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**Preface by Mr LOUIS MICHEL, Deputy Prime Minister and Minister for Foreign Affairs of the Kingdom of Belgium, President of the Council of the European Union**

The European Union is a little over forty years old. It still has all its future ahead of it. The future of Europe will be determined principally by its capacity to preserve and spread its human values. More than ever, the European model rests on universal values: freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law. For the most part, these ideals have essentially been achieved. Nonetheless, there is still some fighting to be done, even in our old democracies, to realise them to the full. It is indispensable to defend these values within the Union itself, but also everywhere else in the world, as the European Union did with success at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban from 31 August to 8 September 2001.

This report is the result of teamwork. Human rights experts from the fifteen Member States have contributed to it, with the support of the Commission and of the Council Secretariat. The aim of the document is to present a global view of the European Union's human rights policy. It concentrates on the Union's external relations and on its international role, but also contains a section devoted to human rights within the EU and covers action by the Fifteen in a number of priority fields such as racism, asylum and immigration, trafficking in human beings, human rights and business.

The European Union's annual report is an important reference work, which could serve as a basis for more thorough discussion on ways and means to make the Union's human rights policy more consistent and effective. The EU looks forward to being able to discuss this at the next Human Rights Forum, in which European institutions, academics and representatives of non-governmental organisations will participate.

By means of its annual report on human rights, and by restating the values on which the European model is founded, the Union hopes to enliven its citizens' interest in Europe. In a world which is becoming increasingly globalised, it is important to defend the foundations of our identity, since they make up a significant part of our response to the uncertainties of our modern world.

Louis MICHEL

## 1. **INTRODUCTION.**

### **General purposes of the report.**

The present report is the third in its kind. It is the outcome of a series of measures to strengthen the European Union's ability to act in the field of human rights, which were decided upon by the European Ministers for Foreign Affairs, gathered in Vienna in 1998 on the occasion of the celebration of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights.

This report covers the period from 1 July 2000 to 30 June 2001. It sets out to explain how the European Union's commitment to human rights and fundamental freedoms is being translated into action. It concentrates on the EU's external relations and on its role on the international stage. The picture would, however, not be complete without a section devoted to recent developments and to the main challenges in the field of human rights *within* the European Union. Although the report is not intended to address the situation in each Member State, an introspective look at a few specific themes - such as racism and xenophobia, asylum and migration, trafficking in human beings, human rights and business - is included. Here, the Union is aware that human rights policy begins at home. The proclamation of the Charter on Fundamental Rights of 8 December 2000 reflects the overriding importance of human rights for all policies and activities of the European Union.

The United Nations World Conference on Human Rights, held in Vienna in 1993, affirmed that the protection and promotion of human rights is a legitimate concern of the international community. The EU, for its part, promotes human rights in its relations with third countries and takes up human rights violations wherever they occur. The Communication from the Commission on the European Union's Role in Promoting Human Rights and Democratisation in Third Countries <sup>1</sup> of 8 May 2001 and related Council Conclusions of 25 June 2001 constitutes a valuable contribution towards reinforcing the coherence and consistency of EU policy in the field of human rights and democratisation.

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<sup>1</sup> COM(2001) 252 final

The present report attempts to highlight the positions and activities of the Union in international and regional fora, such as the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the Stability Pact for South-Eastern Europe. It also covers preparations for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the United Nations General Assembly Special Session (UNGASS) on Children. Finally, it presents an overview of thematic issues of particular importance to the EU.

This report is the result of work carried out by human rights experts from the 15 Member States, with the support of the staff of the Commission and the Council Secretariat.

## **Principles, legal bases, main participants**

### ***Principles.***

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 EU seeks to uphold the universality, interdependence and indivisibility of all human rights - civil and political as well as economic, social and cultural -, as reaffirmed by the 1993 World Conference on Human Rights in Vienna.

The Union is committed to intensifying the process of "mainstreaming" human rights and democratisation objectives into all aspects of EU external and internal policies. It therefore continues to promote the growing international trend towards integrating the promotion of human rights, democracy and the rule of law into development cooperation, trade policies and the promotion of peace and security.

Respect for human rights and democracy, based on international norms and instruments, particularly those of the United Nations, is being promoted through dialogue, partnership and cooperation without prejudice to the need to speak out in clear terms against violations of human rights. Whenever possible, the European Union is committed to applying a positive and supportive approach. The United Nations as well as regional organisations such as the Council of Europe, will continue to play an important role as a forum for dialogue and for

further improvements of international standards, as a forum for scrutiny of the human rights performance of Member States and for assisting countries to live up to their human rights obligations.

***Legal bases.***

One of the objectives of the Union is, as laid down in Article 2 of the **Treaty on European Union (TEU)**, 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*". The Treaty also states in Article 6(1) that the European Union is "*founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States*". Article 6(2) says 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 conditions common to the Member States, as general principles of Community law.*" Article 6(2) of the TEU is subject to the jurisdiction of the Court of Justice with regard to actions by the Institutions.

The Treaty has also established a procedure to monitor respect for human rights and fundamental freedoms by Member States. Article 7, as amended by the Treaty of Nice in December 2000, states that the Council may address appropriate recommendations to a Member State, after having determined that there is a clear risk of a serious breach by that Member State of the principles mentioned in Article 6(1).<sup>1</sup>

Finally, 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.

The **Treaty establishing the European Community (TEC)** states specifically that the "*Community... may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation*" (Article 13). As far as development cooperation is concerned, the TEC states that "*Community policy (...) shall 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*" (Article 177).

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<sup>1</sup> See Annex 1.

Since respect for human rights was one of the founding principles of the EU and is an indispensable condition for its legitimacy, the Heads of State or Government meeting at the Cologne European Council (June 1999) felt that at the current stage in the development of the European Union, there was a need to anchor the exceptional importance of those rights, and to ensure that they were more visible within the Union. The follow-up to the Cologne decision led to the proclamation, on 8 December 2000, of the **Charter on Fundamental Rights**. Chapter 2.1 will deal with the Charter in more detail.

### *Main players.*

At Union level, several bodies or institutions are involved in human rights matters. While the **Commission**, the **European Council** and the **Council** play a primary role in the process of policy direction, decision-making and implementation, the respective roles of the **European Parliament**, the **European Court of Justice** and the **Ombudsman** also deserve to be highlighted. Nonetheless, the protection and promotion of human rights is primarily a matter for the **Member States** of the Union, in accordance with their own judicial systems. The Governments of the Member States cooperate with a number of international control systems, including those in the framework of the Council of Europe, the Organisation for Security and Cooperation in Europe and the United Nations, to which they account for their actions in the areas which concern them <sup>1</sup>.

### *The European Parliament.*

Over the years, the European parliament has assumed an ever greater role in making human rights one of the central concerns of the EU. The powers of Parliament have gradually increased, particularly since the entry into force of the Maastricht and Amsterdam Treaties. The European Parliament, which has become a recognised forum for discussion on human rights, maintains regular contact with human rights organisations and human rights defenders. It has some influence in treaty-making processes with third countries. It also undertakes human rights missions to countries outside the EU and draws up reports on specific human rights situations as well as thematic issues.

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<sup>1</sup> See Annexes (16 and 18) to the present report, which contain a detailed list of the most recent reports presented by the Member States in implementation of international instruments, and visits by representatives of human rights mechanisms to the Member States.



In July 2001, the European Parliament adopted its Annual Report on Human Rights (rapporteur: Matti Wuori). Chapter 3.1.6 of the present report is devoted to the EP's report. The European Parliament also adopts resolutions and issues declarations in matters related to human rights and submits questions to the Council and the Commission. The Council of Ministers and the European Commission ensure close cooperation with the European Parliament on human rights matters. The European Parliament is kept regularly informed of the Union's foreign and security policy. Each year the Parliament awards an individual or organisation the Sakharov prize for freedom of thought. In 2000, the prize was awarded to "Basta yá!", an initiative of citizens who work for basic human rights, democracy and tolerance in the Basque Country.

### ***The European Court of Justice.***

The European Court of Justice in Luxembourg ensures respect for the law in applying the Treaties. Member States, EU institutions and individuals can bring matters pertaining to Community law before the Court. The rulings given by the Court are binding. Since 1989 there has been a Court of First Instance attached to the Court of Justice, with jurisdiction to hear direct actions including cases brought by individuals, which may also concern human rights. Although the EEC Treaty originally contained no specific clauses on human rights, the Court of Justice has consistently recognised 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 case law of the Court was gradually built up from 1969 onwards, by referring 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. In this regard, the Court has stated that the European Convention for the Protection of Human Rights and Fundamental Freedoms has special significance. The Court's very important case law is now reflected in Article 6 of the Treaty on European Union. The case law of the Court has confirmed that the obligation to respect fundamental rights applies both to EU institutions and to Member States in the area of Community law.

### ***The European Ombudsman.***

The principal task of the European Ombudsman is to examine alleged cases of maladministration in the actions of the Community institutions or bodies, with the exception of the Court of Justice and the Tribunal of First Instance when they are acting in their judicial role. These cases are generally brought to his attention through complaints from European citizens. He is also able to 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.

### **Enabling democratic scrutiny, in particular by the European Parliament.**

The present report does not pretend to answer every question. It is only one element of accountability, and is meant as a contribution towards enabling democratic scrutiny, in particular by the European Parliament. The Council is of the opinion that the dialogue with the European Parliament on human rights issues should be actively pursued. It appreciates the expression of considerable knowledge and engagement contained in the European Parliament's annual reports on human rights. Together with the Council and the Commission, the European Parliament is an important participant in making and implementing the EU's human rights policy. Throughout the years, the European Parliament has taken a leading role in keeping human rights at the forefront of the EU agenda. This is in large part due to the specific role of the European Parliament as well as to the strong interest traditionally taken in human rights matters by the European Parliament and many of its individual members. The powers of the European Parliament have gradually been increased, notably through the entry into force of the Maastricht Treaty and the Amsterdam Treaty.

### **Transparency and dialogue with civil society.**

The present report aims to enhance the transparency of the Union's human rights policies, both vis-à-vis the European Parliament and civil society in the broad sense. It is a step towards open dialogue with an interested public, and with public authorities within and outside the Union. Increasingly, information about the human rights work of the EU is also

available through its website and other electronic sources <sup>1</sup>. The Council will pursue efforts to further enhance the openness of its actions on human rights. In this context, the Council undertakes to examine ways, in cooperation with the Commission, to render the EU Human Rights Discussion Forums, which bring together representatives from non-governmental organisations (NGOs), European institutions, Governments and the academic world more effective. Chapter 3.1.5 further elaborates on these Human Rights Forums.

The Union is also committed to strengthening the position of NGOs in international organisations, where the Union defends established NGO access rights, and in third countries, where the Union makes efforts to enhance the role of civil society and NGOs as participants, promoters and beneficiaries in democratisation and development processes. The Union is convinced that Government action greatly benefits from dialogue and cooperation with civil society. Therefore, it will continue its own valuable dialogues with NGOs and also continue to provide extensive support to NGOs and to the strengthening of civil society in different parts of the world.

## 2. **HUMAN RIGHTS WITHIN THE EUROPEAN UNION.**

The present chapter is not intended to address the situation in each Member State. It provides an overview of EU policy and activities in the field of a number of human rights issues within the EU, and information on recent developments and main challenges.

### **RECENT DEVELOPMENTS AND MAIN CHALLENGES:**

#### **2.1 Charter of fundamental rights.**

When they proclaimed the Charter of Fundamental Rights of the European Union at the Nice European Council on 7 and 8 December 2000, the Fifteen reached an important milestone in the determination of a common basic set of values.

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<sup>1</sup> <http://ue.eu.int>. See Annex 20 for other relevant websites.

The proclamation of the Charter was a first result of the decision taken at the Cologne European Council held on 3 and 4 June 1999 in which heads of State or Government agreed on the need to establish a Charter of fundamental rights of the Union in order to make their overriding importance and relevance more visible to the Union's citizens.

The draft of the Charter was drawn up by an ad hoc body, which came to be known as the Convention, was chaired by Mr Roman HERZOG, former President of the Federal Republic of Germany and consisted of 62 members:

- 15 representatives of the Heads of State or Government of the Member States;
- 16 representative of the European Commission;
- 16 members of the European Parliament;
- 30 members of national parliaments.

Two representatives of the Court of Justice of the European Communities and two members of the Council of Europe, of whom one was a representative of the European Court of Human Rights, were also invited to attend the proceedings as observers. The Economic and Social Committee, the Committee of the Regions and the European Ombudsman were invited to give their views. Countries which are candidates for accession to the European Union were heard by the Convention. The principle of the public nature of the debates and the transparency of proceedings, particularly through the launching of a web site, made it possible to associate representatives of civil society closely with the drafting of the Charter (submission of written observations and participation in hearings by the Convention).

The proceedings, which began in December 1999, were completed on 2 October 2000. The text was solemnly proclaimed, jointly by the European Parliament, the Commission and the Council, at the Nice European Council on 7 and 8 December 2000. It was published in the Official Journal of the European Communities <sup>1</sup>. The European Council asked that the Charter should be distributed as widely as possible to the Union's citizens.

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<sup>1</sup> OJ C 364, 18.12.2000.

The Charter sets out rights and principles which must be respected by the European Union and by the Member States when applying Community law. The Convention drafted short articles and chose wording which would be readily comprehensible to the public. The implementation of the principles set out in the Charter is framed by national legislation and practice and by Community law.

The text of the Charter opens with a preamble, and its 54 articles are divided into seven chapters whose titles express the fundamental values promoted by the Union: **dignity** (Articles 1 to 5), **freedoms** (Articles 6 to 19), **equality** (Articles 20 to 26), **solidarity** (Articles 27 to 38), **citizen's rights** (Articles 39 to 46) and **justice** (Articles 47 to 50), plus a technical chapter of general provisions laying down the conditions for the relationship of the Charter with existing law, particularly the European Convention on Human Rights (ECHR).

*The rights contained in the Charter may be grouped into four categories:*

\* rights and freedoms and procedural guarantees, stemming 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 in question are civil and political rights such as procedural guarantees, the principle of equality, respect for private life, and rights stemming from the main public freedoms such as the freedom of the press, the freedom of conscience, and the freedom of assembly and of association. These rights and liberties are currently part of Community law as general principles according to the case-law of the Court of Justice of the European Communities. They are therefore already applied to the Member States and Community Institutions.

\* the rights reserved for citizens of the Union. These rights are to be found in particular in Part Two of the Treaty establishing the European Community (TEC) entitled "Citizenship of the Union". These are the provisions of the Union's electoral law (voting in municipal elections and at elections to the European Parliament), common diplomatic protection, the right to petition the European Parliament and to refer cases to the Ombudsman.

\* economic and social rights, which include provisions on labour law such as the right to join a trade union, the right to strike, the right to minimum pay, the right to professional training, the right of the disabled to occupational integration, and also provisions of social law such as social protection or the right to health care.

\* "modern" rights such as the protection of personal data or rights connected with bioethics which, without truly being new, are intended to meet challenges connected with current and future developments in information technology or genetic engineering. The Charter also, in other ways, responds to the demand for transparency and impartiality in the Community administration by incorporating the right of access to administrative documents of the Community Institutions and the right to good administration.

The Charter was drawn up on the basis of established law, and:

- does not create any new powers or tasks for the Community or the Union and does not modify the powers or tasks defined in the Treaties;
- will not modify the means of appeal and judicial architecture laid down by the Treaties;
- will not create any new obligation for the Member States, since the rights it includes are in effect a reproduction of commitments already in existence by virtue of international conventions or common constitutional traditions.

The question of the legal scope of the Charter will be examined subsequently <sup>1</sup>, in accordance with the conclusions of the Cologne European Council. The declaration on the future of the Union annexed to the Treaty of Nice lists the status of the Charter <sup>2</sup> amongst those points which are to be the subject of wide-ranging public debate in preparations for the intergovernmental conference planned for 2004.

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<sup>1</sup> Presidency conclusions of the Nice European Council, point I.2.

<sup>2</sup> OJ C 364, 18.12.2000.

For the citizens of the Union and of the candidate countries, the Charter of Fundamental Rights is a reference document making them aware of their rights and the values on which the Union is built.

## **2.2 Racism and xenophobia.**

### **Introduction**

The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies. For this reason, the fight against racism, racial discrimination and xenophobia lies at the core of the European Union human rights policy.

In particular since the proclamation of 1997 as the European Year against Racism, a number of measures have been adopted at the European level to raise awareness to this scourge and enhance the protection of individuals against acts of racism, racial discrimination and xenophobia.

## **Recent developments in the EU main legal framework concerning the fight against racism**

The Amsterdam Treaty, which entered into force on May 1<sup>st</sup>, 1999, represented an important development in the efforts to promote and protect human rights at the European level, providing a new framework for the adoption of measures in this area by the European institutions, along with the efforts undertaken by Member States themselves. The possibility, introduced in Article 7 of the Treaty of the European Union, for the EU to take sanctions (including the suspension of voting rights) against States that violate human rights and fundamental freedoms in a serious and persistent manner, has been reinforced by the Treaty of Nice, concluded in February 2001. The Treaty of Nice provides for the adoption of measures in case there is a clear risk of serious breach by a Member State of the fundamental rights or freedoms on which the EU is based.

The adoption of the Charter of Fundamental Rights of the European Union represented an important step in the efforts to reinforce the human rights protection system at the European level. The rights set forth in the Charter (except those directly linked to citizenship of the Union) are generally recognised to all persons, irrespective of their nationality or residence. An entire chapter (Chapter III) is devoted to the issue of equality : Article 20 states that everyone is equal before the law and Article 21 prohibits all discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

### **European legislation**

The Amsterdam Treaty introduced a new Article 13 into the EC Treaty giving the Commission, for the first time, the power to take legislative action to combat racial discrimination.



In November 1999, the Commission proposed a package of measures to implement this Article 13, consisting of two directives and one programme of action. The first of the directives concerns equal treatment irrespective of racial and ethnic origin, setting out a binding framework for the prohibition of direct and indirect racial discrimination in the EU (notably in the fields of employment, social protection and social security, social benefits, education and supply of goods and services). It further states that the Union is a strong defender of the rights of women, recognising that discrimination on the grounds of ethnic origin may affect women and men differently and that women are often the victims of multiple discrimination. This directive must be incorporated into the national legislation of Member States before 19 July 2003. Every five years from 2005, the Commission shall draw up a report on the implementation of this directive and such report shall provide an assessment of the impact of the measures taken on women and men.

On 27 November 2000, another directive was adopted establishing a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation (Council Directive 2000/78/EC). The Community action programme to combat discrimination (2001 to 2006) was adopted on 27 November 2000 with the purpose to support and supplement the efforts at Community level and in the Member States to promote measures aimed at combating direct or indirect discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation. With a budget of approximately 100 million EURO, the programme concentrates on the three following areas : analysis of discrimination and factors leading thereto, including through studies and the development of indicators and benchmarks, and assessment of the measures adopted; development of the capacity to fight discrimination, by encouraging organisations in different countries to exchange information and best practice, and by supporting European networks of NGOs involved in the fight against discrimination; and awareness-raising against discrimination.

## **Mainstreaming the fight against racism and multiple discrimination**

In parallel to the work implementing Article 13, the EC has made "mainstreaming" of anti-racism into all policies a priority. So far, this has proven particularly effective in the EU's external relations with other States, and internally in relation to police and judicial cooperation on criminal matters and to initiatives in the area of education, training and youth policies. A working party representing different Commission departments evaluates EU policies and programmes, and works on identifying ways of enhancing the impact of these policies in the fight against racism. This has proven successful across a number of Community policies and programmes.

The United Nations have recognised on a number of occasions that gender discrimination and racial discrimination often intersect and have an adverse impact on the enjoyment by women of their human rights and fundamental freedoms. This consideration has been incorporated into the efforts undertaken at the European level to combat racism.

## **European Monitoring Centre on Racism and Xenophobia**

The European Monitoring Centre on Racism and Xenophobia, set up in 1997 with the purpose of providing the EU and its Member States with objective, reliable and comparable information on the phenomena of racism and xenophobia, at the European level, has recently put in place a European Racism and Xenophobia Information Network (RAXEN), consisting of research centres, non-governmental organisations and specialised centres active in the field. The Commission is currently studying the possibility of setting up informal cooperation with candidate countries applying for membership of the EU, on the exchange of experience, skills and good practices.

### 2.3 Asylum and migration.

The Commission published a Communication to the Council and the European Parliament (the "Scoreboard") setting out a precise legislative programme for the creation of an area of freedom, security and justice, which was updated on 23<sup>rd</sup> May 2001 <sup>1</sup>. This Communication includes a chapter on asylum and immigration.

In accordance with the criteria set out in Article 63 of the TEC and the Tampere European Council conclusions in October 1999, the Commission has approached the issues under four main headings:

- Partnership with countries of origin
- A common European asylum policy
- Fair treatment of third country nationals
- Management of migration flows

These four elements, which are closely inter-linked, have been the subject of substantive action on the part of the Commission paying particular attention to the humanitarian aspects and full respect of the human rights based principles enshrined in the European Convention on Human Rights and other international norms. As indicated at Tampere, European integration is firmly anchored to human rights, democratic institutions and the rule of law.

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<sup>1</sup> COM(2001) 278 final

#### A. Partnership with countries of origin

A High Level Working group on Asylum and Immigration is implementing action plans for the following countries/regions: Morocco, Afghanistan, Pakistan, Sri Lanka, Somalia, Albania and the Western Balkans. These action plans are based on engaging in dialogue, cooperation and partnership with these countries, acknowledging that particular circumstances, and thus human rights issues, arising from the political, geographic and socio-economic conditions in each have implications for dealing with asylum applications and migration matters. The Commission is currently undertaking the administrative tasks necessary to implement a budget line of EUR 10 million in support of the action plans. Countries and regions of transit are also taken into consideration in the action plans. In addition, and following the tragic incident in Dover last year when 58 Chinese clandestine immigrants died, the Commission is undertaking extensive discussions at all levels with the Chinese authorities in order to control trafficking and smuggling of migrants from China. This is being undertaken against a background of general dialogue on human rights with China.

#### B. A common European Asylum policy

In November 2000 the Commission presented a Communication, *"Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum"*. The purpose of the Communication is to launch a debate in the Community on the longer-term prospects of a common procedure and a uniform status.

In addition, the Commission is currently engaged on the following proposals in this field:

- A Directive on minimum standards on asylum procedures (currently before the Council) <sup>1</sup>.
- A Directive on minimum standards for reception of asylum seekers (currently before the Council) <sup>2</sup>.
- A Regulation on the criteria and mechanisms for determining which Member State is responsible for the examination of an asylum application. The aim is that there should be clear and objective rules to apply (yet to be approved by the Commission).

Legislation is currently in preparation in relation to:

- Minimum standards with respect to the qualification of nationals of third countries as refugees (based on Art 63 (1)(c) TEC).
- Minimum standards for persons who otherwise need international protection (based on Art 63(2)(a) TEC).

In the field of asylum, special attention has been devoted to children. In all its proposals under the Amsterdam Treaty, the Commission has introduced specific provisions dealing with unaccompanied minors.

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<sup>1</sup> COM(2000) 578 of 20.9.2000.

<sup>2</sup> COM(2001) 181 of 3.4.2001.

Finally, it is relevant to underline that the Council has already approved:

- A Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof <sup>1</sup>. This is a major humanitarian initiative offering relief to people in a threatening situation.
- A Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention on the State responsible for examining applications for asylum lodged in one of the European Union Member States <sup>2</sup>. The sole purpose is to facilitate implementation of the Convention and personal data will be protected to the highest standards.
- A decision to set up a European Refugee Fund to provide finance for the reception, integration or voluntary repatriation of refugees. The funding available is €216 million between 2000 and 2004 <sup>3</sup>.

#### C. Fair treatment of Third Country nationals

The Commission's objective in this field is to provide fair and objective rules for the third country nationals who are legally resident on the territory of a Member State and to ensure that, consistent with Community and national legislation, they have rights which are comparable to those of Union citizens, as regards both residence and rights deriving from residence, as well as the enjoyment of the same legal protection.

The Commission has adopted a Directive on the status of Third Country nationals who are long term residents <sup>4</sup>, and it is in the process of adopting a Directive on the conditions and residence of Third Country nationals for the purpose of paid employment and self-employed economic activities.

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<sup>1</sup> COM(2000) 303 of 24.5.2000.

<sup>2</sup> OJ L 316 of 15.12.2000.

<sup>3</sup> OJ L 252 of 6.10.2000.

<sup>4</sup> COM(2001) 127 of 13.3.2001.

A Directive on the right to family re-unification that also applies to recognised refugees is currently before the Council <sup>1</sup>. The proposed Directive holds that the best interest of the child has to be taken into consideration, as well as the UN Convention on the Rights of the Child. In addition, the proposal aims to respect the injunction of the Charter on Fundamental Rights that "Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with his or her parents, unless this is contrary to his or her interest".

A third instrument will, in the future, cover residence for study, vocational training or unpaid activity.

#### D. Management of migration flows

On 22 November 2000, the Commission published a Communication on a Community Immigration Policy <sup>2</sup>, setting out the need for consideration of all aspects of a future immigration policy. The above-mentioned Directives are the first elements of such a policy.

The Commission is also concerned with the human rights matters arising from trafficking and smuggling and intends to bring forward, before the end of 2001, a Communication on the common endeavour preventing and fighting illegal immigration. In December 2000, the Commission adopted a Communication on combating trafficking in human beings and combating the sexual exploitation of children and child pornography. This includes a proposal for a Council framework decision on combating trafficking in human beings <sup>3</sup>. The Commission will continue to ensure the inclusion, in future legal instruments, of provisions which take into account the situation of women and children. It will also provide funding under the Odysseus programme and the European Refugee Fund, where appropriate, in favour of female and minor refugees, who are particularly vulnerable.

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<sup>1</sup> COM(2000) 624 of 10.10.2000.

<sup>2</sup> COM(2000) 757 of 22.11.2000.

<sup>3</sup> COM(2000) 854 final.

Finally, the Council adopted a Directive laying down details concerning the application of Article 26 of the Schengen Implementing Convention on "carrier liability" (not yet published, but adopted by the Council on 27 June 2001). A second initiative concerning the facilitation of unauthorised entry, movement and residence on the territory of the Union is the subject of intense discussion in the Council.

E. The special needs of women and children (see also under point 3 (Family Reunification))

In the field of migration, special attention has been devoted to children. In all its proposals under the Amsterdam Treaty, the Commission has introduced specific provisions dealing with unaccompanied minors.

With regard to the protection of women, in the draft directive on the right to family reunification, the Commission devotes special attention to the situation of women who are victims of domestic violence. Women who are admitted for the purpose of family reunification should not fear expulsion from the host country if they leave their home to escape violence. A specific provision ensures that they will obtain a permit to stay in the host country. The same provision also protects women who are widowed, divorced or repudiated, and who could face difficult situations if they return to their country of origin.

## **2.4 Trafficking in human beings.**

Trafficking in human beings involve practices which are indisputable violations of human rights and human dignity. Trafficking in human beings not only involves sexual exploitation, but also labour exploitation in conditions akin to slavery. The victims are subjected to violence, rape, battery and extreme cruelty as well as other types of pressure and coercion. Identified root causes of trafficking are poverty, unemployment, lack of education and lack of gender equality. In particular women and children are in a vulnerable position with respect to trafficking.



Articles 5, 24 and 32 of the EU Charter of Fundamental Rights are particularly relevant in relation to trafficking in human beings. Article 5 says that no-one should be held in slavery or be required to perform forced or compulsory labour. It also says that trafficking in human beings is prohibited. Article 24 of the Charter says that children have the right to such protection and care as is necessary for their well-being. Article 32 prohibits employment of children.

On 13 December all the Member States of the European Union and the Commission on behalf of the European Community signed the UN Convention on Transnational Organised Crime and its two accompanying protocols on Prevention, Suppression and punishment of Trafficking in Persons, Especially Women and Children and Smuggling of Migrants by Land, Air and Sea. The Convention and the protocols will enter into force on the ninetieth day after the fortieth ratification by a signatory state. The protocol on trafficking does not only provide for measures to repress trafficking, but also for measures to protect the victims of trafficking.

In the field of police and judicial cooperation in criminal matters, the Commission adopted a proposal on 21 December 2000 for a Framework Decision to combat trafficking in human beings. The objective of the proposal is to provide common definitions and common penalties for the very serious offence of trafficking in human beings. Common definitions and penalties will in turn provide a basis for enhanced law enforcement and judicial cooperation. Although the Council on 28 May 2001 reached an agreement in principle, pending further discussions on specific details and the opinion of the European Parliament the final adoption has yet to take place.

On 17-18 May 2001, the Commission launched the European Forum on Prevention of Organised Crime. One of the workshops addressed trafficking in human beings. The workshop concluded that it will continue its work and seek to identify concrete and targeted measures to prevent trafficking with a focus on the victims of trafficking. Furthermore, on 28 June 2001, the Council adopted a Decision establishing a second phase of the exchange and incentive programme STOP to combat trafficking in human beings and the sexual exploitation of children : the STOP II Programme. The STOP Programme supported a total number of 85 projects in its first five-year period, and the STOP II Programme will allow for continued support to projects on fighting and preventing trafficking in human beings.

## **2.5 European Parliament report on the situation as regards fundamental rights in the European Union (2000).**

Following the proclamation of the EU Charter of Fundamental Rights, the European Parliament adopted on 5 July 2001 a report analysing the situation as regards fundamental rights in the EU in the year 2000 from the perspective of the rights laid down in the Charter. The report was drafted by the Committee on Citizen's Freedoms and Rights, Justice and Home Affairs. Its rapporteur was Mr. Thierry Cornillet.

The report follows the outline of the Charter, dividing rights into six separate chapters :

1. Respect for human dignity.
2. Freedoms
3. Equality between citizens
4. Solidarity
5. European citizenship
6. Justice

Each chapter contains an overview of the main legal instruments in each area, an overview of the current situation in the Member States, which is based on reports by the Council of Europe, NGOs and other organisations, as well as a series of recommendations. It covers areas such as, *inter alia*, trafficking in human beings,

protection of privacy, right to asylum and rights of citizens from third countries, equality between men and women, etc.

The full report (A5-0223/2001) can be found on the European Parliament's website ([www.europarl.eu.int](http://www.europarl.eu.int)).

## **2.6 Human rights and business.**

The EU is keen to promote human rights in the context of business and trade and strives to engage all social partners in efforts to improve respect for human rights, including social rights and labour standards in order to achieve more durable and equitable development. European Community agreements with third countries – such as the Cotonou agreement with ACP (African, Caribbean and Pacific countries) – include provisions for cooperation in the area of trade and core labour standards. Moreover, the Community's own instrument in the "social incentive clause" of the Generalised System of Preferences provides for additional preferences to be extended to countries honouring certain International Labour Organisation (ILO) standards. The Commission's Communication on the European Union's role in promoting human rights and democratisation in third countries and related Council Conclusions (of June 25, 2001) underline the importance of identifying opportunities in other areas of Community policy to promote policies and initiatives which favour respect for human rights and democratisation, including through the promotion of Corporate Social Responsibility (CSR). The Council calls for a strengthened international dialogue on the relationship between trade and social development, including core labour standards, whilst recognising the central role played by ILO.

The EU has also played an active role in the recent revision of OECD Guidelines for Multinational Enterprises (MNEs). These Revised Guidelines were adopted on 27<sup>th</sup> June 2000 by the 30 OECD members, as well as Argentina, Brazil and Chile, as part of a revised Declaration on International Investment and Multinational Enterprises <sup>1</sup>. They represent a useful step towards enhanced investors' responsibilities worldwide, at the same time responding to civil society's concerns in relation to the behaviour of international investors.

MNEs are recognised as having not only rights, but also obligations towards a corporate citizenship. Although the Guidelines do not have a legally binding status and do not alter the implementation of domestic legislation, the reinforced implementation mechanism now associated to them fosters voluntary self-regulation, wherever they operate. It is up to all interested stakeholders to ensure its effective implementation.

The substantive issues covered by the Guidelines have been extended to also cover human rights. MNEs are expected to respect the human rights of those affected by their activities, consistent with the host government's international obligations and commitments. The Commentary refers explicitly to the Universal Declaration of Human Rights. Provisions in the Employment chapter (IV) also provide for the protection of human rights. In particular, MNEs should contribute to the effective abolition of child labour and the elimination of all forms of forced or compulsory labour (§II-1).

As to their geographical scope of application, ambiguity has been removed : adhering governments expect and invite "their" MNEs to apply these principles and standards of behaviour wherever they operate. The Guidelines instruct adhering governments to seek dialogue and cooperation with non-adhering governments. National Contact Points (NCPs) will be the key instrument that adhering governments will use to supervise the implementation of the Guidelines. This includes handling instances where the guidelines

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<sup>1</sup> The OECD Guidelines for multinational enterprises represent a set of recommendations addressed jointly by OECD governments to multinational enterprises. The Guidelines had been designed in 1976 as part of a global package on international investment: the *OECD Declaration on international investment and on multinational enterprises*, which includes also the National Treatment Instrument, the instrument on International Investment Incentives and Disincentives, and the Instrument on Conflicting Requirements. The Declaration has been complemented by a number of decisions of the OECD Council since 1976.

are not observed. A number of such instances have arisen recently, also regarding European companies in non-OECD countries. None of these are resolved as of yet. For its part, the European Commission intends to contribute to raising awareness of the Guidelines among all interested parties, in order to facilitate the use and diffusion of the new Guidelines as an instrument at the service of all stakeholders. The Commission is initiating a discussion on the Guidelines with Member States, the European Parliament, European business representatives, European civil society, and also through the internet website Europa <sup>1</sup>.

The Commission has also recently organised a conference in Brussels on "Best practices on Corporate social responsibility", whose conclusions and possible actions for follow-up are detailed in the above-mentioned web site.

Moreover, in the Social Policy Agenda adopted in June 2000, the Commission announced its intention to issue a communication to support initiatives related to corporate social responsibility and management of change. Inspired, inter alia, by the UN Secretary General's launching of the Global Compact, this Communication, adopted as a Green paper on 18 July 2001, aims to launch a wide debate, and seek views on a wide range of issues including the promotion of human rights by businesses at international level.

In the area of arms exports, the EU has put special emphasis on the respect for human rights in its *European Union Code of Conduct on Arms Exports*, which was adopted by the Council of Ministers in June 1998. When assessing export applications, EU Member States take into account the human rights situation in countries of destination. The Member States have committed themselves to refusing the delivery of export licenses, if there is a risk that these arms might be used for internal repression in the countries of destination. Special attention is paid to countries where the United Nations, the Council of Europe or the European Union have reported serious violations of human rights.

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<sup>1</sup> <http://www.europa.eu.int/comm/trade/miti/invest/oecd.htm>.

Member States encourage other arms exporting states to subscribe to these human rights-related principles, as well as to the other principles encompassed by the Code of Conduct. To achieve this goal, an *EU-US Declaration on the Responsibility of States and Transparency in the Field of Arms Exports* was adopted at the Nice summit, which included a commitment on the part of the EU and the US to cooperate in this field. During the spring of 2001, the dialogue on the issue of arms export controls was substantially deepened with countries that have applied for accession to the Union.

As a separate endeavour, the Council of Ministers has asked the Commission to prepare, as a matter of urgency, a proposal for controlling the exports of goods which are not covered by national military lists, nor by the common list of dual use items, but which are nevertheless of considerable significance from a human rights perspective. This category of goods, hitherto uncontrolled in most but not all Member States, would *inter alia* include instruments of torture such as electrical shock equipment, and riot control equipment such as electric shock batons. The Commission proposal is expected to be tabled early in the autumn of 2001.

### **3. ACTIONS ON HUMAN RIGHTS IN INTERNATIONAL AFFAIRS.**

#### **3.1. EU instruments and initiatives in relations with third countries.**

This section gives examples of initiatives taken by the EU in the period covered by this report, to show its concerns in the human rights field and to welcome the progress made.

Common strategies, common positions and joint actions are the main legal instruments of the EU's Common Foreign and Security Policy (Articles 13, 14 and 15 of the Treaty on European Union). A significant number of them are focused on human rights and democratisation or contain substantial human rights elements.

### **3.1.1 Common strategies, joint actions, common positions.**

#### **Common strategies**

The aim of common strategies is to enhance the overall coherence of the Union's international action. 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. They are adopted unanimously (but foreign and security policy decisions taken on the basis of common strategies, including joint actions and common positions, are adopted by qualified majority voting).

In the CFSP field, the implementation of the common strategy on *Russia*, adopted in June 1999, made it possible to establish a new framework for political dialogue and security in which all the questions of common interest have been tackled, *Chechnya* in particular.

The consolidation of democracy, the rule of law and civil society was one of the principal objectives of the common strategies on *Ukraine* (adopted in December 1999) and on the *Mediterranean* (adopted in June 2000).

#### **Joint actions**

Joint actions address specific situations where operational action by the Union is deemed to be required. For that reason, they usually include budgetary provisions. They commit Member States in the positions they adopt and in the conduct of their activity.

In the period covered by this report, the EU has adopted several joint actions relevant to human rights.

On the *Western Balkans*, the Union adopted a Joint Action on the European Union Monitoring Mission, the primary objective of which was to contribute to the effective formulation of European Union policy towards the Western Balkans. The Union also supported the reestablishment of a viable police force in Albania.

### **Common positions**

Common positions define the approach of the Union to a particular matter of general interest of a geographical 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:

**FRY:** The EU imposed a number of restrictive measures against the FRY through a series of common positions and implementing decisions. It also lifted some restrictive measures. The EU supports democratic forces in the FRY.

**Africa:** In June 2001, in the latest six-monthly review of the common position adopted in May 1998 on human rights, democracy, the rule of law and good governance in *Africa*, the Union recalled that human rights and democratic principles were key criteria and objectives in a number of cooperation agreements between the EU and African countries, in particular the Cotonou Agreement, and listed actions taken by the Union in the past six months to promote respect for human rights and democracy.



In the 1998 common position, the EU sets out principles and a framework for its action and the action of Member States. A key aspect is the principle that the Union, working with both governments and civil society on the basis of partnership and cooperation, will consider increasing its support for African countries in which positive changes are engaged towards respect for human rights and democratic principles. If the situation gets worse, it will consider the appropriate responses that could help reverse those developments.

In May 2001, the Union adopted a common position concerning conflict prevention, management and resolution in Africa. The Union considers that there is a link between conflict prevention and democracy, human rights, the rule of law and good governance.

**Rwanda:** most recently reviewed in September 2000, the 1998 common position on *Rwanda* places protection of human rights and fundamental freedoms and the transition to democracy at the centre of the Union's policy objectives towards that country.

**Democratic Republic of the Congo:** in January 2001, the EU adopted a common position on EU support for the implementation of the Lusaka ceasefire agreement and the peace process in the *Democratic Republic of the Congo (DRC)*. The EU affirmed that lasting peace in the DRC could be achieved only through respect for democratic principles and human rights in all States of the region.

**Sierra Leone:** the common position adopted in July 2000 prohibits imports of rough diamonds from Sierra Leone, in application of United Nations Security Council Resolution 1306(2000).

**Liberia:** in May 2001 the Union adopted a common position concerning restrictive measures against Liberia, in application of United Nations Security Council Resolution 1343(2001). The common position prohibits the supply of arms to Liberia and imports of diamonds from that country.

**Nigeria:** in May 2001 the Union adopted a common position on Nigeria, intended to support Nigeria in its efforts to consolidate democracy and advance socio-economic development.

**Afghanistan:** in January 2001, the Union adopted a common position replacing the 2000 common position. Its key elements are the promotion of respect for international humanitarian law and human rights, including the rights of women and children. In February 2001 the Union also adopted a common position concerning additional restrictive measures against the Taliban.

