights situation in that country or from providing support for an initiative by the third country. Nor will the fact that there is a human rights dialogue between the EU and a third country prevent the European Union from denouncing breaches of human rights in that country, inter alia in the appropriate international fora, or from raising the matter in meetings with the third countries concerned at every level.'

In practice we see that in the framework of the annual session of the UN Commission on Human Rights (UN CHR), the Council is not inclined to denounce human rights violations in countries with which it has established a human rights dialogue.

Parliament's calls for the EU to bring China to account for violations of fundamental rights and freedoms have remained unheard for several years (2001,¹ 2002² and 2003³). In 1997, when the EU was split over China, a resolution was sponsored by Denmark (plus nine other EU Member States); China interrupted the human rights dialogue. In the following years, the EU's main concern was to avoid such a debacle. Since then, and 'in view of the first encouraging results of the human rights dialogue', the Council agreed that neither the Presidency nor Member States should sponsor or co-sponsor a resolution. The EU would convey its concern over human rights in China in its general statement under Item 9. Whenever a resolution was introduced - normally by the US - it was blocked by a procedural no-action motion. The EU takes the view that such a motion is 'contrary in itself to the spirit of dialogue'.⁴

The EU approach at the 59th UNCHR towards Iran was the same as for China. On the basis of the assessment of the first two meetings of the EU/Iran human rights dialogue the Council decided not to sponsor a resolution on Iran, against the request of Parliament, but to express its serious concerns in its statement under Item 9. The possible impact of pressure exerted through resolutions at UN level may differ according to whether or not the society of a particular country has a potential for dialogue and change. In this regard there might be a difference between Iran and China. However, in 2002, months before the agreement was reached on initiating a human rights dialogue, the EU still sponsored a resolution on Iran (which was rejected by a majority of one vote), contrary to the UN General Assembly in December 2002, once the dialogue had started.

Apart from Iran and China, we notice however a great deal of congruence between the EP's priorities expressed in its resolutions with a view to the preparation of the EU position and the actual EU action taken at the UN session. In 2002 and 2003, most countries mentioned by the EP were either the subject of resolutions sponsored or co-sponsored by the EU, or included in the EU keynote speeches under Item 9.

At both sessions, the following countries were singled out for individual attention following the adoption of resolutions sponsored or co-sponsored by the EU: Afghanistan, Burma/Myanmar, Cuba, Democratic Republic of the Congo, Israel and the Occupied Territories, Iraq, Sierra Leone and Sudan. At both sessions, the Commission rejected by a majority of one an EU-sponsored resolution on Chechnya and discussions on Zimbabwe were blocked following a no-action motion initiated by the African Group. For the first time, in 2003, EU-sponsored

¹ Resolution of 5.4.2001, OJ C 21 E, 24.1.2002, p.348.

² Resolution of 7.2.2002, OJ C 284 E, 21.11.2002, p.319.

³ Resolution of 30.01.2003 (P5_TAPROV(2003)0034)

⁴ GAC conclusions, 11.3.2002, 18.3.2003.

resolutions were adopted on North Korea, Turkmenistan and Belarus. The EU-sponsored resolution on the death penalty has been adopted despite the fact that nine countries voted against it, among them the US, China, Saudi Arabia, Libya and Syria. Co-sponsorship of the resolution on the death penalty however increased to 75 this year.

For most of these countries, the EP had asked the EU to take action. On the other hand, contrary to the EP request, no action was taken on Saudi Arabia, in both years, on Indonesia and Colombia in 2002 and on Algeria, Côte d'Ivoire and Nepal in 2003.

At both its 58th and 59th sessions, the UNCHR was strongly criticised for its failure to meet its responsibility as the world's primary body dealing with human rights. Amnesty International summarised the situation as follows: 'The Commission has effectively condoned impunity and seriously undermined its own credibility as a defender of human rights.' '(...) only a handful of countries are on the Commission's agenda despite ample evidence of gross and systematic human rights violation in many more countries in all regions of the world.'¹

'This (negative) trend particularly manifested itself during the 58th session of the CHR, which suffered from a highly confrontational atmosphere. The session saw an increasingly clear North/South divide and no-action motions led to the rejection of a number of EU initiatives.'²

The value of the UN Commission on Human Rights seems to be substantially diminished by the extent of politization. Resolutions do not reflect the human rights situation but the mobilisation of support for countries which have a record in human rights violations. No-action motions against resolutions often succeed following a high-profile campaign of the countries concerned. The UN Commission needs urgent reform. Human Rights violating countries should be denied membership. In its resolution of 30 January 2003, the EP deplores the fact that Libya had been elected to chair the UNCHR 2003 session. The seven EU Member States of the UN CHR abstained during the vote.

These facts underline how important it is that the EU be well prepared to ensure that core human rights values are reflected in the decisions taken and that it adopt a coherent approach. This is why Parliament insists on the EU's leadership role at the session 'in its capacity as the most important player in the 'Western Group', with a special responsibility to ensure the integrity and credibility of the work of the Commission on Human Rights.'³ In the Commission EU unity is too much a goal in itself and leads to watered down positions.

The resolutions adopted at the 59th session evidence the weak language and the weak demands. The resolution on human rights and counter-terrorism does not establish a new human rights mechanism and does not strengthen the mandate conferred on the High Commissioner for Human Rights which would enable him to make specific recommendations to states. In 2002, a resolution calling for anti-terrorist measures to conform with international humanitarian law was withdrawn. The United States opposed the resolution, Algeria submitted an amendment, that would have weakened the resolution, and the EU, a co-sponsor, gave in.

The resolution on Iraq extends the mandate of the Special Rapporteur, but does not include

¹ AI News Service 101, 25.4.03

² EU Annual Report, page 9

³ Resolution of 7.2.2002, OJ C 284, 21.11.2002, p.319.

human rights monitors; on Cuba, the resolution does not mention the recent arrests of dissidents and executions, following pressure by Latin-American states; the resolution on the Democratic Republic of the Congo fails once again to establish a comprehensive commission of inquiry on grave human rights violations; the mandate of the Special Rapporteur on Sudan was terminated, despite the persisting need for human rights monitoring; for Afghanistan the mandate of the Special Rapporteur was replaced with an independent expert. Resolutions on the human rights situations in Burma/Myanmar, Sierra Leone, Belarus, North Korea and Turkmenistan do not create new country mechanisms. A resolution on the prosecution of homosexuals was postponed until next year; the discussion was hindered by the Arabic States.

