

# EUROPEAN PARLIAMENT

2004



2009

*Subcommittee on Human Rights*

DROI\_PV(2006)0504\_1

## **MINUTES**

Meeting of 4 May 2006, from 15.00 to 18.30

BRUSSELS

The meeting opened at 15.15 on Thursday 4 May 2006, with Johan Van Hecke (Vice-Chairman) in the chair. Mrs H el ene Flautre, Mr Richard Howitt and Mr Charles Tannock excused.

**1. Adoption of agenda** DROI\_OJ (2006)0504\_1v01-00

The agenda was adopted with two additional subjects under point 6.

**2. Approval of minutes of the meeting of 13 March 2006**

The minutes were approved.

**3. Chairman's announcements**

*Ad hoc mission to Cambodia*

The chairman announced the ad hoc mission to Cambodia which has taken place from 18 to 24 April following the adoption of the EP resolution on 19 January 2006. The objective of the ad hoc mission was the evaluation of the human rights situation in that country. The president of the ad hoc delegation, Mr Marc Tarabella will participate in the subcommittee meeting on 19 June in order to discuss the results of the visit. A press communiqué has been distributed to members.

*Mugraby*

On 15 April 2006, the Highest Military Court of Lebanon acquitted Dr Muhamad Mugraby from charges of defamation against the military establishment and its officers. Dr Mugraby had been put on trial following his intervention at a meeting of the Mashreq Delegation in 2003 where he denounced the situation of detention centres in Lebanon.

## *Nepal*

After the hearing of the subcommittee on 20 February on Nepal, the situation has rapidly evolved. The Parliament has been reinstated after several weeks of manifestations for democracy; the new Prime Minister has nominated his cabinet.

## *The case of Dr Nour, Egypt*

Following the resolution adopted on 19 April 2006, the President of the People's Assembly has addressed a message to the European Parliament in which he confirmed the legality of the trial. On 18 Mai 2006, the Appeal Court will issue its judgement on the case.

## *External aspects of the policy on liberty, security and justice*

AFET has asked for the reinforced cooperation procedure for this report together with the LIBE committee (rapporteur Mr Bogdan Klich) which will include migration as one of the 5 subjects to be dealt with. The Socialist Group has been given the report in AFET.

The President of the subcommittee, Mrs H el ene Flautre, has asked for a study on the human rights aspects of the asylum and immigration policy of the EU. At its meeting on 19 June, the subcommittee will hold a first exchange of views on the issue.

## *European Initiative for Democracy and Human Rights*

Following the Enlarged Bureau of AFET on January 25, a working document has been prepared in order to start the discussion on the content of the new fifth instrument, the "European Initiative for Democracy and Human Rights", which Parliament has insisted upon in its negotiations on the new financial instruments for external action.

On 3 May, the AFET Enlarged Bureau asked to nominate a rapporteur (possibly Mrs H el ene Flautre and Mr Edward McMillan-Scott as co-rapporteurs) for the report which is closely linked to the negotiations over the other four financial instruments for the external policies.

Concerning the request of the subcommittee for authorisation of an initiative report on human rights dialogues and human rights consultations, the AFET Enlarged Bureau decided to ask for authorisation to make such a report only after the procedure on the EIDHR has been concluded.

## **4. Questions to the Commission**

The Commission's representatives answered questions concerning the freezing of assets of the organisation Women Awareness Raising Group Red Sea- Sudan, tabled by Mrs Elena Valenciano; Darfur/Sudan, tabled by Mr Simon Coveney; Angola, tabled by Mrs Assun  o Esteves.

## 5. **Public hearing on EU guidelines on torture and other cruel, inhuman or degrading punishment or treatment**

The hearing took place with the participation of the UN Special Rapporteur, Mr Manfred Nowak, Mrs Renate Kicker, Member of the Committee for the Prevention of Torture of the Council of Europe, Mr Eric Sottas, Director of OMCT, and Mr Eric Prokosch, former advisor to AI and author of a study commissioned by the subcommittee. Mr Ferdinand Trauttmansdorff took the floor for the EU Presidency and Mr Rolf Timans for the European Commission.

The following Members spoke: Mrs Assunção Esteves and Mr Árpád Duka-Zolyomi.

According to the most recent investigations, between 1997 and 2000, 150 countries have been notified as countries imposing torture, and other cruel and degrading treatments.

All speakers outlined some important issues that make difficult the prevention and the fight against torture. First of all, it is very difficult to collect information on the cases and bring responsible people before the Court. This is mainly due to the psychological impact on the victims that prevents fast investigation. A second important peculiarity deals with the interpretation of the term since there is no common definition of torture. This allows incongruous interpretations of the term as well as misinterpretations. All the speakers have underlined that a crucial point in the prevention of torture is to avoid dangerous definition.

From a legal point of view, the prohibition of torture cannot be subject to any derogation, being its application subject to an *ius cogens* norm. Moreover, it has to be prominent over the internal law. The prohibition itself is an *erga omnes* rule to be indistinctively applied to all the subjects of international law.