**Burma/Myanmar:** in April 2000, in view of the human rights situation in *Burma/Myanmar*, the Union prolonged the validity of its common position of 1996.

**International Criminal Court:** in June 2001 the Union adopted a common position on the International Criminal Court (ICC) with the aim of promoting and supporting the establishment of the ICC as soon as possible (*see Annex 13*). The Union considers that the ICC is an essential means of promoting respect for international humanitarian law and human rights. By 30 June 2001, ten EU Member States had already ratified the Rome Statute establishing the ICC and the other five intended to complete their ratification procedures shortly. Annex 13 contains the dates of signature and ratification by the Member States.

### 3.1.2. Démarches/Declarations

Démarches on human rights to the authorities of third countries and press statements are also important instruments of the EU's foreign policy. 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, extrajudicial executions, freedom of expression and of association, and the right to a fair trial.

During the period covered by this report, besides the démarches on the death penalty, démarches concerning human rights have been made inter alia in *Angola, Australia, Azerbaijan, Belarus, Burma/Myanmar, China, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Guinea, Indonesia, Iran, Israel, Kazakhstan, Lebanon, Nepal, Pakistan, to the Palestinian Authority, in Russia, Sudan, Tajikistan, Tanzania, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Ukraine, the United States, and Zimbabwe.*

During the period covered by this report, the Union made human rights-related declarations on the following countries: Afghanistan, Andorra, Bahrain, Benin, Belarus, Burma/Myanmar, Bosnia Herzegovina, Cape Verde, Chad, Chile, Côte d'Ivoire, Fiji, Georgia, Guatemala, Guinea-Bissau, Haiti, Indonesia, Iran, Israel, Kyrgyzstan, Malaysia, Mexico, Namibia, Nigeria, Peru, the Solomon Islands, Sudan, Tajikistan, Tanzania, Togo, Uganda, the FRY, and Zimbabwe.

### **3.1.3. Political dialogue, including human rights-specific dialogue, with associated countries, USA, Canada, China**

The EU maintains a special dialogue on the theme of human rights with a number of countries.

With the United States, Canada and the associated countries this takes the form of a six-monthly meeting of experts, with the Troika representing the EU, before the Commission on Human Rights and the annual United Nations General Assembly. The main objective of these dialogues is to tackle questions of common interest and the possibilities for cooperation within multilateral human rights bodies.

The dialogue sessions with the United States also provide the European Union with the opportunity to raise the question of the death penalty, and now also the ratification of the Statute of the International Criminal Court (ICC) by the United States, following the adoption of the common position on the ICC.

As regards the associated countries, the EU keeps them informed of its initiatives, with which they may associate themselves if they judge it appropriate to do so. This is the case, for example, with the speeches made by the EU at the General Assembly and the Commission on Human Rights on the worldwide human rights situation. The European Union also addresses human rights questions in the framework of negotiations on accession.

Regarding the ACP states, the ACP-EU Partnership Agreement signed at Cotonou in June 2000 introduces new areas for political dialogue such as conflict prevention and crisis management, good

governance, the fight against corruption, migration and sexual equality. The political dialogue also includes a regular assessment of respect for human rights, democratic principles and the rule of law, which are essential aspects of the Agreement. If these aspects are jeopardised, consultations may take place. Annex 3 contains the main articles of the Agreement which concern human rights.

Finally, the question of human rights is tackled in the framework of the regular political dialogue with some of the EU's partners (*Iran, GCC, Sudan, SADC, etc*).

### **The EC-China Human Rights Dialogue and cooperation programme**

The EU discusses key human rights concerns as part of its political dialogue with China. The EU-China Human Rights Dialogue, which is an integral part of that dialogue, creates a framework for in-depth discussions focussed on the human rights situation in China. It resumed in 1997 and meetings are held on a biannual basis at senior official level. Such meetings were held on 29 September 2000 in Beijing and 22-23 February 2001 in Stockholm. Besides discussions on a number of areas of concern (see below), the EU also raises in the framework of the dialogue a number of individual cases on which the EU wishes to receive information and for which it requests that measures of clemency are taken. The formal human rights dialogue rounds are complemented by biannual human rights seminars in which representatives from academia, the judiciary and other experts from the EU and China participate. A seminar was organised in Paris on 18-19 December 2000 on minor crimes and trade union rights, and another seminar was held on 11-12 May 2001 in Beijing on the death penalty and the right to education.

On 22 January 2001, the General Affairs Council adopted conclusions on review of the EU-China human rights dialogue. The Council reaffirmed that the dialogue is the Union's preferred channel for working to improve the situation in areas of concern to it, but that the dialogue is an acceptable option only if progress is achieved on the ground. The Council made public the issues raised with China in the dialogue meetings in order to create greater transparency and allow for a better follow-up.

With regard to China's human rights record, the Council on 22 January acknowledged positive steps such as the signing of the UN Covenants, visits by the UN Working Group on Arbitrary Detention and the Rapporteur on Religious Intolerance, signing of a Memorandum of Understanding with the Office of the High Commissioner for Human Rights, readiness to move forward on questions relating to detention, the legal system and the range of criminal sanctions, initial reforms of the penal code and of the code of criminal procedure. On the other hand, the Council expressed concern about lack of progress in the areas of freedom of assembly, expression and association, freedom of religion and belief, the rights of minorities, including in Tibet, death penalty, torture, ratification and implementation of UN Covenants, rights of the defence, and reform of the prison system.

On 28 February 2001 China ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). The EU welcomed this decision but expressed concern about China's declaration as regards the right to form and join a trade union of one's choice.

On 19 March 2001 the General Affairs Council discussed again the human rights situation in China. Moreover, it agreed that although the EU would not co-sponsor the resolution on the human rights situation in China tabled by the US, the EU members of the UN Commission on Human Rights would vote in favour of the draft resolution and that the EU would lobby and vote against a no-action motion should one be presented since the very notion of no-action is in itself contrary to the spirit of dialogue. China did present a no-action motion which was adopted and the draft resolution therefore did not come to a vote. The Union expressed its concern about the human rights situation in China in its statement made at the CHR on 29 March on the question of the violation of human rights and fundamental freedoms in any part of the world, as well as in its explanation of vote against the no-action motion.

In June 2001 the Union also made a demarche about the use of torture and raised its concerns about the « strike hard campaign » in the framework of political dialogue meetings at different levels.

The EC continued to develop its cooperation programme in support of human rights in China. A number of human rights cooperation projects were in the implementation stage (EU-China Legal and Judicial Cooperation Programme, the EU-China Village Governance Programme, support to the Chinese Disabled Persons' Federation, establishment of a EU-China Human rights Projects Facility (for small-scale activities). Others were under preparation: a programme of support for economic and social rights in the Yunnan Province, and the development of a EU-China network of academic experts to assist China in the process of ratification and implementation of the two UN Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, signed by China in 1997.

### **Exploratory meeting on human rights between the EU and the Democratic People's Republic of Korea (North Korea)**

During the visit of Prime Minister Persson, High Representative Solana and Commissioner Patten to Pyongyang in May 2001, the European Union proposed that it should hold a specific meeting with North Korea on the subject of human rights. This meeting, of an exploratory nature, took place between the Troika and representatives of the North Korean Ministry of Foreign Affairs in Brussels in June 2001. The main subjects discussed were cooperation between North Korea and United Nations human rights mechanisms, as well as the state of ratification or application in North Korea of the main United Nations conventions on human rights. The humanitarian situation was also discussed. At this meeting, the Troika voiced the Union's concerns about the lack of information on the situation in the country and the problem of access for United Nations human rights mechanisms and NGOs. The follow-up to this meeting is under discussion.

The Union will continue to raise the subject of human rights in meetings with North Korea in the context of political dialogue.



### **3.1.4 Commission Communication on the European Union's role in promoting Human Rights and Democratisation in third countries, and related conclusions of the Council of 25 June 2001.**

#### ***Commission Communication.***

The European Commission adopted the *Communication on the European Union's Role in Promoting Human Rights and Democratisation in Third Countries* on 8 May 2001.

The Communication does not seek to rewrite fundamental policy. Rather, it seeks to set this policy in the context of the Commission's overall strategic approach in external relations for the coming years. In particular, it takes into account recent developments in the legal and political framework for the EU's activities including the Amsterdam and Nice Treaties and the Charter of Fundamental Rights, the latter being especially important in promoting coherence between the EU's internal and external approaches to human rights.

The new approaches are set in the framework of the November 2000 Joint Statement on the European Community's development policy and the reform of the management of external assistance, as well as recently adopted Communications on election assistance and observation, conflict prevention and cooperation with UN development agencies. They also reflect the impact of globalisation and the spread of the internet which open up both new threats and new opportunities for the EU for the promotion of human rights and democratisation.

The Communication responds to a perceived need from Member States, the European Parliament and human rights and development NGOs for a more coherent EU human rights and democratisation strategy, including in the use of external assistance.

The Communication identifies **three** areas where the Commission can raise its game, and identifies actions to allow this:

- through promoting coherent and consistent policies in support of human rights and democratisation. This applies both to coherence within and between European Community policies, and between those policies and EU action, especially the Common Foreign and Security Policy. It also relates to the promotion of consistent and complementary action by the EC, EU and Member States;
- through placing a higher priority on human rights and democratisation in the European Union's relations with third countries and taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance. The Commission will henceforth - where it does not already do so - systematically mainstream human rights and democratisation issues into the political dialogue it holds with third countries and its assistance programmes.

- by adopting a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR), matching programmes and projects in the field with EU commitments on human rights and democracy. To maximise impact, it identifies four topics on which the EIDHR will focus, as well as a greater concentration on certain specific countries. These themes consist of: support to strengthen democratisation, good governance and the rule of law; activities in support of the abolition of the death penalty; support for the fight against torture and impunity and for international tribunals and criminal courts; combating racism and xenophobia and discrimination against minorities and indigenous peoples.

### ***Council Conclusions.***

The Council adopted conclusions welcoming the Commission communication on 25 June 2001. In order to achieve a more informed, credible, consistent and effective human rights and democratisation policy, 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 the civil society;
- regular identification and review of priority actions in the implementation of its human rights and democratisation policy.

For each of these principles, the Council defined a methodology and a number of follow-up actions. The working party on Human Rights (COHOM), in close coordination with geographical and other relevant working parties, has started the process of implementing these actions.

### **3.1.5 European Parliament Annual Report on Human Rights.**

In July 2001, the European Parliament adopted its Annual Report on Human Rights.

The Report has three parts. The first one reiterates some recommendations that were included in the previous report, and formulates some new recommendations in order to help to consolidate and further develop the EU human rights policy. The second part deals with a specific problem in wider terms - the violation of the fundamental right of freedom of expression. The third part of the Report includes issues relating to minorities, in particular in the framework of enlargement.

In the Report, the Parliament stresses that the improvement of the coherence of the Union's actions in external relations and the conversion of its political objectives into concrete actions are a precondition for ensuring that the Union can act with adequate political weight as an international actor. Increased dialogue and openness between the EU institutions is of utmost importance for the Parliament.

The Report underlines that respect for human rights should be an integral element of, and be prioritised in, all EU activities, including EU conflict prevention efforts, and that human rights matters must be addressed openly and efficiently in peace-building dialogues and in agreements with third countries. The Parliament called on the Council and the Commission to draw up more focused, thematic common strategies for human rights, for example on children and on impunity.

On capital punishment, the Parliament underscored that the application of the death penalty to persons under 18 years and the mentally retarded contravenes the International Covenant on Civil and Political Rights as well as customary international law. The Parliament called on all States to introduce a moratorium on executions with a view to completely abolishing the death penalty and reiterates firmly its request to the United States, China, Saudi Arabia, the Democratic Republic of the Congo, Iran and other States to immediately end all executions;

The Parliament welcomed the adoption of the guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment.

The Parliament considered that freedom of speech and the right to disseminate information are vital to other human rights, political and civil rights, individual fundamental freedoms, collective and social, including economic and cultural rights.

Finally, the Report acknowledges that, generally speaking, the rights of minorities are being increasingly safeguarded in candidate countries. However, the plight of the Roma continues to cause grave concern.

### **3.1.6 Human rights forums.**

The EU Human Rights Forums are jointly organised by the Presidency and the Commission. These events aim to bring together EU institutions, Member States, NGOs, academics and international organisations to focus on issues on the international human rights agenda. The first forum was organised in December 1999 under Finnish Presidency on the basis of the December 1998 Council conclusions, which called for a *"reflection on the usefulness of convening a periodic human rights discussion forum with the participation of EU institutions as well as representatives of academic institutions and NGOs"*.

In the period covered by the report, two events were held under French and Swedish Presidency.

In its May 2001 Communication, the Commission undertakes to evaluate the Forums held so far (four to date) to improve the Forum's effectiveness and representativeness (including possible wider civil society participation).

The December 2000 Human Rights Forum held in Paris under French Presidency focussed on a variety of topics highlighted in the 2000 EU Annual Human Rights Report: (a) The Human Rights Instruments of the European Union in its Relationships with Third Countries; (b) Human Rights Defenders in the World: How to Support their Action?; (c) Abolition of the Death Penalty and the Fight against Torture: How can the European Union Act?; (d) Rights of the Child: How to Contribute to the Implementation of the Convention on the rights of the Child in the World? The Forum was opened by the French Minister for Foreign Affairs, Mr Hubert Védrine. A representative of Mr. Patten, European Commissioner for External Relations, Ms. Jilani, Special Representative of the UN Secretary General for Human Rights Defenders, and Mr. Gil-Roblès, Commissioner for Human Rights at the Council of Europe, participated in the Paris Forum. The report of the Forum can be found on the Commission website <sup>1</sup>.

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<sup>1</sup> [http://europa.eu.int/comm/external\\_relations/human\\_rights/conf/forum2/index.htm](http://europa.eu.int/comm/external_relations/human_rights/conf/forum2/index.htm)

On 28 and 29 May 2001, the Swedish Presidency and the European Commission held a conference in Brussels on *"The role of human rights and democratisation in conflict prevention and resolution"*. The conference brought together representatives of EU institutions, Member States, NGOs, International Organisations and academics. Its purpose was to look into recent developments in the field of human rights, democratisation, and conflict prevention and resolution in the light of the recent Communications of the European Commission in those fields. Commissioners Patten and Nielson, Secretary of State of Sweden, Ms Gun-Brit Andersson and Vice-President of the European Parliament, Ms Lalumière addressed the opening session. In-depth discussions took place in working groups, including one on "Election observation and assistance: the learning curve".

### **3.2 Activities funded under the European Initiative for Democracy and Human Rights (EIDHR).**

The European Initiative for Democracy and Human Rights (Chapter B7-70 of the EU budget) was created by an initiative of the European Parliament in 1994, which brought together a series of budget headings specifically dealing with the promotion of human rights. In order to provide a legal basis for all human rights and democratisation activities under Chapter B7-7, the Council adopted two Regulations on 29 April 1999 on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms <sup>1</sup>.

The Commission has recently produced two reports on the implementation of the EIDHR, covering the periods 1996-1999 and 2000 <sup>2</sup>.

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<sup>1</sup> Council Regulations 975/1999 and 976/1999.

<sup>2</sup> [http://www.europa.eu.int/comm/external\\_relations/human\\_rights/doc/index.htm](http://www.europa.eu.int/comm/external_relations/human_rights/doc/index.htm)

The latest report examines the major thematic priorities and regional strategies of the EIDHR, provides an analysis of procedural aspects and includes an assessment of the performance of the Commission in this field.

In 2001, the total budget for human rights activities under the EIDHR rose to €102 million divided amongst 5 budget lines:

B7-701 – Promotion and Protection of Human Rights

B7-702 – Support for democracy

B7-703 – Conflict Prevention and Dealing with the Consequences of Conflict

B7-704 – International Criminal Court

B7-709 – Electoral Assistance and Observation

In order to match objectives with capabilities and resources, the Commission decided to concentrate the bulk of Chapter B7-7 financing in a limited number of thematic areas per geographical region. In establishing these priorities the Commission took into account many factors, including policy positions expressed by the EU in international fora and through EU common strategies and positions, the views of Commission Delegations in third countries and resolutions by the European Parliament. The following thematic priorities were selected:

- Support for education, training and awareness-raising in the area of human rights.
- Support for measures to combat racism and xenophobia and to protect minorities and indigenous peoples.
- Promoting and protecting the freedom of opinion, expression and conscience, and the right to use one's own language.
- Promoting and protecting the rights of children.
- Initiatives aimed at the abolition of the death penalty.
- Contributions to promoting and strengthening the rule of law, the independence of the judiciary and a humane prison system.



- Promotion of pluralism both at political and civil society level by strengthening institutions and organisations and by promoting independent and responsible media and free press.
- Promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption.
- Promoting the participation of the people in the decision-making process in particular by promoting the equal participation of men and women in civil society, in economic life and in politics.
- Supporting human rights and democratisation activities aiming at preventing, resolving and dealing with the consequences of conflict, including supporting measures facilitating the peaceful conciliation of group interests, and support and assistance for the victims of human rights violations during conflicts.
- Support to electoral processes and in particular electoral observation.
- Support to the International Criminal Court and International Tribunals.

The Commission is currently undertaking a similar programming exercise for future funding (further details on priorities are provided in section 3.1.4 on the Commission Communication on Human Rights).

There are three methods for implementing EU priorities :

#### **a) Projects identified through a Call for Proposals**

With a contribution from the Commission of at least EUR 300,000, these projects are implemented by concerned parties from civil society, including NGOs and local authorities (but excluding governmental organisations). A first Call was launched on 17 January 2001 (with a deadline set for 19 March) and a second Call regarding support for rehabilitation centres for victims of torture was launched on the 3<sup>rd</sup> February (with a deadline of 2 April). More than 1400 proposals have been submitted in response to these two calls.

#### **b) Targeted projects**

These projects are implemented within the framework of programmes with partners, which can include international organisations and national authorities. Partners are identified by the Commission with reference to the need to fulfil objectives which cannot be realised through the Call for Proposals.

#### **c) Micro-projects**

These projects, for EUR 50 000 or less, are managed directly by Commission Delegations in participating countries. Having been restricted to the countries of Central and Eastern Europe, South Eastern Europe and the New Independent States, the scheme is currently being evaluated with a view to its possible expansion.

### **3.3 EU actions in international fora.**

Multilateral organisations (United Nations, OSCE, Council of Europe, etc.) constitute an important reference framework for the EU in establishing its basic standards and defining its position on various thematic issues. The debates and initiatives which take place there offer it the opportunity to show consistency between its policy and its action.

The Member States and the Commission, acting on behalf of the EC, coordinate their activities in international organisations and at international conferences, and defend the common positions of the EU within those bodies. The positions adopted by the EU in international fora are regularly coordinated in various bodies including Council Working Parties (particularly in the COHOM and COSCE Working Parties), and on the spot.

In general, the EU works in these bodies to promote the strengthening of monitoring mechanisms and the effective respect for human rights, and for coordinated participation in developing new standards.

### 3.3.1. United Nations

The EU attaches great importance to the work of the United Nations and to its human rights mechanisms, which include monitoring bodies laid down by the Treaties as well as non-conventional mechanisms – Special Rapporteurs and Representatives, both thematic and geographical.

Coordination between EU Member States within the United Nations is becoming increasingly well-established, as can be seen from the number of resolutions adopted on the initiative of the EU (5 resolutions at the 55th UNGA, 9 resolutions and 2 declarations at the 57th Commission on Human Rights), and the fact that Member States vote together on practically all issues put to the vote in those bodies. At the General Assembly, as in the Commission on Human Rights, the EU speaks with one voice on the human rights situation in the world (*see the statements made by the EU to the Third Commission of the General Assembly and to the Commission on Human Rights, in Annexes 5 and 6*), and on the main themes relating to human rights (*see below*). The particular importance which the EU attaches to the *universal abolition of the death penalty* and to the *protection of the rights of the child* is also reflected by the initiative taken for a resolution on each of these subjects (see the sections on the UNGA and the CHR for these issues).

During the period covered by this report, the EU has taken an active part in human rights debates and events organised at the United Nations, in particular:

- (i) the Third Committee of the General Assembly;
- (ii) the Commission on Human Rights;
- (iii) preparation for the World Conference on Racism;
- (iv) preparation for the extraordinary UN session devoted to children.

### 3.3.1.1 55th session of the General Assembly: work of the Third Committee

Discussions in the Third Committee at the 55th session of the General Assembly were relatively productive as regards new resolutions. Ten new proposals for resolutions were introduced. Some were the subject of lengthy negotiations, such as the *Netherlands* resolution on measures to be taken to eliminate crimes against women committed in the name of honour, or *Romania's* resolution on promoting and consolidating democracy. The admission of Yugoslavia as a member of the United Nations enabled it to take part in negotiations, particularly the United States' negotiations on the human rights situation in certain parts of South Eastern Europe.

Negotiations have been particularly difficult this year, because of the attitude of certain countries who presented last minute amendments when other delegations believed that consensus had been reached, or tried to have their amendments accepted by threatening to call for a vote.

The EU, led by the French Presidency, was behind resolutions adopted on the human rights situation in *Iran, Iraq, Sudan* and the *Democratic Republic of the Congo*, which it drew up in close consultation with the relevant special rapporteurs. Acting individually, *Sweden* and *Italy* respectively presented resolutions on the situation in *Myanmar/Burma* and in *Afghanistan*.

As customary, the EU also tabled the resolution on the *rights of the child* with the Latin American and Caribbean Group (GRULAC). On this occasion GRULAC prepared the text. The main feature this year was the adoption of two Optional Protocols to the Convention on the Rights of the Child, namely the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict. This event provided an opportunity to update the sections of the resolution dealing with these subjects. This year the resolution was adopted by consensus.

Besides the *Netherlands* resolution on crimes of honour mentioned above, some EU Member States also presented national resolutions on particular themes: *Italy* on crime prevention, *Belgium* on regional arrangements for the protection of human rights, *Denmark* three resolutions on CEDAW, torture and indigenous peoples, *Finland* on extrajudicial executions, *Ireland* on religious intolerance and *France* on enforced disappearances.

On behalf of the EU, the French Presidency made a contribution on the situation of human rights in the world. The text, which is in the Annex to this report, reflects the EU's position on the development of the situation in nearly 50 countries.

As regards initiatives by third countries, the EU co-sponsored resolutions on *Cambodia* (Japan), *the former Yugoslavia* (USA), *combating the criminal misuse of information technologies* (USA), *traffic in women* (the Philippines), *the status of women in the UN system* (Canada), *measures to combat racism and the third decade to combat racism* (Nigeria), *the right of the Palestinian people to self-determination* (Egypt), *instruments on human rights* (Canada), *promoting democracy* (Romania), *human rights defenders* (Norway), *extreme poverty* (Peru) and *the right to development* (Botswana).

The EU formulated an explanation of its vote against the resolutions on *respect for the purposes and principles contained in the Charter of the UN* (Cuba), *human rights and unilateral coercive measures* (Cuba), *humanitarian intervention* (Cuba), *the democratic international order* (Cuba), *globalisation* (Egypt) and *unilateral coercive measures* (Botswana).

### **3.3.1.2 57th session of the Commission on Human Rights (CHR)**

The 57th session of the CHR was particularly difficult because of the situation in the Middle East and the new composition of the CHR. It was marked by confrontation. The number of resolutions on which a vote was taken increased. By comparison with previous years, there were more procedural debates. Some delegations – Cuba, Pakistan, Algeria and others – tried to undermine the traditional concept of human rights, partly by trying to substitute "inter-State" rights for the responsibilities of the State towards individuals. However, the EU succeeded in having all its initiatives adopted. It also played a constructive role as mediator on several resolutions, notably those concerning the Middle East, the right to development, access to medication and the rights of children. The 57th session of the CHR produced some notable progress: the decision to draw up a convention against forced disappearances (appointment of an independent expert, setting up of a working group in 2001), which was considered as one of the major results of the session; and the appointment of a Special Rapporteur on indigenous peoples.

The EU, led by the Swedish Presidency, was one of the main participants at the Commission on Human Rights. In total, either directly or through one of its Member States it was behind nearly a third of the resolutions adopted. It also made numerous statements and participated actively in a large number of negotiations on initiatives presented by third countries. It showed a large degree of cohesion. Since collective action by the EU required very intensive internal coordination, the time for consultation with other non-EU delegations sometimes remained very limited. It is indispensable that the Union should address ways and means of reinforcing its cooperation with other countries and regional groups.

The Swedish Minister for Foreign Affairs spoke on behalf of the EU at the opening of the session, to present the EU's human rights policy and priorities. She particularly mentioned the universality of human rights. She denounced torture, including female genital mutilation, as one of the worst violations of human rights. She demanded the abolition of the death penalty and the speedy establishment of the International Criminal Court (see Annex 7).

Ms. Anna Lindh also urged all Governments to cooperate with the UN human rights mechanisms and confirmed that the Member States of the European Union are ready to cooperate with these mechanisms and prepared to receive them. Although the EU Member States do not consider specific invitations necessary for these mechanisms to visit countries in pursuance of their mandates, this statement has the same effect as a standing invitation to the human rights mechanisms.

Judging that the situation in those countries or territories remained a matter of concern, the Union took the initiative with resolutions adopted on *Iran, Iraq, Israeli settlements in the occupied territories, Myanmar/Burma, the Democratic Republic of the Congo* and *Sudan*.

The EU was behind the resolution adopted on *Chechnya*, in which it wished to express its concern about the serious human rights situation and the violations of humanitarian law, and insist that there be an investigation and that the perpetrators be prosecuted.

The EU also took the initiative in drawing up consensus declarations by the Presidency of the Commission on Human Rights on *Colombia* and *East Timor*. In the latter case the purpose was to commit *Indonesia* to establish an ad hoc court to punish human rights violations committed in East Timor in 1999, and to ensure the security and repatriation of refugees.

The EU was behind two thematic resolutions which met with remarkable success: the resolution on the rights of children (prepared with GRULAC) and the resolution against the death penalty.

The EU gave explanations of vote to express its particular concern over a number of situations. It explained the reasons which had led it to oppose the motion for non-action introduced by *China* to obstruct the draft resolution tabled by the United States on the human rights situation in that country. Thus it regretted the fact that the use of that procedure prevented the Commission from examining the human rights situation in *China* in depth, on which it had had occasion to express its concern. The EU also supported the resolution tabled by Saudi Arabia on the *situation in the Palestinian Occupied Territories*, reaffirming the right of the Palestinian people to self-determination including the right to create a State. The EU also associated itself with concerns about the human rights situation in *Cuba*. Finally, it co-sponsored the US resolution on *the former Yugoslavia*, welcoming positive developments on the political front in *the FRY* and in *Croatia* and noting some progress in *Bosnia Herzegovina*.

The Member States of the European Union presented the following resolutions on a national basis for the 57th session of the CHR: *Adequate housing as a component of the right to an adequate standard of living* (Germany), *Right to education* (Portugal), *Question of the realisation in all countries of the economic, social and cultural rights, contained in the Universal declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights* (Portugal), *Human rights and extreme poverty* (France), *Question of arbitrary detention* (France), *Torture and other cruel, inhuman or degrading treatment or punishment* (Denmark), *Elimination of all forms of religious intolerance* (Ireland), *Extrajudicial, summary or arbitrary executions* (Finland), *Question of enforced or involuntary disappearances* (France), *Internally displaced persons* (Austria),



*Rights of persons belonging to national or ethnic, religious and linguistic minorities (Austria), Work of the Sub-Commission on the Promotion and Protection of Human Rights (Luxembourg), Development of public information activities in the field of human rights, including the World Public Information Campaign on human rights (Italy), Human rights and bioethics (France), Regional arrangements for the promotion and protection of human rights (Belgium), Assistance to Somalia in the field of human rights (Italy).*

From 17 to 19 October 2000, the Commission on Human Rights held a special session devoted to the human rights situation in the Occupied Territories. On that occasion, the European Union made a declaration which is set out in Annex 6. The CHR decided to establish a human rights inquiry commission, responsible for gathering information on human rights violations and acts which constitute grave breaches of international humanitarian law perpetrated by the Israeli occupying Power in the occupied Palestinian territories, and to ask the United Nations High Commissioner for Human Rights to undertake an urgent visit to the occupied Palestinian territories to take stock of the violations of the rights of the Palestinian people.

#### **3.3.1.3. The World Conference against Racism**

The success of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 31 August to 7 September 2001) is one of the EU's priorities in the field of human rights. The EU therefore took an active part in the work of the three preparatory committees in Geneva. This conference is discussed in detail in section 3.4.6 below.

#### **3.3.1.4. United Nations General Assembly Special Session on Children**

The preparation of the Special Session of the General Assembly of the United Nations on Children (New York, 19-21 September 2001) has also been a priority for the EU. The EU has been very active indeed in the preparatory committee in seeking to ensure that the outcome of the Special Session includes a rights-based approach, firmly rooted in the Convention on the Rights of the Child. The European Commission will submit to the Special Session a Factual Document providing an overview of its activities in support of children. Chapter 3.4.4 will deal with the UN Special Session in more detail.

#### **3.3.2 Council of Europe.**

The European Union supports the essential role of the Council of Europe in upholding human rights standards and the rule of law and in promoting democratic stability on a pan-European basis.

The European Convention on Human Rights and the Court of Human Rights remain the essential reference points for the protection of Human Rights in Europe. It is essential that all States comply with their formal undertaking in international law to abide by and fully execute the final judgements of the Court.

The EU recognises that the enlarged Council of Europe is an important pan-European political forum, bringing together the EU and other European States and through which the EU projects and promotes its human rights values and policies within Europe, e.g. on the abolition of the death penalty. The role of the Council of Europe complements EU common strategies towards a number of key States, in particular the Russian Federation. The human rights standards and values of the Council of Europe are also complementary to the criteria for future enlargement of the European Union.

The EU supports further enlargement of the Council of Europe. It expects that the remaining applicant States as well as the newer Member States will continue to bring their institutions, legislation and practice fully in line with Council of Europe standards, and resolve any situation of conflict by peaceful, political means.

The EU is committed to using the expertise and mechanisms of the Council of Europe to advance human rights standards across Europe. In particular, the EU stresses the importance of full compliance with membership obligations and expects that all Member States of the Council of Europe fulfil their commitments to the Organisation.

In this respect, the EU has welcomed the Declaration unanimously adopted by the Committee of Ministers, to make Europe a "Zone free from death penalty" In particular, such a Declaration stresses that the Council of Europe demands those States applying for admission to abolish the death penalty in an established period of time.

The EU welcomes the increased role of the Council of Europe in South-East Europe, in particular through the Stability Pact and its involvement in election monitoring.

The EU supports the role of the Council of Europe in the effort to achieve a peaceful solution to the conflict in Chechnya. The EU welcomes the presence in Chechnya of human rights experts from the Council and the cooperation of the Russian authorities in this field. The EU expects Russia to provide concrete information on the follow-up action taken in response to human rights violations investigated by the Kalamanov Office in Chechnya. The EU notes that the OSCE assistance group reopened its office in Chechnya on 15 June 2001.

The EU will continue to support and contribute actively in the implementation of the reform process within the Council of Europe, which is aimed at refocusing the Council's roles and priorities and reinforcing its cooperation with other European organisations, in particular the EU and the OSCE.

In recent years, there has been a significant mobilisation of EU resources in support of the Council of Europe, notably in implementing joint programmes for cooperation and assistance to Central and Eastern European countries. The new Joint Declaration on Cooperation and Partnership between the European Commission and the Council of Europe and the establishment of Joint Committee of officials will enhance this mutual cooperation.

The EU welcomes the role played by the Council of Europe Commissioner for Human Rights in promoting awareness and respect for human rights throughout Council of Europe Member States.

The EU actively participated in the Conference "All different all equal: from principle to practice" (Strasbourg 11-13 October 2000), which was the European contribution to the World Conference against Racism. The EU welcomed the fact that the European preparatory process for the World Conference took place within the framework of the Council of Europe, especially given its key role in the promotion of tolerant societies without discrimination and its longstanding involvement in combating racism, discrimination and intolerance.

The EU made a significant contribution to the Rome Ministerial Conference on 3-4 November 2000 to mark the 50<sup>th</sup> Anniversary of the European Convention for Human Rights, with the participation of Ministers for Human Rights from almost all Member States of the Council of Europe. The Conference was an important opportunity for Europe to take stock of the new challenges facing the Convention and the Court. Twenty-four Member States signed Protocol No.12 to the Convention (on non-discrimination) on the same day.

### **3.3.3 Organisation for Security and Cooperation in Europe (OSCE).**

For the European Union, the Human Dimension of the OSCE is particularly important as one of the major components of the comprehensive concept of security. Therefore, the Union vigorously supports all activities in the framework of the Human Dimension as well as the need to address Human Dimension issues in individual participating states.

The EU also considers the Human Dimension to be crucial in its relations with other participating states, including in the context of the enlargement process of the EU. The EU is fully committed to supporting the OSCE institutions that are working to implement the OSCE normative "acquis" and thus prevent conflict. The Union is a major contributor to the OSCE, its field missions and institutions.

The EU intends to improve the overall implementation of its programmes of assistance and cooperation at regional level, as well as those defined in the vast net of diversified agreements with almost all OSCE participating States. Benefits of partnership are offered to all those who are prepared and willing to pursue with the EU the promotion of development towards well-being and social solidarity, within open democratic societies, under the rule of law and in full respect for human rights, international law and OSCE principles and commitments.

The EU appreciates the human rights activities of the organs of the OSCE specifically mandated with human rights issues, namely the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media. In particular, the EU has expressed its deep gratitude to Max van der Stoep, who resigned as High Commissioner on National Minorities on 30 June 2001, for his untiring efforts to promote peace and stability in the OSCE region by fostering interethnic dialogue.

A constant objective of the EU is to "mainstream" the human dimension into all activities of the Organisation. Of particular relevance in this respect are the work of the Permanent Council and the work done on the ground by the OSCE field missions.

The EU continues to attach particular importance to the yearly Human Dimension Implementation Meeting, as well as to the Supplementary Human Dimension Meetings, which have proven they can contribute in a significant way to the OSCE human dimension work. The EU has consistently underlined the important role played by NGOs in human dimension activities and has welcomed the growing interest by NGOs in all OSCE Human Dimension Meetings. At the same time, the EU believes that these meetings should develop new dynamics so as to ensure their value.

In this regard, the Union welcomes the efforts of ODIHR and the Presidency-in-office to facilitate the adoption, in July 2001, of the "Decision on enhancing the effectiveness of the Human Dimension Meetings". In this document, the Permanent Council attaches particular importance to a revitalised dialogue between States, international organisations and NGOs. More relevant and efficient Human Dimension Meetings should be realised through rationalised agenda-setting and procedures; wider participation of NGOs, improved follow-up of recommendations (in particular by the Permanent Council and ODIHR), and finally, through a better timing of the meetings.

The EU encourages the OSCE institutions to continue to cooperate with those working in the field, and welcomes an improved feed-back from these institutions to Delegations / the Permanent Council. In this regard, the EU proposes the issuing by ODIHR of reporting guidelines for its missions.

## **Trafficking in human beings**

The EU welcomes the steps undertaken by the OSCE to combat trafficking in human beings, which affects women and girl children to a very significant extent. The OSCE began to enhance its anti-trafficking activities, further to the OSCE Supplementary Human Dimension Meeting on Trafficking in Human Beings on 19 June 2000. The OSCE Ministerial Council approved a decision to enhance OSCE's efforts to combat trafficking in human beings on 28 November 2000, focusing on the primary responsibility of participating States, on international cooperation and on involvement of civil society, underlining as most important fields of action the areas of prevention, protection and prosecution. In addition, the OSCE Secretariat amended its Code of Conduct for OSCE Mission Members to include provisions on human rights abuses, including trafficking in human beings, in order to avoid their involvement in the problem.

On 1 June 2000, OSCE began to chair the Stability Pact Task Force on Trafficking in Human Beings. The former Austrian Federal Minister for Women's Affairs, Helga Konrad, was appointed as ODIHR Regional Co-ordinator on Trafficking Issues in South Eastern Europe to chair the Stability Pact Task Force. One of the first successes of the Task Force has been the signing on 13 December 2000 in Palermo of an Anti-Trafficking Declaration by Ministers from the countries and regions most affected in South Eastern Europe. On 27 April 2001, the Chair of the Stability Pact Task Force on Trafficking in Human Beings tabled a comprehensive multi-annual strategy which now needs financial support for its speedy implementation.

### **3.3.4 Stability Pact for South-Eastern Europe (Working Table I: Human Rights and Democratisation).**

At the initiative of the European Union, the Stability Pact for South-Eastern Europe was adopted in Cologne on 10 June 1999. In the founding document, 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 European Union continues to give strong support to the Stability Pact for South-Eastern Europe, which has contributed to stability in the region and promoted democracy, human rights, economic reconstruction as well as security. The Stability Pact has fostered dialogue and cooperation. Out of the three working tables, Working Table I focuses on Democratisation and Human Rights. The EU has been active in formulating proposals for new strategic priorities with a view to improving the focus and coherence of efforts, and to avoid overlap and duplication of work undertaken in other fora. Working Table I is now focused around four major strands: media, return of refugees, national minority issues including inter-ethnic dialogue and cross-border contacts and, finally, education and youth.

The media sector is an area which warrants continuous attention in the region. Freedom of expression, independent media, and free flow of information play a fundamental role in the development of democratic societies. The fragility of the independent media and emerging public broadcasting, unless addressed effectively, will be an important brake on the development of stable and pluralistic democratic practice.

The right of refugees and displaced persons to return and repossess property is the foundation for lasting peace in the region. Progress has been made but continued work on enabling return is a pre-condition for the long-term stability of the countries of the region. The prospect of better regional cooperation between the three countries most affected will mean that the international community will have to maintain its support for returnees and adopt a more regional approach to finding solutions.

The EU is of the opinion that the objectives of the Stability Pact cannot be attained unless there is full respect for human rights, including the rights of minorities and individuals who belong to such minorities. The importance of giving minorities a stake in the political and economic development of their country will remain a key factor in the stability of the region for the foreseeable future. Efforts to create a favourable environment for multi-ethnic and multi-cultural states in the region will have to be strengthened, and there is a need for new ideas on how to promote contacts across borders.



Education and training form the basis for acquiring the skills and competencies necessary to meet the challenges of social, economic and political transition, and young people - as well as their formal and non-formal education - play a crucial role in guaranteeing future stability, peace and democracy. The young need to be convinced that renewal of their countries will increasingly depend on them.

In addition, substantial input by non-governmental organisations can be very significant. A Working Table I meeting in Bucharest on October 2000 adopted a Declaration on NGO-Government partnership in South-Eastern Europe. The EU now looks forward to hearing more on progress in interaction between the Working Table and the NGO community. Considering their essential role in the promotion of human rights and democratisation, NGOs as well as civil society at large have to be fully involved in the work of the Working Table. The EU thus favours civil society participation in the activities of individual Task Forces, as has already been practised by some Task Forces in an exemplary way.

### **3.4 Thematic issues of particular importance to the EU.**

#### **3.4.1 Civil and political rights.**

The European Union welcomes the growing number of states that have become party to the International Covenant on Civil and Political Rights (ICCPR), and encourages others to accede to it. The EU is of the opinion that accession to relevant legal instruments is not sufficient: there is an urgent need for implementation of existing standards. All governments are urged to cooperate with UN human rights mechanisms and to allow visits to their countries. The countries of the EU, for their part, are ready to cooperate with the human rights mechanisms and prepared to receive them.

The issue of torture will be dealt with extensively in section (b) of the present chapter. The question of extrajudicial executions, arbitrary detention and enforced or involuntary disappearances will also be discussed in that section.

