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Committee on Civil Liberties, Justice and Home Affairs

2007/2274(INI)

27.3.2008

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Foreign Affairs

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

Draftsman: Giusto Catania

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the EU Annual Report on Human Rights in the World 2007 concentrates mainly on activities outside the Union and lacks a similar, comprehensive description of human rights activities and problems inside the Union,
- B. whereas the European Union Agency for Fundamental Rights (the Agency) was established on 1 March 2007 in Vienna and represents a first step in responding to Parliament's call for the establishment of an integrated framework of rules and institutions designed to confer binding force on the Charter of Fundamental Rights of the European Union and to ensure compliance with the system provided for under the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as to work out a comprehensive EU policy on the rights of minorities; whereas it is important to emphasise that the mandate of the Agency also covers those countries which have concluded stabilisation and association agreements with the EU;
- C. whereas the incorporation of the Charter of Fundamental Rights into the new Treaty and the fact that it is binding in nature are to be welcomed, even if the Charter is not binding in some Member States,
- D. whereas Parliament should continue to cooperate with the Council of Europe on the protection of human rights,
 - 1. Calls on the Council to analyse in its future Annual Reports on Human Rights in the World the situation of human rights in the world jointly with the assessment of the actual human rights situation in each Member State on the basis of the Agency's annual report; the joint analysis would evidence the Union's equal commitment to the protection of human rights both inside and outside its borders, so as to prevent any double standards;
 - 2. Urges the Council to transform its ad hoc working group on fundamental rights and citizenship into a standing Working Party, which could work in parallel with the Working Party on Human Rights (COHOM), and urges the Commission to assign a portfolio on human rights and fundamental freedoms to a single Commissioner;
 - 3. Is concerned about the fact that international cooperation in the fight against terrorism has often resulted in a lowering of the level of protection for human rights and fundamental freedoms, and believes that the EU should take stronger action at the international level to promote a strategy based on full respect for international standards and obligations in the human rights field;
 - 4. Urges the EU institutions and the Member States to implement the recommendations contained in its resolution of 14 February 2007 on the alleged use of European countries

by the CIA for the transportation and illegal detention of prisoners¹, which are aimed at unravelling the role of the Member States in the illegal practice of extraordinary rendition and ensuring that the Union and the Member States will no longer be involved in similar breaches of human rights in future;

5. Recalls its resolutions highlighting human rights abuses at the Guantánamo Bay detention centre and urges the EU institutions and Member States to continue their actions aimed at the closure of that detention centre on the grounds that its very existence continues to send out a negative signal as to how the fight against terrorism should be pursued; therefore calls on the Council and the Commission to promote an international initiative whereby the United States government would agree in accordance with international law that detainees would be either given a fair trial, or released, offered refugee status and found safe havens, which could be in the US or elsewhere, so as to avoid their being repatriated to countries where they would face a real risk of torture or persecution;
6. Encourages the EU to adopt a more holistic and integrated approach in addressing torture and not to regard it as an isolated issue; calls on the EU to take into consideration a wide spectrum of possible measures aimed at fighting torture, including prevention, assistance to victims and the fight against impunity; also calls on the Member States to allocate sufficient resources for the support and rehabilitation of torture victims;
7. Encourages the EU to continue strengthening the single area of security, freedom and justice, through which it will be possible, with a single immigration policy, to achieve the optimum protection of the rights of third country nationals arriving on EU territory, and notes that, in some Member States, the provisions concerning the area of security, freedom and justice are not binding;
8. Takes note of the new legislative packages in the area of legal migration, border control and illegal employment; maintains that the EU should introduce a common migration policy focusing on migrants' rights, opportunities for legal immigration and the combating of human trafficking rings;
9. Regrets that no analyses have been carried out of the situation in respect of human rights as they relate to migration within the EU;
10. Asks the Member States to ensure full respect for the human rights and fundamental freedoms of asylum-seekers and immigrants, regardless of their legal or illegal status on EU soil, which is a precondition for ensuring a credible EU human rights policy both inside and outside the EU;
11. Recalls that the purpose of creating a common asylum policy must be the protection of the individual, and not the reduction or externalisation of asylum applications to third countries with poor human rights records;
12. Calls on the Member States to improve their asylum policies so that they include women at risk of genital mutilation and to eliminate all violence related thereto;

¹ OJ C 287 E, 29.11.2007, p. 309.

13. Deprecates the arguments put forward by some Member States based on traditional, cultural or religious values of any kind in order to evade their obligation to eliminate violence against women, in particular violence related to female genital mutilation;
14. Considers that empowering women by ensuring full access to sexual and reproductive health information, services and supplies would put them in a better position to negotiate safe sex and protect themselves from sexually transmitted diseases, including HIV/AIDS;
15. Calls on the Commission and the Member States to promote the implementation of information campaigns on gender equality and combating gender violence and discrimination against women;
16. Calls on the Council and the Commission to include in their policies measures to ensure the protection of children's rights and to undertake to combat trafficking in children and all forms of exploitation, including child labour;
17. Draws attention to the discrimination and violent persecution suffered on the grounds of sexual orientation in some countries; calls on the EU institutions and the Member States to root out and take legal action against all forms of discrimination based on sexual orientation and gender identification within the EU;
18. Expresses its grave concern over the situation of third-country nationals applying for refugee status on the grounds of sexual orientation, such as Mehdi Kazemi and Pegah Emambakhsh, who are at risk of being repatriated from the UK to Iran and of being executed; recalls that expulsion of persons to a third country where they would be at risk of persecution, torture or death is a violation of European and international human rights obligations; asks the EU institutions and Member States concerned to find a solution to ensure that these two persons are not repatriated to Iran, and to monitor and evaluate the application of EU asylum law in the Member States; asks the Commission to address and resolve these issues through its forthcoming amendments to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national¹ and Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted²;
19. Calls on the Presidencies of the Council to organise the NGO Human Rights Forum in such a way as would allow civil society and the EU institutions also to hold in-depth discussions on human rights protection issues within the Member States;
20. Welcomes the extension of the ordinary legislative procedure (former codecision procedure) in the Treaty of Lisbon to more areas in the field of justice, freedom and home affairs, whereby Parliament will have a greater role in matters affecting the protection of human rights inside and outside the EU;

¹ OJ L 50, 25.2.2003, p. 1.

² OJ L 304, 30.9.2004, p. 12.

21. Calls on the Council and the Commission to facilitate the development of European Neighbourhood Policy (ENP) mechanisms, as the ENP has a significant impact on the protection and promotion of human rights, on the rule of law and democratic reform, on dissemination of the values of human rights and on increasing capacity in this regard;
22. Calls on the Member States to continue to defend and promote fundamental rights outside the EU.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	26.3.2008
Result of final vote	+: 32 -: 2 0: 0
Members present for the final vote	Alexander Alvaro, Philip Bradbourn, Giusto Catania, Carlos Coelho, Esther De Lange, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Armando França, Urszula Gacek, Patrick Gaubert, Lilli Gruber, Jeanine Hennis-Plasschaert, Ewa Klamt, Wolfgang Kreissl-Dörfler, Stavros Lambrinidis, Henrik Lax, Roselyne Lefrançois, Sarah Ludford, Rareș-Lucian Niculescu, Inger Segelström, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber
Substitute(s) present for the final vote	Edit Bauer, Ignasi Guardans Cambó, Sophia in 't Veld, Metin Kazak, Jean Lambert, Jörg Leichtfried, Siiri Oviir, Nicolae Vlad Popa
Substitute(s) under Rule 178(2) present for the final vote	Tobias Pflüger