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1. INTRODUCTION

This EU Annual Report on Human Rights is the sixth of its kind and covers the period from 1 July 2003 to 30 June 2004. It uses the conclusions of the General Affairs and External Relations Council (GAERC) on human rights and democratisation in third countries of 10 December 2002 as a framework for analysis of both internal and external human rights policies and their implementation.

The report aims to present how the set of common values on which the EU is based translates into the practical human rights policies and positions of the EU. Secondly, the factual information presented in the report serves as a basis for evaluation and identification of areas for improvement of the EU human rights policy.

The European Union is based upon and defined by its attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law. Adherence to these principles constitutes the foundation and prerequisite for peace, stability and prosperity in any society. The EU firmly believes this to be a legitimate concern and important responsibility of the international community.

The reporting period saw few major positive developments in the field of human rights. Worth mentioning, however, is the abolition of the death penalty in Armenia, Samoa and Bhutan and the support for the resolution on the death penalty, which was adopted with a record margin at the 60th session of the Commission on Human Rights (CHR). The abolition of the death penalty remains one of the focal points of the EU human rights policy. Another positive step at this year's CHR was the appointment of an Independent Expert on the protection of human rights while countering terrorism, which gives credence to the concern the EU attaches to this subject, also in the light of the atrocious bomb attack in Madrid on 11 March 2004. Main themes for the thematic Working Party on Human Rights (COHOM) in the reporting period were *Children and armed conflict* and *Human Rights Defenders,* for both of which a set of guidelines was adopted. Other positive developments are presented elsewhere in this report.

On the whole, the advancement of human rights remained difficult both on the ground and at institutional level. The human rights and humanitarian crisis in Sudan, which caused the deaths of thousands of people and led thousands more to flee their homes, calls for continued urgent action by the international community. The unstable situation in Iraq is of great concern while the worldwide threat of terrorism remained cause for alarm. The Middle East peace process seems to have reached a deadlock and needs to be revived. At the CHR the atmosphere was less confrontational than in previous years, although it remains difficult to bridge the divide between regional blocs as far as most country resolutions are concerned.

Despite being one of the most active players in the field of human rights, the EU is not always able to counter negative developments. This means that continued efforts are necessary to improve the EU's human rights policy with a view to achieving its main objective: raising the level of human rights protection and promotion around the world. Firstly, this requires simultaneous attention for both the internal and external dimension of the EU's human rights policy. Secondly, it is important to fine-tune a multidimensional approach to international action, which takes into consideration all instruments at the EU's disposal, such as, inter alia, démarches, political pressure, dialogue with interested countries, technical assistance, country resolutions and, where necessary, sanctions. The following chapters provide background information on both human rights within the EU and actions in international affairs, necessary for a broad-based discussion on all these aspects of the EU's human rights policy.

2. EU POLICIES IN THE FIELD OF HUMAN RIGHTS

2.1 Legal bases

The European Union is a community of shared values, founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. The European Union seeks to respect and promote universal human rights as laid down in the Universal Declaration of Human Rights of 1948 and the subsequent International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966. Besides these and other UN human rights instruments, the human rights policy and positions of the EU are also based on regional human rights instruments, such as the European Convention on Human Rights of 1950. The EU adheres to the principles of universality, interdependence and indivisibility of all human rights and democratic freedoms, which these international legal instruments enshrine – as reaffirmed at the 1993 World Conference on Human Rights held in Vienna.

The protection and the promotion of human rights not only constitute defining principles of the EU, but also form part of Community legislation. They were explicitly incorporated into and stated as common European objectives in the Treaty on European Union (TEU), which entered into force in November 1993. This step represented a significant strengthening of human rights as a priority issue for the EU in its internal as well as external policies.

With regard to internal policies, Article 2 of the TEU stipulates that the objective of the Union is to *'strengthen the protection of the rights and interests of the nationals of its Member States'* and to *'maintain and develop the Union as an area of freedom, security and justice'*. Additionally, Article 6(2) states that the Union is bound to respect *'fundamental rights, as guaranteed by the (...) Convention [of the Council of Europe] for the Protection of Human Rights and Fundamental Freedoms (...) and as they result from the constitutional traditions common to the Member States, as general principles of Community law'*. The latter article is applied by the European Court of Justice with regard to actions by the institutions of the EU insofar as the Court has jurisdiction over these issues. In addition, Article 7 of the TEU introduces a mechanism designed to punish serious and persistent violations of human rights by Member States of the European Union in the form of a suspension of rights enshrined in the TEU. This mechanism was further strengthened by the Treaty of Nice, concluded in December 2000.

On the external policies of the EU, Article 11 of the TEU states that efforts to *'develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms'* are among the objectives of the Common Foreign and Security Policy of the EU. Article 177 of the Treaty establishing the European Community requires that Community development cooperation policy also contributes to the achievement of these objectives.

The Charter of Fundamental Rights of the EU is also worth mentioning in this context. The Charter was proclaimed by the EU institutions – the Council, the Commission and the Parliament – in December 2000, and aims at strengthening the protection of fundamental rights in the light of changes in society, social progress and technological developments by making the rights more visible in an EU instrument.

The Charter will be further discussed in paragraph 3.2. In that section an update will also be given of the latest developments in the context of the Convention. At the Intergovernmental Conference in Brussels on 17 and 18 June 2004 the text of a draft Constitutional Treaty was agreed upon. The EU Charter of Fundamental Rights has been included in the second part of the draft.

2.2 Principles and priorities

On the basis of the legal foundations and competences outlined above, the Council sets out the principles and priorities of the EU human rights policy. In its conclusions on human rights and democratisation in third countries of 10 December 2002, the Council reaffirmed its commitment to:

- coherence and consistency between Community action and the Common Foreign and Security Policy (CFSP) as well as development policy through close cooperation and coordination between its competent bodies and with the Commission;
- mainstreaming of human rights and democratisation into EU policies and actions;
- openness of the EU's human rights and democratisation policy through a strengthened dialogue with the European Parliament and civil society;
- regular identification and review of priority actions in the implementation of its human rights and democratisation policy.[1]

These objectives were first laid down in the Council conclusions on human rights and democratisation of 25 June 2001[2] and are based on the Commission communication on the European Union's role in promoting human rights and democratisation in third countries of 8 May 2001. Progress in achieving the objectives laid down in the Council conclusions of 10 December 2002 is measured in an annual progress review, the first of which was published in February 2004.[3]

In the remainder of this chapter, necessary background information relevant to the issues of mainstreaming and dialogue with civil society will be presented first, while the follow-up given to all four priority areas mentioned above will be summed up in the concluding remarks. Chapters 3 and 4 provide an overview of human rights within the EU and action taken up by the EU in third countries and international fora.

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1 15138/02; see also: http://europa.eu.int/comm/external_relations/human_rights/gac.htm. See also 6429/03, Progress report of EU external action.

2 9547/01.

3 5751/04.

2.3 Main players

The importance attached to the promotion and protection of human rights and fundamental freedoms by the European Union is reflected in the fact that most bodies and institutions within the EU are involved in human rights issues. The European Council, the Council and the Commission are the main actors in policy-making, decision-making and implementation. It is, therefore, the human rights activities of these actors that are most widely presented in this report. However, the European Parliament, the European Court of Justice and the European Ombudsman also play significant roles in regard to promoting and protecting human rights, both within and outside the EU. In December 2003, the European Council, stressing the importance of human rights data collection and analysis with a view to defining Union policy in this field, agreed to build upon the existing European Monitoring Centre on Racism and Xenophobia and to extend its mandate to become a Human Rights Agency. The Commission is currently developing a proposal to that effect for approval by the Council of Ministers and the European Parliament.

Protection and promotion of human rights within the Member States of the Union are primarily a concern of the states themselves with due regard to their own judicial systems and international obligations. The Member States are parties to a number of international instruments of a legally binding and political character, and are therefore obliged to account for their actions within the field of human rights to a number of international organisations, including to the Council of Europe (CoE), the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations (UN). There are, however, certain specific human rights issues arising within the EU, such as discrimination, racism and xenophobia, which include aspects relating to the competence of the European Community. More information is given on those in Chapter 3 below.

The respective roles of the EU institutions in the promotion and protection of human rights in the EU's external relations vary according to the three so-called pillars of the EU, the European Community, the Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA). The roles of the Commission, the European Parliament and the Court of Justice are stronger where Community matters are involved. Primary responsibility for EU policies on CFSP and JHA lies with Member States. The Commission and the European Parliament, however, are fully associated with EU action.

The European Council

The European Council brings together the Heads of State or Government of the Member States and the President of the European Commission. Members of the European Council are accompanied by the Foreign Affairs Ministers and by the European Commissioner responsible for external relations. The decisions taken at the European Council meetings provide a major impetus for the definition of the general political guidelines of the European Union.

The Council of the European Union

The Council of the European Union is composed of ministerial representatives of each Member State. Human rights issues arising in the EU's external relations through the CFSP or through the European Community's trade or development policies are dealt with by Foreign Affairs Ministers in the General Affairs and External Relations Council. The Justice and Home Affairs Ministers are responsible in the Justice and Home Affairs Council for dealing with human rights issues arising within their sphere of competence and related to third countries.

Under the Treaty on European Union (TEU), the Council has to take the necessary decisions concerning the formulation and implementation of the CFSP. To that end it adopts the common positions, joint actions and decisions referred to in Chapter 4.

With the entry into force of the Amsterdam Treaty in May 1999, several spheres of cooperation in Justice and Home Affairs were transferred to the first pillar, where the Commission has a greater role to play, although the rules on decision-making in Justice and Home Affairs matters in the first pillar remain slightly different. The areas of cooperation concerned by this transfer relate to visas, asylum, immigration, and cooperation in civil law. Provisions regulating police cooperation and judicial cooperation in criminal matters remain in the third pillar, where the Council of Ministers may adopt joint positions, framework decisions, decisions or conventions in response to an initiative by a Member State or the Commission.

The Council's work is prepared by the Permanent Representatives Committee (COREPER), consisting of the Permanent Representatives of the Member States in Brussels and their deputies. This Committee also oversees and coordinates the work of the committees and working parties, made up of civil servants from the Member States, who prepare the matters to be discussed by COREPER and the Council.

The Political and Security Committee (PSC) monitors the international situation in the areas covered by the Common Foreign and Security Policy and contributes to the definition of policies, including on human rights, by delivering opinions to the Council, either at the latter's request or on its own initiative. It also monitors the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission. Moreover, in the event of a crisis, the PSC plays a central role in defining the Union's response to that crisis.

At working party level within the Council, the main body responsible for dealing with human rights issues in the EU's external relations is the thematic Working Party on Human Rights (COHOM). This Working Party is composed, as a general rule, of the heads of human rights divisions of the Ministries of Foreign Affairs of each of the Member States, as well as a representative of the Commission. With the adoption of the Council conclusions of September 2003, the mandate of COHOM was widened to include first-pillar issues such as cooperation and association agreements in order to provide for systematic consideration of internal human rights issues and to promote coherence between internal and external human rights policy. The Council's geographical working parties are responsible, however, for specific human rights cases arising within their respective regions, and the OSCE Working Party deals with both human rights policy and cases within the OSCE and CoE processes. There are also a number of working parties preparing the work of the Justice and Home Affairs Council, in which third country human rights issues may be discussed, such as the working parties on asylum, on migration, and on cooperation in criminal matters.

The Commission

The Commission is fully associated with the work undertaken under the CFSP and contributes to the formulation of EU policies and positions in the field of human rights. As a participant in the Troika, the Commission takes part in the external representation of the EU, for example in conducting dialogue and démarches on human rights issues with third countries. The Commission also delivers annual statements on human rights as an observer to the UN Commission on Human Rights (CHR) and UN General Assembly Third Committee within its sphere of competence.

Moreover, the promotion of human rights and democracy is a vital element of the Commission's policies and programmes. This report includes several examples of how the Commission seeks to promote human rights through trade and cooperation instruments and through activities within the EU relating to issues such as racism and xenophobia, and asylum and migration. The extensive funding which is channelled through the EU budget to human rights projects – both through the European Initiative for Democracy and Human Rights (EIDHR) and through bilateral and regional funding – stands as a further example of the Commission's activities in this field.

The European Parliament

The European Parliament acts as a strong voice for human rights and democracy issues and contributes to the formulation and implementation of EU policies in this field through its resolutions, reports, missions to third countries and human rights events, and oral and written questions. A decision was made to reinstate the Subcommittee on Human Rights under the newly elected European Parliament.

The Parliament adopts an *Annual Report on Human Rights in the World and the EU's human rights policy*. This year, the Rapporteur was Ms de Keyser (PSE/B). The report and related resolution - available at *http://www.europarl.eu.int/comparl/afet/droi/annual_reports.htm* - focuses on human rights and terrorism, reproductive health and the rights of people with disabilities. It is supplemented by an Explanatory Statement which provides further details on these issues and an overview of activities by the European Parliament in the field of human rights and democracy. In addition to responses to the report and resolution during the relevant plenary debate, the Commission provides a detailed written response to the main points in the report.

The Parliament also adopts resolutions and reports annually regarding fundamental rights in the EU. Since 2000, the yearly report has been based on the European Union Charter of Fundamental Rights. Full texts are available at: *http://www.europarl.eu.int/comparl/libe/elsj/zoom_in /03_en.htm#1*

The Parliament's Sakharov prize for freedom of thought was awarded in 2003 to UN staff and Secretary-General Kofi Annan. In accepting the award, Kofi Annan expressed his pride in accepting the award in memory of Sergio Vieira de Mello and the other UN staff who had lost their lives in working for peace in the world.

The European Court of Justice

The European Court of Justice, as the judicial institution of the EU, ensures respect for Community law in applying the Treaties. Community law is directly applicable in all Member States. The Court ensures that Community law is interpreted and applied equally throughout the EU. The Court has jurisdiction to hear disputes to which the Member States, the Community institutions, private undertakings and individuals may be parties.

Since the establishment of the Court in 1952, close to 9 000 cases have been brought before it. To cope with the increased case load and to deal with cases more rapidly, a Court of First Instance was set up by the Council in 1989. The Court has jurisdiction to hear direct actions and therefore also cases brought forward by individuals, including cases on human rights issues. The case law of the Court has gradually developed with due reference to the constitutional traditions common to the Member States and to international treaties for the protection of human rights on which Member States have collaborated or which they have signed and ratified. The Court has stated that the European Convention for the Protection of Human Rights and Fundamental Freedoms has special significance as a point of reference. The rulings given by the Court are binding and have confirmed that the obligation to respect fundamental rights applies both to EU institutions and to Member States in the area of Community law.

Although the Treaty establishing the European Community originally contained no specific reference to human rights, the Court of Justice has consistently held that fundamental rights form an integral part of the Community legal order, thereby ensuring that human rights are fully taken into account in the administration of justice. The Court's case law is now reflected in Article 6 of the TEU, which stipulates that liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law are founding principles of the EU.[4]

The European Ombudsman

The principal task of the European Ombudsman is to examine alleged cases of maladministration in the actions of Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance when acting in their judicial role. These cases are generally brought to the attention of the Ombudsman through complaints from European citizens. The Ombudsman can also undertake investigations on his own initiative. A number of these complaints and investigations relate to questions of human rights, particularly freedom of expression and non-discrimination. The European Ombudsman publishes an Annual Report, which also addresses the human rights effort of the institutions of the European Union. The most recent Annual Report by the European Ombudsman was submitted in April 2004.[5]

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[4] Further information about the European Court of Justice and the Court of First Instance is available at: *www.curia.eu.int/en/index.htm*

[5] The full report can be accessed at: *http://www.euro-ombudsman.eu.int/report/en/default.htm*

2.4 Mainstreaming

Mainstreaming is the process of integrating human rights and democratisation issues into all aspects of EU policy decision-making and implementation, including external assistance. Several sections of this report (for example section 3.1.8 on human rights and business and section 4.1.5 on human rights clauses) provide illustrations of the mainstreaming of human rights in practice through a variety of instruments.

On 23 February 2004 the Council endorsed a report drawn up by COHOM on the implementation of measures to achieve, inter alia, the goal of mainstreaming. These included the establishment of a subgroup on governance and human rights under the cooperation agreement with Bangladesh, intensified training on human rights for Commission staff in Brussels and in Commission Delegations, the wide range of bilateral and multilateral meetings at which Commissioner Patten has raised human rights concerns with third countries and the finalisation of a model *EU human rights fact sheet*, which will be used by EU Heads of Mission to report on human rights (with a first report due in October 2004). Such reports will serve to ensure that dialogue on human rights with third countries is based on comprehensive information. The importance of mainstreaming human rights in relations with developing countries was reiterated in the Council Conclusions of 19 November 2003 on the Commission Communication on Governance and Development. The EU should address governance issues, on a country-specific basis, as a practical concept which relates to the functioning of political, administrative, economic and social systems built on the respect for human rights, democracy and the rule of law.

The Commission has continued to develop training in human rights for EC officials in Brussels and EC Delegations, with several courses conducted, including sessions on children's rights (in cooperation with UNICEF) and caste-discrimination (with the International Dalit Solidarity Network). Specialised courses were also conducted on election observation.

Whilst the European Initiative for Democracy and Human Rights (EIDHR) is the dedicated budget line for human rights projects under the EU budget (see section 4.1.6), extensive support for such projects is also channelled through bilateral and regional support. Country Strategy Papers (CSPs) are a key tool in ensuring that human rights issues are properly considered in this context. Periodic reviews, including the current Mid-Term Review of a large number of CSPs, provide the opportunity for expanding and refining references to human rights in the CSPs.

2.5 Transparency and dialogue with civil society

The present report forms part of the general efforts to work towards the objective of a strengthened dialogue with the European Parliament and civil society. Initiatives to enhance the level of transparency of EU actions on human rights and democracy include briefings, exchanges of views and informal meetings between the Presidency, Members of the European Parliament and NGOs, for example in relation to the United Nations Commission on Human Rights.

Within the reporting period, the members of COHOM had several meetings with representatives of the main NGOs to discuss preparations for the 60th session of the Commission on Human Rights. The Italian and Irish Presidencies further continued the practice of holding debriefing meetings with NGO representatives of Amnesty International, Human Rights Watch and FIDH prior to and after COHOM meetings. NGOs and academia are invited to play an active role in the EU human rights dialogues with China and Iran (see 4.1.3). In addition, the Council and the Commission have sought to broaden access to information on human rights policy-making and implementation on their respective websites.

Commitment to developing and strengthening relations with civil society is also evident from the efforts that have been made to render the EU Human Rights Discussion Forum – an important discussion platform for representatives from NGOs, European institutions, Governments and academic circles – more effective and informative. The Italian Presidency and the European Commission jointly organised the Fifth European Union Human Rights Forum in Rome on 10 and 11 December 2003, which focused on the rights of the child. The Forum dealt with three specific themes:

- Child trafficking
- Sexual Exploitation of Children
- Children and armed conflict

It was attended by more than a hundred participants from the European Commission, the European Parliament, EU Member States, as well as civil society, national human rights institutions, international organisations and academia. In addition, representatives from associated countries participated, as did a number of third country representatives. The Forum produced a wide range of specific recommendations on the issue at hand that fed into the further elaboration of EU policies and programmes in the field of the rights of the child and the EU guidelines on children and armed conflict, in particular.

The Irish Presidency sought active input from NGOs for the establishment of EU guidelines on human rights defenders through organising a seminar in Dublin on 12 May 2004. This seminar was attended by relevant NGOs in this area, as well as human rights experts of Member States, and provided useful contributions that were partly incorporated into the final version of the guidelines.

Meanwhile, in addition to playing an important role in policy-making, NGOs are also essential implementing partners in the context of the EU's external assistance programmes, including the EIDHR.[6] Major NGOs also convene the Human Rights Contact Group meeting in the European Parliament, which brings together key speakers from the EU institutions, Member States and NGOs to address human rights issues.

3. HUMAN RIGHTS WITHIN THE EUROPEAN UNION

3.1 Thematic issues of particular importance

3.1.1 Human rights and terrorism

The terrorist attacks of 11 September 2001 set the fight against terrorism at the top of the EU agenda. The European Council, at its extraordinary meeting on 21 September 2001, adopted the first *EU Action Plan to combat terrorism*, an instrument aimed at developing a coordinated, coherent and cross-pillar approach. On that occasion, the European Council stated that the commitment to fight terrorism would have to go hand-in-hand with 'respect for the fundamental freedoms which form the basis of our civilisation'.

[6] In July 2003 the European Commission organised a seminar in Brussels, along the lines of a forum, to discuss the future strategic direction and programming of the EIDHR. The recommendations of this seminar will be taken into account in the programming of this initiative for 2004 and beyond. The event also addressed the key issues of civil society participation in policy-making and the best means of ensuring that human rights concerns are properly taken into account in all aspects of external relations/assistance (see *http://www.europa.eu.int/comm/commissioners/patten/speeches/index.htm* for intervention by Commissioner Patten). In addition to representatives of EU-based NGOs, more than a dozen human rights experts from civil society in all regions of the world were also invited and provided valuable first hand testimony on the issues that they would like the EU to tackle in the framework of its human rights policies and initiatives.

The terrorist attacks in Madrid on 11 March 2004, the biggest terrorist attack in the history of Europe, demonstrated the urgency of the EU commitment to the fight against terrorism. On 25 March all Member States, meeting within the European Council, approved the *Declaration on combating terrorism*, which updated the 2001 EU Action Plan. The *Declaration* describes acts of terrorism as attacks against the values on which the Union is founded. The Union and its Member States pledge to do everything within their power to combat all forms of terrorism in accordance with the fundamental principles of the Union, the provisions of the Charter of the United Nations and the obligations set out under UNSC Resolution 1373 (2001).

March 2004 also saw the adoption by the EU of its *EU Guidelines for a Common Approach to Combating Terrorism*, an internal document to the *EU Action Plan to Combat Terrorism* which sets out the EU approach on terrorism and human rights, and demonstrates the commitment of the Union to prevent and suppress terrorism in a visible and coherent manner.

The *Framework Decision on Combating Terrorism* (13 June 2002) ensures that terrorist activities are defined as criminal offences throughout the Union and commits each Member State to provide for a minimum level of criminal sanctions for these offences. There are no safe havens for terrorists within the EU and Member States are working together to follow up the Declaration with practical measures to further improve counter-terrorist efforts.

The basic objective of the EU in the fight against terrorism is to ensure that its citizens have the ability to live in freedom, peace and safety. All measures aimed at enhancing security must be taken without prejudice to individual rights and freedoms and the maintenance of the openness and tolerance of our societies. Respect for human rights and fundamental freedoms in the adoption and implementation of anti-terrorist measures and policies constitutes a basic principle of all actions undertaken by the EU, as follows:

- The European Union is founded on the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law. All these principles are common to and paramount in the constitutional traditions of all its Member States, and are principles of Community Law, as they are enshrined in the Rome Convention of November 1950.
- The *Framework Decision on Combating Terrorism* (13 June 2002) states in its preamble:
  1. The European Union is founded on the universal values of human dignity, liberty, equality and solidarity, respect for human rights and fundamental freedoms. It is based on the principle of democracy and the principle of the rule of law, principles which are common to the Member States.
  2. Terrorism constitutes one of the most serious violations of those principles. The La Gomera Declaration adopted at the informal Council meeting on 14 October 1995 affirmed that terrorism constitutes a threat to democracy, to the free exercise of human rights and to economic and social development.

- National as well as international efforts to combat terrorism must respect human rights and fundamental freedoms, the rule of law and, where applicable, humanitarian law. Violence should never be directed against civilians in the name of combating terrorism. Terrorism must not be answered by disregarding human rights, and the fight against terrorism must be carried out in accordance with international human rights law. Human rights apply to all persons, including persons who have committed or are suspected of having committed terrorist acts.
- All actions taken by the EU and its Member States in the field of counter-terrorism shall respect the fundamental rights and freedoms as guaranteed in the *European Convention for the Protection of Human Rights and Fundamental Freedoms*.
- No decision taken by the EU will have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU.
- The EU fully recognises the existence of a list of rights and freedoms that may not be derogated from under any circumstances, in particular the right to life; to freedom from torture and from cruel, inhuman or degrading treatment or punishment; to freedom of thought, conscience and religion; not to be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed; the right to be recognised as a person before the law; the right not to be held in slavery or servitude; and the right not to be imprisoned for inability to fulfil a contractual obligation.
- Decisions by the EU organs are subjected to judicial control, both at the EU level and at national level. As the *Framework Decision on the European Arrest Warrant* states in its preamble, the *Framework Decision* does not prevent a Member State from applying its constitutional rules relating to due process.
- No person shall be removed, expelled or extradited to a State where there is a serious risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.
- Victims of terrorism deserve special attention, as anticipated in the *Framework Decision on Combating Terrorism,* which called for the need to adopt special measures to protect and assist them, and the recently approved *Council Directive relating to compensation of crime victims*.
- The protection of personal data will be fully respected according to the *Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* of 28 January 1981.

3.1.2 Racism, xenophobia and anti-Semitism

The European Union is firmly committed to combating all forms of racism, racial discrimination, xenophobia and anti-Semitism. Article 13 of the Treaty establishing the European Community and Article 29 of the Treaty on European Union specifically mention the fight against racism and discrimination, while the Charter of Fundamental Rights of the European Union reaffirms the prohibition on discrimination on grounds of sex, race, colour, social or ethnic origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

After the adoption of the Amsterdam Treaty, which provided the European Community with new powers to tackle discrimination, a package of measures has been put into place to combat discrimination, comprising, inter alia, two Directives and a 6-year Community Action Programme.

Firstly, the Racial Equality Directive (2000/43/EC) prohibits racial and ethnic discrimination in the fields of employment, education, social security and healthcare, access to goods, services and housing, and provides for a wide range of related measures. It provides for the establishment in each Member State of an organisation to promote equal treatment. The deadline for transposition of this Directive into the national legislation of Member States expired on 19 July 2003.

Secondly, the Employment Equality Directive (2000/78/EC) implements the principle of equal treatment in the areas of employment and training irrespective of religion or belief, disability, age and sexual orientation. The deadline for transposition into the legislation of Member States expired on 2 December 2003. The European Commission is in the process of taking legal action against those Member States who have failed to implement the Directives. For the 10 new Member States both Directives were to be implemented by 1 May 2004.

Thirdly, the EU's legislative framework is backed up by the Community Action Programme to combat discrimination (2001-2006, with a budget of EUR 100 million), which is aimed at improving the understanding of issues related to discrimination, developing the capacity to tackle discrimination effectively and promoting the values underlying the fight against discrimination.

Under this programme, around 300 initiatives have so far been supported which directly impact on the fight against racism and xenophobia.

The programme is currently supporting a number of studies and data-collection activities on discrimination-related issues – including a study on Roma and enlargement and anti-discrimination provisions in public procurement – as well as transnational projects bringing together a wide range of actors involved in the fight against discrimination. It supports around 50 transnational partnerships exchanging experience and good practice in fighting discrimination, as well as the running costs of 4 European umbrella networks of non-governmental organisations representing and defending the rights of people exposed to discrimination (including the European Network against Racism), and 5 smaller European-level organisations.

The Commission has also launched a 5-year information campaign with the slogan *For Diversity. Against Discrimination.* to raise awareness of discrimination and to provide information about the new EU rules aimed at combating discrimination (see: www.stop-discrimination.info). Other awareness-raising activities have included a series of training seminars on the new legislation for judges and other legal practitioners organised in conjunction with the European Law Academy in Trier, Germany, and a European Conference in Limerick, Ireland in May 2004.

In response to growing alarm regarding anti-Semitism within the EU, President Prodi convened a high-level seminar on 19 February 2004: *Europe, against anti-Semitism for a Union of Diversity*. During the conference, Romano Prodi, Chairman of the European Commission, Joschka Fischer, German Foreign Minister, Elie Wiesel, the 1986 Nobel Peace Price laureate and Nathan Sharanski, the Israeli Minister for Diaspora, among others, spoke to representatives of states, religious organisations, NGOs and the general public. The conference was organised by the European Jewish Congress, the Conference of European Rabbis and the European Commission.

The EU remains seriously concerned about new forms and expressions of anti-Semitism, which, along other forms of intolerance, such as anti-Islamic incidents and the multiple forms of discriminations which for example women experience, pose a threat to democracy. The EU appreciates the initiatives of the OSCE in this field – the decision on tolerance and non-discrimination of the OSCE Maastricht Ministerial Council (2 December 2003) and the Berlin Declaration (April 2004) – which condemn all manifestations of anti-Semitism and all other acts of intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief, wherever they occur. The EU supports the endorsement of the Berlin Declaration by the OSCE Ministerial Council (Sofia, December 2004) and the OSCE's initiative for the organisation of three conferences during 2004 to discuss further ways and means of increasing the efforts of the OSCE and the participating States to promote tolerance and non-discrimination.

The European Union's Monitoring Centre on Racism and Xenophobia (EUMC), based in Vienna, provides additional support. Its research is essential to a proper understanding of the problems of racism and to the formulation of policies and practices to promote equality and fight discrimination.

Since the entry into force of the Amsterdam Treaty, the Commission has presented a set of legislative proposals in the fields of asylum and immigration policies[7] aimed at granting third country nationals rights and obligations comparable to those of EU citizens, a number of which have been adopted by the Council. The Commission communication on immigration, integration and employment adopted on 3 June 2003[8] emphasises how important the fight against discrimination is in the integration of legal immigrants in Europe. The creation of a society with a social and cultural environment in which immigrants can actively take part and interact with the host population is a very important step to increase tolerance and respect and to counteract discrimination. The communication calls for strong political leadership and clear commitment to promote pluralistic societies and condemn racism.

Moreover, in its general approach towards crime, the EU attaches special attention to the protection of and assistance to victims of crime, including racial crime, and on 15 March 2001 the Council adopted a Framework Decision on the standing of victims in criminal proceedings[9] and on 29 April 2004 a Council Directive relating to compensation to crime victims.

The *European Refugee Fund*[10] provides financial support for the reception, integration and voluntary repatriation of persons in need of international protection. Through the AGIS programme (2003-2007) the Commission co-finances actions on police and judicial cooperation in criminal matters, racism and xenophobia and assistance to victims, amongst other issues.

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7 *http://europa.eu.int/comm/justice_home/fsj/asylum/fsj_asylum_intro_en.htm*
8 COM (2003) 336 final of 3.6.2003.
9 OJ L 82, 22.3.2001, p. 1.
10 *http://europa.eu.int/comm/justice_home/project/erf/erf_en.htm*

Finally, other EU policies and programmes also continue to contribute to the fight against racism. Education, training and youth programmes aim to promote intercultural learning and tolerance by bringing together young people from different backgrounds. In the youth field, the fight against racism, xenophobia, anti-Semitism and related phenomena is a priority of the Commission's White Paper '*A New Impetus for European Youth*'. It is also an objective of the YOUTH Programme. On 28 May 2004 the Council adopted a *Declaration on Racism and Intolerance* in relation to Young People. In this Declaration the Youth Ministers agreed on an Action Plan for the fight against discrimination, racism, xenophobia, anti-Semitism and related phenomena in the youth field. They also decided to make this issue a priority in the youth sector in 2005.

3.1.3 Asylum and migration

In the last twelve-month period since July 2003 the European Union has continued to work intensively on the development of a common migration policy and on the establishment of a Common European Asylum System in accordance with the decision of the European Council held at Tampere in October 1999. Remarkable progress can be noted in the area, as underlined in the June 2004 communication from the Commission to the Council and the European Parliament on the assessment of the Tampere programme and future orientations[11].

In its proposals and actions concerning immigration and asylum, notably those based on Article 63 of the TEC, the Commission has continued to pay particular attention to humanitarian aspects and to ensuring full respect for the human rights-based principles enshrined in the European Convention on Human Rights, other international norms and the EU Charter on Fundamental Rights.