All speakers encouraged the international community to create binding norms for the prevention of torture. The UN working group on torture has drafted an advanced document that needs to be translated into a binding one.

With regard to the EU Guidelines on Torture, speakers suggested that the Commission should define the modalities of Parliament's involvement in their implementation which would allow the development of a more coherent and integrated framework for EU action towards third countries, in particular in cases where Member States do not implement them properly.

## 6. **Other business**

### ***Turkmenistan***

The chairman announced the decision of the delegation for Central Asia to ask for the authorisation of a fact-finding-mission to Turkmenistan on 19 June aiming at ascertain the human rights situation before the report comes to vote in plenary. The visit should facilitate dialogue in a constructive and transparent manner.

Mrs Tanja Cox from Human Rights Watch expressed her view that such a delegation visit would not bring any added value to the decision making process of the EP. She

underlined that the human rights situation in Turkmenistan is such that no agreement at all should be signed for the moment. The EP should vote against.

Mr Rolf Timans for the Commission (RELEX) underlined that the Commission would like to regularize the situation, as Turkmenistan is one of the rare countries with no legal basis for relations. Minimal contacts have been established in the recent past, including two rounds of a human rights dialogue on an ad-hoc basis (the next one will be held in June 2006).

Considering the human rights situation in Turkmenistan and the possible signature of the Interim Trade Agreement, broad support was expressed for the approach to amend the report on the Agreement with an annual review clause or a review mechanism in addition to the suspension clause. Such a clause would require the ITA to be subject to a yearly assessment of human rights issues and could involve consultation with NGOs and others. A review clause, rather than just a suspension clause, could decipher whether Turkmenistan merits engagement with the EU over isolation. Obviously, if the EP proceeds to sign this interim trade agreement, an EP resolution will have to accompany it (proposal of AFET).

The following Members spoke: Mr Árpád Duka-Zolyomi and Mrs Assunção Esteves.

***Exchange of views with the Special Representative of the Secretary General of the UN on internally displaced people, Prof. Walter Kälin***

Created in 1992, the Special Rapporteur received a reinforced mandate in 1994 which bridges humanitarian aid and human rights aspects. Prof. Walter Kälin informed members about figures and geographical distribution of internally displaced people worldwide, displaced by armed conflicts, human rights violations, violence in general, natural disasters or disasters provoked by human beings. The main UN guiding principles inherent to activities in favour of this group of people which are not protected by any special Treaty or Convention are the recognition of their rights, a better protection, their remaining in their own countries and the fact that the primary responsibility for their fate lies with the governments concerned. These principles are recognized by Heads of States and Governments, but need to be integrated on the national level.

The following Members spoke: Mr Árpád Duka-Zolyomi, Mrs Assunção Esteves and Mr Johan van Hecke.

**7. Date and place of next meeting**

The next meeting of the subcommittee, jointly organised with AFET and DEVE, takes place on Monday, 15 May, 19h00 in Strasbourg and deals with the human rights situation in Ethiopia, a year after the elections.

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Johan Van Hecke
Diputados/Poslanci/Medlemmer/Mitglieder/Parlamendiliikmed/Μέλη/Members/Députés/Deputati/Deputāti/Nariai/Képviselők/ Membri/Leden/Posłowie/Deputados/Jäsenet/Ledamöter
Árpád Duka-Zólyomi, Maria da Assunção Esteves, Eija-Riitta Korhola
Suplentes/Náhradníci/Stedfortrædere/Stellvertreter/Asendusliikmed/Αναπληρωτές/Substitutes/Suppléants/Supplenti/Aizstājēji/ Pavaduojantieji nariai/Póttagok/Sostituti/Plaatsvervangers/Zastępcy/Membros suplentes/Náhradníci/Namestniki/Varajäsenet/ Suppleanter
Philip Bushill-Matthews, Margrietus van den Berg, Koenraad Dillen,

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Eugen Mihaescu

<p>Por invitación del presidente/Na pozvání předsedy/Efter indbydelse fra formanden/Auf Einladung des Vorsitzenden/Esimehe kutsel/ Με πρόσκληση του Προέδρου/At the invitation of the Chair(wo)man/Sur l'invitation du président/Su invito del presidente/ Pēc priekšsēdētāja uzaicinājuma/Pirminikui pakvietus/Az elnök meghívására/Fuq stedina tač-'Chairman'/Op uitnodiging van de voorzitter/Na zaproszenie Przewodniczącego/A convite do Presidente/Na pozwanie predsedu/Na povabilo predsednika/ Puheenjohtajan kutsusta/På ordförandens inbjudan</p>
<p>Manfred Nowak (UN Special Rapporteur), Renate Kicker (Council of Europe), Eric Sottas (OMCT), Eric Prokosch (Author of study), Tanja Cox (HRW), Walter Kälin (Special Representative SG UN)</p>

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<p>Reckinger, Trautmansdorff</p>
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<p>Timans, Amadei, Levine</p>
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