Effectiveness of the EU human rights policy

The new annual programming strategy of the Council and the Commission and the Council's new structure aim at a greater degree of coherence, mainly through strengthened coordination and improved cooperation at interinstitutional level and between successive Presidencies. The Council's Annual Operational Programme for 2003 was the first to be jointly drawn up by the Greek and Italian Presidencies. In this process, the EP has however not been included in the dialogue with the Council.

The Greek and Danish Presidencies' Programmes envisaged giving priority to the promotion of democracy, human rights and the rule of law in the context of political dialogue, and the Operational Programme for 2003 indicates that human rights will be treated as a horizontal issue underlying the EU's relations with all third countries. However, none of the programmes outline any specific human rights agenda for a particular country or region. This is a regrettable fact. The terms are very vague. The Spanish Presidency did not do any better, and was sharply criticised by Amnesty International for this 'total lack of vision on the EU human rights front.'¹

As concerns main priority areas for promoting political dialogue, the Greek Presidency concentrated its efforts on the southern Mediterranean countries (already a priority area under the Spanish Presidency), the Western Balkan region, Russia, Ukraine, Moldavia and Belarus and the Caucasus region within the 'Wider Europe - New Neighbours Initiative', initiated by the Council in September 2002, under the Danish Presidency.

It is of the greatest importance that the relative discontinuity that is inherent in the rotating presidency system does not undermine the efforts undertaken by the EU under previous presidencies with regard to ongoing human rights violations. Each Presidency should guarantee continuity through its programming. Africa, Asia and Latin America are not mentioned in the Presidencies' programmes as priority regions, and therefore risk being neglected.

With regard to the Commission, since the debate on more effective and comprehensive external action started in the year 2000, progress has been made in reforming the management of EU external assistance with the creation of the EuropeAid Cooperation Office and the decentralisation of project management towards the EU delegations. The Commission has developed Country Strategy Papers and National Indicative Programmes for a wide range of countries. The process of integrating human rights and democratisation aspects in the Country Strategy Paper must be further developed.

¹ AI Memorandum to the Spanish Presidency

The effectiveness and visibility of the impact of human rights policy measures could be enhanced by a systematic Human Rights Impact Assessment (HRIA) developed and implemented by the Council and the Commission at the level of policy formulation and with regard to external assistance programmes and projects. This requires the formulation of clear policy objectives, with a fixed set of criteria deriving from international law standards, using quantitative and qualitative indicators, benchmarks and a timeframe. Monitoring and evaluation are essential to the process, as well as a more systematic reporting, open for scrutiny by politicians, experts and NGOs.

We propose the creation of a "European Network on Human Rights and Democracy" to be established with the relevant bodies of the European institutions, at national and international levels, as well as international NGO. The Network's main objectives should be to increase human rights expertise at national and interinstitutional levels, to contribute to EU human rights policy-making and implementation, to strengthen openness and exchange of information in the field and to improve links between interrelated services. The Network could be linked to - and draw upon the experience of - the newly created network of independent experts that monitors the application of the fundamental rights listed in the Charter at both Member States and European levels.

The Commission is introducing comprehensive human rights training for its staff, in particular those serving in delegations in third countries. EU Missions should do the same for their diplomats. Specific training is particularly important to raise awareness of the EU guidelines on torture and the death penalty and their implementation guidelines. In order to ensure their systematic implementation, regular reporting by the EU Heads of Mission on possible patterns of torture in their country of residence is needed, with particular attention to individual cases. The reports form a basis on which the EU can decide on relevant approaches to the countries concerned, declarations and statements.¹ According to experts active in the field, the EU Heads of Mission are often not aware of the guidelines.

European Parliament interaction with the Council

According to Article 21 TEU, the legal basis for consultation of and information to Parliament within the framework of CFSP, the Presidency shall not only consult the EP on the main aspects and the basic choices of the CFSP but shall also ensure that the views of the EP are duly taken into consideration. Responsibility for providing regular information on the development and implementation of the Union's CFSP lies with the Presidency and the Commission.

The EU Annual Report on Human Rights must be developed so as to fulfil the requirements of accountability. Strong emphasis should be placed on analysis, and the structure of the report needs to be improved. In the past, Parliament recommended avoiding duplication of information and providing a critical assessment of the impact of EU action in the field. Future reports are to be more homogeneous. A new approach has been envisaged including an online vademecum, a shorter and factual annual report and a separate analytical paper. The latter would focus on one or more specific items, in accordance with the Council's commitment to a regular identification and review of priority action.

¹ Working document on the Implementation of the EU Guidelines on Efforts to Prevent and Eradicate Torture, 11 December 2002

Despite several calls from Parliament in the past, the Council's feedback on the EP Annual Report is still very poor. Until now, the EU Human Rights Reports mentioned the EP Report, without however commenting on the nature of any of Parliament's recommendations, nor how the Council envisaged dealing with them. The Council was not even present during Parliament's debate on last year's report. The Council should react to Parliament's Annual Report more extensively, not only in the context of the EU Report but, following the example of the Commission, with a written follow-up paper, shortly after the adoption of the report.

Parliament needs to agree with the Council upon a structure which allows systematic and timely reaction to EP resolutions on human rights in general. According to the minutes, during the period covered by this report, the General Affairs Council 'took notice of the resolutions, decisions and positions adopted by the European Parliament' only once, in June 2002. One could draw the conclusion that Parliament's resolution on the EU's priorities for the annual UN Commission on Human Rights session is the only resolution of which Council takes notice in substance.¹ But, once more, there was no reaction from the Council to Parliament's call to report back to plenary on the EU position taken at the UN session, until the Council came back to Parliament for the debate on the preparation of the 59th UNCHR, a year later. This late information is certainly of very little value to the Parliament.