The adoption of the draft Constitutional Treaty in June 2004 with its ambitious provisions in the field of asylum and migration policies provides for a long-term prospect of future policy development.

[11] COM(2004)401 final of 2.6.2004.

Cooperation with third countries of origin and transit

To facilitate cooperation with third countries, in June 2003 the Commission tabled a proposal for a *programme of financial and technical assistance to third countries in the area of migration and asylum* with a budget of EUR 250 million for a five-year period (2004-2008). This Regulation was adopted in March 2004 and has established the *Aeneas programme* which aims to give financial and technical aid to third countries in order to support their efforts to improve management of migratory flows in all their dimensions: legal migration, illegal migration, readmission, reintegration and asylum/international protection. It is particularly intended for the third countries actively engaged in the preparation or implementation of a readmission agreement initialled, signed or concluded with the European Community.

It is worth noting that the projects financed under this programme will have to take place within the third countries concerned and are to be primarily in their interest. Moreover, as indicated in the first Article of the Regulation, respect for democratic principles and the rule of law, as well as of human and minority rights and of fundamental freedoms, constitutes an essential element for the application of the Regulation. If necessary, and as far as possible, the actions financed under this Regulation are to be associated with measures aimed at strengthening democracy and the rule of law.

Besides this specific programme, the Commission is also managing various cooperation programmes with third countries which include activities in the field of migration (TACIS, MEDA, etc.). Depending on the countries concerned, these activities include cooperation in the fight against illegal migration, but also actions for refugees and asylum seekers, legal migrants or long-term reintegration of migrants into their countries of origin. Moreover, the concept of migration management is now progressively taken into account in cooperation programmes with the objective of helping third countries to address the root causes of migration.

In December 2003 the Council adopted conclusions on the establishment of a monitoring and evaluation mechanism for third countries in the field of the fight against illegal immigration. The Commission is invited to report annually on the results of the monitoring and assessment activities and to make proposals or recommendations, as it deems appropriate. In this context it should be emphasised that not only existing national legislation aimed at preventing and combating illegal migration and its implementation, but also participation in international instruments dealing with asylum and migration, such as the 1951 Geneva Convention relating to the Status of Refugees and related Protocol on the Status of Refugees, New York, 1967, will be taken into equal consideration. The appropriate administrative structure for processing asylum applications, including adequate training for personnel involved and reception arrangements which ensure that asylum applicants can have a reasonable standard of living, will also be core elements of the evaluation. The Commission is requested to present its first annual report by the end of 2004.

In May 2003 the Council adopted conclusions on the synergy between migration and development policy. The Council reconfirmed its support for a comprehensive policy on migration of which the promotion of human rights in third countries is to be an important component. The Commission is invited to present further proposals in this field.

The establishment of a Common European Asylum System

During the period under review, the Council adopted:

- a Council Directive laying down minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (83/2004/EC) (OJ L …).

The Council also reached general agreement on the outstanding amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM (2002) 326 final of 18.6.2002) as well as on a proposal for a Council Decision establishing the European Refugee Fund for the period 2005-2010 (COM(2004) 102 of 12.2.2004). Formal adoption of these proposals will follow later this year. The first phase of the Common European Asylum System is therefore put in place within the deadline set out in the TEC.

In all the asylum proposals and instruments adopted, special attention has been devoted to children and to gender issues.

The Thessaloniki European Council in June 2003 invited the Commission to explore all parameters in order to ensure more orderly and managed entry into the EU of persons in need of international protection and to examine ways and means of enhancing the protection capacity of regions of origin. To that end, on 4 June 2004 the Commission adopted a communication on the managed entry into the EU of persons in need of international protection and enhancement of the protection capacity of the regions of origin ('improving access to durable solutions') (Brussels, 4.6.2004, COM(2004) 410 final). This communication will be further discussed in the Council.

Fair treatment of third-country nationals

In the field of legal immigration, several Directives were formally adopted or agreed politically:

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.
- Council Directive 2004/XX/EC on the short-term residence permits issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities (formally adopted in April 2004, but not yet published in the OJ).
- Council Directive 2004/XXX/EC on the conditions of admission of third-country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service (political agreement in March 2004, but not yet formally adopted).

The European Parliament lodged an action for annulment before the European Court of Justice by which it requested the partial annulment of certain provisions of the Directive on family reunification, on the grounds that it violates fundamental rights. This constitutes the first time that the EP has introduced an action for annulment on the basis of non-respect for fundamental rights. Discussions in the Council are continuing on the proposal for a Directive on a specific procedure for admitting third-country nationals for the purposes of scientific research (COM(2004)178).

Discussions in the Council on the proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001)386) are blocked, and the Commission envisages the adoption of a green paper on economic migration in the second half of 2004, with the aim of stimulating a broad consultation procedure with all interested parties and facilitating the drafting of a possible amended proposal.

The European Council in its conclusions of October 2003 asked the Commission to conduct a more general study on the links between legal and illegal immigration. The results of this study, which also examines national regulations for economic migrants, bilateral labour agreements with third countries and regularisation measures, were presented to the Council and the EP in June 2004[12]. This study highlights the fact that the fight against illegal migration starts with preventive measures and the suppression of its main incentives. Undeclared work in several countries or regions is a significant pull factor for illegal migration. Tackling the unregulated labour market is therefore a common objective which touches not only on the area of immigration but also on that of employment. Those who work in the hidden economy are often subject to exploitation, and denied the rights of other workers.

Management of migration flows

During the reporting period the Council reiterated the need for enhanced cooperation among Member States in managing migration flows. The Commission has tabled a proposal for a Council Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union that is to be adopted in 2004 and is intended to become operational in the course of 2005. It should be noted that the Agency will not have its own law enforcement competences, but will only assist Member States in their enforcement efforts, in particular with joint operations.

A proposal (Regulation) for a Community Code regarding the crossing of the external and internal borders by persons is being finalised. It will reflect Member States' obligations regarding international protection, in particular the principle of non-refoulement. It is worth noting too that the Commission put forward in August 2003 proposals for the establishment of a regime of local border traffic at the external land borders that are being discussed in the Council.

[12] COM(2004) 412 final of 4 June 2004.

The Brussels European Council on 16–17 October 2003 reaffirmed that a common return policy is a key element for an efficient and comprehensive immigration policy and it welcomed the Commission's intention to present a proposal to provide financial support for the repatriation of illegal immigrants and unsuccessful applicants for asylum to countries of origin and transit. Respect for fundamental rights and high security standards for the return of third country nationals must be at the core of the EU return policy.

In April 2004 the Council adopted the Council Decision on the organisation of joint flights for removals, from the territory of two or more Member States, of third-country nationals who are the subject of individual removal orders. This Decision is one of the concrete efforts aimed at reinforcing operational cooperation in the field, and it should be underlined that - in conformity with both the Charter of Fundamental Rights and the Constitutional Treaty - returnees on board such joint flights are also subject to *individual* removal decisions and that these flights take place with full respect for human rights. This clarification will help improve the understanding of joint flights, which have to ensure the return in safety and dignity of the persons concerned. The future Commission proposal on minimum standards for return procedures and the mutual recognition of return decisions will reaffirm these principles. Common guidelines on security provisions for joint removals by air are annexed to the Decision.

As a part of the common return policy, the Community has made progress with regard to readmission agreements where negotiations have been completed with Hong Kong, Macao, Sri Lanka and Albania. Community readmission agreements are purely technical agreements laying down, in a reciprocal manner, readmission obligations as well as the procedural arrangements for the physical transfer of persons to be readmitted. They only open up channels for orderly and coordinated returns. This means that Community readmission agreements only come into play once it has been finally established – if necessary after a national Court has ruled on the matter – that the person concerned does not have a right under any circumstances including humanitarian rights to stay on the territory of the Member State concerned.

Against this background, it is important to note that all Community readmission agreements contain a safeguard clause which clarifies that they are without prejudice to other rights, obligations and responsibilities of the Community, the Member States and the third party concerned arising under international law. Moreover they all contain a detailed and comprehensive data protection clause to prevent the authorities of the third country concerned from obtaining information about a possible (failed) asylum claim lodged in the EU by the person to be readmitted.

The Commission tabled a proposal on 25 November 2003 for a Council Decision establishing a secure web-based *Information and Coordination Network for Member States' Migration Management Services* aiming to provide for the rapid exchange of information via a comprehensive, modern and secure website among the Member States' migration management services involved in the fight against illegal immigration. The purpose of the Network is to provide a platform for the exchange of strategic, tactical and operational information concerning illegal migratory movements and on the fight against such phenomena. For the time being it is not envisaged – for technical and legal reasons – to exchange the personal data of illegal migrants or facilitators via the Network.

In February 2004 the Council adopted a Regulation on the creation of an immigration liaison officers network[13] in order to formalise and further enhance cooperation among immigration liaison officers (ILOs) posted in the same third country or region. One of the roles of the ILOs is to collect information concerning incidents and events that may be or become the cause for new developments with respect to flows of illegal immigrants, such as serious and general abuse of human rights in a third country concerned.

[13] Council Regulation (EC) No 377/2004 of 19 February 2004, OJ L 64, 2.3.2004, p. 1.

3.1.4 Persons belonging to minorities

The protection of persons belonging to minorities is an integral part of the EU policy on human rights. As a result of the enlargement process, the number of minority groups has more than doubled, thus considerably contributing to the Union's cultural, ethnic and linguistic diversity. Such an increase in the number of EU citizens belonging to national minorities enriches the EU in all respects. The *Draft Treaty establishing a Constitution for Europe* - which was agreed upon at the Intergovernmental Conference on 17 and 18 June 2004 - lists respect for the rights of persons belonging to minorities among the Union's basic values (Article I-2 of the draft).

At present Article 13 of the Treaty establishing the European Community enables the Community to take measures against the discrimination of persons belonging to minorities. The community availed itself of this possibility inter alia when it passed the Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial and ethnic origin. The EU Charter of Fundamental Rights adopted in Nice by the European Council in December 2001 calls for equality before the law of all people (Article 20); forbids any discrimination based on any ground, including membership of a national minority (Article 21); and states that the Union shall respect cultural, religious and linguistic diversity (Article 22). Referring to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment of persons irrespective of racial and ethnic origin, in June 2003 the EU launched an information campaign *For Diversity Against Discrimination*. The five-year information campaign promotes the rights under European anti-discrimination legislation. The European Parliament has addressed the question of the importance of minority languages and cultures on many occasions. In 2003, the European Parliament adopted a Resolution on European regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity. Three of the EP's recently renewed committees will deal with minority issues.

The latest enlargement of the EU resulted in the inclusion of a great number of people belonging to the Roma community. Convinced that there is a need for the promotion and protection of human rights of the Roma and for undertaking effective measures to speed up their social integration, the EU has actively participated in the elaboration of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area, adopted at the Maastricht meeting of the OSCE Ministerial Council in December 2003, and strongly supports its implementation.

The Copenhagen criteria (1993), designed for countries wishing to join the EU, specifically highlight the protection of minorities. The experience gained from implementing the Copenhagen criteria over the years is a valuable asset for the enlarging Union in its efforts to ensure respect for and protection of the human rights of persons belonging to minorities. The political criteria defined at Copenhagen – namely respect for and protection of minorities – are still important and should apply equally to the new Member States and the candidate countries. The European Parliament and the Commission made it clear in this regard that the EU's internal and external policies concerning human rights protection must be coordinated and consistent if they are to be effective.

3.1.5 Trafficking in human beings

The EU continued to develop a comprehensive policy to prevent and combat trafficking in human beings. This policy is based on a multi-disciplinary approach, including elements of prevention, protection of and assistance to victims and witnesses in criminal proceedings, substantive criminal law, and police and judicial cooperation. The importance of Article 5 of the EU Charter of Fundamental Rights has to be underlined: 'Trafficking in human beings is prohibited'.

The Commission further promoted discussions at experts' level by convening meetings on trafficking in human beings in the framework of the EU Forum for the Prevention of Organised Crime. A workshop focusing on public-private cooperation in order to prevent and combat trafficking in human beings was held on 30 June 2003. On 26 May 2004 a round table was organised, which concentrated on measures against child trafficking and related forms of exploitation. Furthermore, the results of the so-called Childoscope study (further to the Council Resolution of 2001 on the contribution of civil society in finding missing and sexually exploited children) were discussed, as well as possibilities for improving European data collection on sexual offences against minors.

The Commission's Experts Group on trafficking in human beings has held a number of meetings since September 2003 in order to draft a report on how to implement the recommendations of the Brussels Declaration of 2002 on preventing and combating trafficking in human beings. The report will be discussed in a workshop of the EU Forum on Organised Crime and submitted to the Commission in autumn 2004.

On 20 October 2003, the Council adopted a Resolution on initiatives to combat trafficking in human beings, in particular women. The Council called on Member States, inter alia, to continue their full commitment to pursuing at national, European and international level their activities against trafficking in human beings, in particular women, wherever possible in cooperation with, and where appropriate by providing support to, NGOs. Member States are also called upon to underline their commitment in respect of concrete measures, such as campaigns aimed at increasing awareness and intensifying cross-border and international cooperation in the fields of prevention, victim protection and assistance, with a view to achieving tangible results in the fight against trafficking in human beings, especially women, building on good practices and networks at the appropriate levels. Member States should also support and protect victims in accordance with national law in order to make it possible for them to return safely to their countries of origin or to receive adequate protection in their host countries. Finally, Member States are invited to use the financial resources of the Community initiative EQUAL to promote, in accordance with national legislation, the social and vocational integration of its beneficiaries**.**

On 22 December 2003 the Council adopted the Framework Decision on combating the sexual exploitation of children and child pornography. The Decision defines the crimes concerned and also includes provisions on penalties, liability of and sanctions on legal persons, jurisdiction, prosecution, protection of and assistance to victims. EU Member States have to implement the Decision by January 2006.

The Council Directive of 30 April 2004 on the residence permit issued to victims of human smuggling and human trafficking who cooperate with the competent authorities extends to all Member States (except Denmark, the United Kingdom and Ireland) and harmonises the conditions for issuing this residence permit and the treatment given to the victims. It has to be implemented by April 2006.

In 2003, the Council of Europe set up an ad hoc committee to draft a European Convention on action against trafficking in human beings (CAHTEH) which had its first meeting in September 2003. The final draft will be submitted to the Council of Ministers of the Council of Europe in December 2004, and will be open for signature in 2005. The Commission is participating in the negotiations. In this context, on 30 April 2003 the Commission adopted and submitted to the EU Council a proposal for a common position covering third pillar issues and a recommendation for a Council Decision authorising the Commission to negotiate those parts of the draft Convention that concern Community competences.

In the UN context, the scourge of trafficking in human beings and the common efforts to combat it was one of the main topics in the EU's interventions at the 58th session of the General Assembly and the 60th session of the Commission on Human Rights (CHR) and the 12th session of the Commission on Crime Prevention and Criminal Justice (CCPCJ). At the General Assembly the resolution on trafficking in women and girls was co-sponsored by all EU Member States. In order to strengthen national implementation and monitoring mechanisms and improve international awareness of the issue, a large number of EU Member States supported a cross-regional initiative at the 60th CHR for the establishment of a Special Rapporteur on Trafficking in Persons, especially in Women and Children. The EU is actively seeking to promote widespread ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which came into force in December 2003.

The Council and the Commission are continuously in touch with international organisations such as the UN, the Council of Europe and the OSCE in order to coordinate ongoing activities aimed at combating human trafficking.

In December 2003 the Ministerial Council of the OSCE adopted a comprehensive action plan to combat trafficking in human beings and decided to establish to that end a Special Representative, to be supported by a special unit in the OSCE Secretariat. In May 2004 the Chairman in Office of the OSCE appointed Ms Helga Konrad - the Chair of the Stability Pact Task Force on Trafficking in Human Beings for South Eastern Europe - as the first OSCE Special Representative on Combating Trafficking in Human Beings.

3.1.6 Rights of the child

The promotion and protection of the rights of the child continues to be an important part of the human rights policy of the EU in both internal and external relations (on the latter, see section 4.3.10 below). Following the decision taken in previous years, the Commission commenced a training programme on the rights of the child for its officials. A first session was held on 6-7 November 2003 with a senior UNICEF representative providing in-depth training on children's rights to 45 participants.

In July 2003, the European Parliament adopted for the first time a resolution on trafficking of children and child soldiers, followed by a resolution in September on human rights in the world. The African, Caribbean and Pacific Group of States (ACP) in a Joint Parliamentary Assembly with the EU also held its first debate on children's rights, adopting a resolution on children's rights and child soldiers in particular. In all three resolutions, the EC is called upon to integrate children's rights into development cooperation and to support programmes in the area of health and nutrition, education, armed conflict, violence and abuse and child trafficking.

From 10 to 11 December 2003 the Fifth European Union Human Rights Forum, jointly organised by the Italian Presidency and the EU Commission, took place in Rome. The Presidency decided to focus the Forum on Children Protection under International Law. In particular, the Forum discussed in depth the EU Guidelines on Children and Armed Conflict adopted in December by the GAERC. At its conclusion, the Plenary Session of the Forum expressed a set of recommendations to the governments of EU members and accession States, reaffirming the EU Guidelines as a decisive step towards a better protection of the child's interests.

3.1.7 Human rights of women

The European Union has always strived to ensure the promotion and protection of the human rights of women. The EU is aware of human rights abuses that are specific to women and aims to raise awareness of this in all its human rights activities. Its second major concern is encouragement of full participation by women in political, social and economic life. The provision of human rights education to women is on a par with the support given to women's professional and other organisations.

The Union has tried to implement the human rights of women through the banning of sex discrimination in access to goods and services, narrowing the gender gap within the Union, combating violence against women and trade in forced sex labour, striving to ensure a balance between professional and private life, and providing child care infrastructures.

The various compositions and groups of the Council of the EU all deal with gender equality and mainstreaming. The European Parliament and its Women's Rights Committee are continually active in ensuring that gender equality takes a key place in European Community policies.

Since the 1995 Beijing Fourth World Conference on Women, the European Union has moved gender equality to centre stage, and has implemented a dual strategy for the promotion of gender equality, namely, gender mainstreaming combined with specific actions. Soon after the adoption of the Beijing Platform, the Madrid European Council decided to carry out annual implementation reviews. During the initial years the reviews were general in scope, but since 1999 the Council has adopted conclusions on indicators and benchmarks, thus making the annual monitoring process more focused and structured. At the same time, to monitor EU-wide progress since the Beijing Conference, the European Commission has issued annual reports on equal opportunities for women and men in the European Union.

The adoption of the Amsterdam Treaty was another major milestone. In the Amsterdam Treaty, equality for women and men becomes one of the explicit tasks of the Community (Article 2), while Article 3 requires the Community to eliminate inequalities and promote equality for women and men in all its activities.

The Lisbon European Council (2000) invited the Commission and the Member States to further all aspects of equal opportunities in employment policies, including reducing occupational segregation and helping to reconcile working and family life, in particular by setting a new benchmark for improved childcare provision.

The 2000 European Commission communication *Towards a Framework Strategy on Gender Equality 2001-2005* specified that gender must be mainstreamed across the Commission's activities. This commitment is now reflected in the policies of the European Commission relating to external relations, development, trade and humanitarian aid.

The Athens Forum on Women, Peace and External Relations, held in May 2003, offered the opportunity for a review of the integration of gender issues into EU policies. In May 2004[14] the EU Equality Ministers reaffirmed the goal of gender equality as a central task of the Union. Furthermore there was support for the establishment of a European Gender Institute. Such an Institute will act as a source of expertise and learning which will assist in bringing about greater equality between women and men and will increase the opportunities for sharing knowledge, data and information on best practice.

3.1.8 Human rights and business

The main focus of EU-level activity regarding Corporate Social Responsibility (CSR) in the reporting period was the European Multi-Stakeholder Forum on CSR. The Forum was launched in October 2002 following the publication of the Commission's communication *CSR – A Business Contribution to Sustainable Development* (COM(2002)347 final) in July of the same year. It brought together a range of stakeholders (primarily business, unions and NGOs) in a series of round-tables with the two aims of improving knowledge about CSR by exchanging experience and good practice, and exploring the appropriateness of common guiding principles on CSR.

Four round-tables covered the following themes: improving knowledge about CSR and facilitating the exchange of experience and good practice; fostering CSR among small and medium-sized enterprises (SMEs); the development aspects of CSR; and diversity, convergence and transparency of CSR practices and tools. The round-table on the development aspects of CSR addressed issues such as the role of multinational enterprises in promoting human rights and core labour standards.

The forum was due to present its final consolidated report by the end of June 2004. On the basis of the final recommendations to emerge from the Forum, the Commission intends to publish a new communication on CSR by the end of 2004.

[14] The EU Presidency held an informal meeting of EU Equality Ministers, with the theme 'The New Horizons for Gender Equality', in Limerick on 6 May 2004.

The Commission has also continued to promote the OECD Guidelines for Multinational Enterprises, which form an international benchmark for responsible business conduct in areas such as human rights, labour standards and corruption. In particular, the Commission funded a series of workshops in developing countries during 2003 to promote awareness and understanding of the Guidelines among governments and key stakeholder groups.

The EU supports the initiative by United Nations Secretary-General Kofi Annan in which he challenges business leaders to join an international initiative – the Global Compact – that would bring companies together with UN agencies, labour and civil society to support the ten principles in the areas of human rights, labour and the environment. During the first Global Compact Leaders Summit, held on 24 June 2004 at UN Headquarters in New York, the Secretary-General announced the addition of a tenth principle against corruption. Through the power of collective action, the Global Compact seeks to advance responsible corporate citizenship so that business can be part of the solution to the challenges of globalisation.

The European Community continued to play a central role in the development and implementation of the *Kimberley Process Certification Scheme* (KPCS), the UN-backed multilateral initiative aimed at eradicating the trade in conflict diamonds which has contributed to fuelling civil war and large-scale human rights abuses in a number of African countries. Since September 2003, the EC has been chairing the Working Group on Monitoring in the Kimberley Process. In this capacity, it was instrumental in bringing about the creation, at the Sun City plenary meeting of the Kimberley Process, of a 'peer review system' to ensure effective monitoring of implementation of the KPCS by all participants in the scheme. The EC is now at the forefront of implementation of this peer review system, and led the first on-the-spot 'review visit' carried out by the Kimberley Process to an individual participant. The EC (as a participant in the scheme) has, moreover, volunteered to receive such a review visit itself in the second half of 2004.

The EU's General System of Preferences (GSP), as currently implemented through Council Regulation (EC) No 2501/2001, promotes an incentive approach to labour rights. The special incentive scheme for the protection of labour rights requires compliance with all of the 'core labour standards' on which the 1998 ILO Declaration on Fundamental Principles and Rights at Work is based. The scheme is available to countries on request. Currently, the arrangement has been granted to Moldova and Sri Lanka and five requests are pending. The GSP scheme includes a list of the exceptional circumstances in which preferences may be temporarily withdrawn in whole or in part (including the practice of slavery and violation of trade union rights). To date, Burma is the only country to have had preferences withdrawn in this way. However, in 2003, the Commission determined that reports regarding systematic and serious violations of freedom of association and the right to collective bargaining in Belarus were well-founded and commenced an investigation which is expected to be completed by the end of 2004. The Commission is also preparing a communication on the new ten-year guidelines for the GSP.

The EU and its Member States believe that businesses should be accountable for their actions. It strongly supports responsible business behaviour and is actively involved in a number of initiatives in pursuit of this. At the 2004 UN Commission on Human Rights the EU worked alongside a cross-regional group of states towards a decision that would lay the ground for an in-depth discussion of CSR based on a report from the High Commissioner. This discussion should clarify some of the problems contained within an initial set of draft norms. These draft norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights have been developed by the Sub-commission on the Promotion and Protection of Human Rights and endorsed by the Sub-commission for consideration.

The decision takes note of the draft norms and observes that they contain 'useful elements and ideas for consideration by the Commission'. It confirms the importance of the question of corporate responsibility with regard to human rights. It requests the Office of the High Commissioner for Human Rights, in consultation with all relevant stakeholders, to compile a report on the scope and legal status of existing initiatives and standards, including, inter alia, the draft norms, and to identify outstanding issues. It asks that this report be submitted to the Commission next year in order for it to identify options for strengthening standards on the responsibilities of transnational corporations and related business enterprises with regard to human rights and possible means of implementation. It also affirms that the Sub-Commission document containing the norms is a draft proposal, has no legal standing and should not be the subject of monitoring by the Sub-Commission. This text was co-sponsored by a cross-regional group of 25 states, including South Africa, Nigeria, Mexico, Japan, Bangladesh, Croatia, Australia, Guatemala, Norway, as well as EU Member States. The Office of the High Commissioner for Human Rights is in the process of compiling its report as tasked by the Commission on Human Rights.

The *European Union Code of Conduct on Arms Exports*, adopted by the Council of Ministers in June 1998, sets high standards in arms export responsibility. These standards include assessing all export licence applications with respect to the human rights situation in the destination country.

EU Member States assess the recipient country's attitude towards relevant principles established by international human rights instruments and will not issue an export licence if there is a clear risk that the proposed export might be used for internal repression in the destination country. Member States also pay particular attention when assessing licence applications to countries where serious violations of human rights have been established by bodies such as the UN, the Council of Europe or by the EU.

EU Member States encourage other arms-exporting states to subscribe to these principles as well as other criteria contained in the EU Code of Conduct.

At the end of 2002, the Commission made a proposal for controlling exports of goods which are not covered by national military lists or common lists of dual-use items, but at the same time have considerable significance from a human rights perspective. This proposal is currently under consideration in the Council of Ministers. The proposal makes licensable certain items which could be used for torture and the application of the death penalty, and bans the export of items which can only be used for those purposes.

3.2 Charter of Fundamental Rights and the Convention

With its proclamation at the Nice European Council in December 2000, the Charter of Fundamental Rights acquired significant prominence. It is a reference document enabling citizens of the Union and of the candidate countries for accession to acquaint themselves with their rights and with the values on which the Union is being built. Although it is not yet legally binding, citizens are increasingly invoking the Charter in their mail, appeals or petitions addressed to the Union's institutions.

Lawyers are also invoking the Charter more frequently before the Union's judicial bodies, while the Advocates-General at the Court of Justice of the Communities make reference to it in their conclusions on a regular basis, while nonetheless stressing that it is not legally binding.

Moreover, the Commission considers it necessary to draw practical conclusions from the proclamation of the Charter and to make respect for the rights contained therein its guiding principle. With this in mind, any proposal for a legislative act or any regulatory act adopted by the college will henceforth automatically be checked for its compatibility with the Charter, as evidenced by the inclusion of a standard recital in proposals linked to fundamental rights.

It should be noted that the Charter highlights the existing rights on which the Union is founded and which it observes in accordance with Article 6 of the TEU. It contains various categories of rights:

- the rights and freedoms and procedural guarantees as they result from the European Convention for the Protection of Human Rights and Fundamental Freedoms, and from the constitutional traditions common to the Member States;
- the rights linked to European citizenship, to be found in particular in part two of the Treaty establishing the European Community (TEC), entitled 'Citizenship of the Union';
- the economic, social and cultural rights which correspond to the provisions of labour law, on the one hand, and social law, on the other;
- the 'modern' rights, aimed, in particular, at meeting the challenges of the current and future development of information technologies or of genetic engineering.

In its draft European Constitution, the Convention on the Future of Europe proposed that the Charter be incorporated in full into the future European Constitution as an integral part of it, which would enable it to be given binding legal force. The Convention proposed a number of technical adjustments and new clarifications regarding the extent of the rights recognised under the Charter (Article 52(3) to (5)) which do not affect the substance of those rights. The Intergovernmental Conference which was concluded on 17 and 18 June 2004 endorsed this proposal. The Treaty establishing a Constitution for Europe, to be signed in the autumn, will therefore grant the Charter full constitutional value from its entry into force. The rights and principles which it contains will continue to apply to the Union institutions and to the Member States, although only when they are implementing Union law.

The network of independent experts on fundamental rights

The network of independent experts on fundamental rights was set up by the European Commission in September 2002 at the request of the European Parliament. It monitors the situation of fundamental rights in the Member States and in the Union, on the basis of the Charter of Fundamental Rights. It issues reports on the situation of fundamental rights in the Member States and in the Union, as well as opinions on specific issues related to the protection of fundamental rights in the Union.

The second report for 2003, presented in May 2004, was based on twenty-five national reports, which are available from the network of experts.

In the light of the Charter of Fundamental Rights, the report on the Union examines the initiatives taken in 2003 by the European institutions or by the Member States acting jointly within the framework of the Union. According to the report, the risks of fundamental rights being harmed by the Union's activities lie more in what the institutions have omitted to do than in what they have done. It recommends therefore that the Commission monitor national measures transposing Community directives to ensure that they do not violate fundamental rights.

For each article of the Charter the summary report highlights points of concern, positive points and good practices in both the Union's institutions and the Member States.

The network proposes that the Union reflect on how to ensure better linkage between the fundamental rights recognised in the Union and international human rights law, proposing, if necessary, that the Union accede to international conventions, in particular the revised European Social Charter of 3 May 1996.

The report makes an in-depth analysis of the EU's external activity in the field of justice, asylum and immigration. In particular, it examines the conclusion of agreements on mutual assistance in criminal matters between the EU and the United States and the readmission of illegal immigrants in a Member State under specific agreements with third countries. It stresses the need for the EU to ensure observance of fundamental rights in connection with these agreements.

All the documents in this second report by the network of independent experts are the sole responsibility of the network and do not commit the Commission either as to content or to the suggestions or comments they contain. They are all available on the European Commission's website *Freedom, security and justice*, *http://europa.eu.int/comm/justice_ home/index_en.htm* in French and English.

4. ACTIONS ON HUMAN RIGHTS IN INTERNATIONAL AFFAIRS

4.1 EU instruments and initiatives in relations with third countries

4.1.1 Common strategies, joint actions, common positions

This section gives an overview and update on common strategies, joint actions and common positions in force during the period under review.

Common strategies

The aim of common strategies is to set objectives and increase effectiveness of EU actions through enhancing the overall coherence of the Union's policy. They are adopted by the European Council (Heads of State or Government) to be implemented by the Union in areas where the Member States have important interests in common.

In the Common Foreign and Security Policy field, the Common Strategy on Russia, adopted in June 1999, led to a further reinforcement of the political dialogue at all levels, in which all questions of common interest were tackled, including Chechnya. In implementing this common strategy during the period covered by the report, the Italian and Irish Presidencies continued to act in accordance with the idea that relations between the EU and the Russian Federation must be based on a series of shared values among which paramount importance is given to the respect for the rule of law and the defence of democracy and human rights. The available methods of political dialogue and financial resources were applied by the EU to this end. The EU closely followed the situation of the media in Russia and underlined the importance of the plurality and independence of news in the federal, regional and local media. Following a decision made at the St. Petersburg Summit in May 2003, the Common Strategy was replaced in June 2004 by agreement on four common spaces between the EU and Russia (common economic space; common space on freedom, security and justice; common space on external security; common space on research and education, including culture).

As regards implementation of the Common Strategy on Ukraine (adopted in December 1999 for a period of 4 years and extended in December 2003), with the consolidation of democracy, the rule of law and civil society as one of its principal objectives, the years 2002-2003 have been marked by continued cooperation and dialogue between the EU and Ukraine in all the defined areas. Each Presidency presents a work plan on how to implement the Common Strategy, the results of which are subsequently reported to the European Council at least once a year. Freedom of the media has been among the key priorities in the period of the report, leading the EU to conduct various démarches on the deterioration of the media situation and the deaths of journalists. At the Ukraine-EU Summit on 7 October 2003, it was reaffirmed that the strengthening and stability of institutions guaranteeing democracy and the rule of law as well as political and economic reforms are of vital importance for Ukraine's development and for an intensified relationship with the EU.