The EU is very concerned at the large number of states where the freedom of expression is ruthlessly suppressed. At the 57<sup>th</sup> session of the Commission on Human Rights, all EU Member States co-sponsored and voted for a Canadian-run resolution on Freedom of Opinion and Expression, which was passed by an overwhelming majority. The EU regrets that this resolution was not adopted by consensus, as is usual practice. The text appealed to states to ensure respect for all who exercise freedom of opinion and expression and connected rights, and where they have been detained, or subjected to violence or harassment, to take appropriate steps to ensure the immediate cessation of these actions. The resolution expressed support for the Special Rapporteur, highlighted the particular plight of women and invited states to submit comments to the Special Rapporteur on their policies on access to information on HIV.

The European Union calls on all governments to ensure that their domestic legal systems provide effective guarantees for the exercise of freedom of religion and belief. At the 57<sup>th</sup> session of the CHR, all EU Member States co-sponsored a resolution tabled by Ireland on the Elimination of all forms of Intolerance and Discrimination based on Religion or Belief. The resolution urged states to take all necessary action to combat hatred, intolerance and acts of intimidation, with particular regard to religious minorities and women. It encouraged the efforts of the Special Rapporteur and noted his studies on religious discrimination and racism as input to the forthcoming World Conference Against Racism. The resolution extended the Special Rapporteur's mandate for three years.

The Universal Declaration of Human Rights stressed that all are equal before the law and entitled without any discrimination to equal protection of the law. The EU calls on all governments to follow standards aimed at safeguarding the independence of the judiciary. It welcomes all invitations extended by governments to the Special Rapporteur to visit their countries. At the 57<sup>th</sup> session of the CHR, EU Member States co-sponsored the Hungarian resolution on Independence and impartiality of the judiciary, jurors and assessors and the

independence of lawyers. The resolution reiterated that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights. It urged all governments to assist the Special Rapporteur and encouraged governments that face difficulties in guaranteeing the independence of judges and lawyers to consult the Special Rapporteur, for instance by inviting him to their country. At CHR, the EU joined consensus on a decision introduced by Chile on the Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. The decision requested the UNHCHR to hold a consultative meeting in Geneva with a view to finalising the Basic Principles and Guidelines prepared by the Independent Expert on restitution.

The EU champions the promotion and consolidation of democracy. At the 57<sup>th</sup> session of the CHR, all EU Member States co-sponsored and voted for a resolution tabled by Romania on Continuing dialogue on measures to promote and consolidate democracy. This resolution built on last year's Romanian resolution which was aimed at defining the essential elements of democracy and their relation to universal human rights standards. It stressed that free and fair elections are an essential feature of democracy and must be part of a broader process that strengthens democratic principles, values, institutions and practices, which underpin formal democratic structures and the rule of law. It invited UN Member States to continue to foster and participate in a systematic dialogue on the building up of democratic societies. EU Member States also joined consensus on an initiative tabled by Brazil on Incompatibility between Democracy and Racism. The resolution condemned legislation and practices based on racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance. However, EU Member States were not able to support a Cuban resolution on Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy. In the view of the European Union, this resolution undermined the agreements established by the Romanian resolutions in 2000 and the emerging cross-regional consensus on what democracy means to the Member States of the United Nations.

**a) The abolition of the death penalty.**

Situation in the world

During the past few years, we have witnessed a gradual increase in support for the abolitionist cause. Today, 123 countries <sup>1</sup> have abolished the death penalty to varying degrees: 75 are total abolitionists, 14 are abolitionist for ordinary crimes, 29 are de facto abolitionists, 2 have undertaken to abolish capital punishment in their capacity as members of the Council of Europe, and 3 have imposed a statutory moratorium on executions. Nevertheless, there are still 72 retentionist countries.

Côte d'Ivoire recently joined the abolitionist group, after a new Constitution abolishing the death penalty had been approved by referendum. Antigua and Barbuda is a de facto abolitionist state in the sense that no executions have taken place for the past ten or more years. On 21 March 2000, Malta abolished capital punishment entirely, including for military crimes. On 10 April 2001, the Chilean Parliament removed the death penalty from the ordinary criminal codes.

In contrast to this positive trend, however, there were in 2000 still 26 countries in which, in total, at least 1,907 executions were carried out. China executes the largest number of people, with at least 1,000 confirmed executions, followed by Iraq which executed at least 400, Iran at least 153, Saudi Arabia 121, and the United States, 85. Afghanistan followed with at least 30 executions, the Democratic Republic of Congo with 20, Pakistan and Taiwan with 17, and Liberia with 14. Executions have also been carried out in the Bahamas, Burundi, Cuba, Egypt, the Philippines, Japan, Jordan, Guatemala, Libya, Malaysia, Qatar, Singapore, Somalia, Thailand, Taiwan, and Yemen. Except for Saudi Arabia and the United States, these figures are only partial because many countries keep details of their executions secret or confidential.

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<sup>1</sup> Source: Hands off Cain, 2001 report.

## EU action in international and regional fora

With a view to promoting respect for the right to life and other human rights, the EU uses all relevant international and regional fora to advocate the universal abolition of the death penalty. In countries where neither a *de jure*, and not yet a *de facto* moratorium on the death penalty is in place, the EU calls for the progressive restriction of its use and insists that it be carried out according to the minimum standards set out in the "EU guidelines towards third countries on the death penalty", which were adopted by the European Council in June 1998.

At its 57th session, the United Nations Commission for Human Rights, adopted a resolution, introduced by the EU, which condemned the death penalty for the fifth consecutive year. Although the text was practically the same as last year, there was a slight increase in the number of votes against and there were fewer abstentions. This is certainly due to the change in the composition of the Commission, which comprised of a larger number of retentionist countries than in previous years.

The Council of Europe is pursuing the abolition of the death penalty with equal determination. On 9 November 2000, the Committee of Ministers of the Member States adopted a declaration to make Europe a "death penalty-free zone". In this declaration, the Council reiterated that the Council of Europe requires all States that are candidates for accession, to undertake to abolish capital punishment within a given period of time. Only two Member States (the Russian Federation and Turkey) have not yet abolished the death penalty *de jure*, even though they have imposed a moratorium on executions for several years now.

At the annual OSCE meeting on the implementation of the commitments in the field of the Human Dimension, held in Warsaw on 17-27 October 2000, the question of the abolition of capital punishment was the single issue debated at a special session (Exchange of information on the question of the abolition of capital punishment), during which the European Union recalled its commitment to fostering the abolition of capital punishment. The final recommendation urges the participating countries to refrain from passing the death sentence on anyone who was under 18 years of age at the time the crime was committed, or on persons suffering from mental illness.

### Action in specific countries

In Lebanon and Sri Lanka, demarches were made to express the EU's concern about the possible suspension of the de facto moratorium that these countries introduced in 1997 and 1976, respectively.

The suspension of (de facto) moratoria was also the subject of demarches in Malaysia, Indonesia and Bangladesh, while similar measures were adopted regarding executions in Japan, Guinea, Lebanon, Pakistan and by the Palestinian Authority.

On many occasions, the EU has expressed concern to the Chinese authorities at the numerous executions linked to its campaign to combat crime, called "Strike Hard".

Demarches were also made in African countries to explain the European position regarding the death penalty. Following the action taken by the EU Presidency in May 2001 with the Minister of Human Rights of the Democratic Republic of Congo, the death sentence passed on four child soldiers was commuted to imprisonment.

### Action in the USA

The EU is keeping a watchful eye on the status of capital punishment in the United States, where there is a large number of executions.

In 2000, demarches were made in the United States, according to the EU guidelines the Death Penalty, at both State (e.g. Arizona, Missouri, Nevada, Ohio, Oklahoma and Tennessee) and Federal levels, on behalf of a number of individuals. The President of the European Council wrote to the President of the United States to remind him of the opposition of the European Union to the death penalty and to ask that the moratorium on executions for federal crimes should not be broken (Garza case).

In the autumn of 2000 the EU decided for the first time to become "Amicus Curiae" in proceedings before the Federal Supreme Court of the United States concerning a condemned man, in order to test before the highest court the question of the legality under international law of condemning someone to death who was a minor at the time of the offence. The EU Presidency has completed an "Amicus Curiae" brief for Alexander Williams who has been condemned to death for a crime committed when he was under 18, and whose case is still pending before the Georgia Supreme Court.

On 10 May and 15 June 2001, the EU Presidency in Washington made two general demarches on the death penalty at the State Department, in the context of the execution of two men on federal death row, namely McVeigh and Garza. In their talks with the Acting Assistant Secretary for Human Rights, they reiterated the EU position regarding capital punishment, specifically appealing to the federal authorities not to lift the moratorium that has been in place, *de facto*, since 1963.

Overall, some developments in the USA are rather encouraging. The Federal Supreme Court has ordered the suspension of the execution of John Paul Penry, because the jury had received inadequate instructions about how to weigh mental retardation as a mitigating factor. In the autumn 2001, the Supreme Court will also examine another case, concerning the death penalty imposed on another mentally retarded man, Ernest McCarver. The judgement that will be handed down in this case will be very important since it will be for the first time since 1989 that the Court will consider whether executing those with mental retardation offends society's "evolving standards of decency" and thus violate the Eighth Amendment, which bans cruel and unusual punishments. The EU presidency has submitted an "Amicus Curiae" brief to be filed before the Supreme Court in order to reiterate the EU's position on application of the death penalty to persons with a mental illness.

At State level, there are also a few encouraging signs, indicating the increasingly open debate currently taking place in the United States regarding capital punishment. State Congress in New Hampshire had enacted a state law abolishing capital punishment. Unfortunately, in June 2000, the Governor of New Hampshire vetoed the entry into force of the law. Another major development is the legislation recently enacted by the Texas legislature, which provides that capital punishment shall not be applied to mentally retarded people. Unfortunately, this legislation was vetoed by Governor Perry of Texas. It should be emphasised that this measure has been adopted by the legislature of the State that has had the highest number of executions since it was reintroduced in 1977. On the other hand, more recently, both Governor Holden of Missouri and Governor Rowland of Connecticut signed a bill to ban the execution of mentally retarded persons. In 1989, there were only two States practising capital punishment that exempted the mentally retarded from execution. Now 18 States and the federal government apply this exemption.

For the EU, the abolition of capital punishment and – in the short run - the adoption of a moratorium on executions, is a political priority. From a legal point of view, the EU's objective is to obtain commitments from those countries that still apply capital punishment, to remove it from their legislations. Sound legal arguments to counter the objections of those who do not accept - or who do not fully accept - interference in domestic affairs, are being used to achieve this objective.

**b) Torture and other inhuman and degrading treatment or punishment.**

Torture and other inhuman and degrading treatment or punishment are among the most abhorrent violations of human rights and human dignity. Prevention and eradication of all forms of torture and other inhuman and degrading treatment or punishment within the EU and worldwide is a strongly held policy view of all EU Member States. In its work towards the prevention and eradication of torture and ill-treatment, the EU is guided by relevant international and regional norms and standards on human rights, the administration of justice and the conduct of armed conflict. The prohibition against torture and other cruel, inhuman or degrading treatment or punishment is also reiterated in article 4 of the EU Charter of fundamental rights.



On 9 April 2001, the Council adopted Guidelines for an EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment (*see Annex 10*), with a view to strengthening the Union's actions towards the global eradication of torture. The Guidelines aim at providing the EU with an operational tool to be used in contacts with third countries at all levels as well as in multilateral human rights fora. In addition to the primary purpose of combating torture, the Guidelines will also contribute to reinforcing the EU's human rights policy in general.

The EU's objective is to influence third countries to take effective measures against torture and other inhuman and degrading treatment or punishment and to ensure that the prohibition against torture and ill-treatment is enforced. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the prevention of torture and other inhuman and degrading treatment or punishment with a view to its global eradication. The Guidelines serve to identify ways and means to effectively work towards the prevention of torture and other inhuman and degrading treatment or punishment within the EU's common foreign and security policy. The EU will pro-actively contribute to ensuring that the existing international safeguards against torture and other inhuman and degrading treatment or punishment are strengthened and effectively implemented.

The Guidelines provide a list of actions that the EU can take in order to achieve the objectives to combat torture worldwide. These include the use of political dialogues, bilateral demarches, actions in international human rights fora. The Guidelines further contain a long list of measures which the EU will urge third countries to take in order to prevent and combat torture, such as its prohibition in law and condemnation at the highest political level. Third states will be urged to adhere to international norms and procedures and cooperate with relevant international mechanisms. Further, countries will be encouraged to adopt and implement safeguards and procedures relating to places of detention and establish a domestic legal guarantees in order to prevent torture and to make sure that the perpetrators will not enjoy impunity for their acts.

Shortly after their adoption, the Guidelines began to be implemented with respect to various parts of the world. The use of the Guidelines will expand gradually and are, like the Guidelines on the Death Penalty, expected to make a prominent contribution to the EU Common Foreign and Security Policy.

The General Affairs Council also paid particular attention to the United Nations International Day in Support of Victims of Torture on June 26 and issued a declaration.

At the 55th ordinary session of the General Assembly all EU Member States co-sponsored a Danish draft resolution on torture, which mainly consolidated in a more compact form the main contents of the resolution on torture adopted at the previous session of the Commission on Human Rights (ref. Annual Report 2000 p. 47 f.) The resolution was adopted by consensus.

The EU reiterated its strong position against torture at the 57th session of the UN Commission on Human Rights: "There can be no complacency in the fight against torture". They called upon the states concerned to bring perpetrators to justice and to ensure that such crimes are neither condoned nor sanctioned by the state or its agents. The EU called upon all states to adhere to the UN Convention against Torture and to accept individual and inter states applications. Wholehearted support was expressed for the efforts against torture by NGOs and the Special Rapporteur and for the adoption of a draft optional protocol to the Convention against Torture providing for an independent and efficient international monitoring mechanism. The EU also noted with regret that the Governments of Algeria, Bahrain, Egypt, India, Indonesia and Tunisia had still not responded to outstanding requests by the Special Rapporteur to visit those countries.

All Member States co-sponsored a draft resolution on torture tabled by Denmark. The resolution contained new provisions on the prevention and prohibition of production, trade, export and use of equipment specifically designed to inflict torture, and condemned attempts to legalise or authorise torture, including through judicial decisions. Negotiations on the draft resolution were difficult and protracted, in particular since the mandate of the Special Rapporteur was under attack, but it was possible to reach consensus.

All EU Member States also co-sponsored a resolution on the Draft Optional Protocol to the Convention against Torture, tabled by Costa Rica. This Protocol seeks to establish a preventive system of regular visits to places of detention.

The EU Member States co-sponsored a Finnish resolution on extra-judicial, summary and arbitrary executions, which includes a renewed mandate of the Special Rapporteur. Noting that impunity continued to be a major facto, it called upon all states to consider ratifying or acceding to the Rome Statute of the International Criminal Court. The resolution also called upon governments to investigate promptly killings committed in the name of passion or honour, or for any discriminatory reason. It called upon states which retain the death penalty to comply with their obligations under relevant provisions of international human rights instruments.

Finally, the EU co-sponsored two resolutions tabled by France: one on enforced or involuntary disappearances, which establishes a Working Group with the mandate to elaborate a draft legally binding instrument for the protection of all persons from enforced disappearances, as well as an Independent Expert with the mandate to report on the existing texts ; the other on arbitrary detention, which requests governments to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and ensure that their legislation is in conformity with international standards. All resolutions were adopted by consensus. Certain paragraphs of the resolution on enforced or involuntary disappearances, however, were subject to a vote.

The European Community provides substantial funding for rehabilitation centres for torture victims across the world. Under the 2001 budget, 12 million EUR was allocated for such centres, with 6 million EUR for centres within the EU and 6 million EUR for centres outside the EU. Moreover, projects relating to the prevention of torture were also eligible for funding under the general EIDHR Call for Proposals.

**c) Election assistance and observation.**

Under the Treaties, the consolidation of democracy is one of the fundamental objectives of the EU's Common Foreign and Security Policy and the Community Cooperation Policy. Election support is an important element of the EU's overall contribution to democratisation and sustainable development in third countries, as pursued both through long-term development assistance and the EU's political dialogue. During the last decade an increasing number of countries worldwide have adopted democratic forms of governance. Although some countries have abruptly reverted to autocracy or have been sunk in civil and regional conflicts, a case exists for being "demo-optimist", as countries where people's representatives are elected by universal suffrage are now a majority worldwide. With more and more countries moving towards democracy, Community assistance to support these transitions has increased consistently. Support for election organisation and electoral observation has received the lion's share of the commitments, reaching more than 180 million EUR in the last five years, and has taken several different forms:

- technical assistance to needs identification;
- provision of long-term technical assistance to national electoral commissions and election administration bodies;
- provision of electoral and voters' registration material and other financial support to national electoral commissions and election administration bodies;
- support for electoral jurisdiction bodies;
- financing of training for civic education and electoral administration officers;
- financing of civic education activities either via the country's authorities or via civil society organisations;
- support for media monitoring by independent bodies;

- support for civil society organisations promoting democratic values and acting as "watchdog" during electoral processes and observing elections;
- supporting training courses for electoral observation;
- supporting seminars and training for journalists covering electoral processes;
- financing seminars and research on electoral issues;
- supporting actions aimed at promoting a common European approach to electoral observation;
- contributions to UN-managed trust funds;
- support for parties' observers during the registration and voting processes.

Following the adoption of the Commission Communication on Election Assistance and Observation in April 2000, the European Parliament and the Council started a debate on election observation and assistance, which proved instrumental in clarifying the EU policy in the field. As a conclusion to this debate, the European Parliament adopted on 13 March 2001 a resolution and the Council adopted its conclusions (see annex 12), a few months later, on 31 May 2001. Both documents welcomed the Commission Communication, which, according to the Parliament, put an end to eight years of ad hoc interventions, and contributed to the establishment of a coherent framework for an EU policy in the election field. The Council and the European Parliament stress that the EU election support is a key element in the EU global strategy for the consolidation of democracy, the rule of law and the respect of human rights.

They stress the need for coordination between the Commission, the Council, the European Parliament and Member States, as well as cooperation between other donors and international partners, such as the UN, the OSCE, the Council of Europe.

The adoption of these documents has allowed significant steps in better defining a coherent and consistent EU approach in election observation and assistance. In the coming year, the implementation of election projects will test the capacity of the EU institutions to follow consistently this approach.

In a spirit of coordination and cooperation, the EU participated actively in the OSCE Human Dimension Seminar on the Election Process held at Warsaw from 29-31 May 2001, in which specific attention was paid to lessons learned; the rule of law and good governance; stability, conflict prevention and post-conflict rehabilitation; freedoms of expression, association and assembly and to the observation methodology of ODIHR and its technical assistance programme.

Between July 2000 and July 2001, electoral projects financed and co-financed through the EU were implemented in the following countries (additionally, a number of Member States made bilateral contributions to electoral observation and assistance projects):

### **Electoral assistance**

In connection with the parliamentary elections in *Guyana* held in March 2001, the Commission deployed a Needs Identification Mission in February-March 2000. The mission identified specific needs and the EC made available EUR 1,1 million from the counterpart funds generated by the SAP, to provide training to all election officials, which was implemented before the elections held on 12 March 2001.

In *Ivory Coast*, the EC contributed to finance through UNDP the conduct of the July referendum on the Constitutional amendments and the Presidential elections, held on 22 October 2000. Around EUR 9 million was made available out of previously frozen counterpart funds. However, following the decision of the Supreme Court of the Ivory Coast to reject the registration of a number of candidates to the Presidential office, on questionable grounds, the Commission decided to freeze its assistance to the election process. The funds already committed covered the first round of the presidential elections (expenditures around EUR 5M for electoral material).

In *Albania*, for the October 2000 elections, the EC has contributed to a UNDP-managed project in support of the local elections with up to EUR 3,7 million.

In *Kosovo*, the Community financed the organisation of local elections (held in November 2000) with a contribution of EUR 5 million to the electoral budget prepared by the UN.

In *Tanzania*, the Community financed a EUR 5,5 Million project in support of the October 2000 general elections, including electoral material and civic education campaigns. The Commission also financed a separate project on voters' education and contributed to the training of election commission officials. Moreover, nearly 0,5 million were devoted to support observation by local civil society organisations.

In *Ghana*, where general elections were held in December 2000, the Community has financed three projects in support of deepening the democratisation process. Funds totalling EUR 1,93 million have been committed to finance supplies to the national electoral commission. EUR 1 million was used for civic and voters' education. These two projects were financed out of the National Indicative Programme. Additionally, nearly EUR 600 000 were granted to the Friedrich Naumann Foundation for the programme "Building a network of Domestic Observers", aiming at creating long-term domestic capacity for electoral observation.

In *Peru*, for the general elections of April 2001, 3 projects were funded from chapter B7-7, for an amount of EUR 580 000. Support was given to the Ombudsman, for electoral supervision and voter education, to the Peace Council for training of national observers and voter education campaigns and to Transparencia, for media monitoring and training of electoral officers.

In *Chad*, electoral assistance was provided for the May 2001 Presidential elections, for an amount of EUR 1,9 million through EDF funding.

In *East Timor*, voter education actions are being funded for an amount of EUR 350 000 in view of the elections scheduled on 30 August 2001.

In *Congo-Brazzaville*, EUR 485 000 have already been committed for Technical Assistance preparatory missions in view of the referendum, presidential and parliamentary elections to come (probably early 2002).

In *Yemen*, an exploratory mission was deployed in August 2000 and a number of proposals have been formulated. Final decision on possible assistance will also depend on the draft constitutional amendments, which, if approved, could postpone the parliamentary elections to 2003.

In *Pakistan*, the Commission organised an election assistance programming mission in April 2001 with a view to the general elections to be held in October 2002.

### **Electoral observation**

EU electoral observation missions were deployed to observe several important and politically significant elections, particularly in Africa. The Community financed EU electoral observation missions in the following countries:

In *Zimbabwe*, the EU electoral observation mission of June 2000 was followed by the extended presence of a EU observation unit to follow and report on the by-elections.

A 150 observer-strong mission was deployed to *Ivory Coast*, where Presidential elections took place in October 2000 after the December 1999 coup with a EUR 1,9 million commitment from the resources of the EDF. The Election Observation Mission was scheduled to remain in the country to cover the parliamentary elections of 10 December 2000. However, the decision of the Supreme Court to deny registration to a number of candidates to presidential office seriously undermined the election process. On the day of the parliamentary elections, only the core team of the observation mission was still present on the spot.

The EU organised a large electoral observation mission to *Tanzania*, to observe the second democratic general elections that were held in October 2000 (budget allocation: EUR 520 000).

In *Sri Lanka*, the EU Election Observation mission for the parliamentary elections of October 2000 was made of a Core Team, 28 long-term observers and 42 short-term observers, (total allocation: EUR 700 000).



In *Guyana*, the European Component within the GLOG Observation of Parliamentary elections of 19 March 2001 was funded through chapter B7-7 (allocation: EUR 314 000). It consisted mainly in the funding of 30 short-term observers and the head of the EU mission.

In *Peru*, an EU Election Observation Mission was deployed to cover the first and second round of the general elections (April the 8<sup>th</sup> and June the 3<sup>rd</sup>, 2001). It consisted of an EU Election unit, 10 Long Term observers and 32 Short Term Observers (allocation: EUR 1 169 000).

In August 2000, the Commission organised a needs assessment mission to *Sri Lanka* in order to assess the advisability of observing the parliamentary elections.

In early February 2001, the Commission organised an exploratory mission to *Bangladesh*, in April 2001, an exploratory mission to *East Timor* and in June 2001, an exploratory mission to *Nicaragua*, in order to assess the advisability of observing future elections in these countries.

Commission officials, EU diplomats posted in Mexico City and members of the European Parliament observed the historic July 2, 2000 presidential elections in *Mexico*.

### **Media monitoring**

Media monitoring carried out by the European Institute for the Media in all Central and Eastern European and CIS countries has been financed. This project has usefully complemented EC-financed intervention in support of observation of elections in a large number of countries.

Election media monitoring took place in *Kyrgyzstan* (October 2000), *Azerbaijan* (November 2000), *Kosovo* (October 2000), *Romania* (November 2000), *Serbia* (December 2000), *Moldova* (February 2001), *Montenegro* (April 2001), and *Bulgaria* (June 2001).

Workshops on media and elections were held in *Belarus* (December 2000), *Bosnia and Herzegovina* (October 2000), *Kosovo* (July 2000), and in *Romania* (June 2000).

Workshops on freedom of the media were held in *Russia* (March-June 2001), *FRY* (September 2000), *FYROM* (May-June 2001), *Montenegro* (July 2000), *Albania* (November 2000).

### **Training of observers**

As a follow-up to the Seville and Stockholm seminars, the Commission has approved the financing of a programme implemented by the Swedish Agency for International Development for the establishment of a common European Standard for Electoral Observers. Experts from all Member States have been trained to act as trainers of observers where necessary. The medium and long term objective of this project is to have long and short term observers trained in the same manner and on the basis of a common European standard in Europe, prior to their deployment to the host country. The observers will receive an additional briefing on specific local circumstances and the latest developments once they arrive in the host country.

After the seminar for short-term observers, which took place in Austria from 9-11 February 2001, a seminar for long-term observers took place in Sweden from 15 to 18 June 2001. Two further seminars are planned for September and October 2001, also focusing on long-term observation.

### **Total amount of funds committed**

The total amount of funds committed between July 2000 and July 2001 by the Commission, acting on behalf of the EC, to electoral assistance and observation, can be estimated at around EUR 32 million.

### **3.4.2 Economic, social and cultural rights.**

The European Union recognises the universality, indivisibility, interrelations and interdependence of all human rights. Civil and political rights and economic, social and cultural rights are mutually reinforcing, share common pre-conditions and are based on common basic assumptions and principles. These are the recognition of the dignity of mankind, the equality of all human beings, the principle of non-discrimination and the social inclusion of all persons, ethnic groups and races whatsoever. Therefore, the European Union considers the International Covenant on Economic, Social and Cultural Rights to be as important as the International Covenant on Civil and Political Rights, and encourages States that are not yet parties to that Covenant to ratify or to accede to it as soon as possible. The importance that the European Union attaches to both categories of rights is reflected in the European Initiative for Democracy and Human Rights, which constitutes the main budgetary line for activities in the area of human rights and democratisation.

Although economic, social and cultural rights are generally recognised by States, their full and universal implementation is difficult to achieve, thus leaving wide sectors of the population insufficiently protected, in particular indigenous communities and other minority groups. Women continue to suffer discrimination in the exercise of their right to property or in terms of access to social benefits. Children continue to be exploited as a labour force.

The European Union reiterates its commitment to contribute to halving, by the year 2015, the number of persons living in conditions of extreme poverty, as declared at the Millennium Summit.

Also at the Millennium Summit, the European Union expressed its willingness to support any initiative of the High Commissioner for Human Rights aimed at achieving the universal enjoyment of economic, social and cultural rights. In this context, the European Union appreciates the suggestion to establish a mechanism for voicing individual complaints, provided a clear legal framework is set up in advance, in order to ensure the optimum implementation of such rights.

The Commission on Human Rights has adopted important resolutions originating from initiatives of Member States of the European Union. Further to a Portuguese initiative, the Commission decided to appoint an Independent Expert entrusted with studying the issue of the future negotiation of a draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Also on Portugal's initiative, the Commission adopted a new resolution on the right to education that renews the mandate of the Special Rapporteur for another three years. Likewise, resolutions on extreme poverty (France) and on the right to an adequate standard of living (Germany) were adopted.

The European Union strongly supports most of the special machinery set up by the Commission on Human Rights in the field of economic, social and cultural rights. The countries of the EU, for their part, are ready to cooperate with the human rights arrangements and prepared to implement them. The EU equally acknowledges the fundamental role played by the Committee on Economic, Social and Cultural Rights for the effective implementation of these rights. Moreover, the European Union sees it as necessary to link closely the internationally recognised rules in the field of human rights and the work of the UN Specialised Agencies in this field. Consequently, it fully supports the Secretary General's efforts to integrate human rights within the system of the United Nations.

The European Union is of the opinion that economic, social and cultural rights should be duly considered in the framework of international conferences. In this respect, the UE expects that these matters will be properly addressed later this year by the World Conference against Racism and by the UN General Assembly Special Session on Children, as well as, in 2002, by the World Summit on Sustainable Development and the Second World Assembly on Ageing.

### **3.4.3 The right to development.**

The EU actively participates in the process of elaborating the concept of the right to development. The Union stresses that it is the primary responsibility of states to create national and international conditions conducive to the fulfilment of this right. The right to development is inextricably linked to civil and political rights and to economic, social and cultural rights. The denial of any of these rights would tend to deny the right to development itself.

The EU is the world's foremost donor in the development sphere. This is a token 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 continues to attach great importance to the concept of the right to development and was therefore seriously engaged in the two sessions of the open-ended Working Group between the 56th and 57<sup>th</sup> session of the Commission of Human Rights. The EU supported a renewal of the mandates of the Working Group and the Independent Expert with a view to concluding deliberations on this issue.

While it had been possible to achieve consensus on the resolution on the right to development at the 55<sup>th</sup> session of the General Assembly, with all EU Member States as co-sponsors, the EU regrets that consensus was not achieved on the resolution on the right to development at the 57th session of the Human Rights Commission. The Commission did however decide to renew the mandate of the Working Group for another year and that of the Independent Expert for another three years. The EU anticipates that this will allow the Working Group to conclude its deliberations, thus providing the Commission on human Rights with elements for consensus and concrete approaches to implement the right to development and make the notion more operational.

Furthermore, the EU welcomes the efforts by the Office of the High Commissioner for Human Rights to integrate human rights, inter alia, into the processes of the Common Country Assessment and the UN Development Assistance Framework. The EU also welcomes the deepening dialogue between the High Commissioner for Human Rights and the World Bank.

#### **3.4.4 The rights of the child.**

##### General Assembly (GA), autumn 2000

As previous years, the EU and GRULAC (The Latin-American and Caribbean Group), cooperated in presenting a draft for the Third Committee of the 55th session of the General Assembly on the Rights of the Child. The drafting was again complicated and time-consuming, especially when dealing with violence, child soldiers, and references to the Convention on the Rights of the Child (CRC).

In spite of efforts to streamline and shorten the text, it remains lengthy, covers all areas, and even includes a few new chapters. Paragraphs were introduced on themes of a more general political nature, shifting the focus from the rights of the child.

Namibia introduced its yearly resolution on the girl child, a text which was easily agreed upon, with the understanding that the context of this resolution is to be integrated in the child resolution as from the GA 56. This proposal was warmly welcomed by the EU, which had been suggesting this merger for quite a number of years.

##### Commission on Human Rights (CHR), spring 2001

At the 56<sup>th</sup> Session of the Commission on Human Rights, the EU, again in cooperation with GRULAC, also introduced a resolution on the Rights of the Child, which was adopted by consensus. Only the US made a general statement after the adoption of the resolution, in which it disagreed with the view that the Convention of the Child is the best and only standard for promoting the rights of the child. The US also objected to the idea that non-state parties would have obligations based on the Convention. Furthermore, they contested the references to a rights-based approach.

Although it had been the EU's intention to submit a shorter and more concise resolution than in previous years, the GRULAC group could not agree to the original EU proposal. Nevertheless, after consultations with the GRULAC, the EU managed to present to other delegations a somewhat shorter, more comprehensible and accessible version.

As in the General Assembly, the negotiations on the rights of the child were strongly influenced by the political views and ambitions of the different negotiating partners. Substantial time was devoted to discussions on the impact of sanctions, anti-personnel mines, references to the International Criminal Court, the optional protocol on children in armed conflict, the child rights approach, as well as obligations by states, state parties and non-parties.

Progress was made in the area of integrating a child rights approach in the work of different UN bodies and mechanisms, and recent developments and coming events relevant for the rights of the child were duly taken into account. The resolution emphasises the importance of implementation, of turning principles into practice. It highlights the need for strengthening relevant governmental structures, for example by appointing ministers in charge of child issues or independent commissioners for the rights of the child. With regard to education, the resolution stresses the importance of equal opportunity and affirmative action. It calls for an end to impunity for all crimes where children are victims, in particular those of genocide, crimes against humanity and war crimes. There is also new language on criminal offences by children. Furthermore, as the rights of the child are more likely to be protected if children themselves can participate and make their views known, it is important to that they should be involved. Finally, the resolution points out the importance of respecting the rights of the child in actions related to conflict and post-conflict situations and to facilitate the participation of children in the development of strategies in this regard.

The experiences from the UN Commission on Human Rights have shown how difficult it is to introduce changes to a well-established resolution. Nevertheless, progress was made both on substance and format, which will hopefully, in the near future, pave the way for a resolution that is both normative and operational and aimed at serving the interests of the children of the world.

### UN General Assembly Special Session on Children & regional preparatory process.

The entry into force of the Convention on the Rights of the Child (on 2 September 1990) coincided almost exactly with the World Summit for Children in New York (29-30 September 1990). Back then, there was no attempt to dovetail the Convention and the commitments from the World Summit. But since the mid 1990s, UNICEF and in many countries also civil society, have used the Convention as a point of reference for their work for the benefit of children and as an instrument to mobilise governments and the public opinion.

The review of the 1990 Summit is scheduled to take place in New York from 19 to 21 September 2001, in the format of a General Assembly Special Session (UNGASS) on Children <sup>1</sup>. The meeting's goal is, first, to confirm the fundamental objectives of the movement set in motion a decade earlier, and, secondly, to provide new momentum and adapt the 1990 agenda to recent developments. Most delegations also hope to bring closer together the content of the Declaration and the Plan of Action of the World Summit for Children (or their updates) on the one hand and the UN Convention on the Rights of the Child on the other. UNICEF's rights-based approach, which geared the organisation's programmes more towards the realisation of the rights laid down in the Convention, provided a model to achieve this goal. The EU is taking on the leading role on this issue and strongly insists on firmly anchoring the rights-based approach in the UNGASS' outcome document. Accordingly, the protection of children is subject to a very controversial discussion at the General Assembly Special Session. Other new challenges are HIV/AIDS and its consequences, poverty and growing economic disparities.

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<sup>1</sup> At the time the present report, which covers the period 1 July 2000-30 June 2001, was completed, the results of the UNGASS are not yet available.



As part of the regional preparatory process, which gave countries the opportunity to examine regional problems and particular aspects, Sweden and the SADC jointly organised a seminar on the rights of the child and HIV/AIDS, which took place in Harare from 23 to 25 October 2000. Sweden also organised a conference on refugee children in armed conflicts, in Norrköping, on 1-2 March 2000<sup>1</sup>. Germany and Bosnia and Herzegovina jointly organised a preparatory conference in Berlin from 16 to 18 May 2001 for Europe and Central Asia, in which children, young people and representatives of civil society were actively involved. 52 countries took part in this preparatory conference and the UNICEF Regional Office in Geneva played a substantial role in drawing up the final document (*Berlin Commitment for Children of Europe and Central Asia*). Detailed discussions in the six working groups on the Protection of Children from Discrimination, Exploitation and Violence; Poverty, Transition and Development Approaches; Health and Social Environment; Participation of Children and Young People; Intergenerational Justice and Environmental Sustainability; as well as Education and Application of New Technologies lent particular prominence to these topics.

#### OSCE.

In the context of the OSCE, the EU regrets that the OSCE's efforts to develop further commitments on the rights of the child, in particular on "Children and armed conflict", in accordance with the decisions taken by the participating states at the Istanbul Summit, have still not led to the approval of a comprehensive document on this issue. The EU hopes that the discussion within the OSCE on the rights of the child and the specific situation of war-affected children will benefit from the outcome of the UNGASS on children, which will be held in September 2001.

### 3.4.5 Human rights of women.

Negotiations in international fora dealing with women's issues built on discussions at the 23<sup>rd</sup> *Special Session of the UN General Assembly "Women 2000: gender equality, development and peace for the 21<sup>st</sup> Century"* ("Beijing + 5", 5th-9th June, 2000, cf. *EU Annual Report on Human Rights 2000*, p. 62ff). The 55<sup>th</sup> session of the General Assembly, the 45<sup>th</sup> session of the Commission on the Status of Women and the 57<sup>th</sup> Commission on Human rights succeeded, in many instances, in consolidating and expanding the achievements of the UNGASS "Women 2000". In some instances, such as in the area of violence against women, it became clear that further efforts are needed to strengthen the consensus on crucial human rights issues. Throughout, the EU played an active role, thus pursuing its effort to contribute to the further consolidation of women's rights and interests.

In the period covered by this report, the *UN Security Council*, for the first time in its history, held a *debate on the issue "Women, peace and security"* (October 24th, 2000). The outcome of the debate was SC Resolution 1325 which requests the Secretary General to report on the situation of women and girls in armed conflicts and on women's role in conflict resolution. For the implementation of this SC Resolution a Task Force on Women, Peace and Security was established. The resolution was adopted unanimously. On behalf of the EU, the Presidency delivered a speech which highlighted the particular importance of this issue and the essential role that women can play in conflict resolution and post-conflict re-building.

The period covered by this report also saw important developments with regard to *international human rights instruments* designed to improve the protection and promotion of the human rights of women and the girl child:

- On 22 December 2000, the *Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women*, providing under certain circumstances an inquiry procedure as well as a complaint procedure for women whose rights under the Convention have been violated, entered into force after the necessary number of ratifications was reached three months earlier;

- On 15 November 2000, the *Convention against Transnational Organised Crime* and its optional *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* were adopted by the General Assembly, now open for ratification;
- During the Millennium Summit of the United Nations in September 2000 the two *Optional Protocols to the Convention of the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography*, adopted by the General Assembly on 25 May 2000, were opened for signature, marking a major step forward in protecting the rights of the girl child.

EU Member States have taken an active part in elaborating these instruments and strongly welcome the effective strengthening of the international system for the protection and promotion of the human rights of women that results from the entry into force of these instruments. EU Member States have been among the first to sign or ratify these new instruments, and ratification processes are currently underway in a number of EU countries. With regard to the *Convention on the Elimination of all Forms of Discrimination against Women* the EU, recalling the goal of universal ratification of the Convention, has consistently called upon States which have not yet done so, to ratify the Convention. Also, the EU has given consistent reminders that the obligations and commitments assumed under the Convention require their translation into national legislation and practice. The EU has also expressed serious concern about the number of reservations made to the Convention and has urged State Parties to withdraw reservations that are incompatible with the object and purpose of the Convention.

## 55<sup>th</sup> session of the UN General Assembly

On behalf of EU Member States and associated countries, the EU Presidency delivered an extensive *statement on agenda items 107 and 108 of the 55<sup>th</sup> UN General Assembly (Advancement of Women and Follow-up to the 4<sup>th</sup> World Conference on Women and Full Implementation of the Beijing Declaration)*. In this statement, the EU reiterated its commitment to the Platform for Action adopted in 1995 at the 4<sup>th</sup> World Conference on Women in Beijing and welcomed the advances that were made in several areas during the 23<sup>rd</sup> Special Session of the General Assembly in June 2000, "Women 2000". With regard to the final document, the EU welcomed progress in the following areas:

- violence against women, including domestic violence, harmful traditional practices and so-called "honour crimes",
- women in economic life, including the application of quantified instruments (statistics, indicators etc.),
- education of girls and women and
- participation in decision making and public life.

On the other hand, the EU expressed its disappointment that, with regard to sexual rights, including questions related to sexual orientation, it was impossible to reach far-reaching consensus. The EU also stated that the areas of decision-making and reconciling working life and family life are priority areas within the EU that need further attention in order to implement true autonomy for women.