To provide a regular reaction to EP resolutions, in particular resolutions adopted in the framework of the debate on cases of breaches of human rights, democracy and the rule of law, the Council should report to the Foreign Affairs Committee at ministerial level at least once during each Presidency, preferably towards the end of the term. The Council's reporting should also include the outcome of human rights dialogues, Association Council meetings and EU Summits with third countries.

Parliament would in principle warmly welcome regular participation by the Council in all Foreign Affairs Committee meetings, at the level of the Presidency's representative in the Council's working group on human rights (COHOM), which is the principal advisory body at diplomatic level. To date, no working relations exist with this horizontal working group nor with any other geographical working group within the Council.² NGOs are much better informed than MEPs since they are regularly briefed by the chair of COHOM and by the Commission. This is a totally unbalanced situation and definitely needs to be changed.

Inviting the rapporteur of the EP Annual Report to ad hoc meetings with COHOM should become normal practice. The first invitation has been extended to your rapporteur for a meeting in June 2003. Ad hoc meetings with MEPs of the Foreign Affairs Committee could also be arranged, in particular with a view to the annual session of the UN Commission on Human Rights, on the occasion of the presentation of the Presidency's programme relating to external relations and human rights activities, and as debriefings on the outcome of COHOM meetings, human rights dialogues etc. Working relations between the secretariats of the Council and the EP also need to be strengthened.

The Council, unlike the Commission, does not take part in the monthly debate on cases of

¹ GAC conclusions of 11.3.2002 on the preparation of the session of the 58th UNCHR, 6596/02 (Presse 48 - G), see also GAC conclusions of 18.3.2003

² Equally, there is no working relation between the EP and the Human Rights Committee composed by Member States representatives and chaired by the Commission, and competent for the selection of bigger sized projects being funded under the EIDHR.

breaches of human rights, democracy and the rule of law (Rule 50). We see this as an example of Council's lack of interest in Parliament's positions. It may also be partly due to the time-schedule of Council's presence during part-sessions, in which case it might be advisable to consider whether Parliament could change the debate to Wednesday, for example.

European Parliament action in the field of human rights

The internal discussions on the way in which its competent bodies currently monitor the issue of human rights and democracy, with a view to assessing whether and how these structures need to be improved, have been taken further.

Most important is strengthening the political attention given by MEPs to the follow-up of Parliament's positions vis-à-vis the Council and the Commission. How did the Council and the Commission take up the EP statements? How have the countries concerned reacted to recommendations made by the EU, and in particular by the EP? Further improvements are also needed to improve mainstreaming of human rights in all EP action and to increase coordination between its competent committees and working groups.

As regards the Council's information, consultation and consideration of Parliament's views on human rights policy actions, the situation is quite unsatisfactory. Dialogue between the two institutions is far from ideal. By making the best use of its own procedures, Parliament could enhance its margin of manoeuvre in influencing and monitoring the Council and putting pressure on it to fulfil its obligations towards Parliament.

Since the reform of the Rules of Procedure, a new provision (Rule 104 a) strengthens the role of the committees responsible by allowing them to table at each session a motion for a resolution to debate violations of human rights. The Rule provides an additional opportunity to debate human rights at the level of committees. For consultation and information, Parliament has several procedures available to it, which should be used more extensively, for debating EU human rights policy issues, and for a systematic follow-up to EP recommendations. In particular Oral Questions during Question Time could be used more effectively as a last resort for information. Question Time may also be held in committee.

It is absolutely essential that the procedure for MEPs' questions to the Council for written answer be speeded up. Although non-priority questions should be answered within 6 weeks, in practice, the Council never answers in time. Experience shows that it can take from 2 to 6 months. Furthermore, while the content of written questions is the sole responsibility of MEPs, mechanisms for improving quality and relevance should be set up at the level of the committee secretariats responsible.

Under the reporting period, the Human Rights Working Group (HRWG), created under the Foreign Affairs Committee, continued to hold monthly meetings as part of the main committee's agenda and open to all members. The Development Committee followed suit with the creation of its own human rights group which focused its meetings on issues such as the application of Sharia legislation in Nigeria, psychiatric abuses in China, trafficking of children in West Africa, the situation in Sudan and Togo. HRWG hearings took place with civil society representatives from third countries, such as Israel and Palestine, Syria, Libya, and, in view of the assent procedure on the Association Agreements, with representatives from Algeria and Lebanon. Meetings were also arranged with the European Commission on the priorities for EIDHR

funding in 2003, as well as with the Commission and the Council on the report of the ad hoc delegation to the 59th session of the UN Commission on Human Rights. A special exchange of views took place with the new UN High Commissioner for Human Rights, Mr Sergio Vieira De Mello.

The question of a full-fledged human rights committee came up again in the context of the resolution adopted on 25 April 2002 when Parliament called for the establishment of such a committee after the 2004 elections.¹

The Human Rights Unit, a very small horizontal structure in the EP Directorate for External Relations, is in charge of the secretariat task for the HRWG, assists the Development Committee's human rights group and is responsible for liaising with interparliamentary delegations on human rights work. The Unit's staff has been in charge of the organisation and follow-up of election observation missions and the organisation of the ceremony for the award of the Sakharov Prize; the Unit assists members at the EU Human Rights Forum and the ad hoc delegation to the annual session of the UN Commission on Human Rights. A staff member also helps draft the Annual Human Rights Report and is involved in the preparation and follow-up of urgency resolutions. New EP provisions for a more systematic follow-up of human rights resolutions would undoubtedly require extra staff. Instead of being increased, the Unit's staff was however reduced.

In 2002, Parliament awarded the Sakharov Prize for Freedom of Thought to Mr Oswaldo José Paya Sardinas, from Cuba, author of the Manifesto 'Todos Unidos' which is at the origin of the Varela Project calling for a referendum on open elections, freedom of speech, freedom for political prisoners and free enterprise. Mr Sardinas was able to receive the prize personally, after joint efforts by President Cox, an EP delegation on mission in Cuba in which your rapporteur participated and diplomatic representatives. Your rapporteur pleads for enhancing exchanges between and with Sakharov Prize laureates through the creation of a network.