In implementing the Common Strategy on the Mediterranean region, adopted in June 2000, the EU continued its efforts to set up a more structured dialogue in the fields of human rights, democracy, the rule of law and good governance.[15] In November 2003, the Council welcomed the Commission's communication on Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners (14413/03) and considered that further efforts were needed to improve the overall situation in the region with regard to respect for human rights and democracy. Human rights and democratisation issues should be an important part of the political dialogue both at regional and bilateral level, in the framework of the Association Councils, the Association Committees or the various ad hoc reinforced bilateral political dialogues that might be set up.

The 10 recommendations set out in the Commission communication and supported by the Council in its conclusions will in particular be followed up through the European Neighbourhood Policy (ENP) which the European Union launched in 2003 to share the benefits of the EU's enlargement on 1 May 2004 with its neighbouring countries in the East and in the South. The ENP will offer the countries a chance to participate in various EU activities through greater political, security, economic and cultural cooperation. Through the fulfilment of a set of priorities defined in a jointly agreed Action Plan, the countries will be brought closer to the European Union. In turn, they agree to mutually committing themselves to such common values as the rule of law, good governance, respect for human rights and the promotion of good neighbourly relations. A first series of European Neighbourhood Action Plans are being prepared with five Mediterranean partners with existing Association Agreements (Israel, Jordan, Morocco, Palestinian Authority and Tunisia) and should be agreed in autumn 2004. A second wave of Action Plans will be prepared in the second half of 2004 (Egypt, Lebanon, possibly Algeria). In the framework of the Action Plans a number of Mediterranean countries have agreed to establish a subcommittee on human rights, democratisation and governance. The first decision setting up such a subcommittee will be taken with Morocco following agreement at the Association Committee meeting on 23 October 2003. Jordan and Tunisia also signalled their acceptance in principle.

[15] OJ L 183, 22.07.2000, p. 5.

Joint actions

Joint actions address specific situations where operational action by the Union is deemed to be required. In the period covered by this report, the EU has adopted a considerable number of joint actions relevant to human rights.

On 1 January 2003 the European Union Police Mission (EUPM) was launched. This mission is the EU's first operation under the European Security and Defence Policy (ESDP). The EUPM followed on from the United Nations International Police Task Force in Bosnia and Herzegovina.

In December 2003 the EU launched the European Union Police Mission (EUPOL Proxima) to the former Yugoslav Republic of Macedonia.[16] This is the EU's second civilian crisis management operation under ESDP, and has a mandate of one year.

Following the adoption of the Joint Action regarding a contribution from the EU to the conflict settlement process in South Ossetia in October 2001, the EU has been contributing to the creation of conditions for the Georgian and South Ossetian sides to achieve real political progress towards a lasting and peaceful settlement of the differences between them.[17] Active EU participation in expert groups and a grant to the OSCE Mission to Georgia contribute to building momentum in the settlement process.

16 OJ L 249, 1.10.2003, pp. 66-69.
17 OJ L 157, 26.6.2003, p. 72.

On 22 June 2004 the Council adopted Joint Action 2004/523/CFSP providing for a new EU Rule of Law mission in Georgia.[18] The mission, named EUJUST Themis, will be the first Rule of Law mission launched in the context of the European Security and Defence Policy. The objective of the mission is to support the Georgian authorities in addressing urgent challenges in the criminal justice system, specifically to assist in the development of a horizontal governmental strategy guiding the reform process. The mission is expected to last 12 months, and the estimated total size of EUJUST Themis will be approximately 10 international civilian experts plus local staff. In the framework of EUJUST Themis, senior and highly experienced personnel will support, mentor and advise Ministers, senior officials and appropriate bodies at central government level. They will be co-located in Ministries and governmental bodies in the national capital.

In December 2003 the Council adopted the Joint Actions extending for 6 months and amending the mandates of the EU Special Representatives (EUSRs) in Afghanistan, for the Middle East Peace Process, for the African Great Lakes Region, for the South Caucasus and in the former Yugoslav Republic of Macedonia.[19] The extensions followed an overall review of the mandates carried out on the basis of the EUSR guidelines on appointment, mandate and financing, adopted by the Council in November 2003. In June 2004, the mandates were extended for another period of 8 months.[20]

On 5 June 2003 the Council adopted a Joint Action on the European Union military operation in the Democratic Republic of Congo.[21] The EU-led military operation, named *Artemis*, was conducted in accordance with the mandate set out in UN Security Council Resolution 1484 of 30 May 2003. This resolution authorised the deployment until 1 September 2003 of an interim emergency multinational force in Bunia (DRC) in close coordination with the UN Organisation Mission in the DRC (MONUC), to contribute *inter alia* to the stabilisation of the security conditions and the improvement of the humanitarian situation in Bunia.

18 OJ L 228, 29.6.2004, p. 21.
19 OJ L 326, 13.12.2003, pp. 37-46.
20 OJ L 234, 3.7.2004, pp. 13-18.
21 OJ L 143, 11.6.2003, p. 50.

On 13 May 2004, the EU adopted a Joint Action providing EU support to the establishment of an Integrated Police Unit (IPU) in the Democratic Republic of Congo (DRC).[22] The EU is supporting the training and equipping of the IPU in Kinshasa in order to contribute to ensuring the protection of the State institutions and to reinforce the internal security apparatus.

Common positions

Common positions define the approach of the Union to a particular matter of general interest of a geographic or thematic nature. Member States must ensure that their national policies conform to the common positions. In the period covered by this report, the EU drew up the following human rights-related common positions:

Western Balkans: in March 2004 the Council renewed its common position aimed at supporting the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia by placing a travel ban on persons involved in the evasion of justice.[23] The common position requires Member States to take the necessary measures to prevent the entry or transit of specific persons (listed in the annex to the common position) who are engaged in activities helping persons at large to evade justice for crimes for which the ICTY has indicted them, or who are otherwise acting in a manner which could obstruct effective implementation of the ICTY's mandate. The list of persons subject to the travel ban was updated on 28 June 2004, with the addition of further names.[24]

22 OJ L 182, 19.5.2004, p. 41.
23 OJ L 94, 31.3.2004, p. 65.
24 OJ L 233, 2.7.2004.

Burma/Myanmar: On 26 April 2004, the Council concluded that in view of the current political situation in Burma/Myanmar, as evidenced by the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect of human rights and democracy, the continuing detention of Daw Aung San Suu Kyi and other members of the National League for Democracy and the continuing serious violations of human rights, it was necessary to maintain the measures taken in 2003 against the military regime, those who benefit most from its misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.[25]

Africa: reviews are currently being carried out of the Common Position on human rights, democratic principles, the rule of law and good governance in Africa[26], as well as the Common Position concerning conflict prevention, management and resolution in Africa adopted on 26 January 2004.[27]

Rwanda: the Common Position of October 2002, committing the EU to pursuing a constructive and critical political dialogue with the Government of Rwanda, including amongst its objectives and priorities the recovery from genocide and the promotion of national reconciliation, the protection and promotion of human rights and fundamental freedoms, and the transition to democracy, was reviewed in the form of Council conclusions on 8 December 2003.[28]

Somalia: on 10 December 2002 the Council adopted a Common Position concerning restrictive measures against Somalia, putting into effect UN Security Council Resolution 1425 (2002) which extends the arms embargo to prohibit the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities.[29]

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25 OJ L 125, 28.4.2004, p. 61.
26 OJ L 158, 2.6.1998, p.1.
27 OJ L 21, 28.1.2004, p. 25.
28 OJ L 285, 23.10.2002, p. 3.
29 OJ L 334, 11.12.2002, p. 1.

Zimbabwe: noting further deterioration in the situation in Zimbabwe, where serious violations of human rights and of freedom of opinion, of association and of peaceful assembly continue to occur, the EU amended and extended the Common Position concerning restrictive measures against Zimbabwe.[30] The targeted measures were designed not to harm ordinary citizens of Zimbabwe or its neighbours and the EU remained committed to providing humanitarian assistance to the people of Zimbabwe.

The Democratic Republic of the Congo (DRC): on 14 June 2004 the Council adopted conclusions on EU support for the peace and transition process in the African Great Lakes region and the International Conference for Peace, Security, Democracy and Development in the region.

Nigeria: in May 2002 the Union repealed its Common Position of May 2001 and adopted a new one with the objective of strengthening relations between the EU and Nigeria in all areas of common interest. The new Common Position, to be reviewed annually, provides that strengthened relations between the EU and Nigeria shall be based on equality, dialogue and shared values of respect for human rights, democratic principles, the rule of law and good governance, to be achieved through a constructive political dialogue, as well as efficient development cooperation. The Common Position had not yet been reviewed during the period covered by this report.

Liberia: the Council amended its Common Position in order to implement UN Security Council Resolution 1478 (2003) amending and extending measures imposed against Liberia. These measures pertained to travel restrictions on certain individuals and the direct or indirect import into the Community of all round logs, timber products and diamonds originating in Liberia.[31]

30 OJ L 046, 20.2.2003, p. 30.
31 OJ L 124, 20.5.2003, p. 49.

Angola: the Council reviewed its Common Position on 13 October 2003 and welcomed the substantial political changes that occurred in Angola in 2002 with the completion of the main tasks of the peace process; it congratulated the Angolan government and UNITA for the political will shown in achieving the goal of peace and national reconciliation. The EU intends to maintain a positive, constructive and consistent approach so as to support Angola in its efforts to consolidate democracy and advance socio-economic developments.

Cuba: The EU Common Position on Cuba was maintained at the fourteenth evaluation in June 2004. The Council reiterated that the objectives of the European Union in its relations with Cuba remained the encouragement of a process of peaceful transition to pluralist democracy and respect for human rights and fundamental freedoms, as well as a sustainable economic recovery and an improvement in the living standards of the Cuban people. The Council strongly condemned the trial and sentencing in April and May 2004 of a group of 16 human rights activists and journalists. The Council reiterated that constructive engagement remained the basis of the European Union's policy towards Cuba. As a result of the lack of progress towards an improvement in the human rights situation, the Council reaffirmed that the measures adopted on 5 June 2003 would be maintained.

4.1.2 Démarches and declarations

Démarches on human rights to the authorities of third countries and press statements are important instruments of the EU's foreign policy, and the conclusions of meetings of the Council may equally address human rights issues in that context. Démarches are usually carried out, sometimes in a confidential manner, in 'Troika' format, or by the Presidency. In addition, the EU can make public declarations calling upon a government or other parties to respect human rights, or welcoming positive developments. These declarations are published simultaneously in Brussels and in the Presidency's capital.

Démarches and declarations are widely used to convey concerns related to human rights. The main subjects tackled by them are illegal detention, forced disappearances, the death penalty, torture, refugees and asylum seekers, free elections, extra-judicial executions, freedom of expression and of association, and the right to a fair trial. Démarches and declarations may also be employed, however, in a positive sense. For example, démarches are used to encourage third countries to lobby for support for a particular initiative in the promotion of human rights, such as ratifying a human rights-related international convention, and declarations may be made to welcome or encourage a particular initiative.

During the period covered by this report, démarches concerning human rights have been made inter alia on: Afghanistan, Albania, Angola, Australia, Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Bosnia Herzegovina, Burkina Faso, Burma, Burundi, Cambodia, China, Colombia, Croatia, Côte d'Ivoire, Cuba, the Democratic Republic of the Congo, Democratic People's Republic of Korea, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, FYROM, Guatemala, Guyana, Honduras, Indonesia, Iran, Israel, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Lesotho, Liberia, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nepal, Nigeria, Pakistan, Paraguay, Peru, Philippines, the Russian Federation, Serbia and Montenegro, Somalia, Sri Lanka, Sudan, Swaziland, Syria, Tanzania, Tunisia, Turkmenistan, Turkey, Ukraine, Uganda, the USA, Uzbekistan, Vietnam, Yemen, Zambia and Zimbabwe.

During the same period, the Union made human rights-related declarations concerning inter alia the following countries: Afghanistan, Armenia, Azerbaijan, Belarus, Bolivia, Bosnia-Herzegovina, Burma, Burundi, Chad, the Democratic Republic of the Congo, Côte d'Ivoire, Cuba, East Timor, Egypt, El Salvador, Eritrea, Ethiopia, Georgia, Guatemala, Guinea Bissau, Haiti, Hong Kong, Iraq, Israel, Kazakhstan, Lebanon, Liberia, Malaysia, Mauritania, Nepal, Philippines, Peru, the Russian Federation, Rwanda, Solomon Islands, Samoa, São Tomé and Principe, Serbia and Montenegro, Somalia, Sri Lanka, Sudan, Turkey, Togo, Yemen, Ukraine, Venezuela, Vietnam and Zimbabwe.

4.1.3 Human Rights Dialogues with China and Iran

EU-China Dialogue

The 17th round of the EU-China human rights dialogue took place in Dublin on 26 and 27 February 2004. The meeting provided an opportunity for the EU Troika to reiterate concerns about the death penalty, torture, freedom of expression, association and religion, and rights of persons belonging to minorities. The Chinese side signalled their intention to adopt new legislation on re-education through labour in order to introduce more judicial guarantees in the system. They also outlined the different stages which would be followed domestically to ratify the International Covenant on Civil and Political Rights. The EU welcomed China's announcement that its Constitution would be amended to include a reference to human rights, suggested that a further step be made to ensure that any constitutional provision becomes enforceable in the legal system and recommended that an independent national human rights institution be established in order to monitor respect for human rights in the country.

In 1994, the EU accepted 'the Chinese proposal to enter into an EU-China dialogue on human rights at expert level', while remaining 'concerned about the absence of progress in the human rights situation in China'. A first meeting took place in January 1995. Since then, the human rights dialogue has been taking place usually twice a year, apart from 1996 when China cancelled it. The dialogue was resumed in December 1997. In 2001, the Council formulated a number of key considerations regarding the dialogue, emphasising that the dialogue is not an end in itself, and is 'an acceptable option only if progress is achieved on the ground'. It also stated that the maintenance of the dialogue does not preclude the examination, and possible denunciation, of the situation of human rights in China in any international forum. It also decided that the results of the dialogue will be periodically evaluated.

The January 2001 Council Conclusions reaffirmed that the European Union's overall objective remained a stable and prosperous China, governed by the rule of law and based on respect for democratic principles and human rights, and that this was the framework within which the dialogue and the Union's practical activities were conducted. The Council Conclusions also defined the specific benchmarks on which the European Union would be seeking progress through the dialogue process, namely:

- The ratification and implementation of the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and cooperation with human rights mechanisms;
- Compliance with ECOSOC guarantees for the protection of those sentenced to death and restriction of the cases in which the death penalty can be imposed; provision of statistics on the use of the death penalty;
- Introduction of judicial supervision of procedures and reform of administrative detention;
- Respect for the fundamental rights of all prisoners, including those arrested for membership of the political opposition, unofficial religious movements or other movements; progress on access to prisoners in Chinese prisons including in the autonomous regions;
- Constructive response to individual cases raised by the EU;
- Untrammelled exercise of freedom of religion and belief, both public and private;
- Respect for the right to organise;
- Respect for cultural rights and religious freedoms in Tibet and Xinjiang; access for an independent delegation to the young Panchen Lama.

Over the years, the topics addressed during the dialogue sessions have been largely the same, covering all areas mentioned above. In support of the formal sessions of the dialogue, 'EU-China Human Rights Legal Seminars' have been organised under each Presidency. Bringing together representatives of the academic and NGO communities, they aim at providing experts' views on specific items that are addressed within the dialogue and offering a forum for exchange of expertise.

The 16th round of the EU-China Human Rights dialogue took place on 13-14 November 2003 in Beijing, while the 17th round was held in Dublin on 26-27 February 2004. Both meetings provided an opportunity for the EU Troika to reiterate concerns about the death penalty, torture, freedom of expression, association and religion, and minorities' rights. The Chinese side signalled their intention to adopt new legislation on re-education through labour in order to introduce more judicial guarantees in the system. They also outlined the different stages which would be followed domestically to ratify the International Covenant on Civil and Political Rights. The EU welcomed China's announcement that its Constitution would be amended to include a reference to human rights, suggested that a further step be made to ensure that any constitutional provision becomes enforceable in the legal system and recommended that an independent national human rights institution be established in order to monitor respect for human rights in the country. China also announced the planned visits of the UN Special Rapporteurs on Torture and Freedom of Religion as well as the Chair of the Working Group on Arbitrary Detention. However, the visits of the Rapporteurs have now been postponed by China. During both dialogue rounds, the EU raised the cases of a large number of individual prisoners of conscience through the handing over of a list, to which the Chinese side has also replied in written format. In March, two prisoners of conscience were released early (Wang Youcai and Phuntsog Nyidron), although it is reported that the latter is still under surveillance.

EU-Iran Dialogue

The EU's structured dialogue with Iran on human rights was initiated in October 2002, with a first roundtable meeting in December. This initiative was taken a few months after political agreement was reached on entering negotiations on a trade and cooperation agreement with that country. Having made it clear that the deepening of economic and commercial relations should be matched by similar progress in all other aspects of relations, among which human rights should be included, the EU considered that opening a specific, structured dialogue would offer a good opportunity to contribute to bringing about concrete improvements in the promotion and protection of human rights and fundamental freedoms in Iran.

The EU-Iran Human Rights dialogue is based on a number of mutually agreed principles: it is established without prejudice to the tabling of a resolution at the Third Committee of the United Nations General Assembly or the United Nations Commission on Human Rights; all human rights issues can be discussed; each party can choose to terminate the dialogue at any time; and the dialogue is based on realistic and concrete benchmarks to evaluate progress. Those benchmarks include all areas of concern to the EU including, inter alia, Iran's signature, ratification and implementation of international human rights instruments; cooperation with international human rights procedures and mechanisms; openness, access and transparency; the fight against discrimination; and improvements to the prison system. On average, two sessions are held per year.

The dialogue consists of two parts: a restricted officials' meeting, preceded by a round-table discussion. The EU is represented by the Troika at the high level officials' meeting, where its interlocutors are representatives of the Iranian Government, Judiciary, and Parliament. They also take part in the round-table. In addition, both the Iranian and EU delegations to the round-table include representatives of civil society (academics, experts and NGOs, including representatives of some of the main European-based NGOs). In September 2003, the participation of a few European-based Human Rights NGOs was the source of some divergence of views with the Iranian partners, which led to the postponement of the third session of the HR dialogue.

Initially planned to take place in Tehran in September, the third session of the EU-Iran Human Rights dialogue was eventually held in Brussels in October 2003, with the participation of all European NGOs initially identified by the EU. Discussions focused on two themes: freedom of expression and the right to development. Both these discussions and the restricted meeting at officials' level allowed open and frank exchanges of views on a very wide range of issues, where the EU made it clear that it was deeply concerned about the serious violations of human rights which were continuing to occur in Iran. This assessment was reflected further in the Council's conclusions of October 2003 and naturally led the EU Member States to vote in favour of the resolution introduced by Canada on Human Rights issues in Iran at the 58th session of the UN General Assembly.

As a result, the Iranian Ministry of Foreign Affairs was not forthcoming in confirming dates for the fourth session of the Human Rights dialogue, which eventually took place in June 2004 in Tehran, after the conclusion of the UN Commission on Human Rights, and not before it as initially planned. The round-table discussion focused on the Administration of Justice and International Cooperation to Promote Human Rights. During the fourth session of the dialogue at officials' level which followed, the EU stressed the importance of Iran adhering to the universally-accepted standards of human rights set out in the Universal Declaration of Human Rights and the two International Covenants on Human Rights. The discussions covered all aspects of the human rights situation in Iran. The EU delegation also raised the cases of 40 prisoners of conscience at present in detention in Iran, who should be released immediately and definitively. Concern was also reiterated at the destruction of the Baha'i holy site at Babol, and the refusal of the authorities to allow the dignified re-interment of the remains it contains.

The European Union took note that, since the last session of the dialogue, the UN's Special Rapporteur on freedom of opinion and expression had visited Iran, and welcomed the information that a visit of the Working Group on Enforced or Involuntary Disappearances was planned to take place in the near future. The EU encouraged the Iranian authorities to continue and enhance their cooperation with the human rights mechanisms of the United Nations, and underlined the importance of implementing their recommendations.

The dialogue was also the occasion to address a number of situations in Europe which, in the view of the Iranian side, were contrary to international human rights standards. The EU delegation reaffirmed the strong determination of the European Union and the Member States to promote tolerance and to protect the human rights of all those in their jurisdictions. It was stressed that effective institutions existed at both the national and international level to which anyone who believed their human rights to have been infringed could have recourse.

4.1.4 Human rights consultations with the US, Canada, Japan, New Zealand, Russia and associated countries

EU-associated countries consultations

The EU continued to coordinate closely with the associated countries Bulgaria, Romania and Turkey on human rights issues and the approach taken in multilateral fora, both in Brussels and in Geneva. A meeting took place in February 2004 in Brussels where the EU briefed these countries on the initiatives it was planning to take at the UN Commission on Human Rights (CHR) and took note of possible national initiatives and positions to be taken by the associated countries. The EU also briefed them on the development and implementation of the various EU Guidelines in the field of human rights. Both sides expressed an interest in the possibility of further cooperation with the OSCE, the European Committee on the Prevention of Torture (CPT) and the UN Special Rapporteurs.

EU-US consultations

The customary twice-yearly troika expert meetings with the US took place prior to the Third Committee of the UN General Assembly in October 2003 in Brussels and prior to the CHR in February 2004 in New York. During these consultations both sides discussed issues of common concern as well as areas in which they take a different approach. The EU raised in particular the use of capital punishment against juvenile offenders. The EU also informed the US of the human rights dialogues with Iran and China.

The EU and the US exchanged views on a number of worrying human rights situations in the world in the context of possible action at the CHR or the Third Committee, as well as on thematic issues such as the rights of the child, rights of women, religious intolerance, trafficking in human beings, CHR membership reform and corporate social responsibility. EU and the US cooperation on human rights resulted in the tabling of joint resolutions on Turkmenistan and Belarus in CHR 60 and in US support for some of the resolutions tabled by the EU.

EU-Canada consultations

Consultations on human rights with Canada took place prior to the Third Committee in October 2003 in Brussels and prior to CHR in February 2004 in New York. The meetings focused on cooperation in these two fora with regard to country specific and thematic resolutions. In this context, the EU and Canada exchanged views on reform of CHR and on the draft norms on Transnational Corporations and the draft resolution on sexual orientation.

The EU and Canada also discussed other human rights issues and developments. For instance, the EU briefed Canada on the EU guidelines on Children and Armed Conflict and on the human rights dialogue with Iran. Canada and the EU also compared notes on the results of their human rights dialogues with China. Both sides identified a number of areas of strong common attitude on which the EU and Canada should cooperate closely, including on disability, racism and human rights defenders.

EU-Japan consultations

During the period covered by this report the EU and Japan had two more of their regular meetings to discuss human rights issues, in Brussels in November 2003 and March 2004. The meetings were largely focused on coordination and cooperation in the Third Committee and CHR 60, but also included exchanges of views on several of the many issues on which the EU and Japan share a common interest.

Topics discussed included the ongoing discussions in the UN on disability issues; human rights dialogues with third countries; the ICC; and Japan's preparations for ratification of the two optional protocols to the CRC and of the two additional protocols to the Geneva Conventions. The EU also raised the question of the death penalty.

EU-New Zealand consultations

Consultations on human rights with New Zealand took place for the first time in Brussels in February 2004. The discussions covered a wide range of issues. Amongst the matters discussed were the international multilateral agenda and progress overall; reviewing the 2003 session of the Third Committee; preparing for CHR 60; looking at reform proposals for the Treaty bodies, the CHR and the OHCHR; and exchanging information on approaches to country statements in the CHR and the Third Committee, and on dialogue with third countries on human rights issues. Many areas of common interest and concern were identified, and ideas exchanged as to how best to take matters forward.

Consultations with Russia

The Presidency, accompanied by the Commission and the Council Secretariat, held consultations on human rights with Russia, in February 2004 in Brussels. Discussions focused on preparations for the CHR but also covered other human rights questions such as regional human rights issues, special procedures and human rights bodies and cooperation in multilateral fora.

4.1.5 Human rights clauses in cooperation agreements with third countries

The so-called 'human rights clause' has been systematically included in the European Community bilateral trade and cooperation agreements with third countries since the early 1990s. This clause is very important for the EU policy strategy on development and constitutes a decisive step towards the harmonisation of the human rights dimension with other dimensions of the EU policy agenda. The clause stipulates that respect for human rights and democratic principles underpins the internal and external policies of the parties. In the event that those principles are breached, the EU may impose certain negative measures, with the ultimate possibility of suspending the agreement. However, the principal rationale for the clause is to form a positive basis for advancing human rights in third countries through dialogue and persuasion.

To that end, the Commission has continued to explore ways in which to address human rights in a more structured manner with third countries on the basis of EC agreements. In 2001, Bangladesh was the first country to agree to an institutionalised dialogue on human rights and governance issues in the framework of the EC-Bangladesh Joint Commission. The first subgroup meeting was held in 2003. In 2003, the Commission and the government of Vietnam agreed to set up a specific subgroup on institution-building, administrative reform, governance and human rights. Similarly, in 2004 the Commission agreed with Laos to establish an informal working group dealing with these matters. A preliminary study is being undertaken in order to create a solid basis for the discussion. The conclusion of a new Cooperation Agreement with the Islamic Republic of Pakistan on 29 April 2004 – which includes the human rights clause – is also expected to lead to the establishment of a specialised working group on human rights and related issues. Such groups provide an opportunity for in-depth exchanges on human rights issues between EU and third country officials, including identification of further support for human rights projects.

In the context of the follow-up to the Commission Communication of 21 May 2003 on *Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners*, a number of Mediterranean partners, such as Morocco and Jordan, are actively considering the possibility of instituting a specific sub-committee on human rights and democratisation issues under their respective Association Agreements with the EU. The EU's commitment to engaging on human rights and democracy issues in the Mediterranean has resulted in the convening of a first Euromed workshop with Mediterranean partners on 22 June 2004. The workshop exchanged views on children's rights, in particular the implementation of commitments made at the UN General Assembly Special Session on Children in May 2002 and cross-frontier family law issues.

4.1.6 Activities funded under the European Initiative for Democracy and Human Rights

The *European Initiative for democracy and Human Rights* (EIDHR) supports actions in the field of human rights, democratisation and conflict prevention. These operations are essentially executed in partnership with NGOs and international organisations. Council Regulations 975/1999[32] and 976/1999[33] constitute the legal basis of these activities.

Substantial improvements have been made in the past few years to elaborate and implement policies on human rights and democracy, leading to a much more focused and results-oriented approach. In May 2001 the European Commission adopted the Communication on the European Union's role in promoting human rights and democratisation in third countries[34]. To enhance the impact and effectiveness of the EIDHR, the Communication proposed the adoption of a more strategic, prioritised and longer-term approach. On the basis of the Communication, the Commission adopted a Programming Document setting out the thematic and geographic priorities of the EIDHR for the period 2002-2004. The Document provides descriptions of possible programmes, types of assistance and activities, defining specific objectives and results under each of the four priority themes set out in the Communication. It also provides a specific programming framework for election observation activities. Following the approach of the Communication, the document identifies 29 focus countries which will receive the bulk of the assistance.

In order to respond to new priorities, the Commission adopted the EIDHR Programming update for 2003 and an update for 2004 which forms the basis for all actions to be undertaken in these years. These two updates add three new focus countries (Angola, China and Iraq) and set out the priorities for each of them.

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32 Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting Human Rights and fundamental freedoms.

33 Council Regulation (EC) No 976/1999 of 29 April 1999 laying down the requirements for the implementation of Community operations.

34 COM(2001)252 final.

EIDHR activities between July 2003 and June 2004

As in previous years, three types of instrument were used to implement the EIDHR:

Projects identified through calls for proposals

Although the Call for Proposals relating to *Support for Democratisation, Good Governance and the Rule of Law* was launched in 2002, 58 projects totalling EUR 39 954 641 were selected and financed in the second half of 2003 and targeted the focus countries only. A further five projects amounting to EUR 4 297 954 were deferred from the 2002 Call for Proposals *Fighting impunity and promoting International Justice* and implemented with the 2003 budget. One project worth EUR 623 000 was selected from the restricted call for proposals *Promoting Women's Rights in the Maghreb Region (Morocco, Algeria and Tunisia) by means of Awareness-raising, Strengthening Women's Organisations and by Legal and Political Reforms*.

The Call for Proposals relating to *Support for the Rehabilitation of the Victims of Torture* was launched in August 2003. This call aimed at selecting projects which supported the rehabilitation of torture victims in rehabilitation centres based inside the EU. The actions are funded under budget heading B5-813 *'Support to rehabilitation centres for torture victims based on EU territory'*. A total of eight projects were selected for an overall amount of EUR 4 955 949.

The Calls for Proposals relating to *Promotion of democratisation and human rights in Iran* and *Support for Democracy, Good Governance and the Rule of Law* were launched respectively in April and May 2004 with a budget of EUR 2 500 000 for the first call and EUR 39 300 000 for the latter.

Micro-projects

The *Micro-projects programme* is used to finance projects with a budget ranging from EUR 10 000 to EUR 100 000. The programme is designed to give extra support to local civil society initiatives. Micro-projects are managed directly by the Commission delegations and are selected by local calls for proposals. In 2003, the programme benefited from a global budget of EUR 14,6 million allocated to 30 focus countries and to be implemented between 2003 and 2004.

Targeted projects are systematically used for projects drawn up with international and regional organisations. They are identified by the Commission as projects that pursue specific objectives that cannot be achieved by means of a call for proposals. In 2003, 39 projects (including electoral assistance and observation projects) were selected for a global EU contribution of EUR 38 846 110.

Election Observation

Between July 2003 and June 2004, the EIDHR organised, set up and deployed six EU election observation missions worth just under EUR 11 million in Cambodia, Mozambique, Guatemala, Malawi, Sri Lanka and Indonesia.

4.2 EU actions in international fora

4.2.1 58th Session of the UN General Assembly: the Third Committee

The Third Committee at UN General Assembly 58 (UNGA) adopted a number of important human rights initiatives. The EU was once again one of the main driving forces behind the work of the Third Committee. It participated actively in formal session as well as informal consultations and introduced a number of resolutions.

As in 2002, the EU's main human rights statement was a thematic statement. This approach allowed the EU clearly to set out its priorities on democracy, the death penalty, torture and impunity.

The EU's continued approach of streamlining and focusing country resolution texts was welcomed by co-sponsors and other interested parties. Many troika meetings were held with third countries and regional groups, including ASEAN, JUSCANZ, the Rio Group, the G77 and others. The Presidency sought a transparent and inclusive approach to the work within the Committee, inter alia through distributing written position papers in relation to particular resolutions.

On country-specific issues, the EU successfully tabled resolutions on the human rights situation in Burma, Turkmenistan and the Democratic Republic of the Congo (DRC). With active EU support, successful resolutions were also tabled on Iran and Cambodia. As in 2002, the EU and Group of Latin American and Caribbean Countries (GRULAC) countries tabled their usual resolution on the Rights of the Child. Unfortunately the General Assembly could not agree the resolution unanimously (for the first time) and several rounds of votes were called. Finally, the resolution was adopted with only the US voting against it.

On behalf of the EU, the Italian Presidency delivered a significant number of statements and explanations of vote in the plenary (30 in total).

Some Member States also introduced national initiatives, all of which were adopted.

There was also a vote on the resolution tabled by Mexico on the protection of human rights whilst countering terrorism (which was passed with only India abstaining).

For the fifth consecutive year the Commission made a statement on behalf of the European Community, this year on EIDHR.