As in previous years, the EU took an active part in the consultations and negotiations of the *resolutions on women's issues in the 55<sup>th</sup> General Assembly (agenda items 107 and 108)*. A new resolution entitled "*Working towards the elimination of crimes against women committed in the name of honour*" was sponsored by one EU member state and co-sponsored by all other EU Member States. All but one resolution under agenda items 107 and 108 were

adopted by consensus, in most cases co-sponsored by all or many EU Member States. The resolution "*Working towards the elimination of crimes against women committed in the name of honour*" was adopted with 120 yes votes and 25 abstentions, which is an indication that on issues which the EU considers to be crucial in the field of human rights, differences among states remain considerable. The EU, from its part, was not in a position to co-sponsor the resolution "*Elimination of all forms of violence against women*", which, in the opinion of the EU, failed to unequivocally acknowledge that all forms of violence against women are human rights violations.

57<sup>th</sup> session of the Commission on Human Rights (Geneva, 19 March - 27 April 2001)

At the 57<sup>th</sup> session of the CHR, the EU reaffirmed its commitment to the principles of non-discrimination and equality and voiced its concern that many women are not part of the developments that have led to improvements of the human rights situation of women in many countries. In its statement under agenda item 12, "*Integration of the Human Rights of Women and the Gender Perspective*", the EU singled out the following areas which are of particular concern to EU Member States:

- various forms of violence against women, including so-called "honour crimes" and harmful traditional practices,
- trafficking of women,
- denial or insufficient implementation of the economic, social and cultural rights of women,
- education as a crucial means to achieve gender equality and empowerment,
- health care, including sexual rights and protection from HIV/AIDS infections.

The EU welcomed ongoing efforts to mainstream a gender perspective into all areas both within and without the UN system. Also, the EU stressed the catalytic role and crucial importance of civil society in the promotion of the human rights of women.

The four resolutions on women's issues at CHR 57 were adopted without a vote. All of them were co-sponsored by many, in some cases by all EU Member States. The EU welcomed that some particular concerns to Member States were addressed with clarity and vigour. The condemnation of violence against women committed in situations of armed conflict and the providing of gender-sensitive training to all participants in peacekeeping missions in CHR resolution 2001/49, "*Elimination of Violence against Women*", reflect the discussions held in the Security Council on 24<sup>th</sup> October, 2000 on the issue "Women, peace and security" (*cf. SC-Resolution 1325*). Also, the EU advocated and welcomed the call for mainstreaming a gender perspective into the preparations for work and the outcome document of the *World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance* (Durban, 29 August - 7 September 2001) in CHR Res. 2001/49.

#### 45<sup>th</sup> session of the Commission on the Status of Women (CSW)

In its first session after "Beijing + 5", the Commission on the Status of Women (CSW) adopted in March 2001 agreed conclusions on discrimination of women in order to give a message to the *World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance* to fully consider the double discrimination of women as well as the fact that discrimination on grounds of race and on grounds of sex often reinforce each other. The EU welcomed that there was a strong momentum for an acceleration of the implementation of the commitments made in Beijing and Beijing + 5. Also, in May 2001, CSW adopted agreed conclusions on "Women, the girl child and HIV/AIDS" with the objective to integrate a gender perspective and the specific situation of women and girls into the work for the *Special Session on HIV/Aids of the General Assembly* of the United Nations. The EU supported the adoption of the agreed conclusions and stressed the importance of adding the right to sexual self-determination.

## Special Session of the UN General Assembly on HIV/AIDS

The Declaration of Commitment adopted by the *UNGASS on HIV/AIDS* in June 2001 stresses the importance of women's sexual rights for the protection from the risk of HIV infection, bearing in mind that globally women and girls are disproportionately affected by HIV/AIDS. The Declaration requests to empower women to have control over and decide freely and responsibly on matters related to their sexuality to increase their ability to protect themselves from HIV infection. Containing an explicit reference to the sexual rights of women, as repeatedly requested by the EU, the document goes beyond the achievements of *UNGASS on "Women 2000"*.

## OSCE

The EU welcomes the growing emphasis on gender-related issues within the OSCE. The approval of the OSCE Gender Action Plan by the Permanent Council on 1 June 2000 has been an important step in enhancing the status of women in the OSCE, its institutions, field operations as well as its participating States. A first screening of the OSCE Gender Action Plan took place in the framework of the Warsaw Human Dimension Implementation Meeting of the OSCE from 17 to 27 October 2000, which was the first session in OSCE's history that was entirely devoted to gender issues. Another focus of recent OSCE activities has been the issue of "Violence Against Women". A special meeting of the OSCE Informal Group on Equal Opportunities for Women and Men on 8 June 2001 was devoted to national and international measures combating domestic violence.

### **3.4.6 Racism, xenophobia, non-discrimination and respect for diversity.**

Chapter 2.2 of this report is specifically devoted to the Union's internal policy on combating racism and racial discrimination and to activities within the Union itself. The present chapter will concentrate on EU action on the international scene.

The protection and promotion of human rights – including the fight against racism – is an essential component of the European Union's external relations. The Commission's Communication on "The European Union's Role in promoting Human Rights and Democratisation in Third Countries", adopted on 8 May 2001, concentrates on the development of a coherent strategy in this field for EU external assistance and specifically addresses the fight against racism and xenophobia.

### Specific programmes

The European Union funds a number of projects, both internal and external, which address the issue of combating discrimination. Apart from the Community Action Programme to combat discrimination, the EC runs a Programme relating to the Community framework strategy on gender equality (2001-2005), which covers the enforcement of the human rights of women. One of its areas of intervention is gender equality in civil life between women and men, regardless of race or ethnic origin, religion or belief. Awareness-raising measures aimed at empowering women facing multiple discrimination, such as migrant women and women belonging to ethnic minorities, will be accorded particular attention. This programme will also fund actions promoting the recognition of human rights of women, enforcing equal opportunity rights, and combating gender-related violence and trafficking in women.

Another programme is the Community Initiative EQUAL (2000 to 2006), which aims at combating discrimination and inequality of all kinds within the labour market in the context of transnational cooperation. As regards cooperation on police and judicial matters, the Grotius programme has funded a number of training sessions for judges and prosecutors on the subject of racism and xenophobia, including a seminar on increasing the means of combating racist and xenophobic crimes in Member States (Stockholm, 11-15 February 2001).



The European Initiative for Democracy and Human Rights (EIDHR) funds projects related to the fight against racism and xenophobia. This issue, together with discrimination against persons belonging to minorities and indigenous peoples, has been identified as one of the priorities for the implementation of the EIDHR for 2002 and the medium-term. In 2000, funding focused on the World Conference against Racism.

The EU recognises that education is an essential tool to change attitudes and behaviour patterns and prevent the occurrence of racist phenomena. In the fields of education, vocational training and youth, the Community runs the Socrates, Leonardo da Vinci and Youth programmes. By funding projects proposed by those directly concerned, these programmes enable universities, teachers, educators and associations to organise trans-European actions against racism and xenophobia. On the basis of this experience, the fight against racism and xenophobia has also been selected as one of the priorities for the new generation of programmes, for the period 2000-2006. These Community programmes are also open to participation by candidate countries.

#### United Nations

#### **57th session of the Commission on Human Rights**

In its statement at the last session of the CHR, the EU repeated that in its view the United Nations Convention on the Elimination of All Forms of Racial Discrimination was the basis for international cooperation on the elimination of racism and racial discrimination in all their forms. The EU welcomed the increasing number of States which have ratified this Convention, now 157, while calling for its universal ratification and noting that much progress still had to be made in implementing it. The EU also recalled its support for the work of the CERD (Committee on the Elimination of Racial Discrimination) and called on States which were party to it to fulfil their commitment to issue a regular report.

## **The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**

The EU Member States participated actively in preparations for the World Conference against Racism, held in Durban, South Africa, from 31 August to 7 September 2001. Most of them also contributed to the voluntary trust fund established by the United Nations High Commissioner for Human Rights to finance the Conference. The European Commission was also been actively involved in preparing the conference in the Americas, in Africa and in Asia and contributed EUR 3,6 million to the Office of the High Commissioner for Human rights to support the participation of NGOs in the regional preparatory conferences (Santiago de Chile - 5-7 December 2000, Dakar - 21-24 January 2001, Teheran - 19-21 February 2001) and the World Conference itself. NGOs are essential partners in the fight against racism and play a vital role in combating that scourge on the ground.

On June 1st, the European Commission adopted a Communication <sup>1</sup>, outlining its contribution to the World Conference. The document outlines the Community "acquis" in fighting racism and presents examples of good practice.

In July 2001, the EU adopted conclusions affirming the EU's determination to contribute to the success of the Conference. The EU saw the conference as representing an unique opportunity and an essential mobilising factor in the fight against all forms of racism.

The European Union believed that the conference should be forward-looking and oriented towards action. The aim was to prepare implementing measures making it possible to combat contemporary manifestations of racism.

With regard to the historical aspects, the European Union profoundly deplores the human suffering, both individual and collective, caused by slavery and the slave trade.

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<sup>1</sup> COM(2001) 291 final.

The EU called upon all States to work together in a spirit of cooperation to make the Durban World Conference a success and an important stage in the disappearance of racist practices, racial discrimination, xenophobia and intolerance.

### Council of Europe

The European Conference preparatory to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Strasbourg under the aegis of the Council of Europe from 11 to 13 October 2000. It was preceded on 10 October by a forum of non-Governmental organisations. Several texts emerging from the proceedings of the Strasbourg conference were forwarded to the World Conference: the political declaration, general conclusions, report from the NGO forum, and reports by the working groups.

Forward-looking, pragmatic, action-oriented, and very much open to civil society, the European Conference addressed the question of racism in the human rights context and more widely. It stressed European experiences, particularly in the analysis of problems and of good practices. It drew up general conclusions reflecting the views of all the participants, and a political declaration adopted by the Council of Europe's Member States. The first of the regional preparatory conferences to be held, it made a substantial contribution to preparations for the World Conference.

The Commission provided funds to support the NGO forum that took place on 10-11 October 2000.

### OSCE

The fight against discrimination in all its forms, particularly racism, racial discrimination and xenophobia, constitutes a priority area for action in the OSCE Human Dimension.

Two of its institutions are particularly involved in promoting tolerance and non-discrimination: the Office for Democratic Institutions and Human Rights and the High Commissioner for National Minorities, whose programmes and activities receive ongoing support from the European Union.

Particular attention was paid during 2000 to improving the legislation of States participating in the OSCE as regards non-discrimination, the participation of minorities in public life, the use of minority languages and the situation of the roma and sinti communities.

The OSCE seminar on tolerance and non-discrimination held in Vienna on 18 and 19 June 2001 gave the EU an opportunity to present recommendations, particularly on raising public awareness of these phenomena by preventive campaigns, including educational ones, and the participation of minorities in decisions which concern them, particularly in local administration. The meeting furthermore stressed the responsibility of participating States to develop the necessary legislation and local, national and regional networking to promote a free flow of information to overcome stereotypes and foster cooperation in multiethnic societies. In this context, the EU welcomed in particular OSCE efforts to promote inter-confessional and inter-religious understanding, as well as the steps undertaken in preparation of the World Conference Against Racism.

#### **3.4.7 Persons belonging to minorities.**

The EU has supported the work of the OSCE to prevent violent conflicts by promoting interethnic relations and tolerance. Full respect for human rights, including the rights of persons belonging to national minorities, are at the very heart of the OSCE's broad security concept.

The Council of Europe also plays an important role in promoting and protecting the rights of persons belonging to minorities. Besides the European Convention for the Protection of Human Rights and Fundamental Freedoms, other relevant instruments in this field are: the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages.

The Council of Europe Framework Convention for the Protection of National Minorities is a legally binding instrument devoted to the protection of national minorities in general. Its aim is to specify the legal principles that States should respect in order to ensure the protection of national minorities within their borders.

The outcome documents from the European Conference against Racism : "All Different, all equal: from principle to practice", which took place in Strasbourg in October 2000, addressed the issue of minorities in Europe. Concern was expressed at the racism targeted at, inter alia, persons belonging to minorities, such as Roma/Gypsies and Travellers.

In the framework of the UN, the EU supports the work of the UN Working Group on Minorities for the purpose of reviewing the realisation of the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Working Group examines possible solutions to problems involving minorities and recommends further measures for the promotion and protection of their rights.

The Austrian sponsored resolution at the 57<sup>th</sup> session of the Commission on Human Rights titled "Rights of persons belonging to national or ethnic, religious and linguistic minorities" was adopted by consensus. The resolution urged States and the international community to promote and protect the rights of persons belonging to minorities, including through adequate education, and to facilitate their participation in all aspects of the political, economic, social, religious and cultural life of society.

### **3.4.8 Refugees and displaced persons.**

Human rights violations committed in particular during violent inter- and intrastate conflicts, especially attacks on and intimidation of the civilian population including persons belonging to minorities, often constitute a root cause of involuntary displacement within and beyond borders. Hence, the prevention of the escalation of conflicts, the promotion of democracy and good governance and respect for human rights are crucial for the prevention of refugee flows and internal displacement.

The EU has been, in recent years, collectively the largest donor to UNHCR, and has pledged continued full support to the efforts of the High Commissioner to effectively face the numerous challenges for the protection of refugees. In this context, the EU stressed the need to tackle today's mass displacement of people through concerted and coordinated action. This can be achieved only by granting the UNHCR as well as all other humanitarian organisations full and unhindered access to affected areas. The promotion of lasting solutions is of the highest importance. States have primary responsibility for the prevention of involuntary displacements and for creating conditions for the voluntary return of displaced persons in safety and dignity. Refugees and displaced persons who wish to return to their homes must be allowed to do so swiftly and without hindrance. Special attention should be given to women and children who have special needs both at refugee camps and when seeking protection and settling into a new homeland.

While recognising the need for international solidarity and burden-sharing, the Union reiterates that the primary responsibility for the protection of refugees lies with the host country. International human rights obligations and the principle of "non-refoulement" should be respected in all circumstances. Consequently, the EU condemns the forced return and expulsion of refugees. In this context, the EU expresses satisfaction at the recent accessions to the 1951 Convention and its 1967 Protocol of Mexico, Trinidad and Tobago and Swaziland and at the succession of the Federal Republic of Yugoslavia to the membership of the SFRY.

During the 55th Session of the General Assembly, the European Union contributed actively to the deliberations on the agenda item related to refugees, returnees and displaced persons. The French Presidency, on behalf of the Union, welcomed the report of the High Commissioner for Refugees and expressed appreciation for the particular attention given to refugee children and to the specific needs of women among refugee populations. In the view of the EU, voluntary repatriation is the best durable solution for refugees provided that conditions allow for a return in safety and dignity. The EU was actively engaged in the negotiations on the resolution on the Office of the High Commissioner for Refugees and on the resolution on the Assistance to refugees, returnees and displaced persons in Africa. Both were co-sponsored by all 15 Member States.

At the 57th Session of the UN Commission on Human Rights, all EU Member States co-sponsored the resolution on internally displaced persons. This initiative commended the work of the Representative of the Secretary-General on internally displaced persons and noted with appreciation that an increasing number of states, the UN agencies, and regional and non-governmental organisations are making use of the Guiding Principles on Internal Displacement. It encouraged the Representative to provide support for efforts to promote capacity building and use of the Guiding Principles. The commitment by the Representative to pay more systematic and in-depth attention to women, children and other groups with specific needs among the internally displaced was welcomed.

#### **3.4.9 Human rights defenders.**

The EU attaches the utmost importance to the work performed all over the world by human rights defenders, whether they are acting in their personal capacity or as members of non-governmental organisations, democratic political parties or trade unions. These courageous individuals defend human rights and provide information on human rights situations in their home countries or worldwide, often at great personal risk. They seek remedies for the victims and fight against impunity.

Over the years, the activities of human rights defenders have become more effective. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries.

The European Union considers that the Human Rights Defenders Declaration, adopted by the General Assembly in December 1998, on the occasion of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights, is a significant achievement of the international community. The aim of this Declaration, the first UN instrument that universally recognises the importance and legitimacy of the work in the field of human rights, is to provide recognition and protection for these individuals, groups and organisations.

Under the provisions of the Declaration, States have committed themselves to effectively protect human rights defenders at risk, but complementary efforts to promote the implementation of this new human rights instrument should also be made at international level.

To this end, the Commission on Human Rights last year created the mandate of the Special Representative of the Secretary General, who will report on the situation of human rights defenders all over the world and on possible means to enhance their protection. The mandate provides scope for a comprehensive approach towards the implementation of the rights recognised in the Human Rights Defenders Declaration.

The EU has welcomed the appointment of Ms. Hina Jilani as the Special Representative for Human Rights Defenders. In its statement made in the Plenary of the 57<sup>th</sup> session of the CHR, the EU commended the Special Representative for the work already carried out in the short period of time since her appointment and welcomed her report and the recommendations contained therein. The Union fully support the proposed methods of work of the Special Representative.



The EU has also called upon the Office of the High Commissioner for Human Rights to ensure that the Special Representative is provided with all the necessary means to enable her to discharge her mandate effectively.

At the same CHR session, all EU Member States cosponsored a resolution tabled by Norway and adopted without a vote, which requested all governments to take measures for the protection of human rights defenders and to assist, together with UN agencies and organisations, the Special Representative in the performance of her tasks. The EU Member States, for their part, stand ready to do so.

The EU considers that the Special Representative should put emphasis on the follow-up to her recommendations concerning particular cases, as the implementation of these recommendations would be the best indication of progress towards implementation of the Human Rights Defenders Declaration as a whole.

The EU has also supported human rights defenders issues whenever they were being dealt with in the framework of the Organisation for Security and Cooperation in Europe (OSCE). The Union intends to contribute constructively to the next supplementary Human Dimension meeting of the Organisation, to be held in Vienna on 24 and 25 September 2001, around the topic "Human Rights: advocacy and defenders", in particular in session 2 on the protection of human rights advocates and defenders.

The EU is in favour of the establishment of a working relationship between the Special Representative and regional organisations, especially the OSCE, with a view to exchanging information and eventually developing a regional approach on matters involving human rights defenders.

### **3.5 Situation of human rights in the world.**

#### **EU country initiatives, EU statements in the General Assembly and in the Commission on Human Rights.**

The promotion and protection of human rights and fundamental freedoms in full conformity with their universal, indivisible and interdependent character are at the centre of the EU's policies and a founding principle of the Union. So is the commitment to democracy and rule of law. The EU remains committed to cooperating with the High Commissioner for Human Rights, the UN human rights mechanisms, Special Rapporteurs and Representatives as well as Treaty bodies. The EU will reinforce its efforts towards achieving the Secretary General's goal that the rights of all women, men and children be "at the heart of every aspect of UN work".

The European Union gave statements concerning human rights situations in different parts of the world at the 57<sup>th</sup> session of the Commission on Human Rights and in the Third Committee of the 55<sup>th</sup> session of the General Assembly. At the General Assembly, the French Presidency, on behalf of the EU, presented a statement on the situation of human rights in the world, which assessed the evolution of the situation of human rights in many countries of the world. At the Commission on Human Rights, the Swedish Presidency, on behalf of the EU, presented a statement which outlined the main aspects of the EU's human rights policy and addressed a list of countries where the situation of human rights remains a cause of deep concern for the EU.

#### **Africa**

Both at the Third Committee of the 55th session of the UN General Assembly and at the 57th session of the Commission on Human Rights, the EU initiated country resolutions on the human rights situation in the Democratic Republic of Congo and in Sudan, in close consultation with the relevant Special Rapporteurs.

## **Democratic Republic of Congo**

At the Third Committee of UNGA 55, the resolution on the situation of human rights in the Democratic Republic of Congo, which was adopted by vote, expressed concern over persistent violations of human rights and breaches of fundamental freedoms as well as the negative impact of the conflict on the civilian population. All parties to the conflict were urged to implement fully the provisions of the Lusaka Agreement and to engage in an all-inclusive political dialogue, with a view to achieving national reconciliation. The Government was called upon to address the situation of IDPs and refugees within the RDC and across its border, and to promote the necessary reforms in order to implement fully its commitment to democratisation.

At the 57th CHR, the resolution was adopted without a vote following a constructive dialogue with the DRC and other African Group countries. The resolution renewed the mandate of the Special Rapporteur, welcomed a number of positive developments in the country, and addressed areas of continued human rights concerns throughout the territory, including the adverse impact of the conflict on the civilian population and the situation of IDPs and refugees. It also expressed support for the activities of the OHCHR in the country. Following the commitments made by the parties to the conflict in Lusaka on 15 February 2001, it called on the Government to promote judicial reforms and democratisation.

## **Sudan**

At the Third Committee of UNGA 55, the resolution on the situation of human rights in Sudan was adopted by vote. At the 57th CHR, the resolution was also adopted by vote, in spite of extensive consultations between the EU and Sudan which resulted in a negotiated text on which agreement had previously been reached. It renewed the mandate of the Special Rapporteur.

Both at UNGA and at CHR, the resolution welcomed a number of positive developments, while expressing deep concern at the impact of the armed conflict on the human rights situation in the country and its adverse impact on the civilian population, in particular women and children. All parties to the conflict were urged to declare a global, lasting and effectively monitored cease-fire as a first step to a negotiated settlement to the conflict, to respect and protect human rights and fundamental freedoms, to fully respect international humanitarian law, and to grant full, safe and unhindered access to international agencies and humanitarian organisations. The Government of Sudan was urged to prevent all acts of torture and cruel, inhuman or degrading treatment, to prevent and stop abduction of women and children, to put an end to the aerial bombardment of civilian and humanitarian targets, to address the problem of internally displaced persons (IDPs) and to pursue its dialogue with the OHCHR.

In its statement on the question of the violation of human rights and fundamental freedoms in any part of the world, at the 57<sup>th</sup> session of the CHR, the EU also addressed the situation in other countries on the African continent.

Concerning **Algeria**, the EU urged the government of Algeria to take concrete measures to combat extrajudicial executions, disappearances, torture and arbitrary detention and to bring those responsible to justice. The EU reaffirmed its commitment to a comprehensive dialogue with the Algerian authorities.

Regarding **Eritrea and Ethiopia**, the EU urged both parties to the conflict to refrain from further violence, to work constructively towards the full implementation of the comprehensive peace agreement signed on 12 December 2000, and to fulfil all their obligations under international human rights law.

Despite the recent progress in the peace process in **Somalia**, the EU expressed concern about the situation, particularly in the south, which is characterised by a widespread lack of legal authority and the absence of the rule of law, as well as by persisting acts of violence against humanitarian relief workers. The violations of human rights of women and girls, including the practice of female genital mutilation, continue to be of deep concern to the European Union.

On **Uganda**, the Union welcomed the improvements concerning freedom of speech and the media, but at the same time expressed concern about serious human rights violations. The EU condemned the arbitrary killings, torture, abductions and rape of civilians, as well as the recruitment and use of child soldiers, whether by the Government or by rebel armies.

Concerning **Rwanda**, the EU expressed concern at reports of ill-treatment and torture of detainees in local detention centres and in military custody. The EU called the government to prevent the recruitment and use of child soldiers.

Regarding **Burundi**, the EU said it remained concerned about the ongoing violence and it called on all armed groups to immediately cease hostilities and to participate in a constructive way in the peace process in order to reach a sustainable peace.

Regarding **Zimbabwe**, the EU denounced the political violence, disregard for the rule of law and attempts to restrict freedom of expression.

On **Angola**, the EU said it was seriously concerned about the human rights violations against IDPs, the extrajudicial and arbitrary killings of civilians and the forced recruitment of children in the context of the armed conflict. It called on both parties, and UNITA in particular, to bring an end to human rights abuses and breaches of humanitarian law.

On **Equatorial Guinea**, the European Union deplored the continuing allegations of torture, poor prison conditions, arbitrary detentions and an inadequate judicial system.

Regarding **Togo**, expressed serious concern about the findings of the report of the joint UN-OAU Commission of Inquiry to investigate the allegations of serious human rights violations in connection with the elections in 1998.

Concerning **Sierra Leone**, the EU welcomed the ceasefire agreement between the government and the RUF. It also welcomed the measures adopted by the Security Council to impose sanctions on Liberia in an effort to end Liberia's military and financial support for rebel groups in Sierra Leone and the region. The EU also welcomed the decision by the Security Council to establish a Special Court for Sierra Leone and emphasised that individual perpetrators of grave human rights violations should be held accountable and be brought to justice.

## **America**

### **Colombia**

At the 57th session of the CHR, the EU delivered a statement on Colombia, in which it expressed its strong support for the work of the OHCHR and reiterated its support and readiness to take an active part in the Peace Process in Colombia. The EU also negotiated a consensus Chairperson's statement on the human rights situation in Colombia, following close and constructive consultations with the Colombian delegation. The Chairperson's statement strongly condemned the persistent and frequent violations of human rights and of international humanitarian law in Colombia by all parties to the conflict. It welcomed the willingness of the Government of Colombia to address the promotion and protection of human rights and to cooperate with the Office of the High Commissioner for Human Rights to carry out its mandate and conduct activities without any impediments. It urged the Government to take further and more effective measures to follow-up on and fully implement the recommendations of the Office in order to improve the human rights situation.

## **Europe**

At the 57<sup>th</sup> session of the Commission on Human Rights, the EU took the initiative on a resolution adopted on the Republic of Chechnya of the Russian Federation. With reference to Europe, the Union also addressed its position on the situation of human rights in a number of countries.

The resolution on **Chechnya** called on all parties to the conflict to take immediate steps to halt the ongoing fighting and the indiscriminate use of force. The Union urged the Government of the Russian Federation to ensure free, unimpeded and secure access of human rights organisations to the Republic of Chechnya of the Russian Federation.

In its statement of the human rights situation in the **Federal Republic of Yugoslavia**, the European Union underlined the need for the FRY to meet the criteria of the European Union's "regional approach" agreed by the Council in 1997, building on commitments made by all participants at the Zagreb Summit, as regards the respect for democratic principles, human rights and the rule of law.

The Union expressed concern at the pursuit of acts of violence against ethnic minorities in **Kosovo**, in particular Kosovo Serbs. The EU reaffirmed its commitment to a democratic and multi-ethnic Kosovo and urged the Kosovars to comply fully with the efforts to end all acts of ethnic and political violence in order to develop the groundwork for a democratic society without discrimination.

Furthermore, the EU expressed concern at the crisis in the **Former Yugoslav Republic of Macedonia**. It commended the Government for responding to the crisis with restraint. It also called upon the leaders of the ethnic Albanian community to renounce to violence and continue to commit to the territorial integrity and sovereignty of the State, as well as to the democratic process. The EU believes that effective consolidation of a true multiethnic society is indispensable and stands ready to assist in this process.

Regarding **Bosnia and Herzegovina**, the EU welcomed the formation of a new state government, but at the same time stressed that there were still at least three challenges remaining: return of refugees, economic reform and better functioning of public institutions. The EU urged the authorities in the Republika Srpska, which is part of Bosnia and Herzegovina, to cooperate fully with the International Criminal Tribunal for the former Yugoslavia.

The EU expressed concern at the slow pace of implementation with regard to the return of refugees and displaced persons, respect for the rights of persons belonging to minorities and reform of the judicial system in **Croatia**, especially at the local level. The EU encouraged the Croatian authorities to continue their efforts towards full cooperation with ICTY.

While welcoming progress in the establishment of democratic institutions and the rule of law in **Albania**, the EU invited the government of Albania to step up its efforts aimed at the effective protection of human rights, including the rights of persons belonging to national minorities, through the adoption and implementation of all appropriate measures.

The EU reaffirmed that the status quo in **Cyprus** remained unacceptable. The EU expressed support for the good offices mission of the UN Secretary-General towards a just, comprehensive and viable solution of the Cyprus issue, consistent with the relevant UN Security Council resolutions. The European Union called for the full respect of the human rights and fundamental freedoms of all Cypriots. It expressed support for UNFICYP's efforts to implement its humanitarian mandate and for the activities of the UN Committee on Missing Persons.



The EU viewed positively **Turkey's** intention to carry out substantial reforms on human rights issues. The EU stressed the importance to improve conditions in particular with regard to torture, freedom of expression and assembly and the rights of persons belonging to minorities. The EU stated that the present situation in Turkish prisons underscores the need for a comprehensive prison reform. The Union looks forward to the full transformation of Turkey's intentions into facts.

The European Union expressed concern at the lack of respect for civil and political rights in **Belarus**. The EU is particularly concerned about reports of arbitrary arrests and detentions, violations of labour union rights, ill-treatment and disappearances as well as restrictions on access to the media and on freedom of expression, association and assembly.

Concerning the **Ukraine**, the EU expressed concern at the continuing problematic environment for the media and stressed the need to ensure a safe, secure and harassment-free environment for journalists to work in.

In addition to the speech held at the Commission on Human Rights, the French Presidency on behalf of the EU, made a statement at the 55<sup>th</sup> session of the General Assembly in October 2000, on the human rights situation in the world. The French statement reflected the EU's position on the situation of human rights in nearly 50 countries and regions worldwide, including countries and regions on the European continent, such as the Federal Republic of Yugoslavia, Kosovo, Bosnia and Herzegovina, Croatia, Cyprus, Turkey, Belarus, and Chechnya.

## **Middle East**

At the 57<sup>th</sup> session of the Commission on Human Rights the EU took the initiative with resolutions adopted on Iran, Iraq and the Israeli settlements in the occupied Arab territories. The EU also gave a statement on the human rights situations in Syria and Saudi Arabia.

The Swedish Presidency, on behalf of the EU, took the initiative to table a resolution on Israeli settlements in the **occupied Arab territories**. It is the EU's view that the settlements are both illegal under international law and constitute a major obstacle to peace, as they aim at prejudging the outcome of the final status negotiations. The EU expressed concern at the incidence of violence related to the presence of the settlements in the occupied territories and urged all parties to prevent the violence. The Union was, however, unable to support another resolution, which dealt with violation of human rights in the occupied Arab territories, including Palestine. In its explanation of vote the EU expressed concern that the text contained formulations which were likely to prejudge the outcome of final status negotiations between Israel and the Palestinians, and therefore the EU abstained in voting. The EU gave another explanation of vote on a resolution on the situation in occupied Palestine. In its explanation, the EU reaffirmed the right of the Palestinians to self-determination and expressed the view that the resolution did not prejudice in any way final status negotiations between the parties. Before voting on a resolution on the human rights situation of the Lebanese detainees in Israel, the EU gave an explanation why it abstained in voting. The EU stated that the resolution addressed questions either without clear relation to the subject of its title or questions falling within the competence of other UN organs rather than the CHR. Finally, the EU gave an explanation why it could not vote in favour of the draft resolution on human rights in the **occupied Syrian Golan**. It stated that in order to support the text it would have needed a stronger focus on human rights question.

The EU took the initiative to table a resolution on the situation of human rights in the **Islamic Republic of Iran**. In this resolution, the Union welcomed the improvements in the field of women's and children's education and health, as well as in democratic participation for women, and in progress on juvenile justice. However, the EU expressed continued concern at the violations of human rights, especially of freedom of expression and opinion, discrimination against persons belonging to minorities, executions, practice of torture and the still unsatisfactory compliance with international standards in the administration of justice.

The EU also initiated a resolution on the situation of human rights in **Iraq**, in which it deplored the continued absence of cooperation with the Special Rapporteur and strongly condemned the continued grave violations of human rights, of which the suppression of fundamental freedoms, the repression of opposition, the use of death penalty, summary and arbitrary executions and systematic torture were particularly repugnant.

Regarding **Syria**, the use of arbitrary detention, deficiencies in arrest and detention procedures, prison conditions and lack of freedom of expression, assembly and association continued to give rise to concern. The EU welcomed the decision to release 600 political prisoners in 2000 but remained concerned over the large number still in detention.

The European Union remained concerned over **Saudi Arabia's** restrictions to fundamental freedoms, in particular freedom of expression, of assembly and of association, as well as resort to torture and the lack of transparency and minimum guarantees in criminal trials. The EU encouraged the government to follow up on its ratification of the CEDAW by implementing measures aimed at putting a halt to discrimination against women.

At the 55<sup>th</sup> session of the UN General Assembly, the European Union also took the floor to address the human rights situation in the world. It expressed serious concern on the situation in Iran and Iraq and took the initiative to present resolutions on the human rights situation in these countries. In this statement, the EU also addressed the situation of human rights in the occupied Palestinian territories, Syria and Saudi Arabia.

When introducing the resolution on human rights situation in **Iran** in the GA, the EU voiced regret that the Special Rapporteur had not been invited to Iran. The EU welcomed the dialogue on human rights that Iran had started but stated that issues of freedom of expression and opinion, legal system, inhumane treatment, situation of women and religious minorities remained a matter of concern for EU.

In the GA, the EU was also the initiator on the resolution adopted on **Iraq**, in which it noted with dismay that there had been no improvement in the human rights situation. The EU strongly condemned the suppression of freedom of thought, expression, information, association, assembly and movement and the repression faced by any kind of opposition. It further condemned the use of the death penalty, summary and arbitrary executions and systematic torture and called upon the government of Iraq to invite the Special Rapporteur to visit the country and to respect and ensure the rights of all individuals within its territory, irrespective of their origin, ethnicity, gender or religion.

## Asia

At the 57<sup>th</sup> session of the CHR, the European Union took the initiative to table a resolution on the human rights situation in Myanmar. In its speech on the question of the violation of human rights and fundamental freedoms in any part of the world, the EU addressed the situation in several Asian countries.

While welcoming some positive developments in the reform of the judicial and legal system, the EU remained deeply concerned over the human rights situation in **China**, particularly at the continuing harsh treatment, including excessive sentences and harassment of dissenters; at restrictions on the freedom of expression, assembly, association and religion; at intensified repression and political campaigning in Tibet and Xinjiang, the use of the death penalty and torture, the excessive use of administrative detention, and violations of the rights of women and children. The EU spoke and voted against the Chinese motion for "no action" on a resolution on human rights situation in China. Had the draft resolution been formally discussed in the Commission, then the EU Member States would have voted in favour.

The European Union was the initiator on a resolution adopted on **Myanmar**, in which it deplored the continued pattern of gross and systematic violations of human rights, including extra-judicial, summary or arbitrary executions, enforced disappearances, torture, rape, mass arrest, forced labour, forced relocation and denial of freedom of association, assembly, expression and movement. However, the resolution also welcomed the assistance of the government in facilitating the visit by the newly appointed Special Rapporteur to Myanmar whose visit to the country took place during the Geneva meeting.

The EU also took the initiative in the Chairperson's statement on **East Timor**, which stressed the need to urgently establish ad-hoc human rights courts in order to prosecute perpetrators involved in human rights violations and other abuses committed in the run-up to the 1999 elections in East Timor.

While welcoming the improvements for the respect for freedom of expression and reform of the legal and institutional framework in **Indonesia**, the EU remained concerned that disappearances, arbitrary detentions, extra-judicial executions and torture continued to occur, particularly in Aceh and in Irian Jaya. The Union called on Indonesia to speed up reform of the justice system and encouraged the government to continue its efforts to restore security and prevent further violence in the Moluccas.

The EU welcomed signs of improvement during the past year of the human rights climate in **Malaysia**. However, the EU stated that continued efforts were needed in order to restore the independence and impartiality of the country's judicial system. The EU also expressed concern at the persisting excessive use of force by the Malaysian police.

The EU urged **Pakistan** to protect the rights of religious minorities, to abolish the blasphemy laws and to take appropriate steps to prevent communal and sectarian violence. The EU expressed deep concern at attempts to manipulate the judiciary, at allegations of the use of torture, lack of fair trials and arbitrary detention. The EU expressed the hope that a greater representation of women in the political sphere would contribute to improving the situation of women in Pakistan. The EU called upon the government to take effective measures to stop the deplorable practice of "honour killings" of women and girls.

The EU urged the government of **India** to step up its efforts to implement its earlier commitments to protect the rights of religious minorities.

Concerning **Jammu and Kashmir**, the EU urged all parties to take all appropriate measures to stop human rights violations and acts of terrorism and stressed again the need for improvement of access to Kashmir for international and non-governmental organisations as well as for the Special Rapporteur on Torture.

Regarding **Afghanistan**, the European Union stated that the absence of a functioning and independent justice system paved the way for the arbitrary application of religious laws and that torture, summary justice and public executions were reported to be frequent. The EU is deeply alarmed about reports of massacres of civilians and urged the warring parties to cooperate with UN representatives to enable investigation.

The human rights situation in the **Democratic People's Republic of Korea** remains in many ways closed to outside observation. The EU voiced deep concern at the denial of human rights and fundamental freedoms, especially regarding the situation of political prisoners and the absence of the rule of law. The possibility of a human rights dialogue with the DPRK has been raised.

The EU welcomed the recent signing by the government of **Laos** of the two UN Human Rights Covenants. At the same time, the Union emphasised the need to strengthen respect for civil and political rights in that country, including freedom of expression, assembly, association and religion. The EU expressed concern at the prolonged detention, and in some cases convictions with long sentences, of several persons for their non-violent exercise of human rights.

The EU urged the government of **Cambodia** to take further steps in order to prosecute individuals responsible for the most serious crimes committed under the Khmer Rouge regime and to ensure the earliest possible establishment of the Tribunal, meeting international standards of justice, fairness and due process of law.

Human rights violations in **Sri Lanka**, resulting from the Emergency Regulations/Prevention of Terrorism Act, including the constraints and restrictions imposed on the independent media, remained a matter of concern to the EU. The EU strongly condemns human rights violations by the LTTE, in particular the use of child-soldiers.

The European Union expressed concern at the deterioration in the respect for human rights in **Turkmenistan**. In the absence of a democratic system, the harassment of political opponents and restrictions on the freedom of expression and of association constitute an area of concern.

Regarding **Uzbekistan**, the EU urged the government to respect freedom of opinion and expression, freedom of assembly and association as well as freedom of religion. The EU was concerned about trials which fall short of internationally recognised norms.

The EU regretted that the latest presidential elections in **Kyrgyzstan** did not meet international standards as regards free and democratic elections. As Kyrgyzstan's policy in the field of human rights and democratisation has been developing in a positive way for several years, the EU expressed the hope that the country will soon get back on this track.



At the 55<sup>th</sup> session of the GA, the European Union also addressed the human rights situation in Asia, including China, East-Timor, Indonesia, Pakistan, Jammu and Kashmir, Afghanistan, Democratic People's Republic of Korea, Laos, Cambodia, Sri Lanka, Turkmenistan, Uzbekistan, Kyrgyzstan and **Kazakhstan**.

#### 4. **CONCLUDING REMARKS.**

The protection and promotion of human rights and fundamental freedoms, for which governments have the primary responsibility, contributes to prosperity, justice and peace in the world. However, these objectives cannot be achieved without the contributions of international organisations, civil society and individuals.

The EU is conscious of the need to promote human rights in its own Member States. Both internally and externally, respect for human rights and fundamental freedoms is one of the essential components of the activities of the Union.

This third edition of the EU's annual report on Human Rights is intended to serve as a basis for broad discussion on ways and means to make the EU's human rights policy more coherent, more efficient and more successful. The EU welcomes suggestions to further improve its annual report and looks forward to discussing it in the context of the next Human Rights discussion forum with the participation of EU institutions, representatives of the academic world and non-governmental organisations.

# EUROPEAN UNION ANNUAL REPORT ON HUMAN RIGHTS 2001

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# **ANNEXES**

## **ANNEX 1**

### **TREATY ON EUROPEAN UNION (+ new versions according to the treaty of Nice)** *[Selection of articles]*

#### **ARTICLE 2**

The Union shall set itself the following objectives:

- to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with the provisions of Article 17;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime;
- to maintain in full the *acquis communautaire* and build on it with a view to considering to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 5 of the Treaty establishing the European Community.

#### **ARTICLE 6**

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States.
4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

## ARTICLE 7

1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.

2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.

3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 2 in response to changes in the situation which led to their being imposed.