Meetings of Parliament's interparliamentary delegations should be used systematically to discuss human rights issues with parliamentarians from third countries and serve as an opportunity for exchanges of views with local NGOs. Delegations should report back to the Foreign Affairs Committee, also as regards individual cases. Meetings with parliamentarians and civil society from third countries having signed the human rights clause contribute to Parliament's monitoring of the concrete implementation of the clause. Guidelines for interparliamentary delegations could help to mainstream human rights issues into the delegations' activities.

Parliament has decided to increase the visibility of the human rights debate by jointly debating both EP Annual Human Rights Reports (inside and outside the Union) in one part-session; with a view to preparing these reports, hearings are organised by the committees responsible, with the participation of non-governmental organisations. A newly created EP Human Rights Website gives access to information on activities and resolutions adopted on human rights in the world and fundamental rights in the EU.

Election observation is an important part of the European Parliament's action for promoting democracy and respect for human rights in third countries. During the period covered by this

¹ OJ C 131 E, 5.6.2003, p. 147.

report, MEPs chaired EU Observation Missions and/or the EP itself sent ad hoc delegations to observe elections in Sierra Leone, Colombia, Tunisia, Algeria, Macedonia, Morocco, Bosnia and Herzegovina, Pakistan, Ecuador, the Seychelles, Madagascar, Kenya, Nigeria and Yemen.

Openness towards Civil Society

The Danish Presidency has succeeded in building up more direct contacts with NGOs active in the field of human rights through regular briefings in the context of COHOM meetings. The human rights contact group continued to hold monthly meetings with the participation of major international NGOs, MEPs, and officials from the Council, the Commission and the EP.

The Council should provide wider access to information on action taken in human rights policy-making and implementation on its website. The Council's secretariat announced that changes would be made to the website by September 2003.

The theme of the Human Rights Discussion Forum, which took place in December 2002 in Copenhagen, reflected the two main objectives of the Danish Presidency, namely to increase effectiveness of EU human rights policy, and to strengthen the policy's openness. Several specific recommendations of the Forum have been included in the report. As regards the organisation of the Forum, the rapporteur agrees with the Forum's conclusions, including the proposal to invite representatives of third countries as well as to widen the field of experts to trade and development.

A good example of increased involvement and more openness towards civil society is the approach to the human rights dialogue with Iran. The format is different from the one with China since, in addition to the Troika Meeting, a Round Table is organised with the participation of international and Iranian human rights organisations, the Islamic Human Rights Commission, academics, MPs, together with representatives from government and ministries. We suggest that MEPs should also be included. The participation of international and Iranian civil society must be considered as fundamental for the credibility, transparency and the efficiency of the dialogue. Iranian society finds itself in a transitional phase. Since the potential for change exists, it is important to encourage dialogue within Iranian society.

The involvement of human rights organisations is further particularly important as regards the attention given to individual cases in both the EU/China and the EU/Iran human rights dialogue.

Your rapporteur is concerned at the situation of the Human rights defenders which have often become themselves the targets of human rights violations are denied the right to freedom of expression and freedom of movement, and consequently suffer harassment from State authorities, intimidation, arbitrary detention and torture. A striking incident was, for instance, the prohibition by Moroccan authorities of human rights defenders from Western Sahara to participate in the 59th UNCHR session in Geneva. In addition, counter-terrorism measures in the aftermath of 11 September have seriously hampered the capacity of human rights defenders to fully exercise their activities in several countries, where they are the target of government campaigns and are accused of being themselves associated with terrorist activities.

Freedom of Religion

Freedom of religion and belief, also referred to as 'religious freedom', is enshrined in a number

of post-war international covenants. In the Universal Declaration on Human Rights of 1948 it is defined as "the right to freedom of thought, conscience and religion" and that such a right "includes freedom to change his religion or belief and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. It also implies the right not to confess any religion.

This fundamental human right is of vital importance for the more than 90% of the world's population who are considered to be believers in one way or another. It is in the interests of all religions, all societies and cultures that these rights can be exercised freely.

Although most nations have committed themselves to the relevant international covenants, these are frequently not applied in practice and their universal validity is being challenged. Religious freedom is under "renewed and, in many cases, increasing assault in many countries around the world" and "more than one-half of the world's population" lives in countries where the right to religious freedom is in some way restricted as a result of government action or government inaction¹

In recent years we have witnessed a growing number of violent conflicts in relation to religious fanaticism such as murders, assaults, desecration and destruction of religious sites and places of worship. Many religious communities all over the world are under constant threat posed by rulers belonging to the dominating religion in a given country. They are often being persecuted in abject ways such as detention, torture and even enslavement.

Religious intolerance is taking different forms²:

- totalitarian attempts to control and suppress religious belief or practice is seen in Burma, China, Cuba, North-Korea and Vietnam;
- discriminatory legislation or policies towards minorities and non approved religions is the case in Brunei, Bulgaria, Eritrea, Iran, Iraq, Israel and the Occupied Territories, Jordan Laos Peoples's Democratic Republic, Malaysia, Maldives, Pakistan, Russia, Saudi Arabia, Singapore, Sudan, Turkmenistan, United Arab Emirates, Uzbekistan;
- state neglect of the problem of discrimination against, or persecution of, minorities (including lower castes) or non approved religions can be witnessed in: Bangladesh, Belarus, Egypt, Georgia, Guatemala, India, Indonesia, Nigeria.

Since the 80s the end of the era of secularisation announces itself and a revival of religion is unmistakably present in the world. Religions are expanding, especially Christianity (notably in the former Soviet Republics) and Islam (notably in Africa and in Asia). Furthermore tensions between and within religious communities have grown in different parts of the world, and there are countless cases of discrimination and intolerance towards religious minorities.

Of the 30 conflicts in the world in 2002 claiming more than 1000 casualties, 12 are linked to religion.³ Violent clashes are for instance perceived between Hindus and Muslims in India in

¹ U.S. "International Religious Freedom Act" of 1998 Title VII, Section II a 4.