4.2.2 60th Session of the UN Commission on Human Rights

At the end of the 60th Session of the UN Commission on Human Rights, the EU drew relatively positive conclusions from it and rated some progress. The Member States were agreed that the highly professional Chairmanship of the Australian Ambassador, Mike Smith, had undoubtedly contributed towards ensuring efficient and productive proceedings.

The atmosphere was on the whole less conflictual than in previous years, but two events nevertheless characterised this session of the Commission on Human Rights.

On 24 March 2004 the Commission held an extraordinary emergency session to examine the situation in the occupied Palestinian territory as a result of the assassination on 22 March of Sheikh Ahmad Yassin. At the end of that session, the Commission proceeded with a vote to condemn the assassination and to urge Israel to cease all forms of human rights violations in the occupied Palestinian territory, noting with concern the effects on the general situation of such targeted assassinations of political figures by the Israeli forces of occupation.

The assassination of the leader of Hamas, Abdel Aziz al-Rantissi was placed on the agenda. However, unlike the assasination of his predecessor, Sheikh Yassin, this was not the subject of an extraordinary session but of a declaration by the Pakistani Permanent Representative, speaking on behalf of the Organisation of the Islamic Conference (OIC).

This year it was the first time that a European Union initiative on the Israeli settlements was not supported by the OIC, and was criticised by Israel, the Palestinian Authority and the United States.

On 7 April 2004 Kofi Annan, Secretary-General of the United Nations, addressed the Commission on the occasion of the International Day of reflection on genocide. On the occasion of the 10th anniversary of the genocide in Rwanda, Kofi Annan announced the creation, within the UN administration, of a post of Special Adviser for the prevention of genocide and of an action programme to ensure that the tragedy that affected Rwanda ten years ago did not recur. Mr Annan particularly stressed the gravity of the situation in Darfur.

As in previous years, the EU was the participant that launched the greatest number of initiatives. These included 3 resolutions on thematic issues and 10 on situations in specific countries. Apart from these, many Member States of the European Union presented their own national initiatives.

The European Union also made 14 declarations on the various agenda items and associated itself with other participants in various declarations. These declarations and the European Union's constant participation in the interactive debates with the various special rapporteurs confirmed the EU's united presence within the CHR.

The EU has undertaken démarches, both in Geneva and throughout the world, to gain support for its initiatives. The European Union's cohesion was strong. Of all the resolutions, there was only one on which its votes diverged, i.e. the resolution on the occupied Arab Territories.

The European Union declaration under agenda item 9 dealing with country situations was further curtailed in relation to the previous year. The new, shorter and more concise format proved to be more effective. Of the sixty countries that appeared in the 2002 text, the EU chose to focus on about ten whose human rights records caused greatest concern, in thematic contexts, in order to improve the impact of its statement.

The resolutions put forward by the EU concerned the human rights situation in the following countries and regions: the Republic of Chechnya in the Russian Federation, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Israeli settlements in the occupied Arab territories, Myanmar/Burma and Zimbabwe. Together with the United States, the EU put forward resolutions on the human rights situation in Belarus and in Turkmenistan. The EU also put forward Chairperson's statements on Colombia, Timor-Leste and the Sudan.
The EU welcomed the fact that the CHR voted in favour of its resolutions on the human rights situation in North Korea, Turkmenistan and Belarus (the last submitted together with the United States) and adopted by consensus its resolution on Burma/Myanmar. The CHR authorised the creation of two new special rapporteur mandates for North Korea and Belarus. Unfortunately the EU lost again the vote on its initiative on Chechnya (12/23/18).

However, it could not but regret that the resolution on the human rights situation in China disappeared from the agenda through a no-action motion, which was also the fate of the draft resolution on Zimbabwe submitted by the European Union. The EU is opposed to the thrust of no-action motions, which prevent any discussion taking place. It also intends to resist the increasing attacks by countries of other regional groups against the existence of item 9 on the agenda. The latter must continue to play its full part in the international system for promoting and protecting human rights.

The EU also submitted with success a resolution on religious intolerance (initially a national initiative by Ireland).

The now traditional EU resolution on the death penalty met this year with unprecedented success. The EU succeeded in obtaining 5 more votes in its favour than in the previous year. This success has been all the more important in that the abolition of the death penalty continues to be one of the European Union's main priorities. Task-sharing in démarches and increased coordination by the EU have contributed towards this success.

The group of Latin American countries this year took the initiative of drawing up the resolution on the rights of the child. Generally fruitful cooperation gave rise to the resolution which the European Union presented together with the GRULAC to the other co-sponsors. To the EU's great disappointment, and despite the considerable efforts by the EU, Australia, Canada, Switzerland, Egypt and other co-sponsors, no consensus was reached on the resolution. In an explanation of vote, the EU and the GRULAC reaffirmed their strong opposition to the death penalty for those below the age of 18 and their commitment to the International Criminal Court. The Commission adopted the resolution by 52 votes in favour, 1 against (United States) and no abstentions.

As in the previous year, the Commission on Human Rights decided by consensus to postpone discussion of the draft Brazilian resolution entitled 'Human rights and sexual orientation' until its next meeting. The principle of this resolution received the clear support of the EU. However, following fierce opposition, the Brazilians withdrew the statement until next year in order to allow more time for consultation.

In general, the participants were in agreement that the cooperation measures between the different regional groupings, the African group in particular, had been an improvement on previous years. Shorter and more focused resolutions and declarations no doubt contributed to the effectiveness of the EU's action in the Commission on Human Rights. Greater cooperation between the Member States and better targeted démarches were at the heart of all the European Union's initiatives. In addition, the EU went out of its way to maintain and strengthen its contacts with third countries and civil society, which provided it with a vital contribution. It is important that the EU continues to ensure that its message is adequately communicated to the outside world.

In conclusion, the European Union believes, in light of recent experience, that to initiate a debate on the question of rationalisation and reform of the Commission on Human Rights would be appropriate. The European Union has always been the main motor for the CHR's work and this body's recent difficulties in addressing some serious human rights violations might encourage other actors to promote changes not necessarily aimed at making the current system more effective. A more effective contribution by the EU will certainly result in an enhanced performance of CHR as a whole, thus fostering the protection and promotion of human rights worldwide.

4.2.3 International conferences

Riyadh conference: Human rights in peace and war

The Conference on *Human Rights in Peace and War* was organised by the Saudi Red Crescent Society as a national response to worldwide efforts towards developing, promoting and enforcing the principles of International Human Rights Law in times of war and peace. The Conference took place in Riyadh on 14 and 15 October 2003 under the patronage of the Saudi Ministries of Foreign Affairs, Interior, and Justice and is the first conference in Saudi Arabia on human rights issues.

The Conference Organising Committee extended invitations to a number of religious organisations in Saudi Arabia, as well as to different human rights organisations and institutions at a local, regional, and international level. Representatives of institutions from the Kingdom of Saudi Arabia, the Gulf States and numerous other Arab Countries, alongside officials from International Organisations working in the field, inaugurated a dialogue aiming to identify the extent of the protection provided by International Law to basic Human Rights in times of peace, as well as during armed conflicts. The Regional Representative of the United Nations High Commissioner for Human Rights in the Arab States was also present, alongside representatives of the International Red Cross and Red Crescent Movement. A large number of academics from Universities all around the region, as well as from France, Germany, the Netherlands, Singapore, and the United States of America also contributed to the dialogue.

The Conference concluded with the adoption of the *Riyadh Declaration on Human Rights in Peace and War*, which emphasises, inter alia, respect for human life and dignity, integration between human rights and duties, the criminal character of illegal detention of human freedom and of aggression on personal and public properties, the prohibition of compulsion in religion, the contradiction of terrorism, extremism and fundamentalism with Islamic values, eternal divine laws and human nature, the respect of unity of the human family, justice, peace and inter-acquaintance to exchange knowledge and save co-existence, fighting terrorism and mutiny against standards of justice and fighting aggression against values of fair world peace, the respect of people's rights especially to self-determination, the fight against poverty, diseases, ignorance and illiteracy, drug abuse, prostitution and degeneration of family, as well as the dialogue between cultures and civilisations and the respect of cultural diversity and cultural specialities of communities. While not endorsing all its conclusions, the EU welcomed the initiative for the conference as a positive step towards making human rights discussible.

4.2.4 The Council of Europe

The European Union values the continuous efforts of the Council of Europe to safeguard and protect human rights. Bringing together the EU and other European States, the Council of Europe is an important partner of the European Union in upholding human rights standards and in promoting democratic stability on a pan-European basis. The EU welcomes all initiatives aimed at achieving European unity based on respect for human rights, the rule of law and pluralist democracy.

The European Union welcomes the opening for signature of Protocol No 14 to the European Convention on Human Rights amending the control system of the Convention. The Convention forms the foundation for the system of protection of human rights on the European continent. Having regard to the continuing increase in new applications being brought before the European Court of Human Rights, it was essential to introduce procedural and structural changes enabling the Court to cope with them. The rapid entry into force of the Protocol will contribute to the long-term effectiveness of the Court. The EU invites the Member States of the Council of Europe to sign and ratify the Protocol as soon as possible so that it can enter into force in 2006.

The EU invites the Council of Europe Member States to ensure that human rights are fully respected in the implementation of their international commitments, and any reform of the Convention aimed at guaranteeing the long-term effectiveness of the European Court of Human Rights must be accompanied by effective national measures to ensure protection of Convention rights at the domestic level. It remains essential that all States undertake to abide by the final judgments of the Court.

The EU recognises the important role of the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in monitoring the situation of persons deprived of their liberty. The EU underlines the important role played by the Council of Europe bodies, such as the Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI) and others in promoting awareness of and respect for human rights in all Council of Europe Member States. The EU values the role of the Council of Europe in combating racism, discrimination and intolerance and closely examining the situation concerning xenophobia and anti-Semitism in all the Member States of the Council.

The EU recognises the important role played by the Council of Europe in the field of the protection of national minorities in Europe through the monitoring system set up by the European Framework Convention on the Protection of National Minorities. The EU welcomes the efforts of the Council of Europe to address the situation of Roma, Sinti and Travellers and advance their participation in public life.

The EU welcomes the progress of work on the European Convention against trafficking in human beings. Trafficking in human beings is a global concern and necessitates an effective response at all levels. The Convention should cover all forms of trafficking whether national or trans-national, whether or not linked to organised crime and regardless of the forms of exploitation. Special attention should be paid to the protection of the rights of victims. The EU will strongly support further efforts to bring the work on the Convention to a timely conclusion.

The EU pays great attention to the commitment of the Council of Europe to the rights of the child and protection of the family and welcomes the valuable input of the Forum for Children and Families in this field. The EU appreciates the Council of Europe's continuing activities in support of children and families.

The EU welcomes the significant progress made by the Council of Europe in the field of activities against terrorism. It notes with satisfaction the effects of the work on the use of special investigative techniques in response to terrorist attacks, as well as witnesses and informer protection measures in the context of the prevention and investigation of terrorist acts.

The EU also acknowledges the important role of the Council of Europe in promoting and developing intercultural and inter-faith dialogue within and beyond the European continent and thereby helping to increase an international sense of confidence and mutual understanding, which provides a basis for addressing the root causes of terrorism.

The EU continues to support the important role of the Council of Europe in the efforts to stop the ongoing serious human rights violations and to reach a peaceful resolution to the conflict in Chechnya. The EU is deeply concerned about the humanitarian and security situation in Chechnya. The EU emphasises the need for a political settlement based on the support, broad participation and confidence of the Chechen people.

The EU also attaches great importance to the steps being taken by the Council of Europe to guarantee freedom of expression in Belarus and supports any action to ensure that a genuinely independent investigation is launched by the competent national authorities into the forced disappearance of persons in that country.

The EU appreciates the efforts and commitment of the Council of Europe in continuing to assist Georgia, Armenia and Azerbaijan to carry out political reforms and in preventing and assisting in the resolution of conflicts thereby improving the overall security environment in the region. The EU welcomes the peaceful resolution of the conflict situation with Adjara, the first real test for the new leadership of Georgia.

The EU welcomes the role played by the Council of Europe in South-Eastern Europe through strategies under the Stability Pact. The EU supports the efforts of the Council of Europe to advance democratisation processes and human rights standards in the region, encourage continuation of legislative and administrative reforms supporting the empowerment of local authorities and promote adequate measures in respect of national minorities.

The EU continues to value the involvement of the Council of Europe in election monitoring and its expert cooperation and assistance programmes.

The EU appreciates the importance of the debate currently being conducted about the future form of cooperation between the Council of Europe and the EU and how the third Summit might contribute to the enhancement of the main purposes of the Council of Europe: human rights, democracy and the rule of law, in order adequately to respond to the challenges of a changing Europe. The EU is adamant to further strengthen contacts with the Council of Europe and favours increasing the scope for regular exchanges with relevant Council of Europe bodies on operational matters. A further, concrete example of cooperation is the joint EU-Council of Europe programme for promoting human rights in Central and Eastern Europe through EIDHR funds.

The EU very much appreciated the Council of Europe's special contribution in helping ten new Member States to meet political criteria before their accession to the European Union. The EU also acknowledges the active work of the Council of Europe with the current applicant States in this regard. The EU highlights that using the Council of Europe standards as benchmarks for the respect to be shown by partner countries for common values is an important part of the 'European Neighbourhood' policy and will contribute towards the prevention of new divisions in Europe.
The EU recognises that the Constitutional Treaty will have a considerable impact on the EU's relations with the Council of Europe since the draft Treaty provides a legal basis for accession of the EU to the European Convention on Human Rights.

4.2.5 The EU and the OSCE

The EU values the activities of the OSCE Human Dimension[35] aimed at enhancing security in the OSCE area by promoting and developing democratic institutions, the rule of law and human rights, and it considers it a central element of the OSCE's comprehensive approach to security. The EU advocates the mainstreaming of the Human Dimension within the OSCE framework.

The EU supports the work of the OSCE Ministerial Council, the OSCE Permanent Council, field missions and all bodies active in this area: the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities, the Representative on Freedom of the Media and the recently appointed Special Representative on Trafficking in Human Beings. The EU seeks to deepen the cooperation of field missions with other OSCE bodies. The system as a whole offers a unique opportunity to promote development in the entire OSCE area through developing and implementing the OSCE acquis, through monitoring, negotiations, sharing of best practices and cooperation.

During the meetings of the Permanent Council the EU addressed, inter alia, the overall human rights situation in Belarus and Turkmenistan, individual cases in Kazakhstan and Uzbekistan, freedom of the media and freedom of expression in Ukraine, Tajikistan, Kyrgyzstan and Russia, individual cases or moratorium on the death penalty in Armenia, Tajikistan, Uzbekistan, Kyrgyzstan, Turkey and the US, cases of detention after the post-election disturbances in Azerbaijan, elections in Georgia, Azerbaijan, Russia and Ukraine, election legislation in Kyrgyzstan, Kazakhstan and Tajikistan, ethnically motivated violence in Kosovo, trafficking in human beings, the humanitarian situation and return of refugees or internally displaced persons in Russia/Chechnya, Serbia and Montenegro and Bosnia and Herzegovina.

[35] For the OSCE Human Dimension documents see *http://www.osce.org./odihr*

The European Commission and individual EU Member States supported and funded a large number of projects by ODIHR in various areas of human rights (elections, gender, freedom of religion, human rights training and monitoring, migration, development of civil society, human rights institutions, prison service training and prison reform, police reform, Roma and Sinti, anti-trafficking).

The OSCE Ministerial Council

The EU took an active part in the preparation and work of the OSCE Ministerial Council meeting in Maastricht on 1 and 2 December 2003.

The meeting adopted two OSCE Action Plans, with the aim of facilitating a coordinated and effective approach to two complex problems in the OSCE region:
The OSCE Action Plan to Combat Trafficking in Human Beings, with a balanced multidimensional approach, laying equal stress on effective prosecution of traffickers, on effective assistance to victims and on prevention of this modern form of slavery. Since human trafficking is a transborder phenomenon, great importance is attached to effective cooperation between States and international organisations. At the Ministerial Council a decision creating a special mechanism to combat trafficking in human beings was adopted. On the basis of this decision, Ms. Helga Konrad was appointed the OSCE Special Representative on Trafficking in Human Beings on 13 May 2004.

The *OSCE Action Plan on Improving the Situation of Roma and Sinti* is based on the principle of full active participation of persons belonging to the Roma community in the preparation and implementation of projects and policies intended to improve their situation (Roma ownership of the policies that affect them) and recommends specific action in the fields of legislation, police, mass media, socio-economic issues, education, etc.

The OSCE Ministerial Council also adopted a decision concerning tolerance and non-discrimination, aimed at intensifying cooperation in combating intolerance. Special attention is paid to discrimination against asylum seekers and persons with asylum status and the issue of internal displacement. The participating States are encouraged to collect and keep data and statistics concerning violent manifestations of racism, xenophobia, discrimination and anti-Semitism. A special role is to be played by the ODIHR. The Ministerial Council decided to hold a conference on anti-Semitism in Berlin on 28 and 29 April 2004, a conference on hate crimes in the internet in Paris on 16 and 17 June 2004, and a conference on non-discrimination, racism and xenophobia in Brussels on 13 and 14 September 2004.

Another separate decision was adopted on elections, stressing the ODIHR´s role and its assistance to participating States in implementing their commitments in relation to democratic elections. The ODIHR is tasked to consider ways to improve the effectiveness of the implementation of recommendations made by election observation missions and to present its conclusions to the OSCE Permanent Council.

OSCE activities

Throughout the year the EU participated in activities under the OSCE Human Dimension organised by the OSCE Office for Democratic Institutions and Human Rights. In its statements the EU addressed all issues discussed at Human Dimension meetings throughout the year, stated its priorities in individual human rights areas and its positions on the problems under discussion.

At the Supplementary Human Dimension Meeting on Freedom of Religion and Belief (Vienna, 17 and 18 July 2003), the EU took part in the preparation of the recommendations made at the meeting. In particular, OSCE States are recommended to facilitate the exercise of the right to freedom of religion rather than to control or restrict manifestations of religion. The right to freedom of religion should be restricted only in justified cases, on the basis of law. OSCE States are recommended to encourage dialogue, to investigate thoroughly and punish manifestations of intolerance, to promote the culture of tolerance on the local level and to ensure that all religions have equal access to the media. The OSCE States should treat all religions impartially, on an equal footing.

The EU attaches special importance to the annual OSCE Human Dimension Implementation Meeting (Warsaw, 6 to 17 October 2003), which traditionally reviews all Human Dimension activities of the organisation. On the basis of an OSCE Ministerial Council decision, special attention was paid inter alia to the following issues:

- Prevention of discrimination, racism, xenophobia and anti-Semitism;
- National minorities;
- Migrant workers.

The EU called for more thorough and effective implementation of the OSCE Human Dimension commitments and openly stated its views on problematic issues. In its final statement it criticised the conduct of the elections in Azerbaijan and Turkmenistan's failure to cooperate with OSCE mechanisms. The EU's interventions also expressed concern about the situation in Chechnya and Belarus.

Professor Decaux's final report on the human rights situation in Turkmenistan, which was drawn up in the context of the most recent case of activation of the Moscow Mechanism, was discussed at a special side event. [36]

The Supplementary Human Dimension Meeting on the Prevention of Torture (Vienna, 6 and 7 November 2003) discussed compliance with the prohibition of torture in the OSCE area. The delegates agreed that torture was a potential problem even in a developed democratic society. The EU pointed to an alarming tendency to play down the universality and cogency of the prohibition of torture in the face of national security concerns.

At the Special OSCE Meeting on Human Rights in Education and Training (Vienna, 25-26 March 2004), the EU promoted the idea that human rights education should be as close as possible to actual practice. It should be a lifelong process, a basic element in the training of public officials and a part of everyday life. History lessons were an especially good opportunity to teach students about the development of human rights and the tragic experience of human society with regimes which suppressed human rights. Human rights education played an important role in promoting social cohesion, tolerance and non-discrimination. It must lead to an active stance of citizens defending their own human rights, as well as the human rights of all other people.

[36] 'The human rights situation, following the reported attempt on Turkmen President Niyazov on 25 November 2002, gave rise to grave concerns in the OSCE. Ten OSCE countries evoked the Moscow Mechanism in order to send a fact-finding mission to Askhabad. Rapporteur of the mission was professor Decaux. Although the mission did not get permission to enter Turkmenistan, professor Decaux did report on the human rights situation in Turkmenistan to the permanent council of the OSCE, which discussed his findings and recommendations in March 2003'.

The OSCE Conference on Anti-Semitism (Berlin, 28 and 29 April 2004) followed a similar OSCE event held in Vienna in 2003. Its purpose was to respond to the perceived general rising trend in manifestations of anti-Semitism in the whole OSCE region and to discuss, at the highest possible political level, practical countermeasures within the OSCE system and in individual participating States. The organisers, as well as the EU, stressed that the outcome of the conference should not be limited to a mere condemnation of anti-Semitism in all its manifestations. Instead, the conference should outline a specific strategy for combating anti-Semitism – through coordinated monitoring, joint public information activities in the media (including the fight against anti-Semitic manifestations on the Internet), and general orientation of the education process, strengthening of legislation and support for non-governmental organisations in this field.

In preparing the conference the Permanent Council adopted a decision on combating anti-Semitism. The conference closed with the Berlin declaration of the OSCE recognizing, inter alia, that the new forms of hostility toward Jews pose a threat to democracy and security in the OSCE region. All participating States pledged to strengthen their national legislation directed at prosecuting extremist crime. The States reaffirmed their commitment to cooperating with the European Monitoring Centre on Racism and Xenophobia (EUMC), the European Commission against Racism and Intolerance (ECRI) and the United Nations Committee on the Elimination of Racial Discrimination (UNCERD). Emphasis was laid on intercultural dialogue as an important tool for putting an end to myths and deeply rooted negative stereotypes.

The EU took part in the preparation of the final recommendations of the Conference, inviting the States to:

- promote education about the Holocaust and its historical causes, including the integration of Holocaust education programmes in school curricula,
- combat hate crime in all its verbal forms and ensure its criminal prosecution,
- fight against the spreading of racist and anti-Semitic propaganda in the media and on the Internet,
- support exchange of experience at the expert level and to adopt national action plans in the field of education.

The EU also participated fully in the OSCE Seminar on Democratic institutions and Democratic Governance (Warsaw, 12 to 14 May 2004) focusing on democratic processes, the functioning of democratic institutions in relation to each other and ways they provide for participation of civil society in public affairs.

At the OSCE Meeting on the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes (Paris, 16 and 17 June 2004), the EU recalled the recommendations of the previous year's conference in Amsterdam. These recommendations concerned the freedom of the media as a fundamental constitutional value, broader access to the Internet, strict prosecution of criminal misuse of the Internet, as well as the introduction of protective tools – filters – for Internet users with the assistance of the Internet industry. The meeting itself did not aim at proposing specific solutions but at proposing a method: cooperation among governments, civil society (NGOs) and economic operators (in particular internet providers).
On the basis of this voluntary participation, several steps could be taken and a balanced approach to the problem could be pursued. The meeting generated more recommendations to prevent young people from falling prey to hate propaganda. In this respect education efforts were necessary to teach them critical thinking and broaden their outlook.

Cooperation should be encouraged within each country's civil society, as well as at international level. The Internet industry must be supported in its efforts to develop codes of ethics, general user rules and websites or hotlines receiving information about sites with hate content.

4.2.6 Stability Pact for South Eastern Europe

The European Union continues to strongly support the Stability Pact, in which it has played a leading role since its adoption in Cologne on 10 June 1999. The founders, more than 40 partner countries and organisations, undertook to strengthen the countries of South Eastern Europe in 'their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region'. The Stability Pact has worked towards that overall objective by promoting regional cooperation among the countries of the region as well as by assisting them to integrate into European structures.

The need to draw the South Eastern European countries closer to the prospect of full integration into the European Union was highlighted in the Pact's founding document. In its recent activities, the Pact has been successful in working towards closer complementarity with the stabilisation and association process (SAP) of the EU and in contributing to the implementation of the conclusions of the EU-Balkans Thessaloniki summit.

The Pact's support for the development of the South East European Cooperation Process (SEECP) in its aspirations to be an authentic political voice of the region, with the countries of the regions taking a lead role, is to be commended. Thus the Pact supports the EU's policy framework in the furthering of regional cooperation, fostering regional ownership and facilitating political coordination for the region and for the main international players.

The main part of the Pact's human rights-related work is done under Working Table 1 on democratisation and human rights where, in line with the Stabilisation and Association Process, Table 1 seeks to support the South Eastern European countries in meeting the Copenhagen criteria. Following the guidelines from the previous Working Table 1 meetings, the table now has two core objectives, media and local democracy/cross-border cooperation. On media, the table promotes the position of the independent media in South Eastern European countries and assists in bringing media legislation and its implementation in line with international standards. The local democracy and cross-border cooperation initiative seeks to bring about a functional approach to reconciliation in particular in border areas, promoting also civil society participation and social cohesion.

In its efforts to achieve complementarity with the stabilisation and association process, Table 1 focuses on supporting the South Eastern European countries in meeting the Copenhagen criteria. Table 1 continues to work on strengthening democratic institutions and the rule of law, promoting human rights and protecting minorities. In addition to focusing on the two core objectives, work is done through the existing task forces of gender, education and youth, and parliamentary cooperation.

The Pact's work on gender equality aims at increasing women's participation in politics and in taking lead roles on societal issues. The gender task force has contributed to setting up national networks of women MPs and women mayors in the region, as well as training Roma women on political skills, among other issues. In addition to the work with Roma women specifically, Table 1 is working on human rights and national minorities through encouraging the dialogue between local and national authorities and civil society on improving interethnic relations and enhancing the legal protection of the human rights of all citizens, including the various national minorities, based on European human rights standards.

The education and youth task force is promoting education reform in the South Eastern European countries, in line with European education policies in order to achieve common European education trends.

The Stability Pact's work on human rights is not limited to Table I, as Table III, the Sub-table on justice and home affairs, works as its core objective on migration and refugee matters through the migration, asylum and refugees regional initiative (MARRI). The initiative aims at enhancing human security in the region through facilitating and coordinating developments in the fields of asylum, migration, border management, and return, to ensure that they meet international standards.

In addition, the Sub-table has a separate task force dealing with the fight against trafficking in human beings, which works towards strengthening cooperation between the South Eastern European countries and streamlining efforts to combat human trafficking.
Though primarily devoted to economic issues, Table II also comprises an important social chapter, dealing notably with the social consequences of economic development and with social rights.
The social cohesion initiative, under the chairmanship of Ms Miet Smet, MEP, is organised around five major themes: public health, housing, employment, social dialogue and social protection.

There is also a new cross-table initiative related to the protection of human rights, 'Reconciling for the future', which aims at overcoming the legacies of the past for the benefit of all citizens in the region, and draws extensively on the results achieved by existing stability pact initiatives and task forces.

The Regional Table, as well as all the Working Tables, met in Tirana (Albania) in December 2003 and in Portoroz (Slovenia) in June 2004. At the latter meeting, on the occasion of the celebration of the fifth anniversary of the Pact, on 7 and 8 June, five new Member States of the EU (Estonia, Latvia, Lithuania, Cyprus and Malta) officially became members of the Pact and pledged themselves to support its objectives. The Pact's six core objectives were confirmed, and the conclusions of the meeting underlined the contribution of the Pact to the development of regional cooperation in the South Eastern European countries, as a complement to the stabilisation and association process.

4.3 Thematic issues of particular importance to the EU

4.3.1 Human rights and terrorism

Terrorism is one of the most serious common challenges facing the international community. The European Union condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whoever committed and irrespective of the motivations that may be invoked to justify them.

On 25 March 2004 the European Council adopted the *Declaration on combating terrorism*.

International Cooperation

All measures taken by the Union in its fight against terrorism will have to comply with the requirement of respect for fundamental human rights and freedoms. In his Statement to the Security Council on behalf of the EU on 12 January 2004, Ambassador Richard Ryan, Permanent Representative of Ireland to the United Nations, stated: 'The combat against terrorism should be conducted with respect for human rights and fundamental freedoms'.

Further on, in his intervention on 25 May 2004, also on behalf of the EU, Ambassador Ryan added: 'It is a longstanding position of the EU that counter-terrorism actions must at all times be accompanied by respect for due process and the rule of law. We reiterate once again that there can be no trade-off between human rights and effective security measures; indeed respect for human rights must remain an integral part of any comprehensive counter-terrorist strategy'.

United Nations: 58th session of the General Assembly and 60th session of the Commission on Human Rights

As they have done since their inception, all Member States of the EU have continued to support the resolutions presented by Mexico under the title *Protection of human rights and fundamental freedoms while countering terrorism*, both at the 58th session of the General Assembly (A/RES/58/187) and at the 60th session of the Commission on Human Rights (2004/87).

CHR res. 2004/87 affirms that States must ensure that any measure taken to combat terrorism complies with their obligations under International Human Rights, Refugee and Humanitarian Law. It invites the High Commissioner for HR and the HR Committee to continue the important dialogues they have established with the Counter-Terrorism Committee. It also encourages States, while countering terrorism, to take into account relevant UN resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the CHR and the relevant comments and views of UN human rights treaty bodies. It also requests the High Commissioner, taking into account the views of States, to complete the study requested in GA res. 58/187 concerning the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work. The CHR decides to designate, for a period of one year, an Independent Expert to assist the HCHR in the fulfilment of the mandate described above and, taking fully into account the study requested in GA resolution 58/187, as well as the discussions in the Assembly and the views of States thereon, to submit a report, through the High Commissioner, to the Commission at its 61st session on ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism.

On the other hand, the EU has again been unable to support the Algerian initiatives on *Human Rights and Terrorism* (A/RES/58/174 and 2004/44), partly because they do not distinguish between individual criminal acts and acts which are attributable to States. The European Union holds the view that a distinction must be made between individual criminal acts and acts which are attributable to States. Only States are legally responsible under International Law for protecting human rights. However, acts of terrorism, which are well defined criminal acts, are aimed at the destruction of human rights.

4.3.2 Civil and political rights

Civil and political rights including freedom of thought, conscience and religion, freedom of expression, freedom from discrimination, freedom from torture, forced disappearances and arbitrary detention underpin the strength and diversity of democratic societies. Respect for these rights is essential for the functioning of any democracy. They are guaranteed by Articles 18, 19, 20 and 21 of the Universal Declaration of Human Rights as part of the 'foundation of freedom, justice and peace in the world' and are set out in more detail in the International Covenant on Civil and Political Rights (ICCPR).

As of June 2004, 152 States had ratified the ICCPR. The European Union supports the Secretary-General's aim of universal ratification of the six core UN human rights treaties. The EU thus welcomes the growing number of States that have become parties to the ICCPR and urges all States to do so as soon as possible. Ratification is, of course, only a first step. Treaties in themselves will not end human rights violations. Implementation is the key. All governments are urged to cooperate with UN mechanisms and to allow visits to their countries by Special Rapporteurs and the other special procedures. EU Member States always agree to such requests and encourage all countries to adopt the same policy.

The EU played a full part in the discussion of civil and political rights during the fifty-eighth session of the UN General Assembly (see chapter 4.2.1 for further details). In addition, the EU worked hard in the Commission on Human Rights to secure strong resolutions upholding civil and political rights, including those on torture, the death penalty and extra-judicial killings (see chapter 4.2.2 for more information).

The EU continued to support and promote the right to freedom of thought, conscience and religion throughout the world, condemning violations of this right. For the first time this year, the CHR Resolution on the Elimination of All Forms of Religious Intolerance was tabled by the EU. The Resolution passed without a vote, a signal from the members of CHR of the importance of this key civil and political right. In spite of this, however, the principles set forth in Article 18 of the International Covenant on Civil and Political Rights continued to come under serious and, in some areas, sustained attack. During the year, the EU made a démarche to a number of States on grounds of concerns about religious freedom, including Pakistan, Turkey and China.