4. For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 1. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community.

This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 2.

5. For the purposes of this Article, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its members.

**Nice Treaty version of article 7 (subject to ratification by Member States)**

*Article 7*

*1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four-fifths of its members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1), and address appropriate recommendations to that State. Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may call on independent persons to submit within a reasonable time limit a report on the situation in the Member State in question.*

*The Council shall regularly verify that the grounds on which such a determination was made continue to apply.*

*2. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.*

*3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.*

*The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.*

*4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.*

*5. For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community.*

*This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 3.*

*6. For the purposes of paragraphs 1 and 2, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its Members."*

## ARTICLE 11

1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council shall ensure that these principles are complied with.

## ARTICLE 19

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.

2. Without prejudice to paragraph 1 and Article 14(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

## ARTICLE 29

Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.

That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:

- closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles 30 and 32;
- closer cooperation between judicial and other competent authorities of the Member States in accordance with the provisions of Articles 31(a) to (d) and 32;

**Nice Treaty version of Article 29, second paragraph, second indent. (subject to ratification by Member States).**

- *closer cooperation between judicial and other competent authorities of the Member States, including cooperation through the European Judicial Cooperation Unit ("Eurojust"), in accordance with the provisions of Articles 31 and 32;"*
- approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article 31(e).

## ARTICLE 49

Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.



**TREATY ESTABLISHING THE EUROPEAN COMMUNITY (+ new versions according to  
the treaty of Nice)**  
*[Selection of articles]*

ARTICLE 3

2. In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women.

ARTICLE 13

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

ARTICLE 17

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.
2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

ARTICLE 18

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.
2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act in accordance with the procedure referred to in Article 251. The Council shall act unanimously throughout this procedure.

**Nice Treaty version of article 18 (subject to ratification by Member States)**

- 1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.*

2. *If action by the Community should prove necessary to attain this objective and this Treaty has not provided the necessary powers, the Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1. The Council shall act in accordance with the procedure referred to in Article 251.*

3. *Paragraph 2 shall not apply to provisions on passports, identity cards, residence permits or any other such document or to provisions on social security or social protection."*

## ARTICLE 19

1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

2. Without prejudice to Article 190(4) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

## ARTICLE 20

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

## ARTICLE 21

Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 194.

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 195.

Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 7 in one of the languages mentioned in Article 314 and have an answer in the same language.

## ARTICLE 22

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of this Treaty, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may adopt provisions to strengthen or to add to the rights laid down in this Part, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements.

## ARTICLE 177

1. Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the Member States, shall foster:

- the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them;
- the smooth and gradual integration of the developing countries into the world economy;
- the campaign against poverty in the developing countries.

2. Community policy in this area shall 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.

3. The Community and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations.

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**THE COTONOU AGREEMENT**  
*(Selection of articles)*

ARTICLE 8

**Political dialogue**

1. The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.
2. The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognising existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement. The dialogue shall facilitate consultations between the Parties within international fora. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the non-execution clause.
3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment. It shall encompass cooperation strategies as well as global and sectoral policies, including environment, gender, migration and questions related to the cultural heritage.
4. The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs and organised crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.
5. Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation.
6. The dialogue shall be conducted in a flexible manner. Dialogue shall be formal or informal according to the need, and conducted within and outside the institutional framework, in the appropriate format, and at the appropriate level including regional, sub-regional or national level.
7. Regional and sub-regional organisations as well as representatives of civil society organisations shall be associated with this dialogue.

## ARTICLE 9

### **Essential Elements and Fundamental Element**

1. Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

2. The Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter-related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.

The Parties reaffirm that democratisation, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its democratic culture.

The structure of government and the prerogatives of the different powers shall be founded on rule of law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law.

Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement.

3. In the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.

Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement. The Parties agree that only serious cases of corruption, including acts of bribery leading to such corruption, as defined in Article 97 constitute a violation of that element.

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance. These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

## ARTICLE 11

### **Peace-building policies, conflict prevention and resolution**

1. The Parties shall pursue an active, comprehensive and integrated policy of peace-building and conflict prevention and resolution within the framework of the Partnership. This policy shall be based on the principle of ownership. It shall in particular focus on building regional, sub-regional and national capacities, and on preventing violent conflicts at an early stage by addressing their root-causes in a targeted manner, and with an adequate combination of all available instruments.

2. The activities in the field of peace-building, conflict prevention and resolution shall in particular include support for balancing political, economic, social and cultural opportunities among all segments of society, for strengthening the democratic legitimacy and effectiveness of governance, for establishing effective mechanisms for the peaceful conciliation of group interests, for bridging dividing lines among different segments of society as well as support for an active and organised civil society.

3. Relevant activities shall also include, inter alia, support for mediation, negotiation and reconciliation efforts, for effective regional management of shared, scarce natural resources, for demobilisation and reintegration of former combatants into the society, for addressing the problem of child soldiers, as well as for suitable action to set responsible limits to military expenditure and the arms trade, including through support for the promotion and application of agreed standards and codes of conduct. In this context, particular emphasis shall be given to the fight against anti-personnel landmines as well as to addressing an excessive and uncontrolled spread, illegal trafficking and accumulation of small arms and light weapons.

4. In situations of violent conflict the Parties shall take all suitable action to prevent an intensification of violence, to limit its territorial spread, and to facilitate a peaceful settlement of the existing disputes. Particular attention shall be paid to ensuring that financial resources for cooperation are used in accordance with the principles and objectives of the Partnership, and to preventing a diversion of funds for belligerent purposes.

5. In post-conflict situations, the Parties shall take all suitable action to facilitate the return to a non-violent, stable and self-sustainable situation. The Parties shall ensure the creation of the necessary links between emergency measures, rehabilitation and development cooperation.

## ARTICLE 13

### **Migration**

1. The issue of migration shall be the subject of in-depth dialogue in the framework of the ACP-EU Partnership.

The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion.

2. The Parties agree to consider that a partnership implies, with relation to migration, fair treatment of third country nationals who reside legally on their territories, integration policy aiming at granting them rights and obligations comparable to those of their citizens, enhancing non-discrimination in economic, social and cultural life and developing measures against racism and xenophobia.

3. The treatment accorded by each Member State to workers of ACP countries legally employed in its territory, shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Further in this regard, each ACP State shall accord comparable non-discriminatory treatment to workers who are nationals of a Member State.

4. The Parties consider that strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training contribute in the long term to normalising migratory flows.

The Parties will take account, in the framework of development strategies and national and regional programming, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate and of reducing poverty.

The Community shall support, through national and regional Cooperation programmes, the training of ACP nationals in their country of origin, in another ACP country or in a Member State of the European Union. As regards training in a Member State, the Parties shall ensure that such action is geared towards the vocational integration of ACP nationals in their countries of origin.

The Parties shall develop cooperation programmes to facilitate the access of students from ACP States to education, in particular through the use of new communication technologies.

- 5.(a) In the framework of the political dialogue the Council of Ministers shall examine issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy.
- (b) In this context the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin. In this connection the authorities concerned shall extend to them the administrative facilities necessary for their return.
- (c) The Parties further agree that:
- (i) - each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities;
- each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities.

The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes.



In respect of the Member States of the European Union, the obligations in this paragraph apply only in respect of those persons who are to be considered their nationals for the Community purposes in accordance with Declaration No 2 to the Treaty establishing the European Community. In respect of ACP States, the obligations in this paragraph apply only in respect of those persons who are considered as their nationals in accordance with their respective legal system.

- (ii) at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by any of the Parties, arrangements for the readmission of third country nationals and stateless persons. Such agreements will lay down the details about the categories of persons covered by these arrangements as well as the modalities of their readmission and return. Adequate assistance to implement these agreements will be provided to the ACP States.
- (iii) for the purposes of this point (c), the term "Parties" shall refer to the Community, any of its Member States and any ACP State.

## ARTICLE 26

### Youth issues

Cooperation shall also support the establishment of a coherent and comprehensive policy for realising the potential of youth so that they are better integrated into society to achieve their full potential. In this context, cooperation shall support policies, measures and operations aimed at:

- (a) protecting the rights of children and youth, especially those of girl children;
- (b) promoting the skills, energy, innovation and potential of youth in order to enhance their economic, social and cultural opportunities and enlarge their employment opportunities in the productive sector;
- (c) helping community-based institutions to give children the opportunity to develop their physical, psychological, social and economic potential; and
- (d) reintegrating into society children in post-conflict situations through rehabilitation programmes.

## ARTICLE 31

### **Gender issues**

Cooperation shall help strengthen policies and programmes that improve, ensure and broaden the equal participation of men and women in all spheres of political, economic, social and cultural life. Cooperation shall help improve the access of women to all resources required for the full exercise of their fundamental rights. More specifically, cooperation shall create the appropriate framework to:

- (a) integrate a gender-sensitive approach and concerns at every level of development cooperation including macroeconomic policies, strategies and operations; and
- (b) encourage the adoption of specific positive measures in favour of women such as:
  - (i) participation in national and local politics;
  - (ii) support for women's organisations;
  - (iii) access to basic social services, especially to education and training, health care and family planning;
  - (iv) access to productive resources, especially to land and credit and to labour market; and
  - (v) taking specific account of women in emergency aid and rehabilitation operations.

## ARTICLE 33

### **Institutional development and capacity building**

1. Cooperation shall pay systematic attention to institutional aspects and in this context, shall support the efforts of the ACP States to develop and strengthen structures, institutions and procedures that help to:

- (a) promote and sustain democracy, human dignity, social justice and pluralism, with full respect for diversity within and among societies;
- (b) promote and sustain universal and full respect for and observance and protection of all human rights and fundamental freedoms;
- (c) develop and strengthen the rule of law; and improve access to justice, while guaranteeing the professionalism and independence of the judicial systems; and
- (d) ensure transparent and accountable governance and administration in all public institutions.

2. The Parties shall work together in the fight against bribery and corruption in all their societies.
3. Cooperation shall support ACP States' efforts to develop their public institutions into a positive force for growth and development and to achieve major improvements in the efficiency of government services as they affect the lives of ordinary people. In this context, cooperation shall assist the reform, rationalisation and the modernisation of the public sector. Specifically, cooperation support shall focus on:
  - (a) the reform and modernisation of the civil service;
  - (b) legal and judicial reforms and modernisation of justice systems;
  - (c) improvement and strengthening of public finance management;
  - (d) accelerating reforms of the banking and financial sector;
  - (e) improvement of the management of public assets and reform of public procurement procedures; and
  - (f) political, administrative, economic and financial decentralisation.
4. Cooperation shall also assist to restore and/or enhance critical public sector capacity and to support institutions needed to underpin a market economy, especially support for:
  - (a) developing legal and regulatory capabilities needed to cope with the operation of a market economy, including competition policy and consumer policy;
  - (b) improving capacity to analyse, plan, formulate and implement policies, in particular in the economic, social, environmental, research, science and technology and innovation fields;
  - (c) modernising, strengthening and reforming financial and monetary institutions and improving procedures;

- (d) building the capacity at the local and municipal levels which is required to implement decentralisation policy and to increase the participation of the population in the development process; and
- (e) developing capacity in other critical areas such as:
  - (i) international negotiations; and
  - (ii) management and coordination of external aid.

5. Cooperation shall span all areas and sectors of cooperation to foster the emergence of non-State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.

## ARTICLE 96

Essential elements: consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law

1. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

2. (a) If, despite the political dialogue conducted regularly between the Parties, a Party considers that the other Party has failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in paragraph 2 of Article 9, it shall, except in cases of special urgency, supply the other Party and the Council of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the party concerned to remedy the situation.

The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution.

The consultations shall begin no later than 15 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In any case, the consultations shall last no longer than 60 days.

If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused, or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them have disappeared.

(b) The term "cases of special urgency" shall refer to exceptional cases of particularly serious and flagrant violation of one of the essential elements referred to in paragraph 2 of Article 9, that require an immediate reaction.

The Party resorting to the special urgency procedure shall inform the other Party and the Council of Ministers separately of the fact unless it does not have time to do so.

(c) The "appropriate measures" referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.

If measures are taken in cases of special urgency, they shall be immediately notified to the other Party and the Council of Ministers. At the request of the Party concerned, consultations may then be called in order to examine the situation thoroughly and, if possible, find solutions. These consultations shall be conducted according to the arrangements set out in the second and third subparagraphs of paragraph (a).

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**DISCOURS DE S.E. M. HUBERT VEDRINE,  
MINISTRE DES AFFAIRES ETRANGERES DE LA REPUBLIQUE FRANCAISE,  
PRESIDENT DU CONSEIL DE L'UNION EUROPEENNE  
55EME SESSION DE L'ASSEMBLEE GENERALE DES NATIONS UNIES  
(New York, 12 septembre 2000)**

Monsieur le Président,

Monsieur le Secrétaire général,

Mesdames et Messieurs les Chefs d'Etat et de Gouvernement,

Mesdames et Messieurs les Ministres,  
Mesdames et Messieurs les Délégués,

J'ai l'honneur de m'exprimer cette année au nom de l'Union européenne, que la France préside jusqu'à la fin décembre.

J'ai à ce titre, Monsieur le Président, un plaisir tout particulier à vous féliciter pour votre élection. Elle témoigne de l'estime que la communauté internationale porte à votre pays et à votre personne.

Je souhaiterais remercier aussi votre prédécesseur, M. Theo-Ben Gurirab, pour le talent avec lequel il a conduit les travaux de la 54ème session de l'Assemblée générale, M. Sam Nujoma et Mme Tarja Halonen pour leur action, à vos côtés, comme coprésidents du Sommet du Millénaire. Je voudrais associer à cet hommage le Secrétaire général de l'Organisation, M. Kofi Annan. Son action internationale, son indépendance et sa vision contribuent, de façon déterminante, à affirmer le rôle central que l'ONU joue, et doit continuer à jouer. L'Union européenne souhaite l'assurer du soutien qu'elle apporte, aussi bien à son action personnelle qu'à l'Organisation et à ses agents.

*Sommet du millénaire*

Le Sommet du millénaire, réunion sans précédent de 155 chefs d'Etat et de gouvernement, a permis d'aborder les grands défis auxquels est confrontée la communauté mondiale, et de débattre du rôle des Nations Unies au XXIe siècle qui commencera le 1er janvier 2001.

L'Union note avec une grande satisfaction que le sommet a débouché sur un document politique qui détermine le cap à suivre par l'Organisation pour les années qui viennent. Ces orientations s'inspirent des idées esquissées dans le rapport du Secrétaire général. Il appartient désormais à l'Assemblée générale de les mettre en oeuvre. L'Union y contribuera activement.

### *L'Union européenne, l'ONU et le maintien de la paix*

Monsieur le Président, La préservation de la paix, le renforcement de la sécurité internationale et la défense des droits de l'homme sont au coeur des principes qui fondent la politique étrangère de l'Union européenne. Aux portes-mêmes de l'Europe, des crises récentes nous ont convaincus que nous ne pouvions rester inactifs quand ces principes fondamentaux sont violés. A cet égard, l'Union européenne approuve la priorité donnée au maintien de la paix lors des rencontres de la semaine écoulée. Sur ce sujet, le rapport de M. Brahimi constitue une analyse approfondie. Il fait des recommandations utiles en matière de mandats des opérations de paix, de planification opérationnelle à New York et de déploiement. Il offre une occasion unique de renforcer la capacité des Nations Unies pour les opérations de paix. L'Union européenne participera activement à l'examen de ces recommandations.

L'Union européenne a décidé de se doter des moyens d'être un acteur politique majeur et de jouer pleinement son rôle sur la scène internationale. A cette fin, en un laps de temps très court, elle a pris des mesures décisives. De nouveaux organes, politiques et militaires, de décision et d'action, ont été mis en place : un comité politique et de sécurité, un comité militaire, un état-major, un centre de situation, un comité pour les aspects civils. Ces organes permettront à l'Union européenne d'intervenir de manière rapide et crédible dans la gestion des crises internationales. L'Union européenne a parallèlement annoncé sa détermination à disposer d'ici 2003 d'une force de 60 000 hommes, pour des missions internationales couvrant l'ensemble des opérations de prévention des conflits et de gestion des crises, avec l'appui aérien et naval nécessaire. Cette force pourra être déployée sur un théâtre de crise dans un délai de 60 jours et pour une période d'au moins un an. Cette détermination trouvera une première traduction concrète dès cet automne avec la réunion d'une conférence d'engagement de capacités, où chacun des Etats membres annoncera sa contribution à l'entreprise commune. L'Union s'est en outre fixé des objectifs à la fois ambitieux et réalistes pour le développement de capacités collectives. A ces moyens militaires, elle joindra également des moyens d'intervention civils, notamment un contingent de policiers dont la contribution à une opération de maintien de la paix est très précieuse. A cet égard, les Etats membres se sont fixé pour objectif, à l'échéance 2003, la capacité de fournir jusqu'à 5000 policiers, 1000 pouvant être déployés dans un délai de 30 jours.

L'Union européenne, qui agissait déjà à travers des programmes économiques et humanitaires considérables, disposera ainsi de toute la gamme des moyens pour la gestion d'une crise. Cette action s'inscrit naturellement dans le plein respect des principes de la Charte des Nations Unies. Il est plus que jamais indispensable d'établir des liens de travail avec l'ONU. Afin de lancer cette coopération, la troïka de l'Union européenne va s'entretenir pour la première fois sur ce thème avec le Secrétaire général des Nations Unies. Au nom de l'Union européenne, j'invite M. Kofi Annan à se rendre à Bruxelles pour une séance de travail avec les instances de l'Union.

## Questions régionales

### *Proche-Orient*

Monsieur le Président, L'Union Européenne salue les efforts considérables et la détermination dont ont fait preuve, au cours des dernières négociations, le Président de l'Autorité palestinienne et le Premier Ministre israélien en vue de parvenir à un accord définitif entre les peuples israélien et palestinien. Elle se réjouit en particulier de l'énergie nouvelle avec laquelle ont été abordées cette fois les questions les plus délicates.

Elle rend hommage à l'action inlassable du Président Clinton et de la Secrétaire d'Etat, en vue de faciliter ces négociations. Les circonstances favorables en vue d'une conciliation des positions continuent d'exister. Nous appelons instamment les parties à saisir cette occasion historique, à faire preuve de courage dans les choix décisifs, à prendre pleinement en compte les réalités humaines et les droits reconnus aux uns et aux autres et à parvenir ainsi à la conclusion d'un accord définitif.

L'Union européenne se réjouit du retrait d'Israël de la zone qu'il occupait au Sud-Liban. Elle salue le redéploiement de la FINUL ainsi que l'envoi, par le gouvernement libanais, d'une force mixte de sécurité dans cette zone. Elle appelle toutes les parties à assumer leurs responsabilités, afin de prévenir les tensions. Pour autant, l'Union européenne considère que seul un règlement global, portant sur l'ensemble des volets du processus de paix, y compris le volet israélo-syrien, est de nature à garantir durablement la stabilité de la région. Elle entend continuer à appuyer les efforts des parties en ce sens, et contribuer à la mise en oeuvre des accords qui viendraient à être conclus.

### *Europe*

La situation dans les Balkans occidentaux reste, pour l'ensemble de la communauté internationale, un sujet de très grande préoccupation. Les dix années de conflits qui ont ravagé cette région ont engendré des situations humainement dramatiques, politiquement instables, et donc dangereuses. Mais, au-delà des énormes difficultés ainsi accumulées et du retard du développement économique et social de beaucoup de ces pays, tous les peuples et presque tous les responsables de cette région ont pris conscience que celle-ci a un avenir et que cet avenir s'appelle l'Europe. Et c'est aujourd'hui une conviction partagée par tous les Européens que ces pays n'ont pas d'autre destin que de venir un jour rejoindre l'Union européenne.

C'est pourquoi, le Conseil européen a réaffirmé que l'objectif reste l'arrimage des pays de la région à l'Europe. Ce qui signifie la plus grande intégration possible dans le courant dominant politique, économique et social de l'Europe, à travers le processus de stabilisation et d'association, le dialogue politique, la libéralisation des échanges, le rapprochement de leurs législations avec celle de l'Union européenne et la coopération dans le domaine de la justice et des affaires intérieures.



L'aide que les Européens ont apportée depuis dix ans aux pays de la région - près de 8 milliards d'Euros - est considérable. L'Union européenne continuera à soutenir ce processus de stabilisation et d'association en apportant aux pays des Balkans occidentaux une assistance technique, économique et financière massive et en leur accordant rapidement des avantages commerciaux asymétriques dans les domaines industriel et agricole, étape qui préparera l'établissement d'une zone de libre-échange avec l'Union européenne. Simultanément, dans le contexte d'échéances électorales qui concernent presque toute la région, elle continuera à encourager ces pays à développer leur coopération régionale et à poursuivre résolument leurs efforts dans la voie des réformes politiques, économiques et sociales pour consolider chez eux la démocratie et les droits de l'homme, construire un Etat de droit et jeter les bases d'un développement durable. Dans ce contexte, l'Union européenne a réaffirmé sa détermination de continuer à jouer le rôle moteur dans le pacte de stabilité, qui représente une vision nouvelle de coopération entre les pays de la région et la communauté internationale.

Le sommet que, sur proposition de la France, l'Union européenne et les pays des Balkans occidentaux ont décidé de tenir à l'automne prochain en Croatie, marquera notre commune détermination à surmonter les divisions du passé.

La RFY ne pourra évidemment pas participer à ce rendez-vous. La nature de son régime actuel ne le permet pas. Mais les Serbes savent qu'ils ont leur place dans la famille européenne et que l'Union attend le jour où il sera possible à la RFY de participer pleinement au processus de stabilisation et d'association et de retrouver sa place en Europe. Les élections du 24 septembre pourraient être à cet égard décisives.

Au Kosovo, l'action de la communauté internationale, fondée sur la résolution 1244 du Conseil de sécurité, a donné des résultats qu'il est juste de saluer. Il faut remercier tous ceux qui, en dépit d'extrêmes difficultés, ont permis ces progrès, en particulier le représentant spécial du Secrétaire général, les personnels des Nations Unies et les soldats de la KFOR, les nombreuses organisations internationales présentes sur le terrain et les ONG. La tenue, d'ici quelques semaines, des premières élections démocratiques au Kosovo pour désigner les autorités municipales, marquera une étape importante de la mise en oeuvre de la résolution 1244. Je redis avec force que la communauté internationale ne permettra pas que des actes de violence inacceptables, quelles qu'en soient les motivations, fassent échouer le processus électoral démocratique en cours. Nous ne laisserons pas des extrémistes de tous bords saboter le travail accompli depuis plus d'un an sous l'égide des Nations Unies.

### *Chypre*

L'Union européenne considère que le statu quo à Chypre est inacceptable et soutient les efforts déployés par le Secrétaire Général en vue de parvenir à un règlement négocié, global, juste et durable, qui soit conforme aux résolutions pertinentes du Conseil de Sécurité. Elle réaffirme son engagement en faveur de la stabilité et de la prospérité dans la région méditerranéenne. Au moment où s'ouvrent ici même des pourparlers sous les auspices du Secrétaire général, elle appelle les parties concernées à engager des discussions substantielles.

### *Afrique*

Monsieur le Président, L'Union européenne est tout aussi résolue à soutenir les efforts qui sont déployés pour assurer la prévention et le règlement des conflits en Afrique, en étroite coopération avec les Nations Unies, l'Organisation de l'Unité africaine et d'autres organisations sous-régionales, conformément aux objectifs retenus lors du sommet Afrique-Europe qui s'est tenu au Caire au mois d'avril dernier sous la présidence portugaise de l'Union européenne.

Elle entend apporter son soutien aux mesures prises, de manière coordonnée, par l'OUA et les Nations Unies pour mettre en œuvre le règlement de paix entre l'Éthiopie et l'Érythrée. Appuyant le déploiement des observateurs internationaux, elle est également disposée à apporter un soutien à la délimitation et au tracé des frontières, au déminage et à l'action entreprise pour aider les réfugiés et les personnes déplacées. Elle s'efforce d'apporter son aide aux populations de ces deux pays, durement éprouvées par le conflit et par la sécheresse qui est venue aggraver leurs difficultés.

L'Union européenne est profondément préoccupée par l'évolution de la situation en République démocratique du Congo. Elle appelle toutes les parties à l'accord de Lusaka à mettre en œuvre leurs engagements, y compris ceux pris à Kampala. Cela permettra de progresser sur les volets militaire et politique, tous deux menacés par la persistance des combats et le blocage de la préparation du dialogue national. Elle les appelle de même à se conformer aux résolutions du Conseil de Sécurité, en particulier la résolution 1304 qui exige le retrait ordonné des forces étrangères présentes sur le territoire congolais, et la coopération de toutes les parties au déploiement de la MONUC, en levant les restrictions à la liberté de circulation de son personnel et en assurant sa sécurité.

L'exploitation illégale des ressources naturelles de la République démocratique du Congo, violation de la souveraineté de ce pays, est également inacceptable. Aussi l'Union européenne salue-t-elle la constitution par le Secrétaire général des Nations Unies, le 15 août dernier, d'un groupe d'experts chargé d'analyser les liens entre l'exploitation illégale de ces richesses et la poursuite du conflit.

Il est heureux de constater que le trafic illicite de diamants et autres minéraux, qui alimente directement les conflits, a fait l'objet d'une prise de conscience. C'est notamment le cas du commerce illicite de diamants en Angola, par lequel l'UNITA finance son effort de guerre. Nous tenons à souligner l'importance que revêt le respect des résolutions du Conseil de Sécurité à cet égard. Nous saluons la décision d'inscrire cette importante question à l'ordre du jour de l'Assemblée générale. La discussion devrait se fonder sur le processus de Kimberley. Elle devrait prendre en compte les travaux de la Conférence préparatoire coprésidée par le Royaume-Uni et la Russie. Elle devrait enfin porter sur l'examen de la proposition faite à Miyazaki visant à créer un groupe permanent d'experts indépendants pour mettre au point les modalités d'interdiction des trafics illicites.

L'Union européenne rappelle le soutien qu'elle a apporté à la résolution 1306 sur la Sierra Leone, qui a renforcé le dispositif existant de sanctions sur les armes et établi un régime d'embargo concernant les diamants bruts exportés illégalement de Sierra Leone. L'Union européenne appelle toutes les parties au conflit à se conformer aux principes et objectifs de l'Accord de Lomé, et à s'impliquer pleinement dans le rétablissement de la paix, de la stabilité et le respect des droits de l'homme en Sierra Leone.

L'Union européenne et ses États membres continueront de contribuer aux capacités et aux moyens d'action africains en matière de prévention et de règlement des conflits, notamment en apportant un soutien à l'OUA et aux organisations et initiatives sous-régionales.

#### *Birmanie*

L'Union européenne est vivement préoccupée par la situation en Birmanie. Elle demande aux autorités birmanes de rétablir sans délai la liberté d'expression, de circulation et de communication avec l'extérieur de Mme Aung San Suu Kyi. Il est urgent que s'engage un dialogue entre les autorités birmanes et l'opposition démocratique, dont la Ligue nationale pour la démocratie, ainsi qu'avec les minorités nationales. L'Union apporte son soutien à l'Envoyé spécial du Secrétaire général des Nations Unies pour la Birmanie, M. Razali, dans ses efforts en vue de la recherche d'une solution.

#### *Timor Est*

Monsieur le Président, L'Union européenne exprime sa solidarité avec le peuple de Timor Est et salue le travail accompli par l'ATNUTO, en coopération étroite avec les responsables politiques est-timorais. Elle est favorable à une accélération de l'aide à la reconstruction afin d'assurer le succès de la transition et d'éviter tout retard dans le calendrier menant à l'indépendance. Nous demeurons, toutefois, très préoccupés par l'instabilité provoquée par les milices, tant à Timor Est qu'à Timor Ouest. La recrudescence de ces violences a entraîné la mort de deux casques bleus et, plus récemment, de trois agents du HCR. L'Union européenne appelle les autorités indonésiennes à adopter sans délai des mesures effectives de contrôle des milices.

### *Inde/Pakistan*

L'Union européenne appelle à la fin des actions terroristes au Cachemire, à la mise en oeuvre des mesures de confiance et de sécurité et à un strict respect de la ligne de contrôle afin que, dans un contexte local apaisé, le dialogue entre le Pakistan et l'Inde puisse reprendre, dans l'esprit de la déclaration de Lahore. Elle est particulièrement attentive aux gestes qui peuvent être faits sur ce point par les parties en présence et encouragera les initiatives propres à permettre la résolution de tous les contentieux entre ces deux pays.

Il importe que les mesures concrètes prévues dans la résolution 1172 du Conseil de sécurité soient mises en oeuvre et que le Pakistan et l'Inde adhèrent au régime international de non-prolifération et procèdent à la signature du Traité d'interdiction complète des essais nucléaires.

### *Corée*

Ayant de longue date plaidé en faveur d'un dialogue direct entre les deux Corée, l'Union européenne s'est réjouie de la tenue du sommet intercoréen historique de Pyongyang du 13 au 15 juin de cette année. Il s'agit d'un pas important dans la voie de la réconciliation entre la république de Corée et la république populaire démocratique de Corée qui ouvre des perspectives encourageantes de renforcement de la stabilité dans la région. Nous invitons les deux pays, membres de l'ONU depuis 1991, à poursuivre ce processus, afin de permettre au peuple coréen de surmonter les déchirures du passé.

### *Haïti*

L'Union européenne rappelle que le respect total des dispositions constitutionnelles portant sur les élections et la loi électorale en vigueur est la base de la démocratie et de l'Etat de droit.

### *Désarmement et non-prolifération*

Monsieur le Président, Dans le souci commun de la paix et de la sécurité internationales qui doit animer les nations représentées ici, le risque de prolifération des armes de destruction massive et de leurs vecteurs constitue un problème fondamental contre lequel l'Union européenne est déterminée à lutter sans relâche. A cet effet, la coopération internationale doit être privilégiée ainsi que l'élaboration de normes multilatérales en matière de non-prolifération, de maîtrise des armements et de désarmement.

Ceci est tout particulièrement vrai pour ce qui concerne les armes chimiques et biologiques, désormais interdites. L'Union œuvre à la conclusion rapide d'un protocole de renforcement de la convention sur l'interdiction des armes biologiques et à toxines de 1972, qui devra comprendre des mesures de vérification fiables et efficaces.

Notre détermination s'applique également à la non-prolifération et au désarmement nucléaires, domaine de tant de progrès depuis la conclusion du TNP, auquel 187 pays sont aujourd'hui parties.

Dès la fin de la guerre froide, les instruments efficaces de la fin de la course aux armements et du désarmement ont commencé à être mis en place, avec l'arrêt des essais, le traité qui le scelle, les deux premiers accords START de réduction des plus grands arsenaux nucléaires ainsi que l'ensemble des décisions unilatérales qui vont dans le même sens.

La consolidation de ce dispositif doit être notre priorité. C'est ce qu'ont commencé de faire les Conférences d'examen de 1995 et de 2000, dont nous saluons les résultats qui doivent être pleinement mis en oeuvre.

Nous devons donner leur plein effet au renforcement des garanties de l'Agence internationale de l'énergie atomique par la mise en place généralisée des mesures contenues dans le modèle de protocole de 1997 et demeurer vigilants sur la question du respect du TNP. Il nous incombe aussi de relancer la dynamique des négociations multilatérales.

L'entrée en vigueur du Traité d'interdiction complète des essais nucléaires, l'achèvement de la mise au point opérationnelle de l'OTICE, la négociation à la Conférence du désarmement d'un traité d'interdiction de la production de matières fissiles pour des armes nucléaires doivent mobiliser tous les Etats, parties ou non au TNP. Le début de cette négociation implique la négociation urgente d'un programme de travail à la Conférence du désarmement. Les normes internationales dans ce domaine ne peuvent être efficaces que si elles sont universelles. La réduction des arsenaux, qui est de la responsabilité première des Etats dotés de l'arme nucléaire, doit aussi se poursuivre afin de nous rapprocher de nos objectifs communs : l'élimination des armes nucléaires et le désarmement général et complet sous un contrôle international strict et efficace.

La question des armes légères et de petit calibre est tout aussi sensible dans de nombreuses régions du monde. Elle mérite une attention particulière. Les Quinze apporteront leur contribution à la préparation de la conférence internationale sur le commerce illicite des armes légères sous tous ses aspects qui se tiendra à l'été 2001, avec pour objectif d'aboutir à un plan d'action concret et réalisable, pour lutter contre l'accumulation et la diffusion déstabilisatrices des armes légères et de petit calibre.

Dans le même temps, l'Union poursuivra son action en faveur de la mise en œuvre de la Convention sur l'interdiction de l'emploi, du stockage, de la production et du transfert des mines antipersonnel et sur leur destruction. Elle s'associera aux efforts visant à l'élimination totale des mines antipersonnel.

### *Droits de l'homme*

L'Union européenne continuera à soutenir les efforts déployés par les Nations Unies pour que, conformément à l'objectif fixé par le Secrétaire général, les droits de l'homme soient au coeur de leur action.

La prise de conscience individuelle de l'importance des droits de l'homme et de la démocratie, et l'émergence de forces actives à leur promotion au sein de chaque pays sont le meilleur gage de progrès solides en la matière. A cet égard, l'Union européenne approuve la désignation, grâce au soutien de très nombreux pays, d'un Représentant du Secrétaire général pour les défenseurs des droits de l'homme, Mme Jilani, dont nous saluons la nomination, et que nous assurons de notre entier soutien dans l'exercice de son mandat.

Les Nations Unies ont, cette année encore, démontré qu'elles étaient l'enceinte d'élaboration de progrès normatifs en matière de droits de l'homme. En témoigne l'adoption des deux protocoles additionnels à la Convention des droits de l'enfant, sur l'exploitation sexuelle des enfants, et sur les enfants dans les conflits armés. Il s'agit d'une avancée importante en faveur de la protection des enfants. La session extraordinaire de l'Assemblée générale des Nations Unies pour le suivi du Sommet mondial des enfants, qui se tiendra l'année prochaine, et à laquelle l'Union européenne entend contribuer activement, fournira à la communauté internationale une nouvelle occasion de faire progresser cette cause.

Une autre échéance importante nous attend : la Conférence mondiale sur le racisme. Lors de la Conférence préparatoire européenne, qui se tiendra en octobre à Strasbourg sous l'égide du Conseil de l'Europe, l'Union européenne montrera sa détermination à combattre les manifestations du racisme sous toutes leurs formes.

L'Union européenne, dont tous les membres ont aboli la peine de mort, appelle les Etats qui ne l'ont pas encore fait à adopter des moratoires, premier pas vers une abolition définitive de ce châtiment contraire à la dignité humaine.

### *Crime*

L'Union européenne s'efforcera de renforcer la coopération internationale dans la lutte contre le terrorisme et participera activement aux négociations qui auront lieu à cette fin. Elle espère vivement que cette Assemblée générale sera marquée par l'adoption de la convention contre la criminalité transnationale organisée et de ses protocoles lors de la Conférence de Palerme au mois de décembre prochain. Face à la menace croissante que représente pour nos sociétés cette criminalité, dont l'une des formes les plus odieuses est le trafic d'êtres humains, il est indispensable que la communauté internationale se dote de moyens de lutte et de coopération efficaces.

### *Cour pénale internationale*

Enfin, l'Union européenne souhaite la mise en place rapide de la Cour pénale internationale. Je rappelle qu'il faut encore pour cela la ratification de 42 Etats.

### *Développement durable*

Monsieur le Président, La contribution de l'Union européenne à la coopération internationale est substantielle. Avec 30 % du PNB mondial, elle apporte 36 % du budget ordinaire des Nations Unies, 39 % de celui des opérations de paix, 50 % des fonds et programmes des Nations Unies, 54 % du total mondial de l'aide publique au développement.

C'est dire l'engagement de l'Union européenne à réduire les inégalités, en particulier en enravant la dégradation de la situation des pays les moins avancés. La préparation de la troisième conférence des Nations Unies sur les PMA, que l'Union aura le privilège d'accueillir en 2001, est à cet égard très importante. Elle devra aboutir à des résultats concrets.

Nous attachons une grande importance au travail accompli par les Fonds et Programmes des Nations Unies. Parvenir à une réduction de la grande pauvreté mondiale de moitié à l'horizon 2015 est un objectif majeur de la communauté internationale, qui vient d'être réitéré dans la déclaration du Sommet du Millénaire.

L'intégration progressive des pays en développement dans l'économie mondiale, en tenant compte des besoins particuliers des PMA, passe par la bonne gestion des affaires publiques, l'État de droit et le respect des droits de l'homme. S'ajoutant à la politique bilatérale d'aide au développement des Etats membres, l'engagement de l'Union européenne en faveur des PMA trouve des traductions concrètes depuis 1975 à travers les conventions de Lomé successives, et, pour l'avenir, grâce aux accords de Cotonou négociés dernièrement avec les pays ACP.

S'agissant du financement du développement, il est indispensable d'assurer une meilleure mobilisation des ressources nationales et internationales, mais aussi une plus grande cohérence des politiques ainsi qu'une coopération plus efficace entre tous les acteurs du développement : gouvernements, Nations Unies et institutions de Bretton Woods, autres organisations internationales, secteur privé et société civile.

### *Éradication des maladies infectieuses*

Des efforts coordonnés et des partenariats internationaux sont indispensables pour combattre les maladies infectieuses comme le VIH/SIDA, la malaria et la tuberculose, qui posent un problème d'une gravité extrême pour le développement et la sécurité du monde en développement et notamment de l'Afrique. Nous apportons un appui sans réserves à l'action entreprise dans le cadre d'ONUSIDA et des organisations qui le co-parrainent.

### *Environnement*

Monsieur le Président, L'environnement doit demeurer un souci prioritaire des Nations Unies. À cet égard, les résultats du premier Forum ministériel mondial sur l'environnement, et l'adoption de la Déclaration de Malmö sont très encourageants.

La préoccupation exprimée dans le rapport du millénaire établi par le Secrétaire général en ce qui concerne la viabilité écologique est légitime. Nous souscrivons à l'appel lancé en faveur de la ratification du protocole de Kyoto, afin que celui-ci puisse en

La mise en œuvre et le suivi des conférences des Nations Unies sur l'environnement et le développement revêtent une importance cruciale.

### *Suivi des grandes conférences organisées dans le cadre des Nations Unies*

D'une manière générale, une plus grande cohérence et une meilleure coordination des processus de suivi des Conférences des Nations Unies sont indispensables. Les processus d'examen et d'évaluation devraient être rendus plus rationnels, leurs résultats plus visibles et plus ciblés.

### *Finances des Nations Unies*

L'Union européenne demeure résolue à faire en sorte que les finances des Nations Unies reposent sur une base solide, durable et équitable ; c'est pourquoi elle espère la réalisation d'une réforme globale des barèmes des contributions au budget ordinaire et aux opérations de maintien de la paix, conformément à la position qu'elle défend depuis longtemps en la matière. L'Union européenne réaffirme son attachement au principe de la capacité de paiement, sur lequel doivent reposer les contributions des États membres des Nations Unies.

### *Réforme*

L'Union européenne entend renforcer l'Organisation et lui imprimer un nouvel élan. Une réforme de ses principaux organes est indispensable pour une plus grande efficacité des Nations Unies. La volonté de l'Union européenne est d'y contribuer.

Au moment où l'ONU est sollicitée pour répondre aux défis de la paix, du développement et de la régulation mondiale, je souhaite l'assurer du plein soutien de l'Union européenne et de ses États membres.

Je vous remercie, Monsieur le Président.