² Classification is based on the report by the UN Special Rapporteur on Religious Freedom submitted to the Fifty Third session of the UNCHR, 30.12.1996 and on the n "International Religious Freedom Report 2002" of the US Department of State .

³ list of conflicts linked to religion: source: the Defense Monitor; Center For Defense Information (USA); 1 January 2003: the conflict within Iraq (Sunni vs Shia); Israel (Israel vs Hamas and Hezbollah, Islamic Jihad and others), Afghanistan (Kabul gvt vs Taliban and regional warlords); India (India vs Jammu Kashmir Liberation Front); India (India vs Pakistan); Indonesia (Indonesia vs Christians Muslims in Moluccan islands) Indonesia (Indonesia vs Christians and Muslims on Sulawesi Island); Philippines (Philippines vs Moro islamicx Liberation Front), Algeria (Algeria vs Armed Islamic Group); Nigeria (Communal violence), Sudan (Sudan vs Sudanese People's Liberation

particular in Kashmir; between Muslims and Christians in Nigeria, Sudan, Indonesia, Eritrea, Ivory Coast; between Muslims and Jews in Israel and the Occupied Territories.

While religious experience is generally intensified and the practice expanded, it is also increasingly abused for other goals, in particular to gain or maintain political and economic power. By referring to shared beliefs, political and religious leaders underline the identity of their followers in contrast to that of their opponents in order to mobilise broad popular support.

Sometimes, the intensification of religious practices deteriorates and develops into extremism. This can be observed in all parts of the world and among people of varied faiths (Christianism, Hinduism, Islam, Judaism). This religious extremism, also referred to as religious fundamentalism or radicalism, is manifested by a passionate conviction that the own confession is exclusively valid and the own religious and ethical prescriptions have to be followed by everyone. If needed these will have to be imposed as a common law. This attitude is often combined with a rejection of modern secular societies and its values such as religious tolerance, the separation of religion and state, freedom of expression, democracy and pluralism.

Religious extremists are sometimes led by the desires to return to some pristine social and cultural state through rigid adherence to a set of beliefs and practices as a solution to social, economic, cultural and political problems. They are often anti-western, except in their Christian manifestations. The fanaticism can be accompanied by violent acts, such as shooting of believers in mosques, destruction of churches and other religious sites, or assaults on political figures. Extremists often have a vision of the world where there is only good and evil.

Religious extremism has in several cases provoked extreme violence and disruption, it has inflamed civil wars and has even by some taken the form of international terrorism. To give just two examples: the terrorist attacks on September 11 in the US have been attributed to militant muslim extremists. The US has reacted with a War on Terrorism which amongst others has led to military action in Afghanistan. The massacre of 2000 muslims in March 2002 in the Indian State of Gujarat has been committed by Hindu fundamentalists. This tragedy is unfortunately one of many assaults committed by these extremists against religious and ethnic minorities which they consider to be a threat to Indian national unity.

Extremist characteristics are also present among ultra-Orthodox Jewish communities in Israel and among Christian fundamentalists in the US, and to a lesser extent in Europe, South America and in megalopolises of Asia and Africa. By their exclusiveness and perception of the world in spheres of good and evil, these movements can be provocative towards people from other religious convictions.

Islamic extremist movements are particularly strong in the more advanced and apparently more secular Muslim societies, such as Algeria, Egypt, Lebanon and Tunisia. Amongst educated layers of society, we can find fanatic people who may even resort to terrorist actions guided by their strong anti-western sentiments. Parts of Asia and Africa and Eastern Europe are confronted with a proliferation of islamic extremist groups. Extreme versions of sharia, typical of extreme islamic states such as Saudi Arabia and Iran, are spreading to countries such as Sudan, Somalia and now Nigeria. In North Nigeria, sharia is being reintroduced by fundamentalists as a reaction to uncontrolled crime, corruption and immoral lifestyles. It is supported by politicians who want

violence);

to get and hold on to power.

Islamic fundamentalists are developing counter cultures of political radicalisation. With a view to persuading people, they deploy grassroot activities that meet social needs left untended by the State, in particular in the fields of education and health. We see this in Pakistan but also in Indonesia where not only moderate islamic scholars teach in Madrasas but also extremists which propagate fundamentalist interpretations of the Koran and intolerance towards other religious communities.

There is no doubt that the world-wide phenomenon of religious extremism is dangerous, it breeds hatred and violence and causes wide-scale human suffering. Thereby it can nurture other extremism. In India for example Hindu fundamentalism is provoking reactions from Muslim fundamentalists and vice versa.

Extremism is the greatest enemy of religious freedom in the world today. It is a constant threat to world peace by dividing the world into contending factions each believing itself to be superior to others and to have an exclusive claim on religious truth.

The process of globalisation can unintendedly enhance the impact and the development of religious extremism, because it implies increasing world-wide interactions between people at all levels: political, economic, scientific, touristic, cultural and many others. It does not automatically lead to better mutual understanding or the appreciation of other cultures, religions, values and norms. People often feel threatened or are forced onto the defensive when their value systems are confronted with others. Globalisation is reinforcing the process of intensification of religious experience and the cultivation of one's own identity. This process can be easily politically exploited. In its extreme form it can lead to demonization of other cultures or religions.

The greatest challenge for the world in general and the EU in particular is how to control cultural and religious, and thus political tensions, which could be unintended consequences of globalisation. The promotion of tolerance, mutual understanding and respect is a major political challenge. This process could be facilitated by drawing the right lessons from inter-cultural contacts. If we fail in this endeavour we will have to face tremendous consequences, such as more and more violent conflicts, terrorism, political and economic destabilisation which can lead to further poverty, increasing violations of the right to religious freedom and of all forms of political persecutions.

In conclusion, the freedom of religion or belief is not only of utmost importance for the individual human being, as a basis for self-understanding and identity, but also for society as a whole. Violation of religious freedom usely creates strong tensions in society that easily can lead to (violent) confrontations. On the other hand, respect of freedom of religion gives room for criticism within religious communities on the compatibility of their religious convictions and customs with other human rights. In this way, religious extremism in its violent expression, can more effectively be counteracted from within a religious group. The free exercise of religion or belief will also produce less incentives for the developments of such extremism.