As well as working in multilateral fora for improved civil and political rights throughout the world, the EU promotes these rights in practical ways through the European Initiative for Democracy and Human Rights (EIDHR). In 2003, the EIDHR's focus on civil and political rights included funding for projects in five specific thematic areas:

- Support for the abolition of the death penalty;
- Fighting impunity and promoting international justice;
- Combating racism, xenophobia and discrimination against minorities and indigenous people;
- Preventing torture and supporting the rehabilitation of victims of torture; and
- Strengthening democratisation, good governance and the rule of law.

Other EU instruments and initiatives used to promote human rights and democracy in third countries (such as common strategies, joint actions, common positions, démarches, declarations, and political and human rights dialogues) are also means to encourage respect for civil and political rights. For example, during its regular meetings with Russia, the EU has raised its concerns about the handling of the conflict in Chechnya, freedom of speech and the rule of law.

The EU will continue to support actions and initiatives to implement the rights set out in the International Covenant on Civil and Political Rights, through its contribution to the UN General Assembly and Commission on Human Rights, use of instruments including political and human rights dialogues, and deployment of EIDHR and other project funds (see chapter 4.1.6 for further details). Mainstreaming human rights through all levels of EU policy decision-making will further strengthen the implementation of this commitment (see chapter 2.4 for further details).

4.3.3. Economic, social and cultural rights

The European Union attaches the same importance to economic, social and cultural rights as to civil and political rights, bearing in mind the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, as confirmed by the 1993 World Conference on Human Rights, held in Vienna. Both categories of rights stem from the inherent dignity of the human person and the effective implementation of each right is indispensable for the full implementation of others.

The European Union recognises that the International Covenant on Economic, Social and Cultural Rights constitutes the main international legal framework to promote the advancement of economic, social and cultural rights, and encourages all States that are still not parties to the Covenant to become so as a matter of priority and to States Parties to ensure the faithful implementation of the Covenant provisions. The European Union also recalls the standards pertaining to economic, social and cultural rights contained, inter alia, in the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, and calls on all States Parties to those instruments to give full effect to such standards.

The European Union acknowledges the central role played by the Committee on Economic, Social and Cultural Rights in assisting States Parties to the International Covenant on Economic, Social and Cultural Rights to discharge their obligations under the Covenant more effectively, including through the examination of States Parties reports, the development and adoption of general comments and the convening of days of general discussion. It continues to follow with great interest the discussions on a general comment on Article 3 of the Covenant (the equal right of men and women to the enjoyment of economic, social and cultural rights), as well as on a general comment on Article 6 (the right to work).

The European Union continues to believe that good governance and respect for the rule of law, including transparent, responsible, accountable and participatory government, are essential to the creation of conditions whereby everyone may enjoy his or her economic, social and cultural rights. In this regard solid democratic institutions responsive to the needs of the people and improved infrastructure are the basis for sustained economic growth, poverty eradication and employment creation. Taking into account that poverty eradication and full enjoyment of economic, social, and cultural rights are interrelated goals, the European Union has accordingly reaffirmed its commitment to contributing towards the realisation of the target of the UN Millennium Declaration to halve the proportion of people whose income is less than one dollar a day by the year 2015. We welcome the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, which have included raising awareness of the importance of these rights, thus contributing to the implementation of the Millennium Development Goals.

The European Union urges all States to ensure that economic, social and cultural rights are enjoyed without discrimination of any kind and regrets once again that discrimination continues to affect the disadvantaged sectors of the population, including indigenous communities, women and children and disabled persons.

In 2004, several resolutions pertaining to economic, social and cultural rights were adopted by the Commission on Human Rights, including resolution 2004/29, on the question of the realisation in all countries of economic, social and cultural rights. This resolution renews for two years the mandate of the open-ended working group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The European Union participated actively in the first session of the working group and looks forward to continuing, at the next session, the useful debate undertaken therein, welcoming the fact that the mandate of the working group has been renewed by the CHR in keeping with the recommendation made by the Chairperson-Rapporteur of the Working Group at the close of its first session.

The European Union also calls attention to other resolutions concerning economic, social and cultural rights adopted by the CHR at the initiative of EU Member States: the right to education (presented by Portugal), which renewed for three years the mandate of the Special Rapporteur on the right to education; human rights and extreme poverty, presented by France and renewed for two years the mandate of the independent expert on extreme poverty; and adequate housing as a component of the right to an adequate standard of living, jointly presented by Germany and Finland. The European Union also supported the resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as elements contained in the resolution on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria.

The European Union supports several Commission mandates dealing with economic, social and cultural rights, namely the Special Rapporteurs on education, health and housing, and the independent expert on extreme poverty, and welcomes the valuable contributions they make towards the promotion and protection of human rights in the discharge of their respective mandates.

4.3.4 Abolition of the death penalty

The EU is opposed to the death penalty in all circumstances and considers its abolition a crucial step towards the advancement of human dignity and the progressive development of human rights. Our approach to the death penalty is grounded in the belief that this penalty inherently constitutes a violation of the right to life and human dignity. In the words of UN Secretary-General Kofi Annan, 'the forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process'. The EU is therefore committed to working towards universal abolition of the death penalty and is taking systematic action in this regard in its relations with third countries.

As noted by UN Secretary-General Kofi Annan in his report on the question of the death penalty submitted to the 2004 session of the Commission on Human Rights, the trend towards a worldwide abolition of the death penalty continued throughout 2003. According to this report, 77 states are fully abolitionist, 15 have abolished capital punishment for ordinary crimes (hence retaining the death penalty only for crimes under military law or crimes committed in exceptional circumstances such as during times of war). 37 states were deemed to be *de facto* abolitionist in light of their retaining the death penalty on the books but not using it for the last 10 years. Meanwhile, 66 states still retain the death penalty[37].

According to Amnesty International's report for the year 2003, which considers a country *de facto* abolitionist if it retains the death penalty for ordinary crimes but has not executed anyone during the last 10 years and is believed to have a policy or established practice of not carrying out executions, including where an international commitment not to use the death penalty has been undertaken, there were, at the end of 2003, 117 either *de jure* or *de facto* abolitionist countries: 77 countries were fully abolitionist, 15 had abolished it for ordinary crimes and at least 25 were *de facto* abolitionist. 78 countries nevertheless retained the death penalty for ordinary crimes[38].

Both the Secretary-General's and Amnesty International's figures bear witness to the gradual diminution of retentionist states between the years 2002 and 2003: a decrease of 5 states according to the criteria of the Secretary-General and of 6 states according to Amnesty International.

In this context, the EU warmly welcomes the extension of a moratorium on the death penalty in Kyrgyzstan, the moratoria on executions announced in Kazakhstan and Tajikistan, the abolition of the death penalty for ordinary crimes in Armenia, and the abolition of the death penalty for all crimes in Samoa and Bhutan. The EU encourages all states that still retain the death penalty to follow this lead.

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37 Doc. E/CN.4/2004/86.

38 Amnesty International, 'The Death Penalty Worldwide: Developments in 2003'.

The EU also notes with appreciation the ratification in 2003 by Paraguay and Timor-Leste of the Second Optional Protocol to the International Convenant on Civil and Political Rights, bringing the number of States parties to the Optional Protocol to 51. San Marino has also signed the Protocol, indicating its Government's intention to ratify it at a later date.

The EU welcomed the entry into force on 1 July 2003 of Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms outlawing the death penalty in all circumstances. This Protocol has now been ratified by 26 European states and signed by a further 16 states, comprising virtually all Council of Europe Member States.

Nevertheless, according to Amnesty International, at least 1 146 people were executed during 2003 in 28 different countries. Moreover, at least 2 756 people were sentenced to death in 63 countries. While these figures mark a decrease in executions and sentences between 2002 and 2003, they also highlight the continuing and repeated use of the death penalty in certain parts of the world. Furthermore, due to the difficulties in compiling precise statistics, the true figures are likely to be considerably greater. Hands Off Cain, for example, estimates that at least 5 599 were executed in 2003. While observing an overall decrease in executions during the last year, its figures for 2003 are greater than those for 2002. This may, however, be due to better information being received on the use of the death penalty in China, where the great majority of executions takes place.

During the last 12 months, moreover, executions resumed in Chad following the lifting of a moratorium that had been place since 1991, in the Democratic Republic of Congo following a moratorium that had been in place since 2000, in Lebanon following a moratorium that had been in place since 1999 and in Afghanistan for the first time since the overthrow of the Taliban. The Philippines also lifted a de facto moratorium that had been in place since 2002.

The European Union's guidelines for tackling the issue of the death penalty were established in 1998 and have been put into practice for the last six years. The strategy adopted includes criteria for making representations to retentionist countries that fall within either of the following scenarios:

a) Single cases in which the use of the death penalty breaches UN minimum standards (such as the execution of pregnant women, persons who have become insane or juvenile offenders); and

b) Situations in which the Government displays a wavering approach towards the question of the death penalty (for example when a Government considers lifting a moratorium on the death penalty).

The retention of capital punishment for crimes that are not of the most serious kind, or the execution of individuals that has not been sanctioned by the final judgement of a competent court of law subsequent to a legal process conforming to the minimum procedural guarantees included in Article 14 of the International Covenant on Civil and Political Rights, constitutes a violation of international law. The European Union therefore calls upon all retentionist states to comply with Article 14 of the ICCPR whether in the context of ordinary courts, special tribunals or jurisdictions in response to cases of internal conflict or any other special circumstances. The EU, moreover, invites all states not to proceed with executions until all national and international appeals have been exhausted.

The sentencing to death of individuals who were below 18 years of age at the time of the commission of the offence constitutes a violation of the Convention on the Rights of the Child, an instrument that has been ratified by almost all states. The EU therefore calls upon all states that still retain capital punishment to exclude juvenile offenders from its scope.

During the twelve months covered by this report, the EU underlined the issue of capital punishment with the Governments of Zambia, Nigeria, Jordan, China, the Philippines, Mali, Iran, Afghanistan, Yemen, Indonesia, the United States, Burma and India. The European Union also dealt with the matter in its human rights dialogues and troika meetings with countries such as the United States, China, Iran, Vietnam and Japan.

The European Union also presented a resolution on the death penalty at the 2004 UN Commission on Human Rights in Geneva, as it has consistently done for the last eight years. The resolution was approved by the Commission on Human Rights with 29 votes in favour (an increase of 5 votes from the preceding year) and was moreover co-sponsored by a record 76 states, 1 more than in 2003 and 8 more than in 2002.

The resolution's content did not substantially differ from that of the preceding year. It accordingly invited states to abolish the death penalty or impose a moratorium on all executions and called upon retentionist states to respect the minimum standards established by the UN Economic and Social Council in 1984. The resolution also expressed its concern for the application of the death penalty by certain states in breach of the limits established in the International Convenant on Civil and Political Rights and the Convention on the Rights of the Child. More specifically, it called upon states not to impose the death penalty on individuals who are mentally disabled, were a minor at the time of the offence, or mothers who have young, dependent children. The resolution also stated that, when the death penalty is applied, executions should cause the least amount of suffering possible and should not be carried out in public or in any other degrading manner.

While the resolution highlights the continued use of the death penalty by certain states and the violation of several established rules of international law, the manner of its adoption reflects the growing international consensus for the abolition of the death penalty.

4.3.5 Torture and other cruel, inhuman or degrading treatment or punishment

The prevention and eradication of all forms of torture and other cruel, inhuman or degrading treatment or punishment across the world is a high priority of the EU. The EU expects all countries to comply with the unconditional prohibition of torture under international law.

In April 2001 the EU adopted guidelines for an EU policy towards third countries on torture and other cruel, inhuman and degrading treatment or punishment. In this context it was decided in December 2003 to address issues related to torture and ill-treatment in future political dialogues and other political meetings with third countries on the basis of reports received from EU Heads of Mission in all third countries and other relevant sources.

Furthermore, EU representatives observed and reported on all examinations of periodic country reports during the meeting of the UN Committee Against Torture in November 2003.

During the period under review, the Commission proposal for a draft Council Regulation concerning trade in equipment and products which could be used for capital punishment and torture has been under consideration in the relevant EU bodies.

At the 58th UN General Assembly, the EU Presidency raised a number of issues relevant to torture and expressed the EU's expectation that all countries comply with the unconditional prohibition of all forms of torture. All EU Member States co-sponsored the omnibus resolution against torture submitted by Denmark. An important addition to the General Assembly resolution of 2002 was language calling upon States to consider signing and ratifying the Optional Protocol to the Convention Against Torture.

At the 60th session of the UN Commission on Human Rights, torture was referred to by the EU in two statements. The EU stressed that all states must establish effective legal, judicial and administrative frameworks to ensure that torture cannot occur and to punish anyone responsible for using it. The EU urged all states to ratify the UN Convention Against Torture, to accept individual complaints under it and to consider becoming parties to the Optional Protocol to the Convention. Reference was also made to the decision to raise issues related to torture in its political consultations with third countries.

All EU Member States co-sponsored the omnibus resolution on torture tabled by Denmark, which was adopted by consensus. The mandate of the Special Rapporteur on torture was renewed for another 3 years. The language on the absolute nature of the prohibition of torture, including in armed conflict, was strengthened, and as a new element the resolution contains a reference to the prohibition against sending a person to a country where he may risk torture.

The European Community provides substantial funding for the prevention of torture and the rehabilitation of torture victims. EUR 10 million has been allocated for projects for the rehabilitation of torture victims in 2004 and EUR 6 million for the prevention of torture. Calls for proposals to allocate these sums will be made during the course of 2004.

During the period under review the Optional Protocol to the Convention Against Torture was ratified by Albania, Denmark, Malta and United Kingdom as the first countries. The Protocol will enter into force when ratified by 20 states.

4.3.6 The International Criminal Court and the fight against impunity

The European Union considers the establishment of the International Criminal Court (ICC) to be one of the most significant developments in the global effort to promote respect for international law, in particular humanitarian law, and human rights. The Union was one of the most fervent supporters of the establishment of a Permanent Criminal Court with universal support and the widest possible participation in order effectively to combat impunity for war crimes, crimes against humanity and genocide, and act as a deterrent against committing such crimes. The EU has been one of the key actors significantly contributing to those positive developments, which made the early establishment and functioning of the Court possible, and it firmly maintains its position that the establishment of the Court was a historic step towards the elimination of impunity and the consolidation of an effective international criminal justice system.

Since the establishment of the ICC, the EU has adopted a common positions on the ICC, which has been reviewed twice, and has been actively promoting the accession of third States to the Rome Statute.

All Member States of the EU signed the Rome Statute between 1998 and 1999 and 24 have already concluded the process of ratification. This makes the Union the largest single group of states to be represented among the States Parties to the Rome Statute, constituting just under one fifth of the current 139 signatories. With the number of states having ratified or acceded to the Rome Statute currently standing at 94, the Union represents over 25% of the States Parties to the Statute.

The Union has also urged effective implementation of the Agreement on the Privileges and Immunities of the International Criminal Court. Twenty out of fifty-four signatories to the Agreement are EU Member States and are currently in the process of ratifying the Agreement. The EU will continue to urge third countries to become parties to the Agreement, which the EU believes to be of paramount importance for the Court to become fully functional and operational.

In June 2001, the EU adopted a Common Position (2001/443/CFSP) urging the establishment of the Court as soon as possible 'for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, as an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations'. This position was renewed in June 2002 and again in June 2003 to support the effective functioning of the Court and promote the widest possible participation.

The adoption by the Council of the European Union of the abovementioned common position has been instrumental in the effort to achieve the broadest possible support for the ICC. The EU also reiterated, on a political level, the necessity of the rapid establishment of the ICC through the conclusions of a number of European Council Summits.

To follow up on the Union's first Common Position of June 2001, an Action Plan was finalised in May 2002 as a result of a resolution approved by the European Parliament in February 2002. This Action Plan suggested practical steps to enhance the coordination of EU activities, promote the universality and integrity of the Rome Statute, and independence and effective functioning of the Court. The EU Action Plan on the ICC was updated in February 2004 to take into account the effective functioning of the ICC, which had become operational in June 2003.

The European Union and its Member States are very active on multilateral and bilateral levels in raising the issue of the widest possible ratification, acceptance and approval of or accession to the Rome Statute by third countries and the implementation of the Statute. In this respect the EU has carried out a number of démarches and made numerous statements in negotiations or political dialogue with third States, groups of States or relevant regional organisations.

The Union has delivered statements on landmark occasions for the Court, such as at its Inauguration, the Assemblies of States Parties and the United Nations General Assembly. During the 58th Session of the United Nations General Assembly the Member States of the EU co-sponsored the resolution on the ICC tabled at the Sixth Committee; they have also expressed their opposition to other resolutions which could undermine the Court's credibility. At the 60th Session of the UN Commission of Human Rights, support for the ICC was underlined in the Austrian resolution on Human rights in the administration of justice, in particular juvenile justice, and the Hungarian resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

On a bilateral level, the Union has proceeded with a number of démarches urging States to avoid entering into any bilateral non-surrender agreements under Article 98.2 of the Rome Statute of the International Criminal Court which do not conform with the obligations of Party States under the Statute. The EU's Guiding Principles of September 2002 show how such agreements could be drawn up in conformity with the Statute. In the first half of 2004 alone, the EU has undertaken démarches in more than 25 countries to discourage the conclusion of non-surrender agreements and the encouragement of countries to ratify or accede to the Rome Statute.

In shaping its position on the ICC and working towards its implementation, the EU has been assisted by civil society, whose support it has always considered very valuable. The Union intends to continue consulting with the principal non-governmental like-minded actors who are working in the same direction, as it feels that they have a significant role to play in proliferating support for the ICC.

The EU will continue to promote the independence of the Court while stressing that its existence and operation do not in any way present a threat to the sovereignty of Party States. The Union firmly adheres to the principles of complementarity; under which the Court will only intervene in cases where the State in question is unable or unwilling to prosecute.

Special mention should be made of the *European Initiative for Democracy and Human Rights* (EIDHR) for its efforts to reinforce the achievement of the Union's goals with regard to the ICC. The priority themes of EIDHR include supporting the fight against torture and impunity, and supporting international tribunals and criminal courts. Since 1997 the European Commission has, through the EIDHR, provided support for a number of projects devoted to the effective establishment of the ICC, and is currently financing 11 ongoing ICC projects globally with a maximum total EU contribution of EUR 9 681 852.

The EU will continue to promote the elimination of impunity while preserving the integrity of the Rome Statute and supporting the work of the ICC, and will actively pursue the consolidation of the rule of law in conformity with the Charter of the United Nations.

4.3.7 Election support

The conduct of genuine elections is vital to the protection of human rights and the strengthening of democracy. Promoting democracy is a fundamental objective of the EU and a key policy goal of its foreign and cooperation policy. The EU makes a significant contribution to improving the conduct of elections in transition countries throughout the world through the organisation of election observation and by funding technical assistance projects.

Election observation

Since the Commission adopted in 2000 a communication on electoral assistance and observation (COM 2000/191), which defined a coherent and effective policy for election observation, EU involvement in this field has become increasingly professional and visible.[39] Since implementation of the communication began, a total of 28 Election Observation Missions (EOMs) have been deployed to countries in Africa, Central and South America and Asia.[40]

[39] The communication was endorsed by the Council and European Parliament in 2001.

[40] No EU EOMs have been deployed in Europe or Central Asia as credible election observation is currently undertaken in these regions by the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

The purpose of an EU EOM is to assess the degree to which an election is conducted in line with international standards for democratic elections. In addition, an EOM can:

- deter/reduce electoral fraud and irregularities;
- deter/reduce violence and intimidation;
- enhance the confidence of political contestants, civil society and the electorate to participate in elections;
- provide a snapshot of a whole range of democratisation issues, such as the independence and performance of the judiciary as well as general respect for human rights; and
- produce recommendations to improve the election framework and democratic environment.

Between May 2003 and June 2004, seven EOMs were deployed using European Initiative for Democracy and Human Rights (EIDHR) funding:

- An EOM consisting of six Core Team Members, 12 Long-Term Observers (LTOs) and 60 Short-Term Observers (STOs) was deployed in **Rwanda** to observe the constitutional referendum held on 26 May 2003. A second EOM consisting of a Core Team of five, 12 LTOs and 40 STOs was subsequently deployed to observe the presidential election held on 25 August 2003 and the parliamentary elections held on 29 and 30 September and 2 October 2003. The budget for the missions was EUR 1 473 265. In their final reports, the missions concluded that while the elections opened the way towards the establishment of durable democratic institutions, there was less political pluralism than before.

- For the parliamentary elections in **Cambodia** on 27 July 2003, six Core-Team Members, 36 LTOs and 70 STOs were deployed for an EOM with a budget of EUR 1 557 000. In its final report, the mission concluded that the elections were well conducted but there was still some way to go to full democracy. Compared with previous elections, there was an improvement in the legal framework, the atmosphere was less tense, and election day proceeded smoothly. However, the widespread involvement of civil society and officials in the campaign and imbalance in media coverage contributed to an environment favourable to the ruling party.

- An EOM consisting of seven Core-Team Members, 14 LTOs and 34 STOs was deployed to **Mozambique** to observe the 19 November 2003 municipal elections. The mission had a budget of EUR 936 647. The elections were the second municipal elections to be held in Mozambique, but the first to involve a wide political spectrum. In its final report, the EOM concluded that the electoral campaign and election day were free from intimidation and without any serious incidents or irregularities, but there were shortcomings in the election administration, including the voter list, result tabulation process and complaints and appeals process.

- The presidential, parliamentary and local government elections in **Guatemala** on 9 November and 28 December 2003 were observed by an EOM consisting of six Core-Team Members, 22 LTOs and 60 STOs. The budget for the EOM was EUR 1 700 000. The mission was considered to have enhanced an atmosphere of confidence and deterred serious threats to the political process which could have impeded the conduct of the elections. The EOM final report concluded that the elections reflected the will of the people despite pre-election malpractices and organisational and procedural difficulties during voting and counting.

- The 2 April 2004 parliamentary elections in **Sri Lanka** were observed by ten Core-Team Members, 20 LTOs and 40 STOs. The budget for the EOM was EUR 926 000. The elections were called after a period of cohabitation failed and were the third general elections to be held in Sri Lanka and to be observed by the EU in just over three years. The EOM final report concluded that the elections were largely conducted in a democratic manner, apart from events that took place in the North and East of the country, and that compared to the two previous elections, the scale and gravity of problems, though still serious, were diminished.

- An EOM consisting of 10 Core-Team Members, 64 LTOs and 128 STOs was deployed to **Indonesia** to observe the 5 April 2004 general elections and 5 July 2004 presidential election. The mission had a budget of EUR 5 000 000. The 5 April elections were the biggest and most complex electoral event ever organised in one day, and represented an important landmark in the consolidation of democracy in Indonesia. In its preliminary statement on the 5 April elections, the mission concluded that the elections had been peaceful and democratic, despite some administrative shortcomings. A final report will be issued in the autumn of 2004 after observation of the presidential election has been completed.

- An EOM consisting of six Core-Team Members, 20 LTOs and 42 STOs was deployed to **Malawi** to observe the 20 May 2004 presidential and parliamentary elections. The budget for the EOM was EUR 980 000. The elections were the third national elections to be held since the introduction of multi-party politics in 1994. The mission concluded that while the elections were conducted in a generally peaceful environment and voting proceeded smoothly, they fell short of international standards for democratic elections in a number of key areas. The overall process failed to provide a level playing-field for political contestants, voter registration was unsatisfactory and the tabulation of results seriously lacked transparency.

During the reporting period, the EU continued to support efforts to consolidate a European approach to election observation among EU practitioners and with EU partner countries. Funding was provided to the Network of Europeans for Electoral Support (NEEDS) project, implemented by a group of specialist European institutions in the field of elections, to conduct a comprehensive training programme for EU observers, organise regional meetings for domestic election observers in Africa, Asia and South America and produce a compendium of international election standards.

In an attempt to maximise the impact of EOMs, increased attention is being devoted to follow up through the inclusion of EOM findings and recommendations in EU declarations, political dialogue, cooperation programmes and EIDHR programming. Moreover, whenever possible, EOM Chief Observers are now returning to the country where an election was observed (for example Mozambique, Guatemala and Sri Lanka) to present and discuss the findings contained in the EOM final report with the authorities and international community. Given that the EU is a significant player in stabilising (post)-conflict situations around the world, work has also begun to develop a new approach to assessing elections in (post)-conflict situations.

The EU has continued to work closely with other international organisations involved in election support. This has included involvement in an initiative under the umbrella of the UN to develop common standards for credible international election observation.

Election assistance

The EU provides considerable funds for electoral assistance projects in transition countries. This includes support to:

- national election management bodies (EMBs) and election jurisdiction bodies;
- domestic election observation and media monitoring groups;
- voter education by EMBs or civil society; and
- international or regional organisations involved in electoral support.

Assistance to state authorities, including election management bodies, is provided exclusively through geographical cooperation funds available for third states (such as the EDF, ALA, CARDS and TACIS programmes). Support to NGOs involved in electoral assistance can also come from these sources as well as from EIDHR funds.

Election assistance projects supported by the EU between July 2003 and June 2004 included (i) a contribution of EUR 7 000 000 to a UNDP trust fund to support the electoral authorities in **Indonesia** to develop sustainable capacity in advance of the 2004 parliamentary and presidential elections and, beyond, (ii) a total of EUR 15 000 000 for voter registration and EUR 9 000 000 for the organisation of elections in **Afghanistan**, (iii) support totalling approximately EUR 2 000 000 to the National Electoral Commission (NEC) of **Sierra Leone** to cover logistical arrangements and procurement of materials for the local government elections in May 2004, (iv) general budgetary support of around EUR 16 000 000 for the conduct of municipal elections in **Mozambique** in 2003 and parliamentary and presidential elections in 2004, and (v) a contribution of EUR 1 800 000 to a UNDP-administered basket fund to support the organisation of elections in **Rwanda** and the monitoring of these elections by domestic observers.

Assistance was also provided to support civil society to conduct civic and voter education in a number of countries, including **Georgia,** for elections between October 2003 and March 2004, and **Ethiopia** in advance of the 2005 parliamentary elections.

In addition, the EU provided support to international organisations working in the electoral field. This included the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to develop guidelines for media monitoring to be used by both ODIHR and EU EOMs, the Venice Commission of the Council of Europe to analyse electoral legislation and assist national authorities in improving the quality of electoral legislation and practice, and the African Union (AU) to develop capacity in electoral observation.

4.3.8 The right to development

The European Union is committed to the right to development as set out in the Vienna Declaration and Programme of Action (1993). It is also a commitment that is manifested in the development cooperation partnerships and agreements that the European Union and its Member States have with countries throughout the world. The Union stresses that it is the primary responsibility of States to create national conditions conducive to the fulfilment of this right. The right to development is inextricably linked to both civil and political rights and economic, social and cultural rights. The denial of any human rights endangers progress on realising the right to development.

The Union underlines that core principles such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, including partnership and commitments, are important for the realisation of the rights to development. Good governance, the rule of law and action against corruption at the national level are crucial in the efforts of States to promote and protect human rights, including the right to development.

The EU is one of the main actors and the world's largest donor to the development process that seeks to achieve the Millennium Development Goals, in particular to halve the proportion of the world's people living in extreme poverty by 2015. This is a reflection of the Union's solidarity and of its commitment to eradicate poverty in the framework of a partnership which respects human rights, democratic principles, the rule of law and good governance.

The EU has actively participated in the process of elaborating a consensus around the right to development. Despite efforts from the EU and others to reach a consensual agreement, the resolution on the right to development at the 58th session of the General Assembly unfortunately could not be adopted by consensus. The EU has been seriously engaged and has actively participated in the deliberations of the open-ended Working Group on the Right to Development, which met from 9 to 20 February 2004 and supported the proposals to establish a High Level Task Force involving relevant international organisations and agencies to help identify practical ways to implement the right to development. The EU was also engaged in the High-Level Seminar on the Right to Development entitled 'Global Partnership for Development' in connection to the Working Group. The EU values the spirit of openness and consensus that emerged following the outcome of the session of the Working Group.

In a spirit of consensus the EU voted in favour of the resolution on the Right to Development in this year's session of the Commission on Human Rights.

The EU remains cautious as to whether the option of a legally binding instrument would provide an appropriate or practicable way forward. The Subcommission has been asked to consider a range of options and their feasibility to advance the implementation of the right to development. It is essential that thorough stocktaking of existing development programmes and activities at national, regional and international level take place in order to consider these issues seriously. The work of the Subcommission should build on, and not duplicate, substitute or renegotiate relevant existing consensus documents.

The EU welcomes the continued efforts of the Office of the High Commissioner for Human Rights to integrate human rights into the development process by developing a conceptual as well as an operational framework to bridge the gap between human rights and development within the United Nations Development Group. In particular the Office's work in the context of the Secretary-General's reform process in order to strengthen human rights-related UN actions at country level is highly appreciated by the EU. The EU also welcomes the deepening dialogue between the Office of the High Commissioner for Human Rights and the World Bank on human rights and Poverty Reduction Strategies at country level and in the comprehensive development framework.

4.3.9 Racism, xenophobia, non-discrimination, anti-Semitism and respect for diversity

Combating racism, discrimination, xenophobia and intolerance is one of the EU's priorities in regard to its common foreign and security policy. This priority is likewise manifest in its enlargement and development aid process. The subject is also regularly raised in the framework of political meetings and dialogues with third countries. Combating racism, xenophobia and discrimination against ethnic minorities and indigenous peoples[41] is one of the four priorities of the European Initiative for Democracy and Human Rights (EIDHR) for the period 2002-2004.

A number of regional and international organisations deal with the question of racism and intolerance. In its collaboration with these various bodies, the EU regularly lobbies in favour of their efforts being coordinated and combined. The EU encourages these bodies to make use of all the available information, including that gathered by other organisations.

[41] There is no common position on the use of the term 'indigenous peoples'. Some Member States are of the view that indigenous peoples are not to be regarded as having the right of self-determination for the purpose of Article 1 of the ICCPR and the ICESCR, and that use of the term does not imply that indigenous people or peoples are entitled to exercise collective rights.

The United Nations

The United Nations International Convention on the Elimination of All Forms of Racial Discrimination has an important place in the fight against these phenomena. Adopted in 1965, it was ratified by all EU Member States and the EU is arguing for its universal ratification. The EU also supports the work of the Committee on the Elimination of Racial Discrimination, which plays an essential role in the overview of the implementation of the undertakings of the States Parties under that Convention.

Both in the General Assembly and in the Commission on Human Rights, the EU participates actively in negotiating resolutions dealing with racism and xenophobia. The EU has made a speech on this subject within the two fora. The Member States of the EU have associated themselves with the consensus on the Brazilian resolution on the incompatibility between democracy and racism.

In regard to the resolutions dealing with the follow-up to the World Conference against Racism, the EU has committed itself to implementing the undertakings given in Durban. But it regards consensus as vital in order to ensure effective and consistent follow-up to the Durban recommendations. It is with this idea in mind that the EU has opened negotiations both in New York and in Geneva. At the 58th GA, the main problem with the resolution submitted by the G77 concerned the creation of an index of racial equality. Setting up such an instrument would go against the legislation of quite a number of EU Member States where it is forbidden to make classifications on the basis of race. The EU thus called for a vote on the paragraph in question. It then voted in favour of the resolution *in toto*, stressing its wish to preserve consensus.

At the 60th session of the CHR, in addition to the problems associated with the reference to the index, other factors which are important for the EU were not taken into account. Among them, in particular, are the European proposals to readjust the text of the resolution in line with the conclusions of the Intergovernmental Working Group on the follow-up to Durban. Despite lengthy negotiations and efforts on the part of the EU, it was not possible to arrive at a compromise. On the other hand, some European suggestions, such as the references to anti-Semitism, Islamophobia and gender issues, were incorporated into the text. Consequently, the EU abstained on the vote called for by the United States. It also gave an explanation of vote in which it declared its willingness to continue discussions.