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**DISCOURS DE L'UNION EUROPEENNE À L'ASSEMBLEE GENERALE DES NATIONS  
UNIES (TROISIEME COMMISSION)  
SUR LA SITUATION DES DROITS DE L'HOMME DANS LE MONDE  
prononcé au nom de l'Union européenne par M.Patrick Hénault,  
Ambassadeur chargé des droits de l'homme.  
(New York, 26 octobre 2000)**

Madame la Présidente,

J'ai l'honneur de m'exprimer au nom de l'Union européenne sur le point 114 c de l'ordre du jour intitulé "situation des droits de l'homme dans le monde". Les pays d'Europe centrale et orientale associés à l'Union européenne (Bulgarie, République Tchèque, Estonie, Hongrie, Lettonie, Lituanie, Pologne, Roumanie, Slovaquie, Slovénie) et les pays associés tels que Chypre et Malte, se rallient à cette déclaration.

Madame la Présidente,

L'Union européenne a choisi cette année d'attirer l'attention de cette assemblée sur certaines tendances et évolutions aussi bien positives que négatives qui, depuis son discours sur le sujet à la Commission des Droits de l'Homme, fin mars, méritent selon elle d'être relevées, sans présenter un panorama complet des violations des droits de l'homme qui la préoccupent. Elle souhaite par ailleurs réserver l'expression de sa sérieuse préoccupation quant à la situation des droits de l'Homme en **République Démocratique du Congo**, au **Soudan**, en **Irak** et en **Iran** à la présentation des résolutions que l'Union Européenne a décidé de déposer sur ces situations. La situation en **Birmanie** sera quant à elle abordée lors de la présentation par la Suède de son initiative visant ce pays.

Si l'Union européenne a retenu cette approche centrée sur les évolutions, c'est qu'il lui semble essentiel non seulement de prévenir et d'enrayer les dégradations mais aussi d'accompagner et d'appuyer les mouvements positifs. L'Union européenne considère que la réalisation des droits de l'homme, la promotion de l'état de droit et de la démocratie constituent des défis permanents pour l'ensemble de nos sociétés et sont le fruit de processus qui ne sont pas instantanés et ne sont jamais acquis. Elle souhaite contribuer à ces processus par tous les moyens d'action dont elle dispose, y compris par sa politique de développement, en étant soucieuse de la promotion de tous les droits de l'individu. La défense des droits de l'homme est, avec la préservation de la paix et le renforcement de la sécurité internationale, au coeur des principes qui fondent la politique étrangère de l'Union européenne. Les droits de l'homme et les libertés fondamentales constituent également l'un des fondements essentiels de la construction européenne et une priorité pour les gouvernements qui la composent et ceux qui sont amenés à y adhérer. Leur mise en oeuvre est une préoccupation et un effort constant. Aussi proclameront-ils en fin d'année, avec la Commission et le Parlement européen, une Charte des droits fondamentaux de l'Union européenne.

Madame la Présidente,

**I. L'Union européenne est au regret de déclarer que de graves insuffisances en matière de droits de l'homme persistent dans nombre de pays où aucun progrès notable n'a pu être relevé ces derniers mois.** Les remarques contenues dans son discours à la Commission des Droits de l'Homme sur ces pays restent hélas valables.

C'est le cas de la **Chine**, avec laquelle l'Union européenne entretient un dialogue sur les droits de l'homme dont elle attend des progrès concrets. Elle continue à y déplorer l'usage extensif de la peine de mort et des atteintes importantes aux libertés fondamentales, qui se traduisent notamment par des mesures sévères à l'encontre des personnes qui en font usage, et parmi elles, celles appartenant à des minorités nationales, en particulier au Tibet. Toutes ces pratiques ont été dénoncées par le Conseil Affaires Générales du 20 mars.

C'est le cas de nombre de pays où les institutions ne font pas place au pluralisme et où l'expression de l'opposition ou de la dissidence est systématiquement réprimée. C'est le cas de la **Syrie**, du **Laos**, de la **République Populaire et Démocratique de Corée**, où l'Union européenne veut espérer que le rapprochement avec le sud ouvrira la voie à des progrès en matière de droits et libertés. C'est aussi le cas de Cuba, aux autorités duquel l'Union européenne rappelle la nécessité de faire des progrès en matière de droits civils et politiques. C'est également le cas du **Pakistan**, où l'environnement en matière de droits de l'homme continue à préoccuper gravement l'Union européenne. C'est encore le cas du **Tchad**.

C'est le cas du **Rwanda** et de l'**Ouganda** où, malgré certains progrès ponctuels, la situation générale des droits de l'homme continue à la préoccuper. L'Union européenne les encourage à renouveler leurs efforts visant à mettre fin aux violations qui perdurent.

L'Union européenne ne reviendra donc pas ici dans le détail sur la situation dans ces pays. Cela ne signifie nullement qu'elle condamne moins fortement les violations des droits qui s'y commettent ou qu'elle se résigne à ne pas pouvoir contribuer à les voir disparaître. Elle souhaite simplement renvoyer pour ces pays à son intervention du mois de mars et leur réitérer son appel pressant à accomplir les efforts nécessaires en vue d'un plein respect des droits universels de l'homme.

Madame la Présidente,

**II. L'Union européenne estime que c'est à juste titre que la Haute Commissaire aux Droits de l'Homme accorde dans son rapport écrit une attention particulière à des situations où les populations civiles sont ou ont été**, comme en Sierra-Leone, en Tchétchénie, ou à Timor-est, **victimes d'exactions graves et massives à l'occasion d'affrontements**, voire en ont été les principales victimes, en violation du droit humanitaire et des droits de l'homme.

L'Union européenne est ainsi gravement préoccupée par la situation en **Sierra-Leone** et en particulier par les violations par le RUF de l'accord de paix de Lomé et la poursuite d'horribles exactions commises par le RUF et d'autres groupes rebelles. Elle encourage la Haute Commissaire à poursuivre ses actions pour soutenir les autorités du pays dans leurs efforts pour renforcer la promotion et la défense des droits de l'homme. Elle est disposée à soutenir les autorités sierra-leonaises et les Nations Unies en vue de la mise en place du tribunal spécial et d'un système judiciaire garant du respect des droits de l'homme. Elle souligne, une nouvelle fois, l'importance de la question de la réhabilitation des enfants-soldats.

A **Timor**, l'Union européenne compte sur le gouvernement indonésien pour, comme il s'y est engagé, poursuivre et traduire en justice les auteurs des exactions commises à Timor-est en 1999. Elle se félicite à cet égard de l'assistance fournie par le Haut Commissariat aux Droits de l'Homme. L'Union Européenne souhaite que toutes les personnes suspectées d'avoir orchestré et participé à l'assassinat des trois agents du HCR à Atambua soient rapidement déférées devant la justice. A cet égard, elle salue l'arrestation du chef milicien Guterres et de plusieurs personnes suspectées d'être impliquées dans le déroulement de ces événements. Les autorités indonésiennes doivent prendre des mesures supplémentaires pour désarmer et dissoudre les milices et résoudre rapidement la question des réfugiés. L'Union européenne encourage le gouvernement indonésien à poursuivre les premiers efforts qu'il a accomplis en ce sens. Ces efforts doivent être poursuivis et menés à bien de toute urgence. Elle est convaincue que l'activité des milices et la situation des réfugiés à Timor-ouest pourraient avoir de très graves répercussions pour l'évolution politique de Timor-est.

L'Union européenne reste préoccupée par la situation en **Tchéchénie** et regrette que la Fédération de Russie n'ait que partiellement répondu aux demandes de la Commission des Droits de l'Homme. Elle prend acte du fait que le Comité International de la Croix Rouge a accès aux lieux de détention et qu'un représentant spécial du gouvernement russe pour les droits de l'homme est désormais basé en Tchétchénie, avec le soutien du Conseil de l'Europe. Elle appelle la Russie à procéder sans tarder à une enquête indépendante, répondant aux critères internationaux, sur les exactions commises par toutes les parties au conflit et à permettre la venue de la Haute Commissaire aux Droits de l'Homme et des rapporteurs spéciaux de la Commission des Droits de l'Homme qui le souhaitent. Elle attend de la Russie que des procédures judiciaires effectives soient engagées contre les auteurs d'exactions. Elle invite les autorités russes à accroître leurs efforts d'aide humanitaire et à veiller à l'acheminement de celle-ci. Elle marque l'importance qu'elle attache à un retour rapide du groupe d'assistance de l'OSCE. Elle rappelle que seule une solution politique permettra de mettre fin au conflit et d'assurer la sécurité et les droits de tous.

Madame la Présidente,

**III. Les populations civiles continuent à souffrir de violations graves de leurs droits à l'occasion de conflits non résolus dans d'autres régions**, qu'ils soient les victimes directes d'actions armées, qu'ils fuient combats et destructions, soient expulsés ou maltraités, ou simplement privés de sécurité, ou voient leurs libertés fondamentales restreintes. L'Union européenne souhaite que des solutions politiques, intégrant pleinement la dimension "droits de l'homme", soient trouvées à ces conflits et que les civils soient épargnés et protégés.

L'Union européenne a manifesté dès les premiers jours de la crise sa vive inquiétude et sa réprobation devant les tragiques conséquences des affrontements dans les **territoires palestiniens occupés**. La gravité de la situation justifiait la tenue d'une session spéciale de la Commission des Droits de l'homme. L'Union européenne condamne sans réserves les graves incidents qui se sont succédés et réitère notamment son rejet des provocations extrémistes qui, en jouant de manière cynique sur les sentiments les plus profonds des populations, ont donné l'occasion à ceux qui menacent la paix et l'avenir de la région d'entreprendre leur oeuvre de destruction en attisant la peur et la haine. L'Union européenne appelle au respect des droits de l'homme et du droit humanitaire international et soutient les efforts entrepris pour mettre fin à la violence et relancer le processus de paix. Dans ce cadre la décision prise à Charm el Cheikh de créer une mission d'établissement des faits, doit permettre de faire la lumière nécessaire sur les événements récents et contribuer à éviter qu'ils se répètent. L'Union européenne exhorte une nouvelle fois à l'arrêt immédiat de la violence dans les territoires palestiniens. Elle en appelle à l'esprit de responsabilité qui a prévalu à Charm el-Cheikh. Tout doit être mis en oeuvre pour mettre un terme aux violences et favoriser l'apaisement nécessaire pour retrouver le chemin de la paix.

En **Afghanistan**, les populations civiles continuent à être la cible d'exactions, telles que déplacements forcés et destruction des moyens de subsistance par les Taleban, amenant les populations à fuir. Le problème des mines antipersonnel, notamment dans le Nord, continue à s'aggraver. Outre ces violations graves du droit humanitaire, des atteintes sérieuses aux droits de l'homme, continuent à être déplorées, y compris le recours à la torture et l'abus de la peine de mort. Dans les territoires contrôlés par les Taleban, la situation reste marquée par les exécutions publiques, la justice sommaire, et les politiques discriminatoires envers les femmes dans tous les domaines et notamment ceux de l'éducation, l'emploi et la santé. L'Union européenne est préoccupée par des allégations récentes sur le recours à des enfants soldats par les deux parties au conflit. Ceci est inacceptable et doit cesser. L'Union européenne appelle à nouveau toutes les parties afghanes à reconnaître, protéger et promouvoir tous les droits de l'homme et les libertés fondamentales de la population d'Afghanistan.

Au **Sri-Lanka**, l'Union européenne réitère son appel au LTTE à s'engager dans la voie d'un règlement négocié à cesser ses actions terroristes et à mettre fin à l'enrôlement d'enfants. Elle invite toutes les parties à prendre toutes les mesures nécessaires pour mettre fin aux violations des droits de l'homme, en particulier dans les zones de conflit. Les responsables de tels actes doivent être présentés à la justice. Elle demande également au gouvernement de lever les restrictions imposées aux médias dans le cadre des mesures d'urgence actuellement en vigueur. L'Union européenne se félicite qu'en dépit d'un certain nombre d'anomalies constatées au cours de la campagne électorale, le scrutin du 10 octobre ait globalement permis aux Sri-Lankais d'exprimer leur suffrage au cours d'un processus démocratique.

Dans la crise du **Jammu et Cachemire**, les populations locales continuent à être prises entre les incursions terroristes et la répression par les forces de sécurité.

L'Union européenne invite les autorités de **l'Indonésie** à agir rapidement pour mettre fin aux violences actuelles aux Moluques.

En **Angola**, la situation des droits de l'homme reste préoccupante, malgré les efforts du gouvernement, dont la capacité en ce domaine a été affectée par l'instabilité politico-militaire, pour l'améliorer. Des exactions telles qu'exécutions sommaires, enrôlements forcés, pose de mines, pillages de populations civiles, blocage ou détournement des aides humanitaires se poursuivent, y compris au delà des frontières du pays, essentiellement du fait de l'UNITA. L'Union européenne appelle à ce qu'il y soit mis fin. Elle invite le gouvernement à assumer pleinement sa responsabilité de protection et d'assistance aux personnes déplacées dans des zones sous son administration.

Au **Burundi**, elle condamne les attaques commises contre les populations civiles et demeure profondément préoccupée par le niveau persistant de violence et en particulier par les actes perpétrés par les groupes rebelles. Elle les invite à rejoindre sans délai ni préconditions les négociations de paix. Elle souhaite que les conditions d'un retour chez elles, de leur plein gré, des personnes qui cherchent actuellement refuge dans des camps de regroupement soient prochainement réalisées et que la reprise progressive de l'aide internationale soulage des populations civiles durement éprouvées.

La situation en **Somalie**, en particulier dans le Sud reste préoccupante. L'Union européenne espère que les récentes avancées du processus de paix permettront de mettre un terme aux souffrances des populations.

L'Union européenne se félicite de la reprise des pourparlers de paix indirects entre **l'Erythrée** et **l'Ethiopie**. Elle reste préoccupée par la situation des Ethiopiens en Erythrée et des Erythréens en Ethiopie, malgré la signature d'un accord de cessation des hostilités entre l'Ethiopie et l'Erythrée. L'Union européenne regrette notamment l'expulsion de dizaines de milliers d'entre eux vers leur pays d'origine au cours des deux dernières années et l'internement ou les mauvais traitements dont nombre sont victimes. La situation des droits de l'homme en général doit encore être améliorée dans les deux pays.

L'Union européenne condamne les récentes incursions armées venant de pays voisins en Guinée qui ont créé un climat d'insécurité dans la zone frontalière. Elle encourage la Guinée à poursuivre sa mission de protection des nombreux réfugiés qu'elle accueille de longue date sur son territoire. Il importe que la Guinée retrouve la sérénité et reprenne la voie du dialogue entre les forces politiques, dans la perspective des élections législatives prévues pour le 26 novembre.

En **Colombie**, les civils, et notamment les défenseurs des droits de l'homme, payent un prix inacceptable au conflit en cours. L'Union européenne s'inquiète de la détérioration de la situation humanitaire et des droits de l'homme. Elle soutient tous efforts visant à la paix et en particulier les processus de paix et de facilitation entre le gouvernement et les groupes armés. Elle soutient le travail du bureau du Haut Commissariat aux Droits de l'Homme à Bogota, ainsi que l'action des communautés de paix.

L'Union européenne réaffirme que le statu quo à **Chypre** demeure inacceptable. Elle appuie la mission de bons offices du Secrétaire Général de l'ONU visant à une solution juste, globale et viable, qui soit conforme aux résolutions pertinentes du Conseil de Sécurité. L'Union européenne plaide le plein respect des droits de l'homme et des libertés fondamentales à l'égard de tous les Chypriotes. Elle soutient les efforts déployés par l'UNFICYP visant à mettre en oeuvre son mandat humanitaire, ainsi que ceux du Comité tripartite des Nations Unies sur le sort des personnes disparues.

Madame la Présidente,

**IV. L'Union européenne est consciente que le chemin vers la réconciliation, qui doit être basée sur le plein respect des droits de chacun, peut-être long, et considère que l'engagement déterminé des dirigeants est indispensable à sa réussite.** Sans lui le soutien de la communauté internationale est vain. Sans le respect des droits de chacun, la paix retrouvée ne peut être consolidée.

La situation en **Bosnie-Herzégovine** démontre toute la difficulté du retour à la vie commune et à la tolérance après des années de politique de séparation et de haine. Elle met en évidence l'importance de la mise en place d'institutions neutres, respectueuses des droits de l'homme, et de la lutte contre l'impunité.

Au **Kosovo**, l'Union européenne dénonce fermement les violences à caractère ethnique ou politique, quelle qu'en soit l'origine. Elle souligne l'importance du scrutin municipal du 28 octobre pour l'enracinement d'un processus démocratique et d'une société de tolérance où chacun puisse jouir pleinement de ses droits.

L'Union européenne se félicite de l'amélioration de la situation des droits de l'homme au **Congo** depuis la signature des accords de paix. Cette évolution favorable doit être consolidée par des progrès sensibles dans l'effort de réconciliation nationale, de mise en place de la démocratie et de l'Etat de droit. Elle appelle à faire toute la lumière sur la question des disparus.

L'Union européenne invite les plus hautes autorités du **Guatemala** à s'impliquer sans ambiguïté dans le processus de réconciliation. Les accords de paix et les recommandations contenues dans le rapport de la commission pour la clarification historique doivent être appliqués de manière résolue et le nécessaire doit être fait pour que les assassins de Mgr Gerardi soient traduits en justice et que les violences et intimidations envers les défenseurs des droits de l'homme cessent.

Madame la Présidente,

**V. Les mois qui viennent de s'écouler depuis la Commission des Droits de l'Homme ont vu des signes encourageants en matière de droits de l'homme. Ils doivent se traduire par des progrès réels.**

Ainsi le rôle des **défenseurs des droits de l'homme** et la nécessité de respecter leur droit de défendre les libertés ainsi que leur sécurité ont-ils été mieux pris en compte, non seulement par notre Organisation, avec la nomination de Mme Jilani, dont on connaît l'engagement en faveur des droits des femmes et des droits de la personne en général, comme Représentante spéciale du Secrétaire Général, mais aussi par certains pays.

L'accueil par l'**Algérie** de plusieurs ONG internationales de défense des droits de l'homme et la coopération dont elles ont bénéficié lors de leurs visites méritent ainsi d'être notés avec satisfaction. L'Union européenne reste cependant préoccupée par la persistance de la violence et par le sort des disparus.

L'Union européenne se réjouit des progrès accomplis, notamment à l'occasion du Sommet du Millénaire, en matière de **signature et de ratification des instruments internationaux** de protection des droits de l'homme.

L'Union européenne se réjouit de la signature des Pactes par la **Turquie** et souhaite qu'ils soient ratifiés et appliqués dans les meilleurs délais. L'Union européenne encourage les autorités turques à prendre toutes les mesures nécessaires pour le plein respect des droits de l'homme, y compris la liberté d'expression. Elle rappelle à cet égard son attachement au respect des droits des personnes appartenant à des minorités en Turquie.

La **coopération avec les mécanismes des Nations Unies** connaît des évolutions contrastées. Il est regrettable que certains pays s'obstinent à ne pas recevoir les rapporteurs ou représentants spéciaux de la Commission des Droits de l'Homme.

Il est à noter que d'autres, telle l'**Arabie Saoudite**, marquent leur disposition à recevoir pour la première fois des rapporteurs. L'Union européenne attend que de telles déclarations se concrétisent et s'accompagnent de progrès réels dans le domaine des droits de l'homme. L'Union européenne reste préoccupée par la situation des droits de l'homme en Arabie Saoudite, et en particulier par les restrictions apportées aux libertés fondamentales, notamment à la liberté d'expression, d'assemblée, d'association et à la liberté de religion, ainsi que le recours à des traitements inhumains, l'absence de transparence et de garanties minimales dans les procès criminels. Elle espère que la ratification par l'Arabie Saoudite de la Convention contre la discrimination à l'égard des femmes annonce les améliorations importantes et urgentes qui sont indispensables.

La **lutte contre l'impunité** a récemment connu des évolutions remarquables. La décision de la Cour Suprême du **Chili** de lever l'immunité du général Pinochet est à cet égard historique et doit être accueillie avec respect.

L'Union européenne se félicite du nombre croissant d'Etats parties au statut de la **Cour Pénale Internationale** et invite à sa ratification rapide. Elle souligne son attachement à la préservation de l'intégrité de son statut. Elle se réjouit de l'adoption par consensus de son règlement de procédure et de preuve et des éléments des crimes.

L'Union européenne est satisfaite qu'un accord ait pu être trouvé entre le Gouvernement du **Cambodge** et les Nations Unies sur le jugement des dirigeants khmers rouges. Elle espère que le Parlement du Cambodge examinera rapidement ce texte et tracera le cadre juridique de ce procès pour que justice soit rendue dans le respect des normes internationales et que les dirigeants coupables de graves violations des droits de l'homme seront condamnés. Elle appelle les autorités cambodgiennes à poursuivre leurs efforts en vue de construire une société basée sur l'état de droit et le plein respect des droits de l'homme.

L'Union européenne se félicite des progrès entrepris par certains pays sur la voie de **l'abolition de la peine de mort**. Elle considère que celle-ci contribue au renforcement de la dignité humaine et au développement progressif des droits de l'homme. En revanche, elle s'inquiète que dans plusieurs pays les normes minimales en matière d'application de la peine de mort ne soient pas respectées en particulier s'agissant des mineurs au moment des faits, et des personnes frappées d'aliénation mentale. Toutes les personnes soupçonnées ou accusées d'un crime pour lequel la peine capitale peut être prononcée doivent avoir accès à une assistance juridique appropriée.

Les mois qui viennent de s'écouler ont également été marqués par des **progrès sur le plan de la démocratie**, dont on peut espérer qu'ils sont annonciateurs d'avancées dans le respect des droits et libertés.

L'Union européenne se félicite du changement démocratique qui vient de s'accomplir de manière pacifique en **République Fédérale de Yougoslavie**. Elle rend hommage au nouveau Président et salue le courage du peuple serbe. L'Union européenne vient de lever les sanctions économiques qui frappaient la République Fédérale de Yougoslavie du régime de M. Milosevic et s'est engagée à contribuer concrètement à la consolidation de la démocratie et à la reconstruction de ce pays. Après l'alternance du début d'année en **Croatie**, ce changement démocratique à Belgrade sera décisif pour le pays et pour l'ensemble de la région.

L'Union européenne observe la poursuite du processus de démocratisation au **Nigeria**. Elle s'inquiète de la différence de traitement établie entre membres de différentes confessions dans plusieurs Etats du Nord, qui pourrait être en contradiction avec les lois fédérales.



L'Union européenne se réjouit du déroulement exemplaire des élections présidentielles qui confirme le renforcement de la démocratie au Mexique. Elle appelle le **Mexique** à s'engager avec encore plus de détermination dans l'élimination des violences commises par les forces de sécurité et des discriminations contre les populations autochtones.

Madame la Présidente,

**VI. Les progrès en matière de droits de l'homme et les processus de démocratisation ne sont hélas pas irréversibles.**

L'Union européenne a condamné les prises d'otages et les violences qui ont conduit à **Fidji** au renversement du gouvernement démocratiquement élu, à l'imposition de la loi martiale et à l'abrogation la Constitution. Elle est vivement préoccupée par les manquements à l'Etat de droit qui prévalent depuis à Fidji et appelle au retour à l'ordre constitutionnel.

L'Union européenne appelle également au rétablissement de l'ordre constitutionnel aux îles Salomon, ainsi qu'à la mise en place d'un processus de règlement pacifique de la crise. Elle encourage les efforts qui sont faits en ce sens.

Au **Pérou** des élections se sont déroulées cette année dans des conditions peu satisfaisantes. L'Union européenne a pris bonne note de la décision du président Fujimori de convoquer le plus rapidement possible de nouvelles élections générales, auxquelles il ne sera pas candidat. Elle souhaite que toutes les institutions de l'Etat et tous les secteurs politiques contribuent à maintenir la stabilité nécessaire pour surmonter la situation actuelle et encourage les autorités péruviennes à prendre toutes les mesures nécessaires à la consolidation de l'état de droit. Elle appelle notamment à une rapide application des recommandations de la mission de haut niveau de l'OEA, dont elle salue le rôle.

L'Union européenne regrette que le peuple d'**Haïti**, qui par sa large participation au premier tour des législatives a prouvé son attachement au processus démocratique, n'ait pu voir son expression respectée lors du choix de ses représentants au Parlement. Elle appelle à nouveau à la réforme du Conseil électoral provisoire, en concertation avec l'opposition, pour permettre la tenue de l'élection présidentielle dans des conditions libres et équitables, seules à même de lui assurer le soutien international.

Gravement préoccupée par les derniers développements de la situation en **Côte d'Ivoire**, l'Union européenne en appelle au sens des responsabilités de tous les Ivoiriens et en particulier des dirigeants politiques du pays, pour que cessent les affrontements fratricides et que le retour à l'ordre constitutionnel puisse se dérouler dans la paix civile.

Les conditions dans lesquelles se sont déroulées les dernières élections municipales en **Guinée équatoriale** suscitent la préoccupation de l'Union européenne. Elle appelle le gouvernement à mettre en place une véritable démocratie et notamment à garantir la liberté d'expression et de la presse, et l'invite à reprendre sa coopération avec le Représentant Spécial de la Commission des Droits de l'Homme.

L'Union européenne a été profondément préoccupée par les événements qui ont conduit aux élections législatives de juin au **Zimbabwe**. Bien que le scrutin se soit déroulé dans le calme, la campagne électorale a été marquée par la violence, des actes d'intimidation de grande ampleur et des irrégularités de procédure. L'Union européenne reste préoccupée par la faiblesse du dialogue politique et le harcèlement des partis d'opposition.

L'Union européenne est également préoccupée par la lenteur de la démocratisation dans nombre de pays, comme le **Belarus** où, malgré quelques évolutions positives à l'approche des élections législatives, les autorités n'ont pas tenu leurs engagements d'assurer le caractère libre et transparent de celles-ci, et où l'opposition continue à connaître des difficultés à jouer son rôle alors que la question des disparus reste entière.

L'Union européenne s'inquiète de la détérioration du respect des droits de l'homme en Asie centrale, y compris l'absence de système démocratique au **Turkménistan**, en particulier le harcèlement des opposants politiques, et les détentions et procès arbitraires en **Ouzbékistan**. Elle appelle également les autorités du **Kazakhstan** et du **Kirghizistan** à respecter les droits de l'homme et les règles du jeu démocratique, tant à l'égard de l'opposition que de la presse.

Madame la Présidente,

L'Union européenne est convaincue que la fragilité des progrès dans le domaine des droits et libertés nous impose une vigilance de tous les instants et suppose une capacité renforcée à appuyer les évolutions positives, afin de les consolider. Elle souhaite ardemment contribuer à ces progrès par son action propre comme au sein des Nations Unies.

**Déclaration de l'Union européenne lors de la 5ème session spéciale de la Commission des droits de l'homme des Nations Unies (Genève, le 18 octobre 2000)**

Monsieur le président,

J'ai l'honneur, aujourd'hui, de prendre la parole au nom de l'Union européenne. Les pays d'Europe centrale et orientale associés à l'Union européenne (Bulgarie, République tchèque, Estonie, Hongrie, Lettonie, Lituanie, Pologne, Roumanie, Slovaquie, Slovénie) et les pays associés (Chypre, Malte, Turquie) se joignent à cette déclaration.

Monsieur le président, Mme la Haute Commissaire,

Fort heureusement, un accord est intervenu entre les hauts responsables réunis à Charm El Cheikh. L'Union européenne, qui y était représentée par M. Javier Solana, se réjouit profondément de cet accord, qui donne le signal de la désescalade, de la fin des violences et du retour sur le chemin de la paix.

Ce qui importe par dessus tout, en effet, c'est que tous les hommes, les femmes et les enfants puissent vivre en paix et que les droits de chacun soient respectés. L'accord de Charm El Cheikh nous en redonne l'espoir.

Les événements tragiques de ces derniers jours ont conduit la communauté internationale à se mobiliser pour faire face au danger réel d'embrasement qui menace le Proche-Orient. Les images terribles des affrontements, et des atrocités commises, retransmises presque en direct par les télévisions du monde entier, ont marqué les esprits et rappelé, si besoin en était, le caractère inacceptable de toutes les violences et la nécessité du respect des droits de l'homme et du droit humanitaire international. L'Union européenne est consternée par le nombre de victimes, dont la plupart appartiennent à la population arabe des territoires palestiniens occupés et d'Israël, y compris hélas, de trop nombreux enfants. L'Union européenne exprime sa plus profonde compassion pour tous ceux qui ont perdu l'un des leurs.

L'Union européenne a manifesté dès les premiers jours de la crise sa vive inquiétude et sa réprobation devant la poursuite des affrontements dans les Territoires palestiniens. Elle a demandé, le 9 octobre, à M. Solana, Secrétaire Général, Haut représentant pour la PESC, de se rendre dans la région pour apporter notre contribution à l'apaisement de la crise. Elle a condamné sans réserves les graves incidents qui se sont succédés et réitéré, notamment, son rejet des provocations extrémistes qui, en jouant de manière cynique sur les sentiments les plus profonds des populations, ont donné l'occasion à ceux qui menacent la paix et l'avenir de la région d'entreprendre leur oeuvre funeste de destruction en attisant la peur et la haine.

Face à cette situation, l'Union européenne a appelé avec fermeté au respect absolu des lieux sacrés pour les croyants de toutes les religions. On ne peut en effet assister sans les condamner sévèrement aux attaques contre les fidèles ou contre les lieux saints de quelque religion que ce soit quel que soit l'endroit où elles se produisent. Nous rappelons, enfin, notre condamnation du recours disproportionné et indiscriminé à la force qui ne peut qu'aggraver la situation, alourdir un bilan déjà particulièrement meurtrier et éloigner la perspective de la paix à un moment où celle-ci semble en mesure de se concrétiser.

Nous sommes tous conscients, en effet, que seule une solution négociée est de nature à satisfaire les aspirations des peuples israélien et palestinien à la paix et à la sécurité. Il n'existe pas d'autre voie, pas d'autre choix, que de reprendre le chemin de la négociation pour la paix pour laquelle Israéliens et Palestiniens ont, au cours des dernières années, franchi tant d'obstacles considérés très longtemps comme insurmontables. Et l'on ne peut espérer que les droits de l'Homme soient pleinement respectés si l'on ne met pas fin à l'engrenage de la violence. L'accord qui vient d'être réalisé à Charm el Cheikh prévoit la fin de la violence, la mise en place d'une commission d'établissement des faits et la relance du processus de paix.

L'Union européenne tient à saluer les efforts de tous ceux qui ont concouru à la réalisation de cet accord et au rétablissement de la situation et notamment du Secrétaire Général des Nations Unies dont l'action déterminée et inlassable a contribué à éviter le pire lorsque la confrontation semblait la seule alternative. Nous devons continuer à mettre toute notre intelligence, tous nos efforts et tout notre coeur au service de la paix et de ceux qui luttent avec conviction pour la préserver.

M. le Président,

La Commission des droits de l'homme ne pouvait rester insensible à la détérioration de la situation dans les Territoires palestiniens occupés et en Israël. La communauté internationale se doit de montrer qu'elle est déterminée à réagir partout où de tels événements se produisent que ce soit dans les territoires palestiniens ou ailleurs dans le monde. Le fait que la Commission des droits de l'homme joue un rôle de plus en plus actif, puisque nous participons aujourd'hui à sa 5ème session spéciale depuis 1992, doit être relevé. Nous avons écouté avec la plus grande attention les interventions de la Haute Commissaire, Mme Robinson, et du rapporteur spécial, M. Giacomelli.

Dans sa réponse à la demande du groupe arabe de convoquer cette session, l'Union européenne a insisté sur la nécessité, pour cette Commission, de contribuer aux efforts en cours ailleurs pour mettre fin à la violence et rétablir la paix. Il est en effet de la plus haute importance, dans cette période troublée, que la Commission des droits de l'homme ne nuise pas aux efforts en cours pour rétablir la paix. C'est dans cet esprit que nous souhaitons travailler avec toutes les parties intéressées pour contribuer à la désescalade et retrouver le chemin de la paix.

M. le Président,

L'Union européenne reste, plus que jamais, engagée en faveur de la paix et réaffirme son attachement aux principes fondamentaux établis dans le cadre de Madrid et d'Oslo et des accords ultérieurs. Elle est déterminée à ne rien négliger pour que la raison et la tolérance l'emportent sur la peur, la haine et l'extrémisme. Elle lance un appel pour qu'un effort de synthèse soit entrepris en vue de parvenir à des conclusions communes qui permettront que cette session spéciale apporte une contribution utile dans cette période critique. Vous pouvez être assuré qu'en ce qui la concerne l'Union européenne ne ménagera pas ses efforts en ce sens.

**STATEMENT BY MS ANNA LINDH,  
MINISTER FOR FOREIGN AFFAIRS OF SWEDEN, ON BEHALF OF THE EUROPEAN  
UNION AT THE 57<sup>TH</sup> SESSION OF THE COMMISSION ON HUMAN RIGHTS  
(GENEVA, 20 MARCH 2001)**

Mr. Chairman,

I have the honour to address the Commission on Human Rights on behalf of the European Union. The countries associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia – and the associated countries Cyprus, Malta and Turkey have expressed the wish to align themselves with this statement.

First of all, Madam High Commissioner,

We learned yesterday about your decision not to seek a second term of Office. While we respect your decision, we sincerely regret it. You told us yesterday that the work has been as challenging as it has been difficult, but at the same time incredibly rewarding. We thank you for the leadership that you have offered, for your courage and integrity, for your wisdom and dedication. We wholeheartedly subscribe to the six goals you set up and applaud the progress achieved. You leave an important legacy and we will try to build on it.

I would like to congratulate you, Ambassador Leandro Despouy, on taking over the Chair of the 57<sup>th</sup> session of the Commission on Human Rights. I also congratulate the Bureau. I wish you every success.

Mr. Chairman,

All human beings are born free and equal in dignity and rights. This is the basis of our work. Our purpose is to protect the freedom, security and dignity of the individual.

But still, too many women, men and children around the world suffer the consequences of exercising their freedoms and human rights. Harassed, tortured and even killed, they remind us of our duty to speak out, and to act on their behalf.

Globalisation of the economy, information and communications underline our common responsibility. Global access to information makes it difficult to cover up human rights violations and provides us with knowledge to react. Globalisation brings opportunities for social and economic development but also increases the risk for exploitation of people. We need common values and principles to bridge cultural differences and the social and economic divide between continents and peoples. We need global rules, built on democracy and human rights, to enhance justice.

I wish to remind you of UN Secretary-General Kofi Annan's simple but very telling statement: *"Human rights are African rights. They are also Asian rights; they are European rights; they are American rights. They do not belong to any Government, they are not limited to any continent. They are fundamental and belong to humanity itself"*.

It is a welcome fact that more countries become parties to the human rights conventions and protocols and accept to cooperate with international human rights mechanisms.

We must, however, not become victims of our own successes. The growing acceptance of human rights as a principle must be extended to also implementation. The efforts to consolidate the system and strengthen the human rights mechanisms need to be supported in political as well as in financial terms.

Human rights were not acknowledged from the beginning of mankind. They have had to be fought for, made legitimate and continuously claimed and strengthened.

There are times when it is a duty to speak up. Those who remain silent on such occasions are also guilty.

A core element when promoting human rights is to distinguish between right and wrong, and to take positions. Human rights defenders following this principle deserve our support. Ms Hina Jilani, the Special Representative for Human Rights Defenders, and her fellow representatives and rapporteurs, must have our full cooperation.

Leaders, who claim that the safety and stability of their country is undermined by human rights defenders, obviously fail to recognise that observing human rights, democracy and the rule of law have stabilising effects and work as a key to economic and social development.

Ideally, we should build on global consensus regarding the human rights principles. It is, however, obvious that a consistent monitoring of the implementation of the agreed norms causes irritation among some governments.

It serves nobody to make the Commission on Human Rights an arena for confrontation. We have a common responsibility to seek cooperation in securing world-wide protection of human rights.

All governments must be open for international scrutiny. We must all ask ourselves if we are fully consistent in implementing the human rights standards at home. This is a question of great importance to the Member States of the European Union, both when discussing our own standards and in the enlargement process.

It is, dear colleagues, a question of our credibility – in this Commission, in the international community in general, but first and foremost in our own countries.

In this spirit we urge all Governments to cooperate with the UN human rights rapporteurs and representatives with mandates to address specific issues. We call on all Governments to allow visits to their countries by the relevant UN human rights mechanisms. The countries of the European Union are ready to cooperate with the human rights mechanisms and are prepared to receive them.

Mr. Chairman,

From the right to life stems all other rights. The fight against the death penalty is a priority in the EU human rights policy.

In various countries the death penalty is considered legitimate as a means to punish the crime of murder, to stop drug trafficking, acts of terrorism, economic corruption or adultery. However, whatever purpose is cited, the death penalty conflicts with the very concept of human rights and human dignity.

The EU is opposed to the death penalty in all cases. And under no circumstances must capital punishment be imposed for crimes committed by persons below 18 years of age or on persons suffering from any form of mental disorder.

Mr. Chairman,

The use of torture is among the most abhorrent violations of human rights. No exceptions from the prohibition against torture are permitted under international law. Still, torture persists, despite the efforts by the international community. Still, impunity for the perpetrators of torture continues to prevail in many countries.



The EU will continue to urge countries in bilateral and multilateral contacts at all levels to take effective measures against torture. The victims of torture and ill treatment must be rehabilitated and compensated.

We will spare no efforts to put an end to this affront to human dignity. The EU is currently working on guidelines against torture to be adopted in the very near future. We will make use of them in combating the practice of torture with a view to its global eradication.

Let me in this connection raise an issue that to my mind is a most appalling form of torture - female mutilation. A practice conducted in many countries of different ethnic, political and religious direction. Every day thousands of little girls are mutilated and thereby deprived of a normal healthy life. An act born out of ignorance, and sometimes of religious misinterpretations, with no other purpose than to limit and control women. Governments which take legal action and are sincere in fighting female mutilation deserve our full support and assistance. Those who do not, or turn a blind eye, must be criticised and held responsible.

Mr. Chairman,

Trafficking in human beings can be described as a contemporary form of slavery. It is a gross violation of human dignity and an affront to the individual's enjoyment of human rights. Trafficking in human beings is not a new phenomenon, but its growing dimensions and alarming consequences for its victims require our immediate attention.

In Europe alone it is estimated that approximately 500 000 women and children are victims of trafficking, especially for sexual purposes, every year. Shocking figures and a crying shame. Inequality and discrimination against women and children are important underlying factors in the countries of origin, whereas the customers are to be found in the recipient countries. A point of departure must be to ensure respect and protection of the human rights of women and children.

Trafficking in human beings has to be opposed both at national and international levels.

Mr. Chairman,

We must learn to understand reports of violations of human rights as warning signals. We must learn to take action at an early stage to prevent crises from escalating into armed conflicts.

Many years of experience clearly indicate that among the roots of conflict are oppressions of people's enjoyment of freedoms of expression, opinion and association. Depriving people of their participation in decision-making processes translates into insecurity and frustration. It is all too well known that discrimination against groups of people, be it on the basis of religion, sex or race, provoke conflict.

The wars in the Balkans and the genocide in Rwanda are only but a few horrible examples of the sufferings and human rights abuse civilians are victims of in armed conflict.

Bringing those guilty of human rights violations and crimes against humanity to justice slowly seems to win support to the prejudice of impunity. The EU emphasises the need for a rapid establishment of the International Criminal Court to increase the respect for international humanitarian law and human rights. By removing impunity for those who have committed or encouraged atrocities the Court will contribute to asserting peace.

Mr. Chairman,

All human beings are born free and equal – but all men, women and children are certainly not given the opportunity to enjoy their rights.