Your rapporteur considers that the question of religious freedom and tensions between and within religions should no longer be a taboo. It is not religions as such, in themselves, that form the risk for tensions, but the way they are used for political purposes. We should have an open

debate on this within the EU and with representatives of all major religions. If we remain passive we enhance the risk that developments take their own course and thus could go beyond control.

The EU and Freedom of Religion

To best face the challenge, the EU and all other human rights defending countries should act in a concerted manner. The EU has an important role to play as a community of values, with a tradition of multiculturalism, pluralism and secularism.

Most importantly the EU must take a clear stance in favour of freedom of religion and belief and strongly defend this human right in accordance with the relevant international conventions. This will enhance the development of free and democratic societies, based on mutual respect and dialogue between the different religious, as well as non-religious groups.

The EU should pursue policies directed at preventing religions from being abused and instrumentalised for political purposes. A general strategy has to be conceived in order to deal with religious extremism in all its different dimensions. Furthermore at all levels of society knowledge and understanding of other religions and cultures must be enhanced through the organisation of systematic inter-cultural and inter religious dialogues on the basis of the key principles of equality, co-ownership and cross-fertilisation.

Initiatives of the Commission in this respect are to be welcomed: notably the establishment of the High-Level Advisory Group on Dialogue between Peoples and Cultures with the countries of the Mediterranean region. Your rapporteur would recommend institutionalising this inter-cultural dialogue. Regular meetings must be organised around specific themes, such as women's rights and severe punishments, and at different levels. Later this dialogue could be expanded to other regions as well. In order to be effective the dialogue findings must be given operational follow-up by the Commission, the Member States and the partner countries at national and local level.

In addition a permanent structure for inter-cultural and inter religious exchanges must be created and extended to the general public. It could include exchanges between scholars and families from different cultures. The Euro-Mediterranean Foundation which Member States in principle decided to create in Valencia in April 2002 is a first step and should start its activities as soon as possible.

It is imperative that all initiatives of the Commission avoid duplications with other international initiatives and cooperate with the the Council of Europe, the OSCE and other relevant international organisations.

In facing third countries with violations of religious rights, the EU can, apart from condemning, also consider pursuing a more positive approach by stimulating developments for improvement. To obtain results in discussions with third countries, EU representatives must understand the referential framework: the perceptions, the values and norms, and the social and political environment of the counterpart. This calls for specific training in the field of cultural sensitivity of the Commission and Member States' staff dealing with external relations. In addition, guidelines on how to approach the problem in different circumstances must be developed.

In political dialogues, the EU should put extra emphasis on religious freedom. It must seek

common values and points of reference in the convictions of the other vis-a-vis the universal human rights, with a view to, at a minimum, abolish horrific punishments or practices that occur in the name of religion. The EU should not enter in a religious discourse and therefore should realise that saying 'abolish Sharia' could not have the desired effect. It should plea for and assist with finding alternative punishments in the positive law. The ultimate yardstick for the EU remains the international human rights standards.

It is also important that the EU takes practical measures to back the results achieved under the political dialogues and which will contribute to promoting the freedom of religion and belief. The Commission must for instance initiate more EIDHR projects aimed at promoting religious freedom. It should also stimulate cultural awareness amongst the media. These need to be encouraged in promoting mutual understanding between people from different religious backgrounds and refrain from stigmatization.

Finally, the effectiveness of promoting religious freedom will depend on the EU's credibility and on its capacity to convince and inspire. On the other hand the failure or success in the prevention of extremism and the political abuse of religions in the world could have a major impact on the multireligious societies in the EU. Therefore, remaining passive is not an option.

International Criminal Court

On 1 July 2002, the Rome Statute of the International Criminal Court entered into force, upon ratification by the requisite 60 states. The Court has been welcomed by the international community as an essential institution in the struggle against impunity for crimes of genocide, crimes against humanity, war crimes and crimes of aggression and thus a very important step forward for the defence of fundamental rights of human beings and for the affirmation of law and justice in the world. Inaugurated on 11 March 2003 in the Hague, the Court is expected to be fully operational by mid-2003. The budget for the first year is approximately US\$35 million, a fraction of the costs of the existing international tribunals.

Since the beginning of the process, the European Parliament has been strongly committed to the ICC and the widest possible international ratification of the Statute. However, enthusiasm for the project was seriously dampened when the Bush administration formally declared its intention not to ratify the Statute and the enactment of the 'American Service-Members' Protection Act'. The EP that the Act 'goes well beyond the exercise of the US's sovereign right not to participate in the Court, since it contains provisions which threaten to penalise countries which have chosen to support the Court.'¹ The EP regretted as well the Resolution 1422 of the UN Security Council which guarantees UN peacekeepers from States not party to the Rome Statute immunity from the jurisdiction of the ICC on a one-year renewable basis, 'if a case arises' and 'unless the Security Council decides otherwise'.²

The US administration's policy of obstruction, however, went further by seeking to negotiate bilateral immunity agreements on the basis of Article 98 of the ICC Statute in order to exempt US officials from prosecution by the ICC. The EP called on the Member States and candidate countries to refrain from adopting any agreement that would undermine the effective implementation of the Rome Statute and considered that the disappointingly weak EU common

¹ Resolution of 4/07/02, Council conclusions of 17.6.02

² Resolution of 26.9.2002

position on the issue had resulted in a lack of guidance for many candidate countries.¹ Romania became the first state to sign a bilateral non-surrender agreement with the US on 1 August 2002. The Member States, including Spain, Italy and the United Kingdom, which were initially considering doing so, have refused to sign an agreement with the US, on the basis of the Council's conclusions of 30 September 2002.

Among third countries, the bilateral non-surrender agreement with India of January 2003 was a major victory for the US campaign, as all other agreements, except that with Israel, have been with small and economically developing countries.