The question of discrimination on the basis of sexual orientation is also being closely followed by the EU. In its conclusions on the 60th session of the CHR, the Council expressed its willingness to support a text worded in appropriate terms on this subject. Brazil decided to withdraw its initiative, but the EU is willing to pursue discussions when the occasion arises.

In the context of its support for the special procedures of the Commission on Human Rights, the EU took part in the interactive exchange with the Special Rapporteur on all forms of racism and discrimination at the 60th session of the CHR.

The EU also took note of the discussion of the five eminent persons responsible for assisting the High Commissioner for Human Rights in the follow-up to the Durban Conference.

The EU appreciates the contribution of the Office of the High Commissioner for Human Rights in the fight against racism and is following the activities of its Anti-discrimination Unit. In the framework of the follow-up to the Durban World Conference, the Office of the High Commissioner for Human Rights organised expert seminars in all regions of the world. The Eastern Europe seminar was held in Prague from 24 to 26 September 2003. Brussels hosted the one for Western Europe and other States on 11, 12 and 13 December 2003. These events provided an opportunity to take stock of progress in implementation of the Durban recommendations.

The EU welcomes the initiatives taken by the UN Secretary-General on the fight against racism, in particular the seminar devoted to combating anti-Semitism held on 21 June 2004. It will follow with equal interest the other two seminars planned on Islamophobia and migrants.

Council of Europe

The EU supports the central role played by the European Court of Human Rights in implementing the European Convention on Human Rights, and principally Article 14 of the Convention, which forbids any discrimination in the enjoyment of the rights and freedoms which it recognises, together with the Protocols.

The work carried out by the European Commission against Racism and Intolerance (ECRI), which celebrated its tenth anniversary on 18 March 2004, is also being closely watched by the EU. ECRI adopted 'General Policy Recommendation No 8 on combating racism while fighting terrorism' on 17 March 2004. It also adopted a recommendation on anti-Semitism in June 2004.

The EU is also pleased that activities are being organised jointly with the European Monitoring Centre on Racism and Xenophobia and the OSCE, as was the case for the International Conference on Access for Roma Women to Health Care on 12 and 13 September 2003.

OSCE

The OSCE Participating States have pledged to combat all forms of intolerance, racism and anti-Semitism. The EU therefore plays an active role in all the activities organised in this framework. It also supports all OSCE institutions in combating racism, xenophobia and anti-Semitism. The ODIHR in particular has acquired an increasingly important role in this area, especially as regards the collection of data and statistics.

A conference on racism, xenophobia and discrimination was held in Vienna on 4 and 5 September 2003. This question was also addressed at the Annual Meeting on the Human Dimension (6 to 17 October 2003). At the ministerial meeting in Maastricht, the EU supported the adoption of a decision on tolerance and non-discrimination. Further to that decision, a conference on anti-Semitism was held in Berlin on 28 and 29 April 2004. Paris also hosted a seminar on the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes on 16 and 17 June 2004. This set of events against intolerance will culminate in the Brussels Conference on Tolerance and Combating Racism, Xenophobia and Discrimination on 13 and 14 September 2004.

4.3.10 Rights of the child

On 8 December 2003, the EU adopted new *Guidelines on Children and Armed Conflict* following consultations with the UN Secretary-General's Special Representative on Children and Armed Conflict, UNICEF and NGOs. The Guidelines constitute an important commitment to use the tools at the EU's disposal to address the short, medium and long-term impact of armed conflict on children, including through monitoring and reporting by EU Heads of Mission, EU Military Commanders and Special Representatives, démarches, political dialogue, multilateral cooperation and crisis-management operations.

The Guidelines state that the European Commission will draw the attention of the Council and Member States to relevant reporting in this area and provide information on Community-funded projects aimed at children and armed conflict and post-conflict rehabilitation. To that end the Commission has produced a comprehensive overview of relevant projects[42], including support through ECHO for humanitarian assistance, efforts to tackle small arms, light weapons and landmines, funding under the 'Aid to Uprooted People' budget line and projects under the European Development Fund. Projects have also been supported in recent years through the Rapid Reaction Mechanism and the European Initiative for Democracy and Human Rights (EIDHR). The overview concludes that a key area which is not currently supported – and which will be considered in the context of current reflections on the future shape of the EIDHR - is advocacy, awareness-raising and training in the field of children and armed conflict relating to the signature, ratification and implementation of relevant international instruments and commitments, including the Convention on the Rights of the Child and its Optional Protocols, and the Plan of Action agreed at the UN Special Session on Children in May 2002.

The EU's Political and Security Committee (PSC) approved measures to implement the Guidelines, including factoring them into the work and mandates of EU Special Representatives (where appropriate) and into the work undertaken in the ESDP and crisis-management fields. It also supported the idea of organising informal training sessions for the EU Military Staff on the basis of the manuals prepared by the UN and other bodies. The Guidelines pledge the Working Party on Human Rights (COHOM) to evaluating the implementation of the Guidelines two years after their adoption.

[42] See *http://www.europa.eu.int/comm/external_relations/human_rights/child/index.htm* for more details.

The traditional EU/GRULAC resolution on the rights of the child in the Third Committee of the UN General Assembly in 2003 was presented by the Union. The deliberations and subsequent voting on the resolution showed continued differences among countries on certain aspects of the rights of the child. The references to the Convention on the Rights of the Child as the standard in the promotion and protection of the rights of the child, the International Criminal Court and the imposition of the death penalty for crimes committed by children were, as in previous years, the subject of extensive negotiations. The regrettable trend of calling a vote on this resolution, which started in 2002, continued at the last session of the Third Committee. The vote was once again called by the United States, the only state that voted against the resolution. Prior to the vote on the resolution as a whole there were separate paragraph votes on proposals to delete references to the issue of corporal punishment. The text as proposed by the main sponsors was retained by an overwhelming majority of states.

At the 60th session of the UN Commission on Human Rights in the spring of 2004 the resolution on the rights of the child was presented by the GRULAC states with the EU as co-sponsors. The text was in both scope and substance similar to previous years' resolutions, with few substantive amendments. As in the General Assembly, the text was subject to a vote called by the same state for the same reasons. The outcome of the vote was also similar: all delegations but one voted in support of the resolution as presented by the main sponsors.

From 10 to 11 December 2003 the Fifth European Union Human Rights Forum, jointly organised by the Italian Presidency and the EU Commission, took place in Rome. The Presidency decided to focus the Forum on Children Protection under International Law. In particular, the Forum discussed in depth the EU Guidelines on Children and Armed Conflict adopted in December by the GAERC. At its conclusion, the Plenary Session of the Forum expressed a set of recommendations to the governments of EU Member and accession States, reaffirming the EU Guidelines as a decisive step towards a better protection of the child's interests

4.3.11 Human rights of women

On various occasions in multilateral fora, the EU has urged all States to sign, ratify and implement fully the Convention on the Elimination of All Forms of Discrimination against Women and its optional protocol. The Union continues to be concerned at the significant number and content of reservations, some of them regarding fundamental provisions of the Convention. EU Member States are committed to review constantly their own reservations with a view to overcoming them. The EU calls upon all States to do likewise.

The Union welcomed the decision of the international community confirmed at the highest level in the UN Millennium Declaration, to strengthen efforts to implement that Convention.

The Union also appreciates the efforts of the Committee on the Elimination of Discrimination Against Women, and urges States to accept the amendment to Article 20(1), which would allow the Committee to enjoy greater flexibility.

The EU believes that all States must recognise that the creation of an adequate environment is necessary to ensure the advancement of women and to realise full implementation of the Beijing Declaration and Platform for Action, and of the outcome of the Twenty-Third Special Session of the General Assembly.

58th General Assembly

At its 58th session, the Third Committee of the UN General Assembly addressed ten resolutions on women's rights and women's issues, five of which were co-sponsored by all EU Member States. Under agenda item 110 (Advancement of Women):

- Women and political participation;
- Violence against women migrant workers;
- Improvement of the status of women in the United Nations system (co-sponsored by the EU);
- Convention on the Elimination of All Forms of Discrimination against Women (co-sponsored by the EU);
- Improvement of the situation of women in rural areas;
- Elimination of domestic violence against women (co-sponsored by the EU);
- The future operations of the International Research and Training Institute for the Advancement of Women.

Under agenda item 111 (Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly):

- Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action, and the outcome of the twenty-third special session of the General Assembly.

Under agenda item 113 (Promotion and protection of children's rights):

- The girl child (co-sponsored by the EU).

Under agenda item 117 (Human rights questions):

- In-depth study on all forms of violence against women (co-sponsored by the EU).

All the abovementioned resolutions, with the exception of that on the International Research and Training Institute for the Advancement of Women (INSTRAW), were adopted by consensus.

Progress was made in several areas. The resolution under agenda item 111, 'Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly', reaffirmed the important role of women in conflict prevention in the context of the process initiated by Security Council resolution 1325, and noted in this regard the open debate[43] entitled 'Women and Peace and Security' held in the Security Council on 28 and 29 October 2003. Furthermore, the resolution encourages governments to integrate a gender perspective into preparatory processes and outcome documents of the World Summit on the Information Society, to be held in Tunis in 2005.

The traditional resolution on CEDAW was initiated by Iceland and was sponsored by all EU Member States. It was adopted without a vote although there were some reservations by some countries during consultations on the wording which urged states to ratify CEDAW.

[43] In the open debate in the SC, Italy, on behalf of the European Union, called upon all States to ratify and implement the Rome Statute of the International Criminal Court and cooperate actively with the Court, which has a vital role in ensuring justice for all and in fighting impunity. It also called on states to sign and ratify the Palermo Protocol on trafficking, and CEDAW. In the statement, Italy mentioned the EU Athens Forum on 'Gender, Peace and Foreign Policy: The EU Perspective' (held in May 2003), which called on Member States to ensure, in a systematic manner, that women in conflict and post-conflict situations were fully empowered.

A constructive step forward is a new resolution 'Elimination of domestic violence against women', proposed by the Netherlands. The initial draft was meant as an omnibus resolution on elimination of all forms of violence against women[44], but the consultations reached a deadlock and the resolution was focussed on the issue of domestic violence. The resolution states that domestic violence is an issue of public concern and calls upon states to prevent, investigate and punish this type of violence and to protect its victims. Part of the protection for women concerns orders restraining violent spouses from entering the family home. It is the first time that in a resolution in relation to violence against women, States are called upon to make domestic sexual violence a criminal offence. Of added value is that the resolution also stresses that states should 'not invoke any custom, tradition or religious consideration to avoid their obligations to eliminate violence against women', which was the obstacle in reaching consensus during last years' Commission on the Status of Women (CSW). The second Netherlands' resolution deriving from the initial attempt of an omnibus resolution was 'In-depth study on all forms of violence against women' under item 117. It requests the UNSG to conduct a study on all forms and manifestations of violence against women. The resolution was adopted without a vote and it was co-sponsored by all EU Member States.

The resolution on 'Women and Political Participation' presented by the US was welcomed by the EU. The EU managed to considerably strengthen the text, although some partners felt it was not strong enough to co-sponsor the resolution.

In the statement on the advancement of women (Items 112-113), the EU stressed its commitment to the goals of the Beijing Conference and the 23rd Special Session of UNGA and its support for the gender mainstreaming strategy. The EU pointed out numerous areas where a gender perspective has to be integrated: sustainable development, combating poverty, education, access to essential health-care services, participation of women in all spheres of life, particularly in humanitarian activities and post-conflict reconstruction. The EU called upon all governments to intensify efforts to prevent, punish and eliminate all forms of violence against women and girls.

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44 The initial draft prepared by the Netherlands, would emphasise commitments in all areas of violence against women: domestic violence, female genital mutilation, crimes committed in the name of honor, racially motivated violence; early and forced marriages; female infanticide; sexual abuse of female children; dowry related violence; acid attacks; rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; commercial sexual exploitation as well as economic exploitation including trafficking; crimes committed in the name of passion; women in armed conflict.

48th Session of the Commission on the Status of Women

In March 2004, the UN Commission on the Status of Women (CSW) at its 48th Session focused on two thematic issues: (1) 'The role of men and boys in achieving gender equality'; and (2) 'Women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building'. The Commission adopted agreed conclusions by consensus on both themes.

On 'The role of men and boys in achieving gender equality', CSW emphasised the need to raise awareness of men and boys through education and upbringing, encouraging the sharing of domestic responsibilities including caring roles, and promoting an increased role for men and boys in eliminating violence against women and preventing HIV/AIDS. The agreed conclusions on 'Women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building' focused on conflict prevention, peace processes and elections and reconstruction and rehabilitation in post-conflict situations.

The Commission adopted five resolutions by consensus:

- 'The situation of women and girls in Afghanistan';
- 'Women, the girl-child and HIV/AIDS';
- 'Mainstreaming a gender perspective in all policies and programs in the United Nations system';
- 'Revitalisation and strengthening of the International Research and Training Institute for the Advancement of Women (INSTRAW)'
- 'Preparations for the forty-ninth session of the Commission'.

The EU-initiated a resolution on 'The situation of women and girls in Afghanistan' urges the Afghan Transitional Administration and future government to ensure that any legislative, administrative and other measures support the full enjoyment by women and girls of human rights and fundamental freedoms. All EU Member States co-sponsored the resolution on mainstreaming gender perspective (common initiative by the United Kingdom and Bangladesh).

Two resolutions were adopted by vote: 'The situation and assistance to Palestinian women'; and 'The release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts'.

Similarly to last year's session, and to the EU's disappointment, the 'acquis' of the Beijing Platform of Action was again challenged in consultations on resolutions.

CSW considered the work and future functioning of the Working Group on Communications on the Status of Women. While there was agreement that the procedure needed to be made more effective, there was no consensus on how this should be achieved. CSW postponed consideration on this issue until its 50th session in 2006.

The main issue of the 49th Session of the CSW next year, which will mark the tenth anniversary of the adoption of the Beijing Declaration and Platform for Action, will be a review on the implementation of this important document.

60th session of the Commission on Human Rights (CHR)

In the margins of the 60th session of United Nations Commission on Human Rights in Geneva, thirty-two women foreign ministers and other dignitaries from all regions of the world (some of them from EU Member States) issued a declaration on joint action to combat violence against women. At the 'high-level segment' of the CHR, several Ministers addressed the theme of violence against women, amongst whom eight high-level Government women officials specifically called for more effective efforts to halt violence against women and for an end to related problems such as trafficking in women and cultural practices harmful to women's health, such as female genital mutilation.

At its 60th session the Commission on Human Rights adopted by consensus a resolution under agenda item 12 ('Integration of the Human Rights of Women and the Gender Perspective') 'Elimination of Violence against Women', sponsored by Canada and co-sponsored by all EU Member States. The resolution strongly condemns physical, sexual and psychological violence occurring in the family, including battering, sexual abuse, dowry-related violence, marital rape, female infanticide, female genital mutilation, and crimes committed against women in the name of honour. A novelty in the resolution is that there is consensus on language on reproductive rights. CHR also adopted by consensus a decision on harmful traditional practices affecting the health of women and the girl child, in which it approved the decision of the Subcommission on the Promotion and Protection of Human Rights to renew for a further three years the mandate of the Special Rapporteur on the topic.

CHR adopted by consensus a resolution 'Trafficking in women and girls', sponsored by the Philippines and co-sponsored by all EU Member States. The Commission also decided, by consensus, to appoint for a period of three years a Special Rapporteur on the issue of trafficking in persons, especially women and children. The Acting High Commissioner, Mr Bertrand Ramcharan, firmly and publicly supported the proposed decision. The newly appointed Special Rapporteur, former Liberian minister and former UNDP Head for Africa, Ms Ellen Johnson Sirleaf, is tasked to focus, in close cooperation with other relevant Special Rapporteurs, on the human rights aspects of the trafficking phenomena.

Under item 12, CHR adopted the decision on 'Integrating the human rights of women throughout the United Nations system', sponsored by Chile. Concerning specific groups and individuals, the Commission adopted by consensus a resolution on violence against women migrant workers (an initiative by the Philippines) in which it called upon all Governments to take all necessary measures to ensure the full enjoyment of human rights by women migrant workers and encouraged Governments to seek ways to eliminate causes that put them at risk.

Ireland, speaking on behalf of the European Union in the general debate on Item i2, recalled that the human rights of women and the girl-child were inalienable, indivisible and integral elements of universal human rights. The EU called upon States to ensure the respect of the rights of women in practice. States should incorporate provisions concerning non-discrimination of women into their national legislation and provide effective mechanisms to ensure the implementation of those standards. While the European Union acknowledged that there had been progress in many areas, many States continued to deny women the full and equal exercise and enjoyment of the rights to which all persons were entitled.

4.3.12 Persons with disabilities

2003 was declared the European Year of People with Disabilities. It is estimated that there were 37 million people with disabilities in the European Union of 15 Member States and the aim of the Year was to raise awareness of the rights of persons with disabilities to protection against discrimination and to full and equal enjoyment of their human rights; to promote equal opportunities for people with disabilities; to exchange good practices on disability; to reinforce cooperation between major stakeholders, notably representative organisations of people with disabilities and the social partners; to promote a positive image of people with disabilities; and to pay special attention to awareness of the rights and full integration of children with disabilities. Specific funding of EUR 12m was provided through the European Commission to support projects during the Year. These funds were administered, and national events organised in each Member State, by a National Coordinating Body. A campaign bus, provided by the Commission, toured every Member State during 2003 to publicise the aims and objectives of the Year. The holding of the Special Olympics World Games in Ireland, the world's largest sporting event of the year, was one of the highlights of the European Year of People with Disabilities. A follow-up Commission Communication and Action Plan was published in October 2003 which builds upon the achievements made throughout the Year and sets out the direction of the European Disability Strategy for the period 2004 – 2010 in the enlarged Union.

Work continued in the UN Ad Hoc Committee to draft a convention on the enjoyment of human rights by persons with disabilities. The third session of the Ad Hoc Committee (AHC) took place in New York from 24 May to 4 June 2004, with the AHC undertaking a first reading of the major part of the draft Convention on the basis of a text prepared by a restricted Working Group which had met in January.

The aim of the EU is a Convention to ensure the full and equal enjoyment of all human rights and dignity by persons with disabilities. It should contain concrete commitments that are capable of being implemented and should attract the greatest possible number of ratifications. The principles of non-discrimination; equality of opportunity; autonomy; and participation and inclusion underpin the EU position on this Convention.

The Union participated actively in the work of the AHC, making detailed amendments to the Working Group's draft to bring it into line with the objectives set by the Union.

4.3.13 Persons belonging to minorities

In its external relations, the EU works with regional and international organisations, such as the OSCE, Council of Europe and the UN, in order to promote and protect the rights of persons belonging to minorities.

During the accession process of the new Member States, the fulfilment of the Copenhagen criteria was verified mainly on norms adopted by the Council of Europe and the OSCE.

European standards regarding the protection of persons belonging to national minorities are reflected in particular in Council of Europe legally binding instruments: the European Convention on Human Rights and Fundamental Freedoms and its Additional Protocol 12 (not yet in force), which imposes a general prohibition on discrimination; the Framework Convention for the Protection of National Minorities, which is the first legally binding multilateral instrument on the protection of persons belonging to national minorities. The case-law of the European Court of Human Rights and the developing acquis of the monitoring system set out by the Framework Convention for the Protection of National Minorities have given significant impetus to the whole system of minority protection across Europe.

The contribution of the Parliamentary Assembly of the CoE to minority protection is indispensable. The European Commission for Democracy through Law (the Venice Commission) has covered areas related directly or indirectly to minority protection, such as giving opinions on national minority legislation and on election laws. The Committee of Ministers of the CoE, in its Declaration of May 2004, recognised the importance of the Code of Good Practice in Electoral Matters adopted by the Venice Commission. The European Commission against Racism and Intolerance (ECRI) set up by the CoE, is an independent human rights monitoring body specialised on issues related to racism, xenophobia, anti-Semitism and intolerance. Close cooperation has been established between ECRI and the European Monitoring Centre on Racism and Xenophobia.

Financial assistance for minority issues continues to be provided for in the EU budget. The European Initiative for Democracy and Human Rights (EIDHR) has been designated to fight against racism, xenophobia and discrimination against ethnic minorities as well as indigenous peoples[45] as a main priority for 2002-2004. The EU remains steadfast in its commitment to act likewise in the years after 2004.

The EU continues to support strongly the work of the OSCE, in particular within the framework of the Permanent Council, providing a regular political forum for raising and discussing matters related to persons belonging to minorities. The EU supports the OSCE's field activities, operating in 16 OSCE participating States, including the facilitation of the implementation of commitments related to the rights of persons belonging to minorities. The Union actively participates in the work of the annual OSCE Human Dimension Implementation Meeting, and supports the efforts of the OSCE High Commissioner on National Minorities (HCNM). The EU welcomed the study on Minority-Language related Broadcasting and Legislation in the OSCE and the Guidelines on the Use of Minority Languages in the Broadcast Media, commissioned by the HCNM in 2003, as well as further activities of the HCNM to promote tolerance in multilingual societies, in cooperation with the OSCE Representative on the Freedom of the Media.

[45] There is no common position on the use of the term 'indigenous peoples'. Some Member States are of the view that indigenous peoples are not to be regarded as having the right of self-determination for the purpose of Article 1 of the ICCPR and the ICESCR, and that use of the term does not imply that indigenous people or peoples are entitled to exercise collective rights.

The settlement of ethnic disputes is recognised by the EU as a vital factor for the successful maintenance of peaceful cohabitation and stability, particularly within the acceding and candidate countries in the European Union. The Stability Pact for Europe signed in 1999, recognises this and pledges commitment to the protection of the rights of persons belonging to minorities.

In the framework of the UN, the EU follows with keen interest the activities of the UN Working Group on Minorities, which is annually tasked with reviewing the implementation of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as examining possible solutions to problems involving minorities. The first ten years of the Working Group have produced ample evidence of a wide range of human rights violations against members of minorities. An in–depth debate has started recently in different UN fora, regarding the possible ways and means of strengthening the UN human rights system for the protection of persons belonging to minorities.

At the 58th session of the UN General Assembly in the Third Committee, Austria presented a resolution on the 'Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities'. The resolution, which was adopted by consensus, encourages States, in their follow-up to the World Conference against Racism, 'to include aspects relating to minorities in their national plans of action and, in this context, to take multiple discrimination into account.' It also calls upon the Working Group on Minorities 'to implement fully its mandate with the involvement of a wide range of participants', inter alia, by recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to minorities.

At the 60th session of the UN Commission on Human Rights, Austria tabled a resolution on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The resolution requests the UN High Commissioner for Human Rights to study options for the timely identification of minority issues and pertinent measures through the compilation of views of States, of relevant parts of the UN system as well as of regional and international intergovernmental and non-governmental organisations, regarding their analysis of the activities of the Working Group and the results achieved, taking into account the recommendations by the Working Group as well as the proposals contained in the report of the High Commissioner. It has welcomed the efforts of the Working Group to review its activities and the results of its work regarding the timely identification of minority issues, and noted the Working Group's recommendation regarding the possible establishment of a special procedure on minority issues. The resolution was adopted without a vote.

4.3.14 Refugees and displaced persons

Improving the plight of the millions of people worldwide who were forced to flee their homes remains a high priority of the European Union. In many cases, armed conflicts and widespread human rights violations constitute the root causes of displacement. Frequently, persons belonging to minorities are particularly vulnerable to displacement. Therefore, the prevention and resolution of conflicts and the promotion of good governance and respect for human rights are essential policies in preventing displacement and allowing displaced people to return home in safety and with dignity. The EU, together with international partners, is strongly engaged in this regard. In some cases, however, the hopes for an improvement in the places of origin of the displaced are dim and alternative durable solutions have to be sought, such as local integration or resettlement.

In 2003, the number of refugees worldwide decreased from 12 to 10 million – the lowest in the last decade. The main reason for this development lies in an unprecedented level of voluntary repatriation mostly concerning Afghans returning from Pakistan and Iran. 3,3 million refugees live in Africa today where Sudanese people who crossed the border to Chad pose the newest significant caseload. The number of those displaced within their own homeland (IDPs) has been estimated to be 24,6 million, with little change compared to 2002. In that period more than three million people were newly displaced, the majority by civil wars and inter-communal violence in Africa. Apart from the Democratic Republic of Congo and Sudan, other countries with major new displacements included Liberia, Colombia, the Central African Republic, the Philippines and Indonesia. At the same time some three million people were able to return to their homes during 2003, most of them in Angola and Indonesia. In most cases women and children make up the majority of internally displaced populations, facing grave problems including violence and abuse, sexual exploitation, forced recruitment and abduction.

The 1951 Geneva Refugee Convention and its 1967 Protocol provide a strong legal framework for those who fled abroad and cannot return due to well-founded fear of persecution. All EU Member States are among the over 140 countries which have ratified these important instruments. For internally displaced persons, no comparable regime exists as the primary responsibility for their protection and assistance rests with their own governments. When these governments are unable or unwilling to adequately fulfil this duty, however, the international community should provide the necessary support.

A fundamental role for the protection of and assistance to refugees falls upon the UN High Commissioner for Refugees (UNHCR). The EU has, in recent years, been collectively the largest donor to UNHCR, and supportive of the efforts initiated by the High Commissioner to review the optimum profile of the organisation based on its mandate and its funding base. While this prioritisation has helped sharpen the operational focus of UNHCR, the funding situation has remained precarious and the demands on UNHCR have continued to grow. The EU has followed with great attention the work of the UNHCR in the field of international protection. After having completed the elaboration of an Agenda for Protection in 2002 a new initiative was launched by the High Commissioner called 'Convention Plus'. The idea of this initiative is to strengthen and complement the 1951 Convention and its 1967 Protocol through the development of multilateral special agreements aimed at enhancing burden-sharing and sharpening the focus on achieving durable solutions. The EU is committed to this process which will guide the work of UNHCR in the next years.

EU standard-setting within the field of asylum is an area that is fundamentally linked to the work of UNHCR and the Agenda for Protection. The EU efforts to harmonise the legislation and practices of Member States aim at establishing a common European asylum system based on the full and inclusive application of the 1951 Refugee Convention. In 2003, the EU completed its work on a Directive on the qualifications and the status of refugees and on subsidiary protection. In regard to the latter, the Directive seeks to set minimum standards complementary to the 1951 Refugee Convention taking into account existing obligations of EU Member States, notably under the European Convention on Human Rights.

A central role of advocacy for the often neglected group of internally displaced is played by the Representative of the UN Secretary-General (RSG) for Internally Displaced Persons. His mandate was established by the UN Commission on Human Rights in 1992, and since then he has significantly contributed to the establishment of institutional and normative frameworks for IDPs. In 1998, upon the request of the Commission on Human Rights and the UN General Assembly, the Guiding Principles on Internal Displacement were compiled under his mandate, which describe the specific rights and needs of IDPs. These principles provide the major standard for governments, the UN system and regional organisations in dealing with situations involving IDPs. In 2000, an inter-agency Network was set up among relevant UN agencies. This was followed in 2002 by the establishment of an inter-agency Unit on Internal Displacement, which focuses on the coordination of assistance and protection activities in the field. However, while the UN is the main international provider of assistance and protection for internally displaced persons, many gaps in the assistance and protection work still exist and the collaborative approach, designed to ensure a coordinated response by the international community to situations of internal displacement, needs further improvement. The EU and her Member States have from the very outset played a leading role in supporting the work of the RSG, the Guiding Principles and the Unit.

During the 58th Session of the United Nations General Assembly, the EU contributed actively to the deliberations relating to refugees, returnees and internally displaced persons. The Italian Presidency, on behalf of the Union, congratulated the High Commissioner for Refugees on his reappointment and welcomed his efforts to ensure protection and provide sustainable solutions. The Agenda for Protection and the Convention Plus initiative were both useful initiatives in this regard. The EU also supported the emphasis on transitional needs in post-conflict and protracted refugee situations. The EU Member States actively contributed to and co-sponsored resolutions on the Office of the UN High Commissioner for Refugees and on the assistance to refugees, returnees and displaced persons in Africa.

By co-sponsoring the resolution on internally displaced persons, the EU also expressed its support for the continued efforts within the UN system to ensure that the needs of IDPs are met in an effective and comprehensive manner. In this resolution the General Assembly for the first time expressed appreciation of the guiding principles on internal displacement, explicitly welcoming their increased application as a standard. Equally new and important are the specific references to the ICC and to Security Council Resolution 1325 (2000) in connection with the grave problems faced by many internally displaced women and girls.

At the 60th Session of the UN Commission on Human Rights, all EU Member States co-sponsored the resolution on internally displaced persons, presented by Austria, in which the Commission expressed concern at the persistent problems of large numbers of internally displaced persons worldwide, in particular at the grave problems faced by many internally displaced women and children, noted the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration in peace processes and in reintegration and rehabilitation processes, called upon Governments to provide protection and assistance to internally displaced persons and urged all those involved to allow full, unimpeded access by humanitarian personnel to such persons. It requested the Secretary-General in effectively building upon the work of the Representative of the Secretary-General on Internally Displaced Persons, whose mandate was not extended, to establish a mechanism that would address the complex problem of internal displacement, in particular by mainstreaming of human rights of the internally displaced into all relevant parts of the UN system. It requested him to review the new mechanism's performance and effectiveness two years after its inception and submit a report thereon, as well as on the details of the mechanism, to the Commission on Human Rights at its sixty-first session.

4.3.15 Human rights defenders

The EU attaches the utmost importance to the work performed by all human rights defenders. Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.

Support for human rights defenders constitutes a long-established element of the EU's human rights external relations policy. The adoption of guidelines by the Council of the European Union on Human Rights Defenders on 15 June 2004, prepared by the Council Working Party on Human Rights (COHOM), with the aim of providing practical suggestions for enhancing EU action in relation to that issue, is a major step forward towards addressing specific concerns regarding human rights defenders.

These guidelines, the result of an initiative taken by the Irish Presidency, can be used in contacts with third countries at all levels, as well as in multilateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means to support and assist them. One important element of the guidelines is support for the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders, contributing to reinforcing EU human rights policy in general.

In its statement at the 60th session of the CHR, the EU supported the excellent work of the Special Representative and welcomed her report to the Commission. The Union expressed its concern at the violations of the rights of human rights defenders highlighted therein, which include inter alia harassment, intimidation, defamation, arbitrary arrest, physical violence, and ultimately extrajudicial execution. It also expressed concern for the continued persecution, in particular of women human rights defenders, and of those who insist that universal norms apply irrespective of an individual's sexual orientation. The EU urged States to bring aid to and protect the human rights of human rights defenders. The countries directly concerned have a solemn duty to respond to the Special Representative's communications and act decisively.

The EU expressed its agreement with the Special Representative that the contextual space in which defenders operate is of utmost importance and that security laws must not legitimise persecution of human rights defenders. The Union expressed also its support for the Special Representative's recommendations on better implementation of the Declaration. The mainstreaming of human rights considerations must continue, and so must the work to make international and regional cooperation in this area more effective, as well as the efforts to render more effective the work of Special Procedures mechanisms and of the Treaty-based bodies in that respect.

At the 58th Session of the General Assembly, all EU Member States co-sponsored a draft resolution, tabled by Norway and adopted without a vote, on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Furthermore, at the 60th Session of CHR, all EU Member States co-sponsored a similar draft resolution, tabled by Norway and adopted without a vote.

Both resolutions request all Governments to take all necessary measures to ensure the protection of human rights defenders and urge them to assist the Special Representative in the performance of her tasks, and to provide all information necessary for the fulfilment of her mandate. For its part, the EU stands ready to do so. Again, the two resolutions request the Secretary-General to provide the Special Representative with all necessary human, material, and financial resources, in order to enable her to continue to carry out her mandate effectively.