The human rights are indivisible and must include social and economic rights as well. They are not mere ambitions, but an approach geared at protecting and promoting the welfare also of the weakest in our societies. I am convinced that economic growth and eradication of poverty are encouraged by the rule of law and free discussion, and that civil and political rights are enhanced when economic and social rights are protected. Democracy, freedom of speech and the protection of free media are therefore of utmost importance both for development and a just society. And development cooperation and free trade are important instruments also in the promotion of human rights.

A life in dignity must include both rights and the opportunity to enjoy them. In the words of Nelson Mandela: *"no one should ever have to choose between bread and ballots"*.

This year the international community faces a real challenge to its ability to deal with common tragedies in history and at present. We all know that the preparations for The World Conference against Racism are difficult. There are wounds to heal, traumas to overcome, shame to handle. Still we must make it a success, by being forward-looking and action-oriented to give a clear signal that racism and discrimination have no place in our societies.

This session of the Commission on Human Rights has just started. Fully aware of the important tasks ahead, I wish this Commission to be an opportunity for discussions based on lessons learnt and common aims. To have confrontation replaced by cooperation, involvement instead of resistance and implementation rather than just nice words. At the end of the day it is a question of our political will.

Thank you, Mr Chairman.

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**COUNTRY STATEMENT BY AMBASSADOR JOHAN MOLANDER,  
HEAD OF THE DELEGATION OF SWEDEN, ON THE BEHALF OF THE EUROPEAN  
UNION, AT THE 57<sup>TH</sup> SESSION OF THE COMMISSION ON HUMAN RIGHTS  
(GENEVA, 29 MARCH 2001)**

**AGENDA ITEM 9 :QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD**

On behalf of the European Union, I have the honour to speak on agenda item 9 concerning the question of the violation of human rights and fundamental freedoms in any part of the world. The Central and Eastern European Countries associated with the Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia – and the associated countries Cyprus and Malta have expressed a wish to align themselves with this statement.

This Commission on Human Rights is the most relevant and competent global forum in which to raise and treat concerns about specific human rights situations. We do so in a spirit of cooperation and understanding, but when individuals fall victim to intolerance, exploitation, persecution or sheer brutality, silence must not be our response. We all have a duty to speak out. If not, the lofty norms we have all agreed upon will remain dead letters.

But our duty is not only to explain our position on specific situations. We also pledge to engage and assist those who try to improve respect for human rights anywhere.

We urge all Governments to cooperate with the UN human rights rapporteurs and representatives with mandates to address specific situations. We therefore call on all Governments to allow visits to their countries by the relevant UN human rights mechanisms. We believe that such cooperation will contribute to the full achievement of our common goal: the elimination of all human rights violations in all parts of the world.

The members of the European Union are, for their part, ready to cooperate with the human rights mechanisms and prepared to receive them.

The European Union is committed to the respect and promotion of human rights and fundamental freedoms. The Amsterdam Treaty makes human rights a core element in its Common Foreign and Security Policy. This policy is pursued through cooperation and dialogue in bilateral contacts with third countries and within the United Nations and other multilateral fora. The EU publishes a report about its activities in the Human Rights field annually.

A strongly held policy view of the European Union is that abolition of the death penalty enhances human dignity and contributes to the progressive development of human rights. Over the years, more and more countries have chosen to abolish, in law or in practice, this cruel, inhuman and degrading punishment. It has often required bold and courageous decisions by the countries' political leaders. The EU calls on those States which still retain the death penalty to restrict its use, apply it only in strict conformity with international standards and to move towards its abolition.

The EU seeks support for initiatives on the situation of human rights in the Democratic Republic of Congo, Iran, Iraq, Burma/Myanmar, Sudan, the Republic of Chechnya of the Russian Federation, East Timor and Colombia. I would like to address these situations on the occasion of the introduction of the respective initiatives. The human rights situation in the occupied Arab territories has been addressed under agenda item 8.

I will therefore now address more closely the situation of human rights in a number of countries and regions of concern.

1. The EU warmly welcomes the changes following the elections last year in the **Federal Republic of Yugoslavia** (FRY) as well as the FRY memberships of the UN, the OSCE, the Stability Pact of South Eastern Europe, the IMF and the EBRD. We also welcome the decision of the Council of Europe to intensify cooperation with the FRY. The EU strongly supports the commitment of the new democratic authorities to engage in a comprehensive reform agenda and the repeal of any laws that hinder the full and free exercise of human rights and fundamental freedoms.

We underline the need for the FRY, like the other countries in the region, to meet the criteria of the European Union "regional approach" agreed by the Council in 1997, building on commitments made by all participants at the Zagreb Summit, as regards the respect for democratic principles, human rights and the rule of law, full cooperation with the ICTY, respect for and protection of minorities, market economy reforms, regional cooperation, and compliance with obligations under Dayton/Paris and UNSCR 1244. In this context, we expect all remaining Kosovo Albanian political prisoners in Serbian prisons to be released without delay.

To alleviate the suffering of refugees and internally displaced persons, the FRY should further cooperate with the UNHCR, the United Nations High Commissioner for Human Rights and other organisations, to protect these persons and to assist their voluntary return to their homes in safety and with dignity. The EU shall continue to strengthen its good relations with the FRY, including substantial humanitarian and reconstruction assistance and the perspective of a Stabilisation and Association agreement.

We recall that the 22 January General Affairs Council urged the authorities in Belgrade as well as in Podgorica to embark on an open and democratic process, within an overall federal framework, to decide on a new constitutional arrangement for the relations between the components of the Federation acceptable to all the parties. We underline the need to avoid any unilateral action which could jeopardise this negotiating process and to ensure the democratic legitimacy of its outcome. The EU urges Montenegro to fully respect democratic norms in connection with the parliamentary elections on 22 April.

The EU continues to attach the highest importance to the implementation of UN Security Council Resolution 1244 on Kosovo and reiterates its full support for the actions taken by UNMIK and KFOR. The EU calls upon all parties to fully cooperate with them in this objective. We welcome the peaceful and democratic local elections held in October last year. The entire population of Kosovo has been severely affected by the conflict and its aftermath. The EU is concerned by the pursuit of acts of violence against ethnic minorities in Kosovo, in particular Kosovo Serbs. The EU reaffirms its commitment to a democratic and multi-ethnic Kosovo. The EU therefore urges the people of Kosovo and their leaders to comply fully with the efforts to end all acts of ethnic and political violence in order to develop the groundwork for a democratic society where the whole population can benefit from their full and equal rights, without discrimination. The European Union will continue to encourage dialogue between the FRY and the Kosovo-Albanian leaders in Kosovo to furnish information concerning the fate of missing Serbs in Kosovo. In this context, the EU would like to express its support for the work of the High Commissioner's Special Envoy on Persons Deprived of Liberty in Connection with the Kosovo crisis, Ambassador Henrik Amnéus.

The EU remains concerned at the level of tension and violence in south-east Serbia. The EU strongly condemns violent actions by ethnic Albanian armed groups and urges all parties to work constructively towards a peaceful solution of the conflict, respecting the territorial integrity and sovereignty of the FRY as well as the rights of the local Albanian population in South Serbia. The EU welcomes the FRY plan for a peaceful solution of the conflict and encourages FRY authorities to continue to show restraint in the further handling of the crisis. The EU is ready to contribute substantially to the work for a peaceful solution.

The EU welcomes the signature of the cease-fire by FRY/Serb and ethnic-Albanian representatives, which constitutes an important step towards a political solution. It stresses the need for the parties to implement the agreements strictly and calls on them to begin direct negotiations as soon as possible and to carry out further necessary confidence building measures to defuse tensions in the area.

The EU is concerned about the current crisis in the Former Yugoslav Republic of Macedonia and urges the Government to continue to respond with restraint. It also calls upon the leaders of the ethnic Albanian community to renounce violence and continue to commit to the democratic process. The EU believes that consolidation of a true multi-ethnic society is indispensable. The EU stands ready to assist in this process.

2. The EU, while welcoming progress in **Albania** concerning the establishment of democratic institutions and the rule of law, invites the government of Albania to step up its efforts aimed at the effective protection of human rights, including the rights of persons belonging to national minorities, through the adoption and implementation of all appropriate measures.

3. The EU welcomes the efforts from all parties which have led to an improved situation in **Bosnia and Herzegovina**. In this context, the EU welcomes the formation of a new state government, but at the same time it should be stressed that there are still at least three challenges remaining: return to minority areas of refugees, economic reform and better functioning of public institutions. The EU reiterates its calls upon all parties to implement their commitments under the Dayton Agreement, the conclusions of the Peace Implementation Council Ministerial Meeting of 24 May 2000, the EU "road map", as well as the commitments mentioned in the Zagreb Declaration, and to create appropriate conditions for the unrestricted and safe return of displaced persons, particularly those belonging to minorities. The EU urges the authorities in the Republika Srpska part of Bosnia and Herzegovina to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY).

4. The EU welcomes significant developments achieved in **Croatia** and the progress towards the full establishment of democracy and the rule of law in the country. The EU is concerned that the pace of implementation remains slow with regard to return of refugees and displaced persons, respect for the rights of persons belonging to minorities and reform of the judicial system, especially at the local level. The EU welcomes the progress which is being made across the region in bringing individuals to account for abuses of power and criminal offences which were committed under the cover of previous undemocratic regimes, and encourages the Croatian authorities to continue their efforts towards full cooperation with the ICTY.

5. The EU strongly supports the UN Secretary-General's efforts to find a comprehensive, just and lasting solution to the **Cyprus** problem, consistent with the UN Security Council Resolutions, and urges the parties to resume the proximity talks. The EU continues to follow the situation in Cyprus closely and reaffirms that the status quo there remains unacceptable. The EU calls for the restoration and full respect for human rights and fundamental freedoms on the whole island. In the same context, we express our wish that the Committee of Missing Persons will very soon be able to duly proceed with its work. The EU supports UNFICYP's continued efforts to implement its humanitarian mandate, calling upon all concerned to allow it to do so without hindrance.

6. The EU welcomes **Turkey's** intentions to proceed to substantial reforms towards fulfilling the criteria for accession to the EU, with particular reference to the issue of human rights. We welcome the government's intentions to implement democratic, social, legislative and administrative reforms, as well as initiatives adopted to improve human rights conditions, in particular the fight against torture, the lifting of restrictions on freedom of expression and assembly, as well as the strengthening of the rights of persons belonging to minorities. The EU stresses the importance of making progress on these issues, given our continuing concern about Turkey's human rights record. The present situation in Turkish prisons underscores the need for a comprehensive prison reform in conformity with the full respect for human rights. In that respect, the invitation to the European Parliament to pay a visit to Turkish prisons is highly appreciated, as well as the decision by the Turkish government on 16 March to request the publication of preliminary observations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which visited Turkey in December 2000 and January 2001. The EU notes with satisfaction the signing by Turkey of the International Covenants on civil and political as well as on economic, social and cultural rights, and looks forward to the early ratification of these Covenants. The EU welcomes the visit by Asma Jahangir, Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions at the end of February.

7. The lack of respect for civil and political rights in **Belarus** gives rise to concern. The EU is particularly concerned about reports of arbitrary arrests and detentions, violations of the rights of labour unions, ill-treatment and disappearances, as well as restrictions on access to the media and on freedom of expression, association and peaceful assembly. The EU again calls upon the government not to interfere in the judicial proceedings, and to urgently undertake legislative reforms aimed at strengthening civil and political rights. The EU expects that the presidential elections, scheduled for 2001, be conducted in a free and fair manner.

8. The EU is concerned about the continuing problematic environment for the media in **Ukraine** and stresses the need to ensure a safe, secure and harassment-free environment for journalists to work in. The EU has requested a full and transparent investigation of the case of the murdered opposition journalist Gongadze. The EU also emphasises the importance of strengthening political freedoms in Ukraine, including freedom of demonstration.

9. The EU wishes to express its concern about the situation in **Turkmenistan**, in particular the harassment, arrest, detention and treatment of members of different religious groups and of political opponents. Restrictions on the freedom of expression and of association constitute another area of concern. The EU welcomes the release of Mr. Tanrikuliev and Mr. Nurmanmedov. We also welcome the prospect of a revision of the legislation regarding registration requirements of religious communities.

10. The EU urges the Government of **Uzbekistan** to respect freedom of opinion and expression, freedom of assembly and association as well as freedom of religion. The EU is concerned about trials, which fall short of internationally recognized norms. The EU welcomes the decision by the Government of Uzbekistan to allow the ICRC access to prisons and places of detention, and it urges the Government to treat all detainees in accordance with international minimum safeguards.

11. The EU regrets that the latest presidential elections in **Kyrgyzstan** were surrounded by irregularities, and did not meet international standards as regards free and democratic elections. The EU furthermore regretted the intimidation of opposition candidates – e.g. Mr. Kulov – before, during and after the elections. This represents a step back in Kyrgyzstan's democratisation process and in the creation of a state based on the rule of law. As Kyrgyzstan's policy in the field of human rights and democratisation has been developing in a positive way for several years, the EU expresses the hope that the country will soon get back on this track.

12. In **Syria**, the use of arbitrary detention, deficiencies in arrest and detention procedures, prison conditions and lack of freedom of expression, assembly and association, continue to give rise to concern. The EU has taken note of the measures taken to create a more open and tolerant political climate in Syria and hopes that the recent set-back in this respect is only temporary. The EU is prepared to support all efforts aiming at greater political freedom and an improved human rights situation in Syria. The EU also welcomes the decision to release 600 political prisoners last year but remains concerned over the large number still in detention.

13. The EU welcomes **Saudi Arabia**'s ratification of the Convention on the Elimination of all Forms of Discrimination against Women and its cooperation with UN human rights mechanisms, and urges Saudi Arabia to accede to other international human rights conventions. However, the EU continues to be deeply concerned about reports of torture and other inhuman treatment and punishment, the increasing use of the death penalty and amputations, discriminatory laws and prohibitions of, or restrictions on, fundamental freedoms, including freedom of expression, assembly, association and religion. The lack of transparency in the legal system, including the judiciary, violations of the right to a fair trial, restricted access to detainees and difficulties in providing legal assistance are also areas for deep concern. In this context the EU is looking forward to an early visit by the Special Rapporteur on the independence of judges and lawyers. The EU encourages the government to follow up on its ratification of the Convention on the Elimination of all Forms of Discrimination against Women by implementing measures aimed at stopping existing discrimination against women, and urges Saudi Arabia to withdraw its reservations to CEDAW.



14. The human rights situation in **Algeria** continues to be a matter of serious concern. The EU urges the Government of Algeria to take concrete measures to combat extrajudicial executions, disappearances, torture and arbitrary detention, and to bring those responsible to justice. The EU reaffirms its commitment to a comprehensive dialogue with the Algerian authorities and supports and encourages the Government of Algeria to continue the economic and social reform process. We also welcome and encourage the stated readiness of the government to further its dialogue with human rights NGOs. The EU urges the government to respond positively to the requests to visit by the UN Special Rapporteur on Torture and the UN Special Rapporteur on Extrajudicial Executions. The EU will closely follow the activity of the newly created National Commission for the Promotion and Protection of Human Rights.

15. The EU welcomes the comprehensive peace agreement signed on 12 December 2000 between **Eritrea and Ethiopia** and the cessation of hostilities. We urge both parties to the conflict to refrain from further violence, to work constructively towards the full implementation of the peace agreement, and to fulfil all their obligations under international human rights law.

16. The recent progress in the peace process in **Somalia** is encouraging, and the EU urges the transitional government to establish a constructive dialogue with all parties in the peace process for the purpose of re-establishing national unity and peace. The EU calls on states in the region to support the efforts of the transitional government. The EU remains concerned, however, about the situation, particularly in the south, which is characterised by a widespread lack of legal authority and the absence of rule of law, as well as by persisting acts of violence against humanitarian relief workers. The violations of human rights of women and girls, including the practice of female genital mutilation, continue to be of deep concern.

17. The EU notes with concern a pattern of incidents which point to an increased number of violations of human rights in **Kenya**, especially violence exercised by the police at political and public meetings, as well as arrests of individual members of the press. The EU calls upon the Government of Kenya to conduct impartial investigations into reported cases of torture leading to death in police custody and prisons, and to bring the perpetrators to justice. The EU notes that the President of Kenya has publicly denounced methods of political violence. There is a need for clear instructions by the Government to the police to carry out their responsibility of upholding the freedoms of assembly, association and expression for all citizens, without discrimination. The EU calls on all political leaders in Kenya to respect international and national law and abstain from any use of violence.

18. The EU believes that the promotion and protection of human rights constitute an essential part in the efforts to achieve stability and peace in the **Great Lakes Region**. The EU urges all parties to the Lusaka and Arusha Agreements to continue the process of negotiations, and all sides to refrain from the use of violence.

19. The EU acknowledges the progress in the human rights situation in **Uganda** in recent years, and welcomes the improvements concerning freedom of speech and the media. However, the EU is still concerned about serious human rights violations. The EU condemns the arbitrary killings, torture, abductions and rape of civilians, as well as the recruitment and use of child soldiers, whether by the Government or by rebel armies, and calls on the government to conduct impartial investigations into allegations of torture and killings. The EU welcomes the Amnesty Act adopted in January 2000 and the work by the Amnesty Commission to implement this law in Northern Uganda, and hopes that sufficient resources will be provided by the Ugandan Government to speed up the work. The EU is deeply preoccupied by the alarming situation of human rights in the regions of the Democratic Republic of the Congo and stresses that occupying forces should be held responsible for human rights violations in territory under their control.

20. In **Rwanda**, progress has been made to speed up procedures in the massive caseload from the genocide. Conditions in prisons and detention centres remain extremely harsh and the EU is concerned at reports of ill-treatment and torture of detainees in local detention centres and in military custody. The EU calls on the government to prevent the recruitment and use of child soldiers and reiterates its call for a moratorium on executions. We encourage the Government to pursue the transition to democracy and hope that free and fair elections at all levels will be held by the end of 2003. The EU is deeply preoccupied by the alarming situation of human rights in the regions of the Democratic Republic of the Congo and stresses that occupying forces should be held responsible for human rights violations in territory under their control.

21. The signature of the Peace Agreement and the subsequent ratification by the Parliament constitute an essential step towards reconciliation and normalisation of the situation in **Burundi**. We remain concerned, however, about the ongoing violence and we call on all armed groups to immediately cease hostilities and to participate in a constructive way in the peace process in order to reach a sustainable peace. Violations of human rights and impunity are contributing to a climate of violence and insecurity. The EU condemns the use of torture, extrajudicial executions, enforced disappearances and arbitrary detentions by the Burundian army and the security forces as an unacceptable response to the violence from the armed groups, and calls on the government to take effective measures to prevent them.

22. The EU is deeply concerned about the tragic events in **Tanzania** in January. We deplore the loss of life in Zanzibar and condemn the killings, assaults and mass arrests and other human rights violations carried out by the security forces against civilians exercising their constitutional right to peaceful assembly. The EU calls on all parties to continue and extend the dialogue with the aim of reaching acceptable solutions. The EU stands ready to assist in promoting a dialogue between the Government of Tanzania, the Government of Zanzibar and the opposition.

23. The EU is much troubled about the deteriorating economic and political situation in **Zimbabwe**. The lack of respect for the rule of law and the attempts to restrict the freedom of expression, including recent attacks on the media as well as on the judiciary, are deeply alarming. The EU denounces the political violence, including the violence which has characterised the last three elections, and renews its call for impartial investigations into all serious human rights violations and that those responsible be held accountable.

24. The EU notes with deep regret the persistence of internal conflict in **Angola** and recalls UN Security Council sanctions aimed at bringing UNITA to accept the peace accords and to cease its war activities. Scores of people have died in indiscriminate shelling and indiscriminate mine-laying by UNITA, and the number of refugees and displaced persons continues to rise. In this respect, the Government is encouraged to ensure that humanitarian assistance be safely conveyed to the displaced persons in the areas it controls. The EU is seriously concerned about the human rights violations against internally displaced persons, the extrajudicial and arbitrary killings of civilians and the forced recruitment of children in the context of the armed conflict. The EU calls on both parties, and UNITA in particular, to bring an end to human rights abuses and breaches of humanitarian law. Although recognising the existence of greater tolerance for discussion about human rights and fundamental freedoms in areas under government control, the EU remains concerned about the harassment of journalists and urges the Government to fully respect the freedom of expression.

25. The EU has expressed great concern at the succession of events in **Mozambique** in November 2000, which resulted in more than 120 deaths during and after public demonstrations and in prison, as well as at the murder of a reputed investigative journalist. The EU continues to call upon the Government of Mozambique to establish the responsibilities, and bring the perpetrators to justice.

26. The EU notes with concern that, although a multi-party system was introduced in 1991, in practice a single-party regime still prevails in **Equatorial Guinea**. The EU calls on the Government to re-establish the dialogue started under the National Pact with all the political parties without exclusion, and to ensure the independence and efficacy of the National Electoral Committee. The EU remains concerned about continuing allegations of torture, poor prison conditions, arbitrary detentions and an inadequate judicial system, and calls upon the Government of Equatorial Guinea to give its full support to the Special Representative of the Commission on Human Rights and to fulfil its recommendations. The EU calls on the government to speed up the implementation of the reform programmes adopted in the National Plan of Governance which led to the release of a number of political prisoners in January 2001.

27. While some improvements are recorded in **Chad**, there are continued reports about extrajudicial killings, mainly generated by the military confrontation between the army and the (MDJT) rebels in the north, as well as torture, arbitrary arrests and detentions. There is concern about inadequacies of the judicial system, and restrictions on freedom of speech and press, association and assembly. The EU urges the Government of Chad to take further steps to effectively end human rights violations in the country and ensure the effective establishment of the rule of law.

28. The EU welcomes the process towards democratisation in **Nigeria**, and in this context steps taken to investigate human rights abuses during the period of military rule. The EU is concerned, however, at the sentences of severe corporal punishment passed down under the Sharia penal code introduced by certain states in northern Nigeria.

29. The human rights situation in **Togo** is still a matter of concern. The EU welcomes the work of the joint UN-OAU Commission of Inquiry to investigate the allegations of serious human rights violations in connection with the elections in 1998. The EU is seriously concerned about the findings of the report which, *inter alia*, confirms the allegations of extrajudicial killings and disappearances. The EU calls for full transparency from the Togolese authorities in the implementation of the recommendations made by the Commission, as well as guarantees that the witnesses who cooperated with the Commission be protected. The EU urges the government to fully respect human rights and democratic principles, and encourages the parties of the inter-Togolese dialogue to implement the Lomé Framework Agreement of 29 July 1999, in particular to fulfil the commitment of organising free and fair legislative elections, scheduled for October 2001.

30. The importance of respecting human rights was underlined by the EU during the consultations with **Côte d'Ivoire**, in accordance with Article 96 of the Cotonou Agreement on 15 February 2001. In Côte d'Ivoire a number of serious events took place at the end of last year, particularly during the elections, such as the brutal repression by the armed forces and aggressive acts towards non-Ivorian citizens and the ill-treatment of journalists. The EU calls on the authorities in Côte d'Ivoire to bring the perpetrators of human rights violations to justice and to actively promote a spirit of national reconciliation. The EU encourages all parties concerned to seek a political solution to the current crisis, so that democracy can be fully restored in an atmosphere of calm.

31. The EU welcomes the ceasefire agreement signed in Abuja in November between the Government of **Sierra Leone** and the Revolutionary United Front (RUF) and commends the role of the ECOWAS. The EU welcomes the measures adopted by the Security Council to impose sanctions on Liberia in an effort to end Liberia's military and financial support for rebel groups in Sierra Leone and the region. The security situation in Sierra Leone remains fragile. Disarmament, demobilisation and reintegration are key elements in resolving the conflict in Sierra Leone. The EU welcomes the decision by the Security Council to establish a Special Court for Sierra Leone and emphasises that individual perpetrators of grave human rights violations must be held accountable and be brought to justice. The EU is deeply concerned by the deteriorating humanitarian situation in the border area between Sierra Leone, Guinea and Liberia, as a result of attacks by unidentified groups in Guinée-Forestière. These attacks have caused much loss of life and forced local people and refugees to flee the area. The European Union welcomes ECOWAS' initiative aimed at improving the security situation and to guarantee the access of humanitarian organisations to the area.

32. In **Afghanistan**, especially in areas controlled by the Taliban, civilians continue to be victims of widespread and massive human rights violations. The absence of a functioning and independent justice system paves the way for the arbitrary application of religious laws. Torture, summary justice and public executions are reported to be frequent. Women and girls are systematically discriminated against and deprived of their right to equality with men, including in access to education, employment and health care. There have been reports of young teenagers being forcibly recruited as fighters or porters for fighters, both in Taliban and United Front-held areas. The EU is also deeply concerned about reports of repeated massacres of civilians, including recently in the Yakaolang area, and urges the warring parties to cooperate with UN representatives to enable investigation. The EU calls upon all parties in Afghanistan to seek an end to civil war, and to engage with Special Representative Vendrell in a search for peace.

33. The EU welcomes the positive steps taken by both sides towards a reduction of tension and violence in **Jammu and Kashmir** and along the line of control. It encourages India and Pakistan to return to dialogue to achieve a peaceful solution, in the spirit of the Lahore Declaration, and to seize the opportunity provided by the Indian cease-fire and Pakistani policy of maximum restraint at the Line of Control. The EU urges all parties to take all appropriate measures to stop human rights violations and acts of terrorism and again stresses the need for improvement of access to Kashmir for international and non-governmental organisations as well as for the Special Rapporteur on Torture.

34. The EU is concerned about continuing reports of religious intolerance on the subcontinent, including cases of murder, assault and destruction of places of worship. The EU urges **India** to step up its efforts to implement its earlier commitments to protect the rights of religious minorities. The EU also urges **Pakistan** to protect the rights of religious minorities, including Ahmadias and Christians, to abolish the blasphemy laws and to take appropriate steps to prevent communal and sectarian violence.

35. The EU takes note of the declared intention of the Pakistani authorities to improve the situation as regards democracy, rule of law and human rights in **Pakistan**. It calls for a speedy restoration of elected civilian rule in accordance with the Supreme Court verdict. The EU is seriously concerned about attempts to manipulate the judiciary, and about allegations of the use of torture, lack of fair trials and arbitrary detention. The EU takes note of the allotment of 30% of seats in local assemblies for women in the ongoing local elections, and hopes that a greater representation of women in the political sphere will contribute to improving the human rights situation of women in Pakistan. The EU calls upon the government to take effective measures to stop the deplorable practice of "honour killings" of women and girls.

36. In **Sri Lanka**, the EU welcomes the establishment of a permanent high-level Inter-Ministerial Standing Committee to coordinate responses to UN mechanisms on human rights. It hopes that the Committee will consider, as a matter of urgency, ways of preventing the incidence of abuses such as arbitrary detentions, disappearances, torture, extrajudicial killings and ways of strengthening the capacity of the Human Rights Commission. The EU remains deeply concerned about the continuing armed conflict in Sri Lanka, and urges the Government of Sri Lanka and the LTTE to begin negotiations with a view to securing a peaceful resolution to the conflict. The EU is concerned about the human rights violations accruing from the Emergency Regulations/Prevention of Terrorism Act, including the constraints and restrictions imposed on the independent media, which are also exposed to various forms of intimidation. The EU renews its condemnation of terrorist attacks by the LTTE. We also call upon the LTTE to cease using child soldiers. The EU remains concerned about the plan to bring back the death penalty and calls upon the Sri Lanka government to abolish the death penalty in all circumstances.

37. The EU continues to follow closely the developments in the field of human rights in **China**. The EU notes some important measures taken in the last few years, such as the signing of the two International Covenants, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, and China's decision this year to ratify the latter. The EU hopes that the Chinese Government will soon bring its legislation into line with the provisions of the Covenant. The signing last year of a Memorandum of Understanding with the Office of the High Commissioner for Human Rights and the ongoing reform of the judicial and legal system are other positive developments. While welcoming these steps, the Union remains of the view that they fall far short of addressing the widespread human rights violations in the country. The EU is deeply concerned at continuing harsh treatment, including excessive sentences and harassment, of democracy activists, religious practitioners and Falun Gong followers, at restrictions on the freedom of expression, assembly, association and religion, at intensified repression and political campaigning in Tibet and Xinjiang, the use of the death penalty and torture, excessive use of administrative detention and violations of the rights of women and children in China.

The European Union attaches great importance to the EU-China human rights dialogue. The Union appreciates the willingness of the Chinese authorities to engage in human rights dialogues with various countries, including EU Member States. Such a dialogue is justified if simultaneously there is a positive development in terms of respect for human rights on the ground. The EU continues to strive for a more efficient and result-oriented dialogue. The EU urges China to restrict the use of the death penalty and to take steps towards its abolition. The EU calls upon China to ratify and implement the International Covenant on Civil and Political Rights and to cooperate with the CHR Special Rapporteurs and Working Groups. The EU also urges China not to impose restrictions upon fundamental freedoms which are contrary to internationally recognised standards.

38. The human rights situation in the **Democratic People's Republic of Korea** (DPRK) remains in many ways closed to outside observation. The EU is, however, deeply concerned about the denial of human rights and fundamental freedoms, and underlines its concern regarding the situation of political prisoners, the absence of the rule of law and the grave humanitarian situation in general.

The EU welcomes the DPRK's submission of a report under the UN Convention on Civil and Political Rights, and hopes that the DPRK will be able to engage in a useful and constructive dialogue with the UN Human Rights Committee based on the government's report. The EU strongly encourages the DPRK to continue its dialogue with relevant human rights treaty bodies and to accede to other relevant international human rights conventions. The EU has raised the possibility of a dialogue with the DPRK concerning the human rights situation in the country.

39. The EU welcomes the recent signing by the Government of **Laos** of the two UN Human Rights Covenants. It strongly encourages the government to ratify and implement them rapidly. The EU wishes to emphasise the need to strengthen respect for civil and political rights in Laos, including freedom of expression, assembly, association and religion. It is concerned at the prolonged detention, and in some cases convictions with long sentences, of several persons for their non-violent exercise of human rights.

40. The European Union welcomes steps taken by the Government of **Cambodia** that have led to progress in the legislative process aimed at setting up the Khmer Rouge Tribunal. In this connection, the EU notes the adoption of a law by the Cambodian Parliament. It also notes the subsequent decision of the Constitutional Council. The EU urges the Cambodian authorities to continue their cooperation with the United Nations and to take further steps in order to bring about the prosecution of those individuals responsible for the most serious crimes committed under the Khmer Rouge regime and to ensure the earliest possible establishment of the Tribunal, meeting international standards of justice, fairness and due process of law.

The EU calls upon the authorities of Cambodia to continue their efforts to combat the impunity and to build a society based on the rule of law and respect for human rights.

41. The EU welcomes signs of improvement during the past year of the human rights climate in **Malaysia**. These include the appointment of members to the national commission on human rights, which has since been operational. The committee and its work has, during this initial period, received a broad approval in Malaysia. However, continued efforts are needed in order to restore the independence and impartiality of the country's justice system. The EU is also concerned about the persisting excessive use of force by the Malaysian police.

42. The EU welcomes that freedom of expression and association is respected today in **Indonesia**. While also welcoming improvements of the legal and institutional framework, the EU remains concerned about the continued slow implementation of reforms in these fields. Disappearances, arbitrary detentions, extrajudicial executions and torture continue to occur, particularly in Aceh and in Irian Jaya. The EU is particularly concerned about the imprisonment of individuals who strive for autonomy in a peaceful manner, and calls for their immediate release. While supporting the territorial integrity of the country, the EU encourages the government of Indonesia to follow the path of dialogue to deal with the autonomy aspirations of its people, and to avoid military-imposed solutions. Furthermore, the EU calls on Indonesia to speed up reform of the justice system, including by establishing, in the short term, the human rights tribunals that will try the suspects of human rights violations. The EU emphasises that investigations should be conducted in an effective and transparent way. The EU urges the government to ensure that members of the Indonesian military and police forces operate within the law, and that those who do not are brought to justice. The EU is also deeply concerned about continuing outbursts of violence in different parts of the country and about various expressions of ethnic and religious intolerance, e.g. in the Moluccas. Regarding the latter region, the concern includes cases of forced conversion and circumcision. The EU encourages the Government to continue its efforts to restore security and prevent further violence. In doing so, full attention should be given to the causes that fuel violence and intolerance.

43. Whilst recognising the negative effects on the socio-economic conditions of the **Cuban** people caused by measures of a unilateral character and with extraterritorial effect, the EU deplors the continuous suppression of civil and political rights and fundamental freedoms in Cuba and reiterates its call upon the Cuban authorities to take vigorous steps with a view to guaranteeing freedom of expression, opinion, association and assembly for the Cuban people. We strongly believe that an open and meaningful dialogue on all human rights issues, and cooperation with the UN human rights mechanisms, is in the best interest of the entire Cuban society.



44. The political development in **Haiti** is sincerely disturbing. The failure last year to hold free and fair elections in Haiti, despite efforts made by the OAS, poses a threat to democratic pluralism in the country. The record of political violence is unacceptable. The EU stresses the need to respect human rights, and calls upon all sides to enter into a constructive and sincere dialogue with the aim of establishing democracy and due process of law in Haiti.

45. The EU welcomes the commitments and the efforts made by the Government of **Mexico** to strengthen the protection of human rights, including the rights of persons belonging to indigenous peoples.

46. The EU observes with great worry numerous violations of human rights in **Guatemala**, including increasing incidents of threats and harassment directed against human rights defenders. The need to press forward with major reforms, mainly in the military, police and judicial realm, to improve the human rights situation, cannot be stressed enough. In particular, the problem of impunity needs to be addressed urgently. Furthermore, the wilful murder of Bishop Gerardi in 1998, as well as numerous other emblematic cases of human rights violations, remain to be clarified. The EU continues to encourage the Government and the Congress of Guatemala to implement the peace accords and the recommendations made by the Commission for Historical Clarification.

47. The EU welcomes steps taken by the transitional Government in **Peru** to re-establish the rule of law in the country, and stresses the importance of further actions addressing the problem of impunity and to ensure the independence of the judiciary as well as the full exercise of the right of freedom of expression. The EU welcomes the move by the transitional government to recognise the competence of the Inter-American Court of Human Rights and its signing of the Charter of the International Criminal Court. The EU follows with great attention the preparations for the general elections in Peru and will support the electoral process by sending an EU observation mission.

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## GUIDELINES ON THE DEATH PENALTY

### I. INTRODUCTION

- (i) The United Nations, inter alia in the ICCPR, the CRC and in the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, has established strict conditions only under which the death penalty may be used. The Second Optional Protocol to the ICCPR provides for states to commit themselves to permanent abolition of the death penalty. The European Union has now moved beyond this and now espouses abolition for itself and others.
- (ii) At its 53rd session, and at its 54th session in a resolution sponsored by all EU countries, the UN Commission on Human Rights called on countries which maintained the death penalty:
  - progressively to restrict the number of offences for which it may be imposed;
  - to establish a moratorium on executions with a view to completely abolishing the death penalty.
- (iii) At the October 1997 Council of Europe Summit, Heads of Government, including all EU Member States, called for universal abolition of the death penalty. Moreover, new Member States of the Council of Europe have committed themselves to moratoria and to ratify the 6th Protocol of the ECHR committing them to permanent abolition.
- (iv) The 1997 Amsterdam Treaty of the European Union noted that since the signature of the 6th Protocol to the European Convention on Human Rights, the death penalty had been abolished in a majority of EU Member States, and had not been used in any of them.
- (v) In the OSCE, participating States are committed under the Copenhagen document to exchange information on the abolition of the death penalty and to make this available to the public. The EU fulfils this by regular statements within the OSCE's Human Dimension framework.
- (vi) The statutes of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, both of which the EU supported, contain no provision for the death penalty, notwithstanding the fact that they were set up to deal with mass violations of humanitarian law including genocide.

## **II. OPERATIONAL PAPER**

The EU considers that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

The objectives of the European Union are:

- to work towards universal abolition of the death penalty as a strongly held policy view agreed by all EU Member States;
- where the death penalty still exists, to call for its use to be progressively restricted and to insist that it be carried out according to minimum standards as set out in the attached paper.

The EU will make these objectives known as an integral part of its human rights policy.

The European Union will intensify its initiatives, including declarations or demarches on the death penalty, in international fora and towards other countries, in the light of the attached Minimum Standards Paper.

The European Union will consider, case by case, and on the basis of the criteria, whether to make demarches to other countries over the use of the death penalty.

The main elements of the EU approach will be as follows:

### **GENERAL DEMARCHES**

Where relevant, the European Union will raise the issue of the death penalty in its dialogue with third countries. Elements in these contacts will include:

- The EU's call for universal abolition of the death penalty, or at least for a moratorium.
- Where its use is maintained, the EU will emphasise that states should only use the death penalty in line with the minimum standards as set out in the attached paper, and they should maintain maximum transparency over its use.

The precise nature of such approaches will take into consideration, inter alia:

- Whether the country has a properly functioning and open judicial system;
- Whether the country has made international undertakings not to use the death penalty, e.g. in connection with regional organisations and instruments;
- Whether the legal system of the country, and its use of the death penalty, is closed to public and international scrutiny, and whether there are indications that the death penalty is widely used in contravention of minimum standards.

Particular consideration will be given to making EU demarches on the use of the death penalty at times at which a country's policy on the death penalty is in flux, e.g. where an official or de facto moratorium on the death penalty is to be ended, or where the death penalty is to be reintroduced through legislation.

Particular consideration will be given to reports and findings by relevant international human rights mechanisms.

A demarche or public statement may be made where countries take steps towards abolition of the death penalty.

## **INDIVIDUAL CASES**

In addition, where the European Union becomes aware of individual death penalty cases which violate minimum standards, the EU will consider making specific demarches.

Speed will often be essential in these cases. Member States proposing such demarches should therefore provide as much background as possible drawing on all available sources. This should include brief details of the alleged crime, criminal proceedings, the precise nature of the violation of the minimum standards, the status of any appeal and, if known, the expected date of execution.

Where there is sufficient time consideration should be given to seeking, from Heads of Mission, detailed information and advice on the case prior to demarches being made.

## **HUMAN RIGHTS REPORTING**

EU Heads of Mission should, as a matter of course, include an analysis of the use of the death penalty in their human rights reports as well as including periodic evaluation of the effect and impact of EU approaches.

## **POSSIBLE RESULTS OF EU INTERVENTIONS: OTHER INITIATIVES**

The EU's objective, where possible, is to persuade third countries to abolish the death penalty. To this end, the EU will encourage countries to consider acceding to the Second Optional Protocol to the ICCPR and comparable regional instruments. Additionally, where this is not possible, the EU will nevertheless maintain abolition as an objective, and will:

- Encourage states to ratify and comply with international human rights instruments, especially those relating to the use of the death penalty, including the ICCPR;
- Raise the issue in multilateral fora and work towards moratoria on the use of the death penalty and, in due course, abolition;
- Encourage relevant international organisations to take appropriate steps to encourage states to ratify and comply with international standards relating to the death penalty;
- Encourage and offer bilateral and multilateral cooperation, inter alia in collaboration with civil society, including in the legal field with the aim of establishing a fair and impartial judicial process for criminal cases.

### **III. MINIMUM STANDARDS PAPER**

Where states insist on maintaining the death penalty, the EU considers it important that the following minimum standards should be met:

- (i) Capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences. The death penalty should not be imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience.
- (ii) Capital punishment may be imposed only for a crime for which the death penalty was prescribed at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
- (iii) Capital punishment may not be imposed on:
  - persons below 18 years of age at the time of the commission of their crime;
  - pregnant women or new mothers;
  - persons who have become insane.