¹ Resolution of 26.9.02, 24.10.02, 20.11.02

MOTION FOR A RESOLUTION B5-0445/2002

pursuant to Rule 48 of the Rules of Procedure

by Maurizio Turco and others

on religious freedom

The European Parliament,

- A. whereas religious freedom, whether for individuals or for groups, is a fundamental human right enshrined in various international legal instruments including the Universal Declaration of Human Rights (1948), the European Convention on the Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966) and the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981),
- B. whereas the principle of religious freedom implies freedom of belief and worship without discrimination or preference, and can only exist in a secular state,
- C. whereas religious freedom is arbitrarily trampled and violated in various parts of the world,

Calls on the Council of the European Union, the Commission and the Member States to:

- 1. Make action to uphold religious freedom a priority in the EU's relations with third states;
- 2. Provide for the imposition, in response to violations of religious freedom, of similar penalties and sanctions to those prescribed since 1998 by the United States International Religious Freedom Act (Public Law 105-292, 105th Congress).

LIST OF RESOLUTIONS

List of resolutions adopted by the European Parliament (Rule 50) between April 2001 and July 2003, and relating directly or indirectly to human rights violations in the world:

Preparations for the 58 th session of the United Nations Human Rights Commission in Geneva (March 2002) adopted on 07.02.2002 (* reference to country)	
Country	Date of adoption of resolution
<u>AFRICA</u>	
FORCED CHILD LABOUR	17.05.2001
ALGERIA	17.05.2001
ANGOLA	14.06.2001 / 06.09.2001 / 11.04.2002 / 04.07.2002
CAMEROON	17.05.2001
CENTRAL AFRICAN REPUBLIC	14.06.2001
CHAD	14.06.2001
COTE D'IVOIRE	10.10.2002
DEMOCRATIC REPUBLIC OF CONGO	13.12.2001 / 07.02.2002 / 13.06.2002 / 15.05.2003
EQUATORIAL GUINEA	13.06.2002 / 16.01.2003
ERITREA	07.02.2002
ETHIOPIA	17.05.2001
MAURITANIA	06.09.2001
MADAGASCAR	07.02.2002 / 16.05.2002
NAMIBIA	05.04.2001
NIGERIA	15.11.2001 * (UNCHR resolution 07.02.2002) 11.04.2002 / 05.09.2002 / 13.03.2003
SOMALIA	05.04.2001 / 04.07.2002
SOUTH AFRICA	05.07.2001
SUDAN	21.11.2002
TANZANIA (refugees from Burundi)	05.07.2001
TOGO	06.09.2001 / 13.12.2001 / 08.04.2003
TUNISIA	14.03.2002
UGANDA	03.07.2003
ZIMBABWE	06.09.2001 / 13.12.2001 / 14.03.2002 / 16.05.2002 / 04.07.2002 / 05.09.2002 13.02.2003 / 05.06.2003

<u>ASIA</u>	
AFGHANISTAN	14.06.2001 / 13.12.2001 / 05.09.2002
BANGLADESH	21.11.2002
CAMBODIA	06.09.2001 / 07.02.2002 / 11.04.2002 13.03.2003 / 03.07.2003
CHINA (57th session of the UNCHR)	05.04.2001
BEIJING'S APPLICATION TO HOST THE 2008 OLYMPIC GAMES	05.07.2001
EAST TIMOR	04.10.2001
HONGKONG	19.12.2002
INDIA	07.02.2002 / 16.05.2002
INDONESIA	13.12.2001 / 16.05.2002 / 05.06.2003
KAZAKHSTAN	13.02.2003
KYRGYZSTAN	14.03.2002
LAOS	15.11.2001 / 03.07.2003
MALAYSIA	14.06.2001 / 13.06.2002
MYANMAR (BURMA)	04.10.2001 / 11.04.2002 / 13.03.2003 / 05.06.2003
NEPAL	14.06.2001 / 13.12.2001 / 13.06.2002 / 24.10.2002
NORTH KOREA	16.01.2003
PAKISTAN	05.04.2001
SRI LANKA	14.03.2002
TAIWAN	15.05.2003
TIBET	19.12.2002
UZBEKISTAN	04.10.2001
VIETNAM	05.07.2001 / 04.10.2001 / 11.04.2002 / 15.05.2003
<u>AUSTRALIA</u>	
AFGHAN REFUGEES / ASYLUM	06.09.2001
<u>EUROPE</u>	
BELARUS	05.07.2001 / 13.06.2002 / 04.07.2002
BOSNIA-HERZEGOVINA (Banja Luca)	17.05.2001
CHECHNYA	16.01.2003 / 03.07.2003
CYPRUS	05.04.2001
IRELAND (Immigration)	13.12.2001
MOLDOVA	14.03.2002 / 11.04.2002
RUSSIA	07.02.2002 / 04.07.2002

SOUTHERN CAUCASUS	04.10.2001
TURKEY	15.05.2003
<u>LATIN AMERICA</u>	
ARGENTINA	04.07.2002
COLOMBIA	04.10.2001 / 14.03.2002
CUBA	10.04.2003
GUATEMALA	14.06.2001 / 11.04.2002 / 10.04.2003
MEXICO	05.04.2001
VENEZUELA	13.02.2003
<u>MIDDLE EAST</u>	
EGYPT	14.06.2001 / 04.07.2002 / 05.09.2002 10.04.2003
IRAN	* (UNCHR resolution 07.02.2002) / 24.10.2002 / 22.11.2002
ISRAEL	19.12.2002
SAUDI ARABIA	* (UNCHR resolution 07.02.2002)
SYRIA	13.06.2002
<u>MISCELLANEOUS</u>	
Abolition of Death Penalty in Japan, South Korea and Taiwan	13.06.2002
Death Penalty in the World	05.07.2001
Child Labour in the Production of Sports Equipment	13.06.2002
EU Position for the Session of the UN GA on the Rights of Child	11.04.2002
UN GA Special Session on the Rights of Child	05.07.2001
Trafficking in children and child soldiers	03.07.2003
International Criminal Court	28.02.2002 / 04.07.2002 / 26.09.2002 / 24.10.2002
Combatting Terrorism	24.10.2002
UN World Food Summit	16.05.2002
Refugees - Channel Tunnel	11.04.2002
Detainees in Guantanamo Bay	07.02.2002
Aung San Suu Kyi and Leyla Zana (Sakharov Prize Laureats)	13.12.2001