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms serves as an internationally recognised instrument to emphasise the importance and legitimacy of the work of human rights defenders. As an example the EU and the Latin American and Caribbean countries agreed in their statement adopted in Guadalajara, Mexico, on 28.5.2004 to express their full commitment 'to provide coherent and effective support to those individuals, organisations or institutions, including human rights defenders, working for the promotion and protection of human rights, in accordance with international law and UN General Assembly Resolution 53/144 on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms' (PP 7).

4.3.16 Indigenous issues

The European Union believes that concern for indigenous peoples[46] should be integrated into all levels of development cooperation, including political dialogue with third countries. It also believes that building partnerships with indigenous peoples is essential to fulfil the objectives of poverty elimination, sustainable development and the strengthening of respect for human rights and democracy. The Council Resolution on indigenous peoples within the framework of the development cooperation of the Community and Member States, adopted on 30 November 1998, sets the main guidelines for support to indigenous peoples. On the basis of this Resolution the Commission has drawn up a progress report on working with indigenous peoples, which was presented to the Council in June 2002. The report highlights the key recommendations of the Resolution as well as the opportunities and problems encountered in working towards these goals. Against this background, the report assesses the progress achieved so far and, importantly, the work which remains to be done.

Following the report from the Commission, on 18 November 2002 the Council adopted conclusions on issues affecting indigenous peoples. In these conclusions the Council recalls its commitment to the 1998 Resolution and invites the Commission and Member States to continue implementing it.

[46] There is no common position on the use of the term 'indigenous peoples'. Some Member States are of the view that indigenous peoples are not to be regarded as having the right of self-determination for the purpose of Article 1 of the ICCPR and the ICESCR, and that use of the term does not imply that indigenous people or peoples are entitled to exercise collective rights.

Special emphasis was placed on coordination and coherence of the issue as between the Commission and the Member States in the field of external assistance and in relevant international fora. The Council conclusions further invited the Commission to ensure the follow-up of the June 2002 conference, to ensure the training of its personnel on issues related to indigenous peoples with a view to deconcentration, to include an analysis of the political, social, economic and cultural situation of indigenous peoples' issues into the EU policies, practices and work methods and to integrate the concerns of indigenous peoples into the political dialogue with partner countries. In order to ensure the implementation of the Council conclusions, the Commission has created an inter-service group, drawing together relevant units, and has launched the training of personnel on the issue, as part of more general training on human rights. The issue has also been addressed during the mid-term review of the Country Strategy Papers.

Projects which support the capacity-building of indigenous peoples are funded through the EIDHR. In the earlier calls for proposals, support for promoting the rights of indigenous peoples was integrated with the call directed at Racism, Xenophobia and Discrimination against Minorities and Indigenous Peoples. In 2004, a specific call for proposals will be dedicated to *Support for Promoting the Rights of Indigenous People*s in order to target indigenous peoples more precisely. Furthermore, the threshold for grant-sizes has been lowered to 150 000, making EIDHR grants more accessible to and manageable for local indigenous peoples in third countries.

The Commission's inter-service group on indigenous peoples continues to work on the implementation of EU policies on indigenous peoples and facilitate their inclusion and mainstreaming into relevant EU instruments and fora in the field of external assistance and cooperation.

Finally, it should be mentioned that the Member States of the EU are actively involved in promoting the aspirations of indigenous peoples within the United Nations, first and foremost through the Permanent Forum on Indigenous Issues, by supporting the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and in the drafting of a Declaration on the rights of indigenous peoples.

4.4 Situation of human rights in the world

4.4.1 Europe

The European Union warmly welcomed the abolition of the death penalty in Armenia and the moratorium on executions announced by Kazakhstan.

The EU welcomed the positive developments in the Georgian Autonomous Republic of **Adjara** and the peaceful manner in which the outstanding issues were resolved. The EU considered the restoration of Georgian government authority in Adjara an important step in extending the rule of law and respect for human rights throughout Georgia.

At the 60th session of the Commission on Human Rights (CHR) the EU presented a resolution on the human rights situation in the Republic of Chechnya of the Russian Federation and – together with the United States – resolutions on Belarus and Turkmenistan.

The first human rights consultations between the EU and Russia were held on 20 February 2004 in Brussels. In the consultations, a lengthy discussion on **Chechnya** took place. The discussions focused on the Union's intention to present an initiative on the human rights situation at the CHR 60. Efforts of the EU to engage Russia in negotiations on a chairman's statement on Chechnya proved fruitless. The Commission Communication to the Council and the European Parliament on relations with Russia of the 9 February 2004 underlined the importance of human rights in the EU-Russia dialogue.

At the CHR the EU resolution on the situation of human rights in the Republic of Chechnya of the Russian Federation strongly condemned all terrorist attacks in Chechnya and elsewhere in the Russian Federation. It also strongly condemned the ongoing serious violations of international human rights law and international humanitarian law in Chechnya, including forced disappearances, extra-judicial, summary or arbitrary executions, torture, ill-treatment, arbitrary detentions and abductions. The resolution expressed its concern at reports of, inter alia, human rights abuses by the security forces, and that the return of Internally Displaced Persons (IDPs) is not taking place on a strictly voluntary basis.

The resolution urged the Government of the Russian Federation to cooperate with human rights mechanisms, to facilitate the delivery of humanitarian aid by ensuring free and unimpeded access for humanitarian aid organisations to Chechnya, to cooperate fully with the OSCE and the Council of Europe and to take urgently all necessary measures to stop and prevent violations of human rights and international humanitarian law, including the full and prompt prosecution of all perpetrators. The resolution was defeated with 12 in favour and 22 against, while 19 abstained.

In a Presidency statement of 25 March 2004 the EU supported the renewed engagement by the OSCE, including the ODIHR, in Chechnya.

The President of the Council of the European Union strongly condemned the attacks in Ingushetia in June 2004. The Presidency has repeatedly and consistently condemned acts of terrorism in Chechnya and elsewhere in the Russian Federation. The Presidency emphasised that these attacks must not delay the search for a lasting peace in Chechnya which upholds human rights and commands the support and confidence of the Chechen population.

At the CHR the EU tabled for the second time a resolution on **Turkmenistan** that was co-tabled by the United States. In the resolution grave concern was expressed, inter alia, at the persistence of a government policy based on the repression of all political opposition activities, at the abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedom of thought, expression, assembly and association, and harassment of their families, and the restrictions on the exercise of freedom of thought, conscience, religion and belief, including by the harassment and persecution of members of independent faith groups and the discriminatory use of registration procedures for such groups. The resolution also expressed deep concern at the continuing failure of the Turkmen Government to respond to the criticisms made in the report of the Rapporteur of the OSCE Moscow Mechanism regarding investigation, trial and detention procedures following the reported assassination attempt against President Niyazov of November 2002.

The resolution, adopted by vote (25 in favour, 11 against, 17 abstentions), called upon the Government of Turkmenistan to ensure full respect for all human rights and fundamental freedoms, in particular the freedom of expression, religion, association and assembly, the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities, and to take the necessary measures to refrain from subjecting conscientious objectors to imprisonment. It also called upon the Government to remove the new restrictions on the activities of public associations, including non-governmental organisations, stipulated in the new Law on Public Associations adopted on 21 October 2003 and paralleled in the new rules on registration of religious organisations, issued in January 2004, and to enable non-governmental organisations, particularly human rights organisations, and other civil society actors to carry out their activities without hindrance.

The CHR resolution on the human rights situation in **Belarus** expressed deep concern at reports on the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist, at the electoral process and legislative framework in Belarus, which remain fundamentally flawed, at the increased restrictions on the activities of religious organisations, about reports of arbitrary arrest and detention and about persistent reports of harassment of non-governmental organisations, opposition political parties and individuals engaged in opposition activities, and independent media, as well as the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Commission on Human Rights.

The resolution urged the Government of Belarus to ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and to ensure that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with international human rights obligations. The resolution further urged the Government to establish independence of the judiciary and end impunity for persons responsible for killing or injuring individuals. It also urged the Government to cooperate fully with all the mechanisms of the Commission on Human Rights, including through extending invitations to the Special Rapporteurs. The resolution decided to nominate a Special Rapporteur, within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus. A no-action motion on this resolution was defeated by the narrowest possible margin (22/22/9). The resolution itself was adopted by vote (23/13/7).

The Presidency statement on the Joint EU-US Mission to Belarus of 19 March 2004 noted with regret that Belarus has failed conspicuously to make progress towards meeting its OSCE commitments. In a declaration published on 14 May 2004 the EU reiterated and confirmed its position on the findings of the Council of Europe's Pourgourides report. It also expressed its ongoing concern about the human rights situation in Belarus.

The EU made a statement on **Kyrgyzstan** in the Permanent Council of the OSCE on 29 January 2004. The EU welcomed the extension of the moratorium on the death penalty and continued to follow closely the cooperation of the Kyrgyz authorities and the OSCE on the prison reform process and on the adaptation of the Kyrgyz legal system to international standards. The EU encouraged the Kyrgyz Government to make further changes and clarifications in the electoral code and its application in practice.

The European Union welcomed the significant progress made in **Turkey** in the reform process, including the important and wide-ranging constitutional amendments adopted in May 2004. It welcomed the continued and sustained efforts of the Turkish Government to meet the Copenhagen political criteria. The European Union emphasised the importance of concluding the remaining legislative work and of accelerating efforts to ensure decisive progress in the full and timely implementation of reforms at all levels of administration and throughout the country especially as far as the protection of human rights, including minority rights, is concerned. The European Union will continue to assist Turkey in the reform process within the framework of the pre-accession strategy.

In this context, the decision by the Parliamentary Assembly of the Council of Europe to end the monitoring of Turkey, which was initiated in 1996, should also be noted.

The EU reiterated its serious concern about the human rights situation in **Uzbekistan**. In the statement on Uzbekistan made in the Permanent Council of the OSCE (22 January 2004), the EU welcomed the significantly strengthened OSCE involvement in Uzbekistan during 2003. The EU also encouraged Uzbekistan to implement the recommendations made by the UN Special Rapporteur on Torture and to involve the international community and the NGOs in the process. The EU remained deeply concerned about deaths in custody. The EU asked the Government of Uzbekistan to suspend all executions and to consider adopting a moratorium on the death penalty. The EU reiterated its readiness to give practical support to the implementation of judicial and legal system reforms in Uzbekistan.

4.4.2 Asia

A resolution on the human rights situation in **Burma/Myanmar**, initiated by the EU, was adopted at the 60th session of the UN Commission on Human Rights. It noted some modest developments, including continuing cooperation with the International Committee of the Red Cross, slight improvements in the conditions of detention (although conditions remain very poor), and the visit by an Amnesty International delegation to Burma/Myanmar (although the AI delegation was unable to see all those it requested to meet), and the acceptance of an ILO facilitator in Burma/Myanmar. For the most part, however, the resolution expressed continuing grave concern at the human rights situation in Burma/Myanmar, most particularly at the detention and house arrest of Daw Aung San Suu Kyi and other senior NLD leaders, extra judicial killings, torture, the use of forced labour, lack of independence of the judiciary and wide disrespect for the rule of law, denial of basic political rights (e.g. freedom of speech), the significant number of political detainees and discriminatory practices against persons belonging to ethnic and religious minorities. The resolution also highlighted a continuing pattern of gross and systematic violations of human rights and a lack of demonstrable and substantial commitment towards national conciliation and the restoration of democracy in Burma/Myanmar.

Daw Aung San Suu Kyi and the NLD Vice-Chairman U Tin Oo are still under house arrest following the violent incident organised by elements of the regime that occurred on 30 May 2003. The NLD offices in the country remain closed with the exception of the Rangoon Head Office. The fact that the NLD and some ethnic minority groups are not participating in the National Convention that started on 17 May 2004 is once again a serious setback for hopes for national reconciliation and the transition to democracy. The European Union is forced to note that the Government of Burma/Myanmar has ignored the relevant recommendations and expectations of the international community.

The EU continues to be deeply concerned about the human rights situation in **North Korea**, in particular about continued reports of serious violations of civil and political rights and the continuing grave problems concerning economic, social and cultural rights. The Union therefore, as a follow-up to Resolution 2003/10, again presented a resolution to the UN Commission on Human Rights, which was adopted on 15 April 2004. The resolution expresses deep concern about the precarious humanitarian situation in the country, about continuing reports of systematic, widespread and grave violations of human rights, including torture and other cruel, inhuman or degrading treatment or punishment, the existence of prison camps, about restrictions of fundamental freedoms and violation of the human rights of women.
The cooperation of the North Korean Government with the UN system in the field of human rights, in particular with the relevant special rapporteurs and working groups, remains an important issue for the EU. The EU welcomes in particular the fact that the resolution calls for the appointment of a Special Rapporteur on the DPRK. The EU will continue to follow the human rights situation in North Korea very closely with a view to a renewed assessment at the next session of the UN Commission on Human Rights.

The EU urges the North Korean authorities to provide greater access and improve working conditions for humanitarian international organisations. In that connection, the EU appreciated the visit by the Special Rapporteur on the Convention on the Rights of the Child to the DPRK in March 2004. It also welcomed the fact that EU HoMs in the DPRK were granted access to the defector Mr Kang Byong Sop and his son and would encourage the DPRK authorities to extend the possibilities for EU HoMs to gain more information on the human rights situation in the country.

Although **China** amended its constitution in March 2004 to include a reference to human rights and although there have been positive developments on social questions, including migrant workers and HIV/AIDS, and on the ongoing reform of the judicial and legal system, the EU remains concerned about continuing violations of human rights in China. Government tolerance of increasing protests relating to certain economic and social matters seems to be growing, though the leaders continue to be severely dealt with. The scope for protest of an overtly political nature, however, remains extremely limited. In August 2003 one of China's two systems of administrative detention, 'custody and repatriation', was abolished whilst 're-education through labour' so far remains unchanged. In a reply to concerns voiced by the EU and its Member States the Chinese side has indicated that it is working on a regulation to reform this system.

The continuing widespread use of the death penalty and torture as well as significant shortcomings regarding freedom of expression, assembly, association and religion, freedom of speech and the press, ongoing violations of the human rights of pro-democracy activists, proponents of free trade unions, followers of Falun Gong, and the repression of persons belonging to ethnic minorities in Tibet and Xingjiang remain high on the EU agenda vis-à-vis the Chinese Government. The EU voted against a no-action motion that effectively prevented decision-taking on a resolution addressing the human rights situation in China at the 60th session of the UN Commission on Human Rights.
The EU appreciates the cooperation of China in the EU-China human rights dialogue process. In the framework of this dialogue the EU continues to urge China to ratify the International Covenant on Civil and Political Rights (ICCPR) and will support China in its efforts to change national legislation accordingly. The EU expects the dialogue to produce measurable results and progress on the ground - not least with regard to individual cases and China's stance towards UN Special Procedures.

The European Union welcomes the fundamental improvement in the human rights situation in **Indonesia** over the past five years. The process of democratic reform was carried further in 2003 and 2004 with the establishment of a Constitutional Court and the preparation for the first direct presidential election. At the same time, the EU noted that cause for concern remained in certain areas. The human rights situation in Aceh deteriorated after the introduction of military emergency in May 2003 and the subsequent integrated military operation. While Martial Law was replaced by Civil Emergency Law in May 2003, an assessment of the situation in Aceh was difficult due to the effective closure of the province to foreign and human rights observers. However, there were credible reports about an increasing number of extrajudicial killings and disappearances. The judicial system fails to provide a clear deterrent to human rights violators.

Freedom of the press, acknowledged as one of the important achievements of Indonesia, appeared to come under pressure in 2003 when a number of legal suits were filed based on criminal rather than on press law. The general elections on April 5, 2004 were held in a free and fair manner as described by the European Union Election Observation Mission, the biggest ever deployed by the European Union.
Three persons were sentenced to death in the trials of the Bali bombers. The EU urged Indonesia to abolish the death penalty and until then to maintain the *de facto* moratorium on its application. The EU considers progress in judicial reform as crucial to Indonesia's reform process. Credible judicial punishment of human rights abuses remains an indispensable element of democratic renewal in Indonesia and of particular importance in relation to winning local acceptance and support for the special autonomy arrangements for Aceh and Papua. In August 2003 the EU expressed disappointment regarding the functioning of the Ad Hoc Tribunal on East Timor.

The EU and its Member States have strongly supported **Timor-Leste** in its efforts in building and consolidating a democratic government and safeguarding human rights. This was underlined at the 60th UN Commission on Human Rights in a chairperson's statement on technical cooperation and advisory services in Timor-Leste, initiated by the European Union.
During the two years of independence, relevant human rights conventions and instruments were ratified, including the Rome Statute. Deficits in the justice sector, however, remain of concern. The weakness in all spheres of human resources and capacities and the overall poverty are acknowledged by the ambitious government, which is strongly committed to international standards of human rights and their implementation. The Government has shown acute awareness of the need to protect women as a particularly vulnerable group and installed a special adviser for women's rights. Concerning the human rights violations in connection with the referendum in 1999 in East Timor, the Government follows a pragmatic approach reflecting its desire for good relations with Indonesia.

The security situation in **Papua New Guinea** remains volatile due to serious shortcomings in public safety and endemic corruption. The EU expects the situation to improve with the implementation of Australia's Enhanced Cooperation Programme (ECP) which envisages the dispatch of 230 Australian police and public servants, including 4 judges, in September 2004 to assist the PNG Government in matters of public safety, law enforcement and good governance.

The EU recognises that further steps have been taken by the Afghan transitional authority to improve the human rights situation in **Afghanistan**. The EU welcomes the commitment in the new constitution to observe the UN Charter and to respect the Universal Declaration of Human Rights. The EU acknowledges the efforts of the Afghan transitional authority to guarantee an accountable electoral process and to create the necessary conditions for free and fair elections. The EU is, however, concerned about a continuing climate of impunity for serious human rights violations and about shortcomings in the criminal justice system. The EU notes with concern the execution that has taken place in 2004 and urges the Afghan transitional authority to declare a formal moratorium on the death penalty.

Despite encouraging signs of progress, the situation of women in Afghanistan continues to be affected by the volatile security situation and to be characterised by domestic violence and arbitrariness by law-enforcement officials. The EU expects the Afghan transitional authority to continue to strive for legal and social reforms targeting those shortcomings. The European Union explicitly encourages the EU special representative in Afghanistan to continue to point out those areas that remain of concern to the EU in the relevant fora. During the 60th CHR a chairman's statement on Afghanistan was tabled by Italy, backed by the EU.

The human rights situation in **Nepal** continues to be a matter of serious concern to the EU. After the unilateral suspension of the cease-fire agreement by the CPN-Maoists on 27 August 2003, the EU Heads of Mission in Kathmandu called on the Maoist leadership to reconsider its decision, to renounce all acts of terrorism and to return to the negotiating table. As the human rights situation further deteriorated in Nepal as a result of the ongoing conflict between CPN Maoist rebels and security forces, the European Union undertook a démarche in Kathmandu in early 2004, pressing both parties to the conflict to sign a human rights accord proposed by the national human rights commission of Nepal.
On the occasion of the 60th session of the UN Commission on Human Rights the European Union fully supported a chairman's statement condemning the human rights violations committed by the Maoist rebels and urging the Nepalese Government to expressly commit itself to the implementation of human rights and international humanitarian law. The EU closely monitored the situation of Bhutanese refugees in Nepal.

The European Union acknowledged the progress made in solidifying the democratic development in the Kingdom of **Cambodia** towards respect for human rights under the rule of law. It encouraged the Kingdom of Cambodia to institute genuine democratic reforms as a framework for ensuring human rights in order to overcome continuing serious deficiencies such as weak law enforcement, corruption, land grabbing and the persistence of a climate of violence in some areas. The European Union condemned violence against political and civic activists, in particular the murder of trade-union leader Chea Vichea, and appealed to the Kingdom of Cambodia to do its utmost to bring those responsible to justice. It expressed the conviction that the problem of impunity and the lack of a functioning legal and judicial order remains a central obstacle to the process of building democratic institutions and advancing the enjoyment of human rights under the rule of law in the Kingdom of Cambodia. The EU fully supported a resolution at the 60th session of the UN Commission on Human Rights regarding technical cooperation and advisory services in Cambodia. Concerned about restrictions imposed upon the freedom of movement of ethnic-minority asylum seekers from Vietnam's highlands (collectively known as 'montagnards'), the European Union called upon the Government of the Kingdom of Cambodia as a party to the 1951 Convention on Refugees and its related 1967 Protocol to comply with its international obligations, in particular the core principle of non-refoulement, and to resume constructive dialogue with the UN High Commissioner for Refugees, the UNHCR. The European Union welcomed progress made towards the establishment of the Khmer Rouge tribunal and expressed its hope that the agreement will be ratified by the national assembly in due time.

On the basis of commitments made at the 2003 Athens ministerial meeting, the European Union has intensified the dialogue with the Government of **India** on human rights issues. The European Union and India have expressed their interest in strengthening cooperation on human rights in international fora.

While steps taken by the Indian Government - like the release of detained militants in Jammu and Kashmir - were welcomed, the overall human rights situation and violence in Jammu and Kashmir remained a matter of concern to the European Union. The commitment of India and Pakistan in January 2004 to the process of the composite dialogue was warmly welcomed by the European Union as a way of resolving outstanding differences between the two countries, including Kashmir, in a peaceful way.

The European Union has established a dialogue on human rights with the Government of **Pakistan** and recognises the cooperation in this field. The dialogue has a special focus on violence against women, blasphemy laws, freedom of expression, the death penalty, torture and minority rights. In this context the European Union underlined the importance of the rule of law as a basic prerequisite for the protection of human rights. In May 2004, the EU issued a démarche which raised particular cases of concern.

While recognising that the Government of **Bangladesh** has taken steps to tackle the deteriorating law and order situation, the European Union expressed its concern about human rights violations on the occasion of the development forum in Dhaka on 8 - 10 May 2004. The European Union, jointly with other partners of Bangladesh, stressed the interrelation between poverty eradication and the rule of law. The European Union continues to closely monitor the situation of NGOs in Bangladesh, asking for sufficient scope for them to contribute constructively to the development of the country.

The EU continued to support the peace process in **Sri Lanka**. In August 2003 the Heads of Mission of the European Union expressed concern about a number of politically-motivated murders in Sri Lanka and warned that those atrocities could jeopardise the cease-fire agreement between the Government of Sri Lanka and the LTTE. The European Union emphasised several times the importance of the cease-fire agreement as the cornerstone of the peace process. The EU asked both parties to accept the rulings of the Sri Lanka monitoring mission and to continue to search for a peaceful solution to the internal conflict in Sri Lanka. The problem of continued child recruitment by the LTTE as reported by UNICEF was raised by the European Union on different occasions and the LTTE was urged to return these children to their families. After the dissolution of the Sri Lankan parliament the EU called on all political figures to ensure that the parliamentary elections in April were free, fair and free of political violence and condemned the killing of an election candidate and a political activist in the east, as well as threats in the north and east of the country. An EU election observation mission was sent to Sri Lanka to monitor the parliamentary elections.

The EU assessed that, in an overall manner, the situation of human rights in **Malaysia** had improved. It continued to raise concerns, however, about the Internal Security Act which is an instrument not compatible with international human rights standards and norms. It also expressed concern about the newly introduced anti-terror legislation which amended the penal code and which lacks clear definitions and a consistent terminology and can therefore lead to arbitrary and conflicting interpretations.

While **Vietnam** has made impressive achievements in the area of economic and social rights since the start of the 'doi moi' reform process, respect for civil and political rights remains closely conditioned by Vietnam's one-party communist system and the regime's overriding priority to ensure its survival. The European Union remained seriously concerned in particular about the wide use of the death penalty, the lack of an independent and fair judicial system and a lack of democracy and transparency throughout the political system. In the Central Highland, tensions with ethnic minorities reoccurred. Violent demonstrations resulted in the loss of lives in spring 2004. Religious organisations not officially recognised by the Government continue to be subjected to repressive actions. In November 2003, agreement was reached between Vietnam and the EU to institutionalise the bilateral human rights dialogue which had been ongoing at the level of the Ambassadors of the EU Troika in Hanoi since 2001.

4.4.3 Africa

For several years, the EU has been seeking to adopt policies regarding human rights situations in Africa based on cooperation rather than confrontation, for instance through the EU-Africa dialogue which was established under the Cotonou Agreement. Accordingly, the EU has also sought to encourage regional groups such as the African Group to take charge, in cooperation with other groups such as the EU, of local situations of human rights violations. This continuing collaborative approach can be said to have come to fruition at the 2004 UN Commission on Human Rights with the tabling by the African Group of two resolutions that had originally been proposed by the EU itself.

In the Third Committee of the 58th session of the UN General Assembly, the EU introduced a country resolution on the human rights situation in the Democratic **Republic of the Congo** (DRC). The resolution, which was adopted following a vote by Member States, reflected a number of positive developments on the ground and the apparent political will on the part of the Government of National Unity and Transition to promote democracy in the country. The resolution welcomed the promulgation of the new Constitution, the signing of cease-fire agreements in March and May 2003 and the abolition of the Military Order Court. The resolution, however, condemned the continuing violations of human rights, armed violence and the recruitment and use of child soldiers in certain parts of the country. The resolution accordingly called for full implementation of the cease-fire agreements, an end to impunity, in particular as regards sexual violence against women and children, reform of the judicial system, cooperation with the International Criminal Court and the prevention of conditions that might lead to flows of refugees and displaced persons, as well as the establishment of conditions that would allow the return of present refugees and displaced persons.

During the 2004 UN Commission on Human Rights, the European Union played a key motivational role in encouraging and persuading the African Group to present resolutions that recognised and addressed the human rights situations in Sudan and the Democratic Republic of the Congo, resolutions that had in the past been prepared and tabled by the European Union itself.

The resolution on the human rights situation in the **Democratic Republic of the Congo**, presented by the African Group following a positive process of collaboration with the EU, was adopted without a vote. The resolution welcomed the promulgation of the new Constitution, the extension of the mandate of the UN Mission, the activities carried out by the Human Rights Field Office (HRFO), the report issued by the Special Rapporteur and the collaboration between the Secretary-General and the Office of the High Commissioner for Human Rights aimed at tackling the issue of impunity. The resolution also recalled the proposal of the High Commissioner for Human Rights for the establishment of a system of inquiry into serious human rights violations. Concern was expressed with regard to continuing violations in certain parts of the country. The resolution called upon all parties involved, the provisional authorities and the international community to take the necessary steps to improve democratic structures in the country. The resolution also asked for a report to be submitted by the Secretary-General before the 2005 Session of the UN Commission on Human Rights, based on these issues and on the recommendations of the Secretary-General's Special Representative.

In response to the worrying reports of widespread gross violations of human rights in the Darfur region of Western Sudan, as well as the general human rights situation across the whole of **Sudan**, the European Union spared no efforts in ensuring that action was taken by the UN Commission on Human Rights during its 2004 Session to establish a UN special mechanism for monitoring and improving the human rights situation across the country. The Commission Decision on the human rights situation in Sudan, presented by the African Group and adopted by the Commission on the last day of the 2004 Session, represents the positive response by the African Group to the European Union's willingness to engage both the Sudanese Government and the African Group as a whole. The Commission decision recalls the conclusions of the N'Djamena cease-fire agreement, takes note of the grave violations taking place in Darfur and invites the OHCHR to appoint an Independent Expert charged with monitoring and improving the human rights situation.

The European Union, as it had done in previous years, presented a resolution at the 2004 Session on the human rights situation in **Zimbabwe**. This proposed resolution expressed deep concern at the continuing human rights violations in the country, including politically motivated killings, torture, sexual violence and other forms of violence against women, cases of arbitrary arrest, curtailing of the independence of the judiciary and restrictions on the freedom of opinion, expression, association and assembly. The resolution also recognised the threat of HIV/AIDS and its effects on the economic and social development of the country. The resolution moreover called upon the Government of Zimbabwe to allow civil society to exist without fear of persecution and urged the Government to take all necessary measures to ensure that all human rights were promoted and protected. On behalf of the African Group, the Republic of Congo introduced a no-action motion that was approved by the Commission and thereby impeded any consideration of the substance of the resolution.

4.4.4 The Americas

At a meeting of Heads of State of the European Union and Latin America and the Caribbean in Guadalajara, Mexico, on 29 May 2004, a Declaration was adopted which reiterated the commitment to the promotion and protection of human rights. They reaffirmed their belief that human rights are universal, interdependent and indivisible and recognised that the promotion and the protection of these rights, which belong to all human beings, is the responsibility of States.

At the 60th session of the CHR, the EU, as in the previous session, delivered a statement on the human rights situation in **Colombia**. In this statement, the EU welcomed the commitment of the Government of Colombia to maintain a fruitful dialogue with the Office of the HCHR and emphasised the importance of the London declaration. A statement on the human rights situation in Colombia was also negotiated with the authorities of Bogotá and was adopted without a vote. In this statement the EU attaches great importance to President Uribe's commitment to seek a negotiated solution to the internal armed conflict, though it noted a lack of progress towards a comprehensive peace strategy. The efforts made by the Government of Colombia to cooperate with the UN bodies and mechanisms were also recognised. Despite progress recorded in some areas such as a significant reduction in homicides in general (the same tendency applies also to some vulnerable groups), massacres of civilians, forced displacements and hostages-taking, the situation in the country concerning the level and frequency of these crimes remains of grave concern. The EU also condemned all acts of terrorism and other criminal attacks as well as the use of children by armed groups.

The resolution on **Cuba**, introduced by Honduras, was adopted by a minimum margin at the 60th CHR. It calls upon the Government of Cuba, irrespective of the current international circumstances which have obliged many States to set up security measures, to refrain from adopting measures that could jeopardise fundamental rights and freedoms, particularly the freedom of expression. It urged the authorities of Havana to cooperate with the Personal Representative of the High Commissioner for Human Rights on the situation in Cuba by facilitating the discharge of her mandate. In the general statement under item 9 on the question of the violation of human rights and fundamental freedoms in any part of the world, the EU Presidency focused on the limitations on the freedom of expression and imprisonment on political grounds, condemning the conditions of detention of the political dissidents sentenced in March 2003, and their poor health conditions. The EU expressed particular concern at the execution of three ferry-boat hijackers, which signified an end to a three-year unofficial moratorium on the death penalty.

The statement on the human rights situation in **Haiti** condemns the serious violations that occurred in the country, as well as frequent breaches of international humanitarian law. The EU, in its general statement under agenda item 9, expressed confidence in the United Nations to help the new Haitian authorities stabilize the situation and reiterated its support for the opening of a local office of the UNHCHR in Haiti. As a matter of fact, the EU supported the United Nations Security Council's decision in February 2003 to send a UN peace-keeping operation to Haiti, whose mandate includes protection of Human Rights. The EU furthermore welcomed the formation of the new government, and, in a statement published in March 2004, expressed its hope for substantial progress in establishing democracy and the rule of law.

4.4.5 North Africa and the Middle East

Building on previous commitments and strategy, notably on the Barcelona process and the Commission communication on reinvigorating EU actions on human rights and democratisation with Mediterranean partners (COM (2003) 294), endorsed by the Council in November 2003, the EU Strategic Partnership with the Mediterranean and Middle East adopted by the European Council on 17-18 June 2004 encourages progress towards democracy and respect for human rights in the region. The EU thus undertakes to deepen its political dialogue with partners, focusing on reform issues, and to provide concrete support for implementation.

In particular, within the framework of the European Neighbourhood Policy (ENP), national action plans are being developed, which should give scope for enhanced dialogue and concrete progress on human rights and democracy (see 4.1.1).