- (iv) Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for alternative explanation of the facts.
  - (v) Capital punishment must only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings, and where appropriate, the right to contact a consular representative.
  - (vi) Anyone sentenced to death shall have an effective right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals become mandatory.
  - (vii) Where applicable, anyone sentenced to death shall have the right to submit an individual complaint under international procedures; the death sentence will not be carried out while the complaint remains under consideration under those procedures.
  - (viii) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases of capital punishment.
  - (ix) Capital punishment may not be carried out in contravention of a state's international commitments.
  - (x) The length of time spent after having been sentenced to death may also be a factor.
  - (xi) Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering. It may not be carried out in public or in any other degrading manner.
  - (xii) The death penalty should not be imposed as an act of political revenge in contravention of the minimum standards, e.g. against coup plotters.
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## **GUIDELINES TO EU POLICY TOWARDS THIRD COUNTRIES ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

### **PURPOSE**

The purpose of these guidelines is to provide the EU with an operational tool to be used in contacts with third countries at all levels as well as in multilateral human rights fora in order to support and strengthen on-going efforts to prevent and eradicate torture and ill-treatment in all parts of the world. The term "torture" is used in these guidelines in accordance with the definition provided in Article 1 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. For the purpose of these guidelines ill-treatment means all forms of cruel, inhuman or degrading treatment or punishment, including corporal punishment, which deprives the individual of its physical and mental integrity. While addressing specific concerns about torture and ill-treatment is the primary purpose, the guidelines will also contribute to reinforcing the EU's human rights policy in general.

### **INTRODUCTION**

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. These principles are common to the Member States. Respect for human rights features among the key objectives of the EU's common foreign and security policy (CFSP).

Torture and ill-treatment are among the most abhorrent violations of human rights and human dignity. According to the Universal Declaration of Human Rights no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No exceptions are permitted under international law. All countries are obligated to comply with the unconditional prohibition of all forms of torture and ill-treatment. Despite the efforts by the international community torture and ill-treatment persist in all parts of the world. Impunity for the perpetrators of torture and ill-treatment continues to prevail in many countries.

To work towards the prevention and the eradication of all forms of torture and ill-treatment within the EU and world-wide is a strongly held policy view of all EU Member States. Promotion and protection of this right is a priority of the EU's human rights policy.

In its work towards the prevention and eradication of torture and ill-treatment the EU is guided by relevant international and regional norms and standards on human rights, the administration of justice and the conduct of armed conflict including, inter alia, those contained in the following instruments:

- Universal Declaration of Human Rights
- UN International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- UN Convention on the Rights of the Child (CRC)
- UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol no.6 as well as the relevant case-law of the European Court on Human Rights
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- Statute of the International Criminal Court
- Statute of the International Tribunal for the Former Yugoslavia
- Statute of the International Tribunal for Rwanda
- Geneva Conventions on the Protection of Victims of War and its Protocols as well as customary rules of humanitarian law applicable in armed conflict.

An additional list of relevant norms and standards that the EU may invoke in its contacts with third countries is provided in the Annex to the guidelines.

## **OPERATIONAL GUIDELINES**

The operational part of these guidelines is meant to identify ways and means to effectively work towards the prevention of torture and ill-treatment within the CFSP. An example of measures already undertaken to this end within the CFSP is the adoption of the EU Code of Conduct on Arms Export. Another example is the ongoing work to introduce EU-wide controls on the exports of paramilitary equipment.



The prohibition of cruel, inhuman or degrading punishment imposes clear limits on the use of the death penalty. The present guidelines thus also serve a complementary role to the Guidelines to EU policy towards third countries on the death penalty.

The EU supports actively the work of the relevant actors (the Committee Against Torture, the Human Rights Committee, the Committee for the Prevention of Torture of the Council of Europe, the OSCE/ODIHR Advisory Panel on the Prevention of Torture as well as the UN Special Rapporteurs and other relevant actors). The EU will pro-actively contribute to ensure that the existing international safeguards against torture and ill-treatment are strengthened and effectively implemented.

### **Monitoring and reporting**

In their periodic reports, the EU Heads of Mission will include an analysis of the occurrence of torture and ill-treatment and the measures taken to combat it. The Heads of Mission will also provide periodic evaluation of the effect and impact of the EU actions. The Heads of Mission will have the possibility of sending embassy representatives as observers to trials where there is a reason to believe that defendants have been subjected to torture or ill-treatment.

### **Assessment**

The Council Working Group on Human Rights (COHOM) and the relevant Geographic Working Groups will on the basis of the reports of the Heads of Mission and other relevant information, such as reports and recommendations from UN Special Rapporteurs and Treaty Bodies as well as non-governmental organisations, identify situations where EU actions are called upon, agree on further steps or make recommendations to higher levels.

### **EU actions in relations with third countries**

The EU's objective is to influence third countries to take effective measures against torture and ill-treatment and to ensure that the prohibition against torture and ill-treatment is enforced. In its contacts with third countries, the EU will, when deemed necessary, express the imperative need for all countries to adhere to and comply with the relevant international norms and standards and will consequently emphasise that torture and ill-treatment are forbidden under international law. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the prevention of torture and ill-treatment with a view to its global eradication.

A) To achieve these objectives, the EU will take, inter alia, the following actions:

Political dialogue

The human rights component of the political dialogue between the EU and third countries and regional organisations shall, where relevant, include the issue of torture and ill-treatment.

Démarches

The EU will make démarches and issue public statements urging relevant third countries to undertake effective measures against torture and ill-treatment. The EU will, where need be, request information on allegations of torture or ill-treatment. The EU will also react to positive developments that have taken place.

In well documented individual cases of torture and ill-treatment the EU will urge (by confidential or public démarche) the authorities in the country concerned to ensure physical safety, prevent abuses, provide information and apply relevant safeguards. Actions on individual cases will be determined on a case-by-case basis and may form part of a general démarche.

Bilateral and multilateral cooperation

Combating and preventing torture and ill-treatment will be considered a priority in bilateral and multilateral cooperation for the promotion of human rights, inter alia in collaboration with civil society, including in the legal field and the field of training. Particular attention should be given to such cooperation within the framework of the European Initiative for Democracy and Human Rights.

B) In its actions against torture the EU will urge third countries to take, inter alia, the following measures:

Prohibit and condemn torture and ill-treatment

- prohibit torture and ill-treatment in law, including criminal law;
- condemn, at the highest level, all forms of torture and ill-treatment;
- take effective legislative, administrative, judicial and other measures to prevent the occurrence of acts of torture and ill-treatment in any territory under its jurisdiction;
- prevent the use, production and trade of equipment which is designed to inflict torture or other cruel, inhuman or degrading treatment or punishment and prevent the abuse of any other equipment to these ends.

#### Adhere to international norms and procedures

- accede to the CAT, the ICCPR and relevant regional instruments, including the CPT\* (note, see bottom of text);
- withdraw reservations incompatible with the purpose and object of the CAT and the ICCPR;
- consider withdrawing other reservations to the CAT and the ICCPR;
- consider allowing individual and inter-state complaints under the CAT and the ICCPR;
- accede to the Statute of the International Criminal Court;
- comply with the requests for interim measures of protection, rulings, decisions and recommendations of international human rights bodies;
- cooperate with the relevant UN mechanisms, in particular the UN Special Rapporteur on Torture, the UN Special Rapporteur on Violence against Women and, where appropriate, the UN Special Rapporteur appointed for the country concerned;
- ensure that no one is forcibly returned to a country where he or she risks being subjected to torture or ill-treatment;
- in countries where the death penalty is still applied, ensure that in addition to the limitations contained in Article 6 ICCPR, executions, as well as death row conditions, must be such as to cause the least possible physical and mental suffering;
- support the work for adoption of a Draft Optional Protocol to CAT that provides an independent and efficient international visiting mechanism for the prevention of torture and ill-treatment and once such a Protocol is adopted, accede to it;
- cooperate with the relevant Council of Europe mechanisms, in particular the decisions of the European Court of Human Rights and recommendations of the Committee for the Prevention of Torture, and consent to publication of the Committee's reports on visits to their countries.

#### Adopt and implement safeguards and procedures relating to places of detention

- adopt and implement legal and procedural safeguards against torture and ill-treatment in order to ensure that persons deprived of their liberty are brought before a judicial authority without delay and that they have access to lawyers and medical care without delay and regularly thereafter and ensure that the persons deprived of their liberty can inform their relatives and other relevant third parties without delay;
- ban secret places of detention ensuring that all persons deprived of their liberty are held in officially recognised places of detention and that their whereabouts are known;
- ensure that procedures for detention and interrogation are in conformity with relevant international and regional standards;
- improve the conditions in places where persons deprived of their liberty are held in order to conform with international and regional standards.

#### Establish domestic legal guarantees

- ensure that statements obtained through torture and ill-treatment shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;
- abolish all forms of judicial corporal punishment;
- ensure that no exceptional circumstances whatsoever, including a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture or ill-treatment;
- ensure that no order from a superior officer or a public authority may be invoked as a justification of torture or ill-treatment;
- ensure that law enforcement officials, military, medical and other relevant personnel will not be punished for not obeying orders to commit acts amounting to torture or ill-treatment.

#### Combat impunity

- bring those responsible for torture and ill-treatment to justice in trials that conform to international norms for a fair trial and which exclude the death penalty or extradite them for prosecution in another state where these guarantees are fulfilled;
- conduct prompt, impartial and effective investigations of all allegations of torture in accordance with the Istanbul Rules annexed to CHR resolution 2000/43;
- ensure to the greatest possible extent that amnesty is not granted in respect of acts of torture, and ensure that amnesties do not deprive individuals of the right to an effective remedy, including compensation and rehabilitation.

#### Groups requiring special protection

- establish and implement standards and measures relating to women, children, refugees, asylum-seekers, internally displaced persons, migrants and other groups requiring special protection against torture and ill-treatment.

#### Allow domestic procedures for complaints and reports of torture and ill-treatment

- establish and operate effective domestic procedures for responding to and investigating complaints and reports of torture and ill-treatment in accordance with the Istanbul Rules;
- ensure that alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families are protected from violence, threats of violence or any other form of intimidation or reprisal that may arise pursuant to the report or investigation.

#### Provide reparation and rehabilitation for victims

- provide reparation for the victims of torture and ill-treatment and their dependants, including fair and adequate financial compensation as well as appropriate medical care and social and medical rehabilitation.

#### Allow domestic visiting mechanisms

- allow visits by suitably qualified representatives of civil society to places where persons deprived of their liberty are held.

#### Establish national institutions

- consider creating and operating and, where appropriate, strengthening independent national institutions (e.g. human rights ombudspersons or human rights commissions) which can effectively address the prevention of torture and ill-treatment.

#### Provide effective training

- train law enforcement officials and military personnel as well as medical personnel (civil and military) to comply with the relevant international standards;
- ensure the training of the judiciary, prosecutors and lawyers on the relevant international standards;
- ensure that transfers of equipment and training for military, security or police use do not facilitate torture and ill-treatment;
- ensure that training programmes for law enforcement personnel include training on the prevention of violence against women, on the rights of the child and on discrimination on such grounds as race and sexual orientation.

#### Support the work of medical professionals

- enable medical professionals to work independently and confidentially when preparing observations on alleged cases of torture and ill-treatment;
- protect doctors, forensic experts and other medical professionals who report cases of torture and ill-treatment.

#### Conduct autopsies

- ensure that medico-legal autopsies are carried out by trained forensic specialists in accordance with internationally recognised standards;
- provide for proper forensic examination in all cases of serious injury of detained persons.

## Other initiatives

The EU will:

- continue to raise the issue of torture and ill-treatment in multilateral fora, such as the UN, the Council of Europe and the OSCE. The EU will continue to actively support the relevant resolutions at the UN bodies including the General Assembly and the Commission on Human Rights;
- support the relevant international and regional mechanisms (e.g. the Committee Against Torture, the European Committee for the Prevention of Torture, the relevant Special Rapporteurs) and stress the need for states to cooperate with the mechanisms;
- support the UN Voluntary Fund for the Victims of Torture and encourage other countries to do so;
- offer joint or bilateral cooperation on the prevention of torture and ill-treatment;
- support public education and awareness-raising campaigns against torture and ill-treatment;
- support the work of relevant national and international NGOs to combat torture and ill-treatment and maintain a dialogue with them;
- continue to fund projects undertaken to improve training of personnel and conditions in places of detention and will maintain its substantial support for rehabilitation centres for victims of torture across the world.

## NOTE

- Upon the entry into force of its First Optional Protocol the CPT will be open to accession for non-Member States of the Council of Europe after an invitation from the Committee of Ministers of the Council of Europe. The Protocol requires only one additional ratification (Ukraine) before its entry into force. Ukraine's ratification is expected shortly.

In addition to the list of instruments included in the introductory part of the guidelines the EU may invoke, where relevant, in its contacts with third countries concerning torture and ill-treatment the following norms and standards and principles.

- UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN Declaration on the Elimination of Violence Against Women
- UN Convention Relating to the Status of Refugees
- UN Declaration on the Protection of All Persons from Enforced Disappearances
- UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- UN Standard Minimum Rules for the Treatment of Prisoners
- UN Basic Principles for the Treatment of Prisoners
- UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- UN Rules for the Protection of Juveniles Deprived of their Liberty
- UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- UN Basic Principles on the Independence of the Judiciary
- UN Basic Principles on the Role of Lawyers
- UN Guidelines of the Role of Prosecutors
- UN Standard Minimum Rules for Non-Custodial Measures
- UN Code of Conduct for Law Enforcement Officials
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- UN Principles on Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
- UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) annexed to UN Commission on Human Rights resolution 2000/43
- Safeguards guaranteeing protection of the rights of those facing the death penalty (ECOSOC resolution 1984/50)

- Vienna Declaration and Programme of Action
  - General Comments by the UN Human Rights Committee, in particular No. 20 on Article 7 and No. 21 on Article 10 of the International Covenant on Civil and Political Rights
  - General Recommendation no. 19 of the Committee on the Elimination of Discrimination against Women
  - African Charter on Human and People's Rights
  - African Charter of the Rights and Welfare of the Child
  - American Convention on Human Rights
  - Inter-American Convention to Prevent and Punish Torture
  - Recommendations of the Committee of Ministers of the Council of Europe:
    - no. R (87) 3 European Prison Rules
    - no. R (98) 7 Concerning the ethical and organisational aspects of health care in prison
    - no. R (99) 3 On the Harmonisation of Medico-legal Autopsy Rules
    - no. R (99) 22 Concerning Prison Overcrowding and Prison Population Inflation.
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## COUNCIL CONCLUSIONS ON THE EUROPEAN UNION'S ROLE IN PROMOTING HUMAN RIGHTS AND DEMOCRATISATION IN THIRD COUNTRIES

### INTRODUCTION

1. Recalling the Vienna Declaration of the European Union of 10 December 1998 and other relevant instruments (Annex), the Council reaffirms the commitment of the European Union to the principles of liberty, democracy, respect for universal and indivisible human rights, fundamental freedoms and the rule of law as contained in Articles 6 and 11 of the Treaty on the European Union and in Article 177(2) of the Treaty establishing the European Community. The proclamation of the Charter on Fundamental Rights of 10 December 2000 reflects the overriding importance of human rights for all policies and activities of the European Union.
2. The Council welcomes the Commission's Communication on the European Union's Role in Promoting Human Rights and Democratisation in Third Countries (COM (2001) 252 final) (**The Commission's Communication could be found on the following web address: [www.europa.eu.int/comm/external\\_relations/human\\_rights/intro/index.htm#6](http://www.europa.eu.int/comm/external_relations/human_rights/intro/index.htm#6)** as a valuable contribution towards reinforcing the coherence and consistency of EU policy in the field of human rights and democratisation. Realising that sustainable democracy and respect for human rights must be built from within societies, the Council reaffirms its determination to promote stable, democratic environments, founded on the full enjoyment of human rights. The Council considers this objective essential for the implementation of the European Programme for the Prevention of Violent Conflicts and a cornerstone of its work to contribute to poverty reduction, sustainable social and economic development, peace and security.

### PRINCIPLES

3. In order to achieve a more informed, credible, coherent, consistent and effective EU human rights and democratisation policy, the Council reaffirms 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 the civil society;
  - regular identification and review of priority actions in the implementation of its human rights and democratisation policy.

## METHODS AND FOLLOW-UP

### Coherence and consistency

4. The Council underlines the importance of enhancing coordination and cooperation between Community actions and the CFSP in the promotion and protection of human rights and efforts to strengthen democracy. Hence, the Council recalls that the Community's actions should be consistent with the European Union's action as a whole, including the CFSP. The Council shares the Commission's opinion that these objectives should be achieved without establishing new structures.
5. The Council stresses the importance of close cooperation between its competent bodies in order to allow for consistent and coherent decisions on the crosscutting issues of promoting human rights and democratisation. In this context, it underlines the role of the working party on human rights (COHOM) in ensuring an effective, coherent and consistent approach to these issues together with geographical and other relevant working parties. This role should be strengthened.
6. The Council recommends that the High Representative for CFSP ensure that appropriate structures within the Council Secretariat are in place in order to provide a focal point and enhance consistency and coherence of the human rights dimension in CFSP political dialogues and other actions, including in the fields of conflict prevention and crisis management.
7. The Council underscores the importance of the role played by the EU Heads of Mission, and in particular their reports, in contributing to an informed policy on human rights and democratisation.
8. The Council underlines the importance of coherence and consistency between the EU's overall policy and its position in international and regional forums such as the UN, the OSCE and the Council of Europe. To this end, the Council will review, between the sessions of the Commission on Human Rights, the implementation of resolutions initiated by the EU at the Commission.
9. The Council stresses the necessity to ensure consistency between the external and internal policies as well as the need to explore the development of possible means and practices to this end. The credibility of the EU's human rights policy requires a coherent application of human rights standards in all fields of activity, including in the enlargement process.

10. The Council welcomes and encourages the Commission's resolve to adopt a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR) so that the programmes and projects match the EU's commitments and policies and contribute to the implementation of core human rights instruments. It welcomes the Commission's approach to reform the programming and implementation of the EIDHR and the overall reform of EC external assistance.
11. The Council suggests that the question of a possible EU Common Strategy in the area of human rights and democratisation be further explored. In addition, the Council will take into account the positive experiences of the EU guidelines and common positions already in place.

### Mainstreaming

12. In the Council's view the process of "mainstreaming" human rights and democratisation objectives into all aspects of EU external and internal policies should be intensified. Through mainstreaming, impact can be given to political priorities, without necessarily implying large budgetary allocations.
13. The Council recommends that respect for human rights and democracy, based on international norms and instruments, particularly those of the United Nations, be promoted through dialogue and cooperation without prejudice to the need to speak out in clear terms against violations of human rights. The Council attaches great importance to human rights dialogues with third countries. In addition, human rights and democratisation should systematically and at different levels be included in all EU political dialogues and bilateral relations with third countries. The Council underlines that issues taken up in the dialogues with third countries must be consistent with the EU's overall policy towards the country in question, including the EU's positions in international and regional fora.
14. In line with the European Union's commitment to the promotion of human rights and to apply, whenever possible, a positive and supportive approach, the Council believes that a considerable degree of flexibility should be exercised in using EU and EC instruments and mechanisms, such as political dialogues, human rights clauses and financial incentives.

15. The Council welcomes the Commission's intention to identify opportunities in other areas of Community policy, such as immigration and the environment, to promote policies and initiatives which favour respect for human rights and democratisation, including through the promotion of Corporate Social Responsibility (CSR). Increased trade and further trade liberalisation can contribute to promote respect for human rights. The Council calls for a strengthened international dialogue on the relationship between trade and social development, including core labour standards.
16. The Community cooperation framework for Country Strategy Papers (CSP), based on national plans such as Poverty Reduction Strategies where available, should contribute to a more systematic approach to human rights and democratisation. Human rights and democracy issues should be included in planning, design, implementation and monitoring of policies and programmes. The Council invites the Commission to ensure consistency, including by taking into account the views of the HOMs, between the CSPs and the CFSP considerations. The Council welcomes the Commission's commitment to use the Inter-service Quality Support Group (IOSG) to monitor the inclusion of human rights principles in CSPs.
17. The Council confirms its commitment to a rights-based approach to development, which takes into account that the reduction of poverty requires offering empowerment, opportunity and security. In this context a democratic environment is indispensable. The promotion of democracy should therefore aim at providing a structural framework for the realisation of all human rights and for the eradication of poverty.

#### Openness

18. The Council recommends that the dialogue with the European Parliament should be actively pursued. The Council appreciates the expression of considerable knowledge and engagement contained in the European Parliament's annual reports on human rights. The Council intends to continue to develop the EU Annual Report on Human Rights.
19. The Council will pursue efforts to enhance the openness of its actions on human rights and ensure effective dialogue with civil society. The dialogue, including exchanges of information and experiences, should aim at an active involvement of the civil society. In this context, the Council undertakes to examine ways, in cooperation with the Commission to render the EU human rights discussion for a more effective.

### Priorities

20. With reference to the measures to reinforce the EU's human rights policy identified in the 1998 EU Vienna Declaration, the Council recommends that areas for priority actions be regularly reviewed and updated so as to provide guidance for short term and long term policy making.
21. The Council welcomes the priorities identified for the EIDHR in the Commission's Communication looks forward to regular reviews and updates of these priorities. In its work to promote human rights and democratisation, the Council will focus on these and other key issues, such as the rights of the child, freedom of the media and strengthening of civil society including through human rights education. The EU must apply a gender perspective throughout its human rights and democratisation policy, as well as child rights perspective wherever relevant.
22. The Council stresses that the EU will continue its practice of cooperation with the United Nations and considers that all possibilities for strengthening this cooperation should be explored, specifically with the Office of the High Commissioner for Human Rights, as well as with other international and regional organisations, such as the Council of Europe and the Organisation for Security and Cooperation in Europe, in view of the importance that the EU attaches to the universal respect for, and consistent application of, international human rights instruments.

## **ANNEX to the Council Conclusions on the European Union's Role in Promoting Human Rights and Democratisation in Third Countries**

- Statement by the Council and the Commission on the European Community's Development Policy, 10 November 2000 (doc 13458/00)
  - Council Conclusions regarding the Standard framework for Country Strategy Papers, 10 November 2000 (doc 13357/00)
  - Guidelines for strengthening operational Coordination between the Community and the Member States in the field of external assistance, 22 January 2001 (doc 5431/01)
  - Council conclusions on EU Election Assistance and Observation, 31 May 2001 (doc 9990/01)
  - Council Conclusions on Linking Relief, Rehabilitation and Development (LRRD), 31 May 2001 (doc 9989/01)
  - Council Conclusions on the special Report No21/2000 by the Court of Auditors on the management of the Commission's external aid programmes, 31 May 2001 (doc 9983/01)
  - Council Procedural Conclusions on Conflict Prevention, 31 May 2001 (doc 9991/01)
  - Council Regulations 975/1999 and 976/1999 (OJ L 120/1 and L 120/8 of 29 April 1999)
  - ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000 (OJ L 317 of 15 December 2000)
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## COUNCIL CONCLUSIONS ON ELECTORAL ASSISTANCE

### INTRODUCTION

1. Genuine elections are an essential step in the democratisation process. They pre-suppose the full enjoyment of a wide range of human rights and fundamental freedoms. The free expression of the political will of the people by a secret and equal vote, through a universal, fair, transparent and participatory election process represents a cornerstone of an inclusive and sustainable democracy.
2. Hence, the Council recalls the objectives of the European Union to support the development and consolidation of democracy, the rule of law and respect for human rights, as stated in Article 11 of the Treaty on European Union, and Article 177(2) of the Treaty establishing the European Community. The Council emphasises its commitment as outlined in, inter alia, Article 1 of the ACP-EU Partnership Agreement, to contributing to peace and security and to promoting a stable, and democratic political environment.
3. Following the 1998 "Guidelines for EU Policy on Election Observation", the 1999 EU "Guidelines on Common Criteria for the Selection of Election Observers" as well as the EC Regulations No 975/1999 and 976/1999 and the joint Council and Commission Declaration on EC development policy of 10 November 2000, the Council welcomes the Commission Communication on EU Election Assistance and Observation (COM(2000) 191 final), with the objective of contributing to a coherent framework for EU policy in this field.

### PRINCIPLES FOR ELECTION SUPPORT

4. The Community and Member States share with third countries a common goal of sustainable democracy. Achieving this demands political commitment from all parties concerned. Therefore, the Council underlines the importance of an early dialogue with the national authorities, and that consistency must be ensured between election support, the Country Strategy for each partner country, and the objectives of the Common Foreign and Security Policy.
5. The EU is itself a project for democracy, development and peace. The Council stresses that the EU's presence at elections in third countries is a political statement and represents a commitment to these values. Its support, whether in terms of election assistance or election observation, may contribute to increasing the confidence of the electorate in the election process, reduce the possibility of fraud, and present the opportunity to make recommendations for improving election systems in a spirit of partnership. With due regard being paid to the underlying long-term political processes that manifest themselves in the election, such support might also contribute to conflict prevention.

6. Effective European Union support for elections requires a coherent approach through the mutually reinforcing use of both EC and CFSP instruments. This is in line with the requirement set out in Article 3 TEU, which requires consistency of the EU's foreign policy as a whole. Election support is an important element of the EU's overall contribution to democratisation and sustainable development in third countries, as pursued both through long-term development assistance, and the EU's political dialogue. The effectiveness of electoral assistance programmes and observation missions will be considerably increased if they are backed up by clear messages expressed through the European Union's political dialogue with the government. This is true both before, during and after the election process.
7. Decisions to send EU electoral observation missions, and exploratory assessment missions, should be preceded by a thorough assessment by the Council of the political situation in the country, the potential effect of EU electoral observation on both the future democratic situation in the country and the EU's relationship with it, and the availability of resources and relative priority of each mission to be undertaken. The Council should follow the progress of the observation mission closely and draw on the findings of the report of the EU observation mission and the EU Heads of Mission to reach conclusions on the election process and the implications for the EU's future relations with the country. It should ensure that, wherever appropriate, the findings and recommendations of the mission are followed up in the political dialogue and subsequent assistance programmes.
8. The Community competence with regard to election support is not exclusive. Therefore, Member States can continue to provide election support bilaterally or through contributions to the activities of international organisations, notwithstanding any actions by the EU. They must nevertheless ensure that such national action is coherent with the political positions taken by the Council with regard to a specific electoral process. In addition, the Council may take other action with respect to elections under Title V of the Treaty on European Union, in so far as such action pursues the objectives of the Common Foreign and Security Policy and is in conformity with art 47 TEU.
9. The Council finds it constructive to differentiate election support between election assistance and election observation. The underlying analysis with respect to size, scope and source of funding is similar for both activities. However, the need for coordination and the time limits vary considerably. Therefore, the EU needs to develop different, but complementary, approaches.



## COOPERATION AND COORDINATION

10. The Council recalls the importance it attaches to the close coordination between the Commission, the Council, the European Parliament and Member States in the pre-election assessment and analysis of the political context.
11. The Council calls on the Commission to work together with Member States and other donors and international partners, such as the United Nations, the Organisation for Security and Cooperation in Europe, who lead on election monitoring in the OSCE region, the Council of Europe and the International Institute for Democracy and Electoral Assistance (IDEA) to develop policy, to mobilise the necessary expertise and to coordinate election support, where possible within the framework of national strategies. The EU should, wherever possible, observe elections jointly with other international actors in order to contribute to a coherent international approach and to facilitate the organisational efforts by the third country, in respect of observers' independence. The Council undertakes to enhance such coordination and notes that the Commission intends to do the same.

## FRAMEWORK FOR FUTURE ACTIONS

12. The Council welcomes the Commission's intention to enhance the coordination and effectiveness of the actions carried out in the framework of election support. To this end, it welcomes the Commission's efforts to streamline and render more efficient the organisation of election support as well as the proposal for an election focal point.
13. The Council believes that a thorough analysis of each election and every observation mission, as well as assistance specially adapted to the situation, will increase the effectiveness and sustainability of activities in this area.
14. The Council particularly welcomes the introduction of comprehensive technical exploratory assessment missions to be undertaken by the Commission. The Council also welcomes the practice to invite Member States to second election experts to participate in such missions. The exploratory missions should carry out an assessment of the pre-election situation in the light of international standards and provide information to assist with the decision on whether and how to support an election process. The competent Council bodies and the Heads of Mission in the country concerned must be involved in the assessment by the exploratory missions.

15. The Council and the Commission should therefore coordinate closely at all stages of planning and execution of an individual election observation mission, so as to ensure the full consistency of the Union's external actions. In addition, the Council agrees with the Commission on the importance of coordinating planning and prioritisation. This is necessary to ensure that the programming of election observation and assistance is in line with the EU's foreign policy priorities, and reflects the need to focus on a limited number of operations. The Council welcomes the Commission's intention to consult the competent Council bodies at the beginning of each year on the basis of a calendar of forthcoming elections. The Council will seek to establish jointly with the Commission a list of elections in which EU intervention is considered a priority. The list will also be discussed with the European Parliament. These priorities should be kept under regular review throughout the year to ensure that political developments, as evaluated by the competent Council bodies on a case by case basis, are taken into account.

## **EU ELECTION ASSISTANCE**

16. Elections are events in long-term processes. EU support should be integrated into Country Strategies and begin well in advance of an election so as to contribute to the creation of the conditions necessary for the election to meet international standards. These efforts should continue after the election, in order to assist the authorities of the country concerned to identify any possible shortcomings and address them. The EU should take full account of experience gained from past election support in designing its programmes. It should apply a systematic lessons-learnt approach.
17. Specific actions should include, inter alia:
- Institutional capacity-building with regard to organising future elections including assistance in support of regulatory framework agreements for political parties and election finance;
  - Training and education of local staff;
  - Awareness campaigns for the rights of the individual to vote (especially targeted towards women, persons belonging to minority groups and vulnerable groups);
  - Setting up of election sites;
  - Support to domestic civil society organisations active in the election field;
  - Support for the media.

## **EU ELECTION OBSERVATION**

18. Decisions on deployment of EU election observation missions should follow a thorough discussion in the appropriate geographical working groups of the Council, and, whenever possible, should take into account the views of the European parliament. The decision to send an EU election observation mission should be based on the EU's main concerns and the findings of an exploratory assessment mission. An early dialogue with the national authorities must accompany the exploratory mission and standard terms of reference for the observation mission, containing essential and non-negotiable requirements for a sound and professional observation, will be presented to the country concerned.
19. The decisions to observe an election process must, furthermore, be consistent with EU priorities. They should take into account international standards and the findings of the exploratory assessment mission. The Council stresses that it is not necessary or desirable for the EU to observe systematically all elections in third countries.
20. The Council encourages the Commission to provide appropriate training for observers and follow-up on creating adequate instruments, including framework agreements, in support of the implementation of EU election observation missions in order to allow a timely response, particularly in urgent situations, to provide accelerated and simplified decision-making and recruitment procedures and to ensure effective feedback for analysis.
21. The practice of appointing an experienced member of the European Parliament as the Chief Observer of an EU election mission should be encouraged.

## **ASSESSMENT BY OBSERVATION MISSIONS**

22. EU election observation missions should always reach an independent assessment of the election process and its outcome on the basis of internationally recognised standards and good practices. The assessment of the elections should always, and only, be presented by the EU Chief Observer or by the head of the international lead organisation and transmitted to the Commission, Council and the European Parliament. Under no circumstances may preliminary results be delivered beforehand.
23. The Council emphasises that the reports by the Heads of Mission on the election process form an important contribution to the analysis by the Council's bodies of the political situation resulting from the elections.

## **FOLLOW UP**

24. The Council invites the Commission to further develop its policy on long-term and short-term observers and on integrating election observation with election assistance more generally, bearing in mind the overall aim of supporting democratisation as well as respect for and promotion of human rights. In this context the Council urges the Commission to develop impact indicators.
  25. The Council's preparatory bodies will continue to examine this issue in order to identify further means of increasing the coordination, effectiveness, impact and visibility of EU election assistance and observation actions.
  26. The Council agrees that it is necessary to monitor the implementation, impact and efficiency of Community actions in the election context. The Commission will undertake a thorough overall evaluation of EU election support within three years.
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**COUNCIL COMMON POSITION OF 11 JUNE 2001 ON THE  
INTERNATIONAL CRIMINAL COURT (ICC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) The consolidation of the rule of law and respect for human rights, as well as the preservation of peace and the strengthening of international security, in conformity with the Charter of the United Nations and as provided for in Article 11 of the EU Treaty, are of fundamental importance to, and a priority for, the Union.
- (2) The Statute of the International Criminal Court, adopted by the Rome Conference of Plenipotentiaries, has been signed by 139 and ratified or acceded to by 32 States and will enter into force after the sixtieth instrument of ratification, acceptance, approval or accession is deposited.
- (3) The principles of the Rome Statute of the International Criminal Court, as well as those governing its functioning, are fully in line with the principles and objectives of the Union.
- (4) The serious crimes within the jurisdiction of the Court are of concern for all Member States, which are determined to cooperate for the prevention of those crimes and for putting an end to the impunity of the perpetrators thereof.
- (5) The Union is convinced that compliance with the rules of international humanitarian law and human rights is necessary for the preservation of peace and the consolidation of the rule of law.
- (6) The early entry into force of the Statute is therefore desirable and the Union is committed to making every effort to achieve the required number of instruments of ratification, acceptance, approval or accession, as well as contributing to the full implementation of the Rome Statute.
- (7) On 19 November 1998, 6 May 1999 and 18 January 2001, the European Parliament adopted Resolutions on the ratification of the Rome Treaty to establish the permanent International Criminal Court; and on 8 May 2001, the Commission submitted to the European Parliament and the Council its Communication on the European Union's role in promoting human rights and democratisation in third countries.

(8) The Final Act of the Rome Conference has established a Preparatory Commission mandated to elaborate proposals for adoption by the Assembly of States Parties, including instruments needed for the practical functioning of the Court.

(9) The agreement reached on the Rome Statute represents a delicate balance between different legal systems and interests, and the successful finalisation of the first draft instruments on Elements of Crime and on Rules of Procedure and Evidence completed by 30 June 2000 by the Preparatory Commission was achieved with full respect for the integrity of the Statute, to which all Member States are committed.

(10) The Union recognises that the principles and rules of international criminal law embodied in the Rome Statute should be taken into account in other international legal instruments.

(11) The Union is convinced that universal adherence to the Rome Statute is desirable for the full effectiveness of the International Criminal Court and, to this end, considers that initiatives to enhance the acceptance of the Statute are to be encouraged, provided they are consistent with the letter and spirit of the Statute.

(12) The effective establishment of the Court and the implementation of the Statute requires practical measures that the European Union and its Member States should fully support,

HAS ADOPTED THIS COMMON POSITION:

#### Article 1

1. The establishment of the International Criminal Court, for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, is 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.

2. The objective of this Common Position is to pursue and support an early entry into force of the Rome Statute and the establishment of the Court.

## Article 2

1. In order to contribute to the objective of an early entry into force of the Statute, the European Union and its Member States shall make every effort to further this process by raising the issue of the widest possible ratification, acceptance, approval or accession to the Rome Statute and the implementation of the Statute in negotiations or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.
2. The Union and its Member States shall contribute to an early entry into force and implementation of the Statute also by other means, such as by adopting initiatives to promote the dissemination of the values, principles and provisions of the Rome Statute and related instruments.
3. The Member States shall share with all interested States their own experiences on the issues related to the implementation of the Statute and, when appropriate, provide other forms of support to that objective.

## Article 3

The Union and its Member States shall give support, including practical support, to the early establishment and good functioning of the Court. They shall support the early creation of an appropriate planning mechanism in order to prepare the effective establishment of the Court.

## Article 4

The Council shall, where appropriate, coordinate measures by the European Union and Member States for the implementation of Articles 2 and 3.

## Article 5

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate by pertinent Community measures.

## Article 6

During negotiations of the instruments of, and in carrying out the work provided for in Resolution F of the Final Act of the Rome Diplomatic Conference of Plenipotentiaries, Member States shall contribute to the early finalisation of these instruments and shall support solutions that are consistent with the letter and the spirit of the Rome Statute, taking into account the need for ensuring the widest possible participation thereto.

### Article 7

The Council shall review this Common Position every six months.

### Article 8

This Common Position shall take effect from the date of its adoption.

### Article 9

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 11 June 2001.

For the Council  
The President  
A. Lindh

### **Ratification status among Member States**

<b>Member State</b>	<b>Signature</b>	<b>Ratification</b>
Austria	7 October 1998	28 December 2000
Belgium	10 September 1998	28 June 2000
Denmark	25 September 1998	21 June 2001
Finland	7 October 1998	29 December 2000
France	18 July 1998	9 June 2000
Germany	10 December 1998	11 December 2000
Greece	18 July 1998	Not yet ratified
Ireland	7 October 1998	Not yet ratified
Italy	18 July 1998	26 July 1999
Luxembourg	13 October 1998	8 September 2000
Netherlands	18 July 1998	Not yet ratified
Portugal	7 October 1998	Not yet ratified
Spain	18 July 1998	24 October 2000
Sweden	7 October 1998	28 June 2001
United Kingdom	30 November 1998	Not yet ratified



## HUMAN RIGHTS INSTRUMENTS

### United Nations

- Universal Declaration of Human Rights (1948)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- Convention relating to the Status of Refugees (1951)
- Convention on the Reduction of Statelessness (1954)
- Convention relating to the Status of Stateless Persons (1954)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966 )
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Optional Protocol to the International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)
- Declaration on the Right to Development (1986)
- Convention on the Rights of the Child (1989)

- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992)
- Declaration on the Elimination of Violence against Women (1993)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)

## **COUNCIL OF EUROPE**

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol No 11 (1994)
- Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No 11 (1994)
- Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
- European Social Charter (1961)
- Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (1995)
- European Social Charter – Revised (1996)
- European Charter for Regional or Minority Languages (1992)
- Framework Convention for the Protection of National Minorities (1995)

## **ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE**

- Helsinki Final Act (1975)
  - Concluding Document of the Vienna Meeting of representatives of the participating States of the Conference on Security and Cooperation in Europe (1986)
  - Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (1990)
  - Charter of Paris for a New Europe (1990)
  - Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (1991)
  - Helsinki Document of the Conference on Security and Cooperation in Europe (1992)
  - Document of the Rome Meeting of the Council of the Conference on Security and Cooperation in Europe (1993)
  - Vienna Document of the Meeting of representatives of the participating States of the Conference on Security and Cooperation in Europe (1994)
  - Budapest Summit Declaration of the Conference on Security and Cooperation in Europe (1994)
  - Lisbon Summit Declaration of the Organisation for Security and Cooperation in Europe (1996)
  - Istanbul Summit Declaration of the Organisation for Security and Cooperation in Europe (1999)
  - Charter for European Security (1999)
-

## HUMAN RIGHTS INSTRUMENTS SIGNED BY EU MEMBER STATES

### UNITED NATIONS

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- Convention relating to the Status of Refugees (1951)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966 )
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)

### COUNCIL OF EUROPE

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol No 11 (1994)
- Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No 11 (1994)
- Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
- European Social Charter (1961).

## REPORTS SUBMITTED BY MEMBER STATES TO HUMAN RIGHTS TREATY BODIES

### BELGIUM

- On 30 May 2001 Belgium submitted its 11th, 12th and 13th reports under the United Nations Convention on the Elimination of All Forms of Racial Discrimination.
- On 17 November 2000 Belgium submitted its second periodic report relating to the United Nations Covenant on Economic, Social and Cultural Rights.

### DENMARK

- CAT: Fourth periodic report (CAT/C/55/Add.2) submitted on 4 August 2000. To be examined May 2002.
- CERD: 15<sup>th</sup> periodic report submitted 23 January 2001. Not yet available as UN document.
- CCPR: Fourth periodic report (CCPR/C/DNK/99/4) submitted on 30 December 1998 was examined on 20 October 2000 (CCPR/