Cluster Bombs	13.12.2001
UN World Day to Overcome Extreme Poverty	04.10.2001
Female Genital Mutilation	20.09.2001
Harassment at the Workplace	20.09.2001
Press Freedom throughout the World	17.05.2001
UN Conference on Least Developed Countries	05.04.2001
Violence towards Catholic Nuns	05.04.2001

BASIC TEXTS

TITLE	DATE OF ADOPTION	SOURCE
INTERNATIONAL HUMAN RIGHTS INSTRUMENTS		
UNITED NATIONS		
Universal Declaration on Human Rights	10 December 1948	http://www.unhchr.ch/udhr/index.htm
International Covenant on Civil and Political Rights	16 December 1966	http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
Optional Protocol to the International Covenant on Civil and Political Rights	16 December 1966	http://www.unhchr.ch/html/menu3/b/a_opt.htm
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	15 December 1989	http://www.unhchr.ch/html/menu3/b/a_opt2.htm
International Convention on the Elimination of All Forms of Racial Discrimination	21 December 1965	http://www.unhchr.ch/html/menu3/b/d_icerd.htm
Convention on the Elimination of All Forms of Discrimination against Women	18 December 1979	http://www.unhchr.ch/html/menu3/b/e1cedaw.htm
Optional Protocol to the Convention on the Elimination of Discrimination against Women	6 October 1999	http://www.unhchr.ch/html/menu3/b/opt_cedaw.htm
Convention on the Rights of the Child	20 November 1989	http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	25 May 2000	http://www.unhchr.ch/html/menu2/6/crc/treaties/opac.htm
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child	25 May 2000	http://www.unhchr.ch/html/menu2/6/crc/treaties/opsc.htm

prostitution and child pornography		
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 December 1984	http://www.unhchr.ch/html/menu3/b/h_cat39.htm
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	18 December 2002	http://www.bayefsky.com/treaties/cat_opt.php
UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief	25 November 1981	http://www.unhchr.ch/html/menu3/b/d_intole.htm
UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms	9 December 1998	http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RE.S.53.144.En?OpenDocument
UN Declaration on Human Rights Defenders	9 December 1998	
United Nations Millennium Declaration	8 September 2000	http://www.un.org/millennium/declaration/ares552e.htm
INTERNATIONAL LABOUR ORGANISATION		
Minimum Age Convention	26.06.1973	http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?C138
Convention on Indigenous and Tribal Peoples	27.06.1989	http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?query=C169&query0=C169&submit=Display
Convention to eliminate the Worst Forms of Child Labour	17.06.1999	http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?query=C182&query0=C182&submit=Display
UNITED NATIONS CONFERENCES		
World Conference on Human Rights (Vienna) Declaration and Programme of Action	25 June 1993	http://www.unhchr.ch/html/menu5/wchr.htm
World Conference on Women and Development (Beijing) Declaration and Platform for Action	September 1995	http://www.un.org/womenwatch/daw/beijing/platform/

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban) Declaration and Programme of Action	8 September 2001	http://www.unhchr.ch/html/racism/Durban.htm
EUROPEAN PARLIAMENT		
Annual Human Rights Reports	1983 - 2002	http://www.europarl.ep.ec/comparl/afet/droi/annual_reports.htm
Resolution 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)	25 April 2002	http://www.europarl.ep.ec/comparl/afet/droi/other_reports.htm
Resolution on the Commission communication on EU election assistance and observation (COM (2000) 191 - C5-0259/2000)	15.03.2001	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on countering racism and xenophobia in the European Union, on the Commission communication: "Countering racism, xenophobia and anti-Semitism in the candidate countries" (COM (1999) 256 – C5-0094/1999), and on the World Conference against Racism	16.03.2000	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution 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)	17 December 1998	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on the report from the Commission	19 December 1997	http://www.europarl.eu.int/comparl/afet/droi/default.htm

on the implementation of measures intended to promote observance of human rights and democratic principles (for 1995) (COM (1996) 672 - C4-0095/1997)		
Resolution on setting up a single co-ordinating structure within the Commission, responsible for human rights and democratisation	19 December 1997	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution 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)	20 September 1996	http://www.europarl.eu.int/comparl/afet/droi/default.htm
COUNCIL		
EU guidelines on Human rights dialogues	13 December 2001	http://europa.eu.int/comm/external_relations/human_rights/doc/ghd12_01.htm
Guidelines for EU policy towards third countries on the death penalty of 29 June 1998	29 June 1998	http://europa.eu.int/comm/external_relations/human_rights/adp/guide_en.htm
Guidelines for EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment	9 April 2001	http://europa.eu.int/scadplus/leg/en/lvb/r10109.htm
Regulations (EC) No 975/1999 and (EC) No 976/1999 on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms	29 April 1999	Official Journal L 120 , 08/05/1999 P. 0001 - 0014
Common Position amending Common Position of 22 January 2001 on the International Criminal Court	20 June 2002	http://ue.eu.int/pesc/icc/doclist.asp?lang=en&doctype=1
Action Plan to follow-up on the Common Position of 22 January 2001 on the International	27 May 2002	http://ue.eu.int/pesc/icc/doclist.asp?lang=en&doctype=1

Criminal Court		
Conclusions on human rights and democratisation in third countries, together with practical measures endorsed for the implementation of the Council's conclusions of 25 June 2001	10 December 2002	
Conclusions 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)	25 June 2001	
Conclusions on the Commission communication on EU election assistance and observation (COM (2000) 191 - C5-0259/2000)	31 May 2001	
COMMISSION		
Programming Document for the European Initiative for Democracy and Human Rights (2002-2004)	20 December 2001	http://europa.eu.int/comm/external_relations/human_rights/doc/eidhr02_04.htm
OTHERS		
Appeal of the First World Congress against the Death Penalty in Strasbourg	June 2001	http://www.coe.int/T/E/Communication_and_Research/Press/Theme_Files/Death_penalty/e_IndexCongres.asp