In the context of the Middle East Peace Process and the Quartet roadmap, the EU has been working extensively at improving the human rights situation and good governance in the West Bank and Gaza Strip through its financial programme and the interim Association Agreement with the Palestinian Authority.

Human rights were briefly discussed with the **GCC** (Gulf Cooperation countries: Saudi Arabia, UAE, Bahrain, Kuwait, Qatar and Oman) in various meetings and are a feature of the Joint Communiqué of the EU-GCC ministerial meeting. Human rights are also incorporated in the EU-GCC FTA agreement. This year the EU and GCC reaffirmed that they share the universal values of respect for human rights and democratic principles and welcomed recent developments relating to representative bodies in the region, including those related to the Shura councils.

At the Commission on Human Rights (CHR) the EU introduced a resolution on the Israeli settlements in the **occupied Arab territories**. In addition, the human rights situation in **Iran** and **Saudi Arabia** was addressed in the EU statement on agenda item 9 on the question of the violation of human rights and fundamental freedoms in any part of the world. The EU also made a separate statement on the human rights situation in the occupied territories under agenda item 8.

Following the 2nd Association Council of October 2003, **Jordan** and the EU decided to strengthen the dialogue on human rights within the framework of the Association Agreement and the European Neighbourhood Policy on the basis of the Jordanian Programme of Political Reform. Furthermore, within the context of the Association Committee, a formal dialogue on human rights and democracy was carried out with focus on the development of an independent media and an independent and effective judiciary system, the promotion of equality for women and the reform of the political party and elections systems.

As regards human rights**, Lebanon** has a relatively sound Constitution, which ensures the rights of assembly, freedom of speech and opinion, and gender equality. There are nevertheless signs of deterioration in human rights. The Commission seeks to agree areas for cooperation and reform, through the Association agreement and in due course through the European Neighbourhood Policy.

The human rights dialogue between the European Union and **Egypt** was launched during the spring of 2004 as part of the process leading to the entry into force of the Association Agreement on 1 June 2004. A first informal human rights dialogue meeting between the EC and Egypt took place on 10 May in Cairo. The dialogue discussed Egyptian initiatives to further human rights in accordance with its international obligations and national legislation. Its continuation is foreseen in the future based on equality, mutual respect, and understanding of each party's values and cultural background. Human rights and fundamental freedoms were also on the agenda for the first meeting of the EU-Egypt Association Council (Brussels, 14 June 2004).

The human rights situation in **Iran** remains bleak. There has not been discernible progress in the key areas of concern as represented by the EU comprehensive list of benchmarks. The third session of the EU-Iran human rights dialogue in October 2003 was considered to be positive, constructive and open. The fourth session took place in Tehran on June 14-15, 2004. While welcoming the fact that the session had taken place and the frank and open atmosphere in which the talks were held, the European Union continued to be gravely concerned at the continuing and numerous violations of human rights in Iran. These include, inter alia, unequal rights for women, the use of torture in prisons and other places of detention, the use of the death penalty, as well as reports of the continued use of amputations and other cruel punishments. The EU also updated a list of individual cases about which the EU has serious and substantive concerns and it was presented to the Iranian authorities in advance of the dialogue sessions.

The EU also carried out several démarches in regard to status of political prisoners, disappearances, application of the death penalty and issues related to religious minorities.

In the Third Committee of the 58th session of the General Assembly all the European Union countries voted in favour of the resolution on the human rights situation in **Iran** introduced by Canada. The resolution, inter alia, expressed serious concern at the continuing violations of human rights in the Islamic Republic of Iran. It called upon the Iranian Government to abide by its obligations under the international human rights instruments and to continue to cooperate with United Nations mechanisms.

At the CHR no resolution on Iran was presented. In its statement on the human rights situation in any part of the world the EU noted some positive measures adopted in relation to women's rights but remained concerned about the continued human rights violations which include arbitrary detention, disappearances following arrest, torture and amputations, discrimination against religious minorities, including Baha'is, and restrictions on freedom of expression and the media.

The situation in **Iraq** changed dramatically during the reporting period. The internal insurgency, suicide and terrorist attacks and ever-growing insecurity soon changed the reconstruction picture and international entities like the UN, Red Cross and human rights organisations were in most cases forced to leave the country. The same unsafe situation has continued and refugees have not been able to return. The EU has given humanitarian as well as reconstruction help to Iraq and the new EU medium-term strategy for Iraq covers human rights and the rule of law.

The mistreatment of prisoners by the coalition in Iraqi detention facilities has been condemned widely, including by the former Occupying Powers, who are committed to investigating fully allegations of mistreatment. It is essential that the world at large, and the Arab world in particular, does not get the impression that such abuses are taken lightly. The EU has insisted that all prisoners be treated in accordance with international law.

Agaist the background of continuing violence in **Israel and in the Palestinian Territories,** the EU has in its statements underlined the need to achieve a settlement to the current crisis through negotiations and an end to the violence. A negotiated solution to the conflict could contribute to increased respect for human rights in the area. The EU has strongly condemned suicide attacks and other types of violence. The EU has recognised Israel's right to protect its citizens from terrorist attacks. However, the EU has underlined that it should exercise this right in a way that does not aggravate the humanitarian and economic plight of the Palestinian people. The EU has, during the reporting period, acted in accordance with these principles at various UN meetings.

In 2004 the focus has been very much on the situation in Gaza. Through the Presidency the EU has expressed its concern over the events in Rafah and called on the Israeli Government to halt its demolition of Palestinian homes. The Quartet has also emphasised that Israel should refrain from demolition of Palestinian homes and property as a punitive measure, or to facilitate Israeli construction.

At the CHR the EU resolution on the Israeli settlements in the occupied Arab territories was adopted with 27 votes in favour and 2 against (24 abstained). The resolution expressed grave concern at the continuation of the Israeli-Palestinian conflict, which has led to a seemingly endless spiral of hatred and violence and to increased suffering for both Israelis and Palestinians, and at the continuing Israeli settlement activities in the occupied territories and related activities. It expressed grave concern at the continuing high level of casualties on both sides, particularly amongst civilians, and urged the Government of Israel to call a halt to extra-judicial killings. It strongly condemned all acts of violence, including indiscriminate terrorist attacks killing and injuring civilians, provocation, incitement and destruction, and urged the Palestinian Authority to show concrete evidence of its determination to fight terrorism and extremist violence.

As the year before, the EU co-sponsored the resolution on the situation in occupied Palestine, which deals with self-determination, and abstained in the vote on human rights in the occupied Syrian Golan. The resolution on the question of the violation of human rights in the occupied Arab territories including Palestine divided the votes of the EU countries (some voted against and some abstained).

Libya has been opening up, as indicated by a successful visit made to that country by Amnesty International in February 2004, the first for 15 years. However, serious concerns have been raised as regards human rights violations, and should be addressed as progress remains limited. The European Union carried out a démarche on the death penalty, in relation to recent executions.

The European Union welcomed certain improvements in the human rights situation in **Saudi Arabia.** The first human rights conference was arranged in Saudi Arabia in October 2003 and the first human rights organisation was founded in March 2004. However, there remained concerns about the human rights situation that were addressed, inter alia, in the EU statement at the CHR. Women are subject to discrimination, prisoners suffer maltreatment and torture, the death penalty is imposed without safeguards and amputations are imposed as corporal punishment. The EU also asked for clarification on the detentions of reformists, notably in April 2004.

The EU has taken up human rights issues with **Syria** in various contacts with the Government. Some aspects of the human rights situation in Syria remained of concern to the EU. These included, inter alia, the reported detentions of human rights defenders and the fairness of trials against arrested demonstrators. EU Troïka démarches have been made in this regard and an EU Declaration was made in August 2002 calling for their release. The situation has not really improved and the EU missions in Damascus follow this closely.

Human rights are an integral part of the incipient political dialogue between **Yemen** and the EU. In January 2004 Yemen and the NGO No Peace without Justice organised, in partnership with the EU and some Member States in their national capacity (Germany, France, Ireland, Italy, the Netherlands and the United Kingdom), the first regional conference on the ICC, human rights and democracy in Sana'a. The conference adopted the Sana'a Declaration, which contains declarations that democracy and human rights are interdependent and indivisible, that democratic systems protect the rights of everyone, and that democratic principles require practice and implementation. The declaration also refers to the need for an independent judiciary and the separation of powers, as well as the need for a freely functioning civil society and free media. However, references to the ICC are rather weak.

5. CONCLUSION

It is clear from this report that during the reporting period substantial efforts have been made to take action on the priorities of EU human rights policy by increasing the coherence and consistency between Community action, the CFSP and development policy, the mainstreaming of human rights and democratisation into EU policies and actions, the promotion of openness in EU human rights and democratisation policy, and the regular identification and review of priority actions in the implementation of that policy.

Priorities identified in previous years have been implemented during the reporting period. Human rights and democratisation were included on the agenda for the EU annual external policy priorities discussion. The main issues likely to arise at the UN Commission on Human Rights and at the Third Committee of the UNGA were discussed with a view to defining the EU's general position in those fora well in advance of the sessions concerned. However, evaluation after the CHR showed that preparations should start even earlier. As a result, COHOM will dedicate a special session to evaluation and preparations for CHR 61 in December 2004.

Coherence and consistency

Coherence and consistency involve close cooperation and coordination between the various actors involved in both Community action, CFSP and development policy.

Since the extension of its mandate, COHOM's role has been reinforced to include first pillar subjects. Human rights are included in country strategy papers and national indicative programmes. Efforts are underway to strengthen cooperation between embassies of Member States and Commission delegations in third countries. The Commission has produced a comprehensive analysis of progress towards implementing the goals of mainstreaming, improving coherence and consistency, openness and the EIDHR in its Working Paper adopted on 30th July 2004 (SEC (2004) 1041).

In this respect, the report shows that a number of aspects relevant to the protection and promotion of human rights within the EU need further attention. Substantial challenges include the full implementation of legal standards and guarantees laid down in binding Community legislation, on such issues as racism and xenophobia, as well as ensuring that the protection of human rights is not compromised by legislative and other efforts in fields such as asylum and immigration and the fight against terrorism (see sections 3.1.1-3).

Mainstreaming

The process of mainstreaming human rights within EU policies is ongoing and is bearing fruit. Increasingly, human rights issues appear on the EU agenda. This is illustrated, for example, by High Representative Javier Solana and Commissioner for External Affairs Chris Patten, who have raised human rights concerns with third countries on numerous occasions during troikas, bilateral and multilateral meetings.

It should be noted that the EU focus on external human rights situations has led to increased attention for the human rights situation within the European Union. Institutionally, the adoption of the Charter of Fundamental Rights within the European Convention has been an important step (see section 3.2). Thematically, human rights and terrorism, racism and xenophobia and violence against women are major issues, within and outside of the EU. The best ways of monitoring the human rights situation within the EU are being explored.

Furthermore, the report highlights new initiatives and ongoing developments in relation to the use of the human rights clauses in trade and cooperation agreements and funding for human rights projects through the EIDHR. These include the establishment of working groups on human rights and the development of national and regional action plans (see sections 2.4, 4.1.1, 4.1.5 and 4.1.6). Another new instrument is the introduction of the EU human rights fact sheet, which will be used by EU Heads of Mission to report annually on human rights, with a first report scheduled for October 2004.

Openness

The issue of openness has been addressed in various ways. First, the members of COHOM had several meetings with representatives of the main NGOs to discuss, inter alia, preparations for CHR 60, and the Italian and Irish Presidencies continued the practice of holding debriefing meetings with the main NGOs prior to and after COHOM meetings (see section 2.5). Second, the annual European Union Human Rights Forum, held in Rome, was attended by participants from the European Commission, the European Parliament, EU Member States, national human rights institutions, international organisations and academia. Furthermore, active input from NGOs was sought for the establishment of EU *Guidelines on human rights defenders* through a seminar held in Dublin on 12 May 2004. The upcoming Human Rights Forum in December 2004, with similar active involvement, will focus on ways to implement these Guidelines.

The format of the structural dialogue with third countries also includes the participation of NGOs and representatives of civil society (see section 4.1.3). In addition, the Commission and the Secretariats of the Council and the Parliament have intensified informal contacts between the respective institutions.

In terms of openness, the EU Charter of Fundamental Rights is also relevant to the work of the EU network of independent experts on fundamental rights (see section 3.2) The network plays a part in monitoring respect by Member States for human rights, indexing the Charter to international and European instruments for the protection of human rights, promoting evaluation of common thematic issues and contributing to the development of EU policy in the field of human rights.

Review of priority actions

The review of priority actions in the period covered by the report first of all concerned the evaluation of the 60th Commission on Human Rights (see section 4.2.2), as well as the follow-up to the evaluations of previous years. In this respect, ad hoc joint meetings were held between COHOM and representatives from a number of the Council's geographical working groups to facilitate preparations for the CHR. In May, COHOM evaluated the EU's performance at the CHR. With the help of advice from Member States' experts in Geneva and building on the work done on this issue under the Irish Presidency, COHOM will take the matter forward during a special COHOM meeting in December 2004.

On 8 December 2003, the EU adopted a new set of *Guidelines on Children and Armed Conflict*. Subsequently, the EU's Political and Security Committee (PSC) approved measures to implement the Guidelines, including factoring them into the work and mandates of EU Special Representatives (where appropriate) and into the work undertaken in the ESDP and crisis-management fields.

Final remarks

The analysis of the 60th session of the UN Commission on Human Rights demonstrates that the EU has achieved a number of remarkable results, but also suffered setbacks. Experience indicates that clearly defined objectives are a prerequisite for any EU action. The EU has greatly improved its capacity in this respect, inter alia by adopting and implementing a number of EU guidelines. The newly adopted sets of Guidelines on Children and Armed Conflict and on Human Rights Defenders add to this development. With the enlargement of the European Union to 25 Member States the coordination of a common policy may at first be time-consuming, but may also reap further benefits. Its strength in numbers is one of the factors that make the EU an important player in the field of human rights. The resources made available to underpin the EU's strategy (for example through the European Initiative for Democracy and Human Rights) are vital in supporting the EU's policy in practice.

In the coming year the EU will continue to reflect on how its approach might be further refined so as to build on its achievements and work towards the realisation of its main objective: raising the level of human rights protection around the world.

6. ANNEXES

OVERVIEW OF INITIATIVES FINANCED BETWEEN 1 JULY 2003 AND 30 JUNE 2004 THROUGH CHAPTER B7-7 (19 04)

I/ Projects selected through Calls for Proposals

A) Support for rehabilitation centres for torture victims based on EU territory			
Organisation	**Project title**	**Country**	**Max. EC contribution (in euro)**
Cordelia Foundation	Joining strategies for the rehabilitation of torture victims in accession countries	Hungary, Latvia, Poland	304.220
Medical rehabilitation centre for torture victims	Comprehensive Care for Torture Victims in Greece	Greece	399.557
ZEBRA	Improvement and extension of treatment and counselling services (health-, legally and socially-related) for torture victims in the region of Styria)	Austria	627.288
Therapiezentrum für Folteropfer e.V. Therapy Centre for Torture Victims (TCTV)	REACHING OUT FOR A NEW FUTURE Building up a network of support systems for torture victims and their families	Germany	448.484
EXIL	Programe de réhabilitation médico-psycho-sociale pour les enfants, des femmes et des hommes victimes de la violation des Droits de l'homme et de la torture	Belgium	1.500.000
EXIL Espagne	Programme de réparation psycho-médico-social pour	Spain	326.400

	immigrants et victimes de violations de Droits de l'Homme et de la torture		
Association Primo Levi	Développement des activités du centre de réhabilitation Primo Levi	France	500.000
Medical Foundation for the Care of Victims of Torture	Capacity Building in UK	United Kingdom	850.000
Total max. EC contribution (in euro)			
4 955 949			

B) Deferred projects from the 2002 Calls for Proposals Fighting impunity and promoting International Justice			
Organisation	**Project title**	**Country**	**Max. EC contribution (in euro)**
PIJ 08	European University Institute	European Training in Higher International Criminal Sciences (ETHICS)	900.000
PIJ 13	Fédération internationale des ligues des Droits de l'Homme (FIDH)	Programme of training and support to national NGOs in order to promote and ensure the effective implementation of the International Criminal Court	1.092.800
PIJ 14	Corporación de Desarrollo de la Mujer La Morada	Actoría social, política y jurídica de mujeres latinoamericanas para el fortalecimiento de la Corte Penal Internacional y la justicia de género	448.370
PIJ 29	Academy of European Law, Trier	The International Criminal Court from the perspective of defence lawyers	980.000
PIJ 72	Parliamentarians for Global Action (PGA)	A Parliamentary Campaign for an effective, fair, independent and universal International Criminal Court (ICC) and for the promotion of the Rule of Law	876.784
Total No of projects		**Total max. EU contribution (in euro)**	
5		**4 297 954**	

C) Support for Democratisation, Good Governance and the Rule of Law		
Region	**Number of projects**	**Max. EU contribution (in euro)**
Europe	12	7 919 518
MEDA	6	4 100 350
Latin America	7	3 973 712
Asia	7	4 979 542
ACP	26	18 981 519
Total	58	39 954 641

EUROPE				
Project ID	**Country**	**Organisation**	**Project title**	**Max. EC contribution (in euro)**
158	Bosnia-Herzegovina	Osmijeh	Older People for themselves and for faster Development of their Societies	342.432
405	Bosnia-Herzegovina	BBC world service trust	Our town our future	835.142
389	FRY	Helsinki Committee for HR in Serbia	Building Democracy and good Governance in multiethnic Communities	612.106
424	FRY	CARE Germany	Promotion of Human Rights Education and Inter-ethnic Dialogue in Kosovo	1.228.296
331	Georgia	Institute for War and Peace Reporting	Georgia Regional Media Development and Public Accountability Project	780.000
451	Georgia	Alpe	Support for the Rule of Law: Promoting behavioural change among the public and police forces of Georgia	686.395
440	Russia	Charities aid foundation	The Development and Institutionalisation of Dialogue between citizens and the State in Russia	742.209
025	Turkey	Diyarbakir bar association	Enhancing Access to Justice in Southeastern Turkey: 'Justice for all'	454.649
176	Turkey	Ips iletisim vakfi (ips communications foundation)	Establishing a countrywide Network for Monitoring and Covering Independent Media	809.760

392	Ukraine	European Roma rights Center	Defending the rights of Roma in Ukraine and ensuring their Access to Justice	787.947
470	Ukraine	European Centre for Common Ground	Restorative social Transformation in Ukraine	305.797
482	Ukraine	International Helsinki Federation for Human Rights	Improving the Human Rights Situation in Ukraine through legal Aid Provided by NGOs	334.785

MEDA				
Project ID	**Country**	**Organisation**	**Project title**	**Max. EC contribution (in euro)**
59	Algeria	Friedrich Ebert Stiftung	Programme de la Coopération avec la société civile en Algérie	1.495.633
085	Israel	The Association of Women against Violence	Campaign to raise Awareness of Women's Rights & Services within the Palestinian Community in Israel	461.888
510	Israel	Media Center for Arab Palestinians in Israel	responsible and professional media project	553.132
412	Tunisia	Ligue Tunesienne pour la defense des Droits de l'Homme	Vers Une Plus Grande Indépendence de la Justice et un meilleur accès au droit en Tunésie	727.788
115	West Bank/Gaza	Servizio Civile Internazionale	Democratisation from the Grassroot - Media and Networking as a tool for community development	400.905
155	West Bank/Gaza	Internews Europe	Radio networking for democracy in Palestine	461.004

Latin America				
Project	**Country**	**Organisation**	**Project title**	**Max. EC**

ID				contribution (in euro)
106	Colombia	COOPERAZIONE INTERNAZIONALE	Strengthening Capacities of Public Institutions of Bogotá, Villavicencio and Armenia in Children's Rights Protection	542.147
308	Colombia	Escuela nacional Sindical Medellín-Colombia	Proyecto para la promoción y defensa de los Derechos Humanos de lo trabajadores y trabajadoras sindicalizados colombianos	300.000
397	Colombia	Universidad Nacional de Colombia	Construcción social y constitucional de la jurisdicción de paz en Comunidades del eje cafetero colombiano	901.777
021	Guatemala	Movimiento por la Paz, el Desarme y la Libertad	Promoción y defensa de los derechos humanos y fortalecimiento y articulación de la sociedad civil a través de las radios locales de comunicación comunitaria, para mejorar les políticas públicas especialmente en derechos humanos, desde el ámbito local	800.000
401	Guatemala	Trocaire- The Irish Catholic Agency for World Development	Justice and reconciliation programme in Guatemala	511.718
016	Mexico	Terre des Hommes France	Contribuer à la consolidation d'une politique de Droits de l'Homme au Mexique. Une initiative de renforcement de la société civile mexicaine comme acteur fondamental dans la formulation de politiques publiques	366.680
456	Mexico	Internews Europe	New Radio in Mexico	551.390

Asia				
Project ID	**Country**	**Organisation**	**Project title**	**Max. EC contribution (in euro)**
305	Cambodia	ACT/DanChrucHAid	Securing Children's Rights in Cambodia	720.000
314	Indonesia	International Federation of Journalists	Media for Democracy in Indonesia	548.482
432	Indonesia	European Centre for Common Ground	Women Transforming Conflict in Indonesia	786.282
220	Nepal	Worldview Nepal	Educating change agents and the public on human rights	617.034
015	Pakistan	Oxfam GB	Ending Discrimination and Violence against Women in Pakistan	763.134
092	Pakistan	ISCOS-CISL	Strengthening civil society participation to promote and defend workers' rights	793.010
171	Pakistan	Centre of Strategic Planning for Development 'DIMITRA'	NGONET for Women and Children Rights	751.600

African, Caribbean and Pacific Group of States (ACP)				
Project ID	**Country**	**Organisation**	**Project title**	**Max. EC contribution (in euro)**
343	Burundi	ISCOS	Soutien au syndicat libre du Burundi à travers la formation de cadres et la formation de formateurs	326.642
	Burundi	Care NL	Development and Strengthening of Civil Society and Education for Human Rights	980.000
403	Burundi	Ligue Burundaise des Droits de l'Homme	Observatoire des droits de la personne	300.000

		ITEKA		
259	Congo (Democratic Republic)	GRET	Projet d'appui aux médias congolais	1.359.984
052	Ethiopia	Friedrich Ebert Stiftung	Assistance to the National Elections in Ethiopia, 2005	591.826
034	Fiji	Citizens Constitutional Forum	Democratisation, Human Rights and Ethnic Group Reconciliation in Fiji Islands	813.648
579	Fiji	Live & Learn	Governing Water	466.242
264	Haiti	Katholische Zentralstelle fur Entwicklungshilfe e.V.	Renforcement de la lutte pour le respect des droits humains	680.000
312	Haiti	Movimondo	Programme multisectoriel en appui à la société civile haïtienne, l'observation électorale et l'éducation de l'électorat afin de renforcer l'état de droit en Haïti	891.708
113	Ivory Coast	Croix-Rouge Espagnole	Projet de Promotion et diffusion des droits Humains en Côte d'Ivoire: Renforcement et Appui à la liberté de Presse et les organes publiques chargés des Droits de l'Homme pour la protection des enfants et femmes	638.968
251	Ivory Coast	Prisonniers sans frontières	Programme de prévention et de lutte contra la détention préventive abusive	557.380
390	Ivory Coast	GRET	Responsabiliser les médias ivoiriens	986.179
096	Mozambique	COSV Comitato di Coordinamento delle Organizzazioni per il Servizio Volontario	Strengthening of grass root civil society in Human Rights and democratic action in Zambesia Province (Mozambique)	501.699
191	Mozambique	Austrian North-	Radio Mozambique-	499.648

		South Institute for Development Cooperation	Integrated Civic Education Programe	
394	Mozambique	ALISEI	Programme for the Strengthening of Democratic Culture, Human Rights and Freedom of Expression in Mozambique	1.155.797
054	Nigeria	Justice, Development and Peace Commission, Catholic Diocese of Ijebu-Ode, Nigeria	Monitoring and Consolidating Democracy in Nigeria through enhancing civil society's role in public budgets, and influencing the allocation and management of public expenditure	976.048
265	Nigeria	International Centre for Gender and Social Research	Management and Resolution of Sharia Influenced conflicts in Communities in Northern Nigeria	749.732
358	Nigeria	Action Aid	Increasing Citizen Participation in Governance through public Finance Analysis	1.495.519
162	Rwanda	Fondation Hirondelle	Agence d'information, de documentation et de formation (AIDF) auprès du TPI pour le Rwanda	698.061
489	Rwanda	Avocats Sans Frontières - Belgium	Droits de l'Homme, justice du génocide et Gacaca au Rwanda Formation continue des juges Gacaca de District et Province et observation des juridictions Gacaca	782.400
4	Sierra Leone	Care Nederland	Le Wi Lan Fo Respect Motamen En Rights	1.370.346
330	Sierra Leone	IEP Bordeaux	Capacity building for Human Rights Civil society organisations in Sierra Leone	309.862
122	Sudan	Sudan Organisation Against Torture	Monitoring and improving human rights in rural areas of GOS-controlled Sudan, capacity building for SOAT and other non-	324.260

			governmental organisations, and promoting the development of a culture of Human Rights in Sudan	
200	Sudan	Justice Africa	Building the capacity of civil society and human rights monitoring in Sudan with a focus on non-governmental held areas	300.385
400	Sudan	BBC World Service Trust	Promoting Freedom of Expression and Information Through Media Training in Sudan	868.081
	Zimbabwe	Legal Resources Foundation	Application for the Legal Resources Foundation's (LRF) Paralegal Programme in the Midlands and Masvingo Provinces	357.104

TARGETED PROJECTS 2003

Region	**Number of projects**	**Max. EU contribution (in euro)**
Europe	5	2 925 000
MEDA	4	4 536 568
Latin America	5	4 040 000
Asia	7	9 501 285
ACP	13	13 174 912
Worldwide	5	4 668 345
Total	39	38 846 110

EUROPE			
Organisation	**Title**	**Country**	**Max. EU contribution (in euro)**
Council of Europe	FYROM Population Census - Finalisation	FYROM	200.000
IFES Limited	Voter Education in Georgia	Georgia	350.000
Foundation	Potocari Memorial and	Regional	250.000

Srebrenica	Cemetery		
Council of Europe (CoE)	Joint Programme 2003 Commission & the Council of Europe	Regional	1.325.000
Organisation for Democratic Institutions and Human Rights (ODIHR)	Joint Programme 2003 between the European Commission and the ODIHR	Regional	800.000

MEDA			
Organisation	**Title**	**Country**	**Max. EU contribution (in euro)**
United Nations Development Programme	Promoting the Rights of Women & Children Through Information	Egypt, Lebanon, Tunisia	600.000
Danish Institute for Human Rights	EU-Iran Human Rights Dialogue - Phase II	Iran	222.678
UNDP	Thematic Trust Fund for Crisis Prevention and Recovery	Iraq	3.000.000
Foundation for International Studies - University of Malta	Mediterranean Masters in Human Rights and Democratisation	Malta	713.890

Latin America			
Organisation	**Title**	**Country**	**Max. EU contribution (in euro)**
AGMIN	EU-EOM to Presidential, Parliamentary and local Elections in Guatemala, 2003	Guatemala	1.700.000
Institución del Procurador de los Derechos Humanos de Guatemala	Strengthening of the Institution of the Prosecutor General's Office in Guatemala	Guatemala	600.000
Human Rights State Commission of Mexico DF	Institutional Strengthening of Human Rights Public Bodies	Mexico	500.000

Subsecretaría para Derechos Humanos y Democracia, Secretaría de Relaciones Exteriores	Human Rights Cooperation Programme	Mexico	640.000
Inter-American Court of Justice (IACJ)	Promotion and Strengthening of the Inter-American Court of Human Rights	Regional	600.000

ASIA			
Organisation	**Title**	**Country**	**Max. EU contribution (in euro)**
GTZ	EU-Election Observation Mission to Cambodia 2003	Cambodia	1.556.735
UNICEF	Children legal protection in Cambodia	Cambodia	1.141.000
The Irish Centre for Human Rights, National University of Ireland	EU-China Network on the UN Human Rights Covenants	China	884.000
Beijing Seminar	Beijing Seminar: Comparative Study of Implementation Measures for the Rome Statute	China	69.550
IOM	EU Election Observation Mission to Indonesia, 2004	Indonesia	5.000.000
Nepal Bar Association	Improving free legal aid, human rights and access to justice	Nepal	400.000
National Human Rights Commission of Nepal	Expansion of Outreach of National Human Rights Commission [NHRC], Nepal	Nepal	450.000

ACP			
Organisation	**Title**	**Country**	**Max. EU contribution (in euro)**

Bar Association of Angola (OAA)	For the Human Rights in Angola	Angola	450.000
Rede Terra	Project de l'Observatoire de la Terre pour la prévention de conflits en Angola	Angola	383.000
ILO	ILO - Strengthening Dialogue and Networking in the Civil Society/ Capacity Development in the Labour Sector in Eritrea & Ethiopia	Ethiopia / Eritrea	979.000
IOM	EU Electoral Observation Mission in Mozambique - Local Elections	Mozambique	936.647
UNDP	EU-Election Observation Mission to Nigeria 2003	Nigeria	2.972.000
UNIFEM - Fonds de Développement des Nations-Unies pour les Femmes	Projet de renforcement des capacités des femmes congolaises pour la promotion et de la défense de leurs droits	RD Congo	240.000
African Union	To Enhance the African Union's Capacity to Improve Democracy, Governance and Respect for Human Rights throughout the African Continent	Regional	1.900.000
University of Pretoria - Centre for Human Rights of Pretoria	Support to the 2004 & 2005 African Masters Programme in Human Rights and Democratisation.	Regional	1.360.000
IOM	EU-Election Observation Mission to Rwanda 2003	Rwanda	1.473.265
UNESCO	Training of Trainers for School of Journalism and Communication and Establishment of Private Radio at The National University	Rwanda	350.000

Special Court for Sierra Leone (SCSL)	Victims Justice and Legacy Project	Sierra Leone	800.000
Max Planck Institute	Training for Judges of Sudanese Constitutional court	Sudan	700.000
Commonwealth Local Government Forum (CLGF)	Zimbabwe Local Government Capacity-Building Programme	Zimbabwe	631.000

Worldwide			
Organisation	**Title**	**Country**	**Max. EU contribution (in euro)**
Instituto Interamericano de Derechos Humanos (IIDH)	Strategic partnership between the EU, Latin America and the Caribbean: enhanced cooperation to improve the administration of and access to justice in Latin America & the Caribbean	Worldwide	700.000
Inter-American Commission o Human Right Washington/USA	Strengthening Access t Justice in the Americas	Worldwide	818.345
ASPR	Training for Civilian Aspects of Crisis Management, 3rd Phase	Worldwide	1.350.000
International Criminal Court (ICC)	Strengthening the ICC and increasing awareness on the national level, particularly as regards complementarity and the rights of victims	Worldwide	900.000
International Commission for Missing Persons (ICMP)	Support to blood collection teams for ICMP's Family Outreach Centres, incorporating a publicity campaign to reach family members living in European countries	Worldwide	900.000

This report is the sixth of its kind, following the five previous published in October 1999, 2000, 2001, 2002 and 2003. It aims at making the commitment of the European Union to universal respect for human rights and fundamental freedoms better known, and to share it. It is not intended to be exhaustive, but seeks to ensure greater transparency for the principal positions and activities of the EU, and to be a reference document on the latter for the period which it covers, namely 1 July 2003 to 30 June 2004.

Further information about the European Union's Human Rights policy is available at:

http://ue.eu.int/ (Policies/Foreign & Security Policy/Human Rights)

http://www.europa.eu.int/comm/external_relations/human_rights/intro/index.htm

http://www.europarl.eu.int/comparl/human_rights/default_en.htm

http://europa.eu.int/pol/rights/index_en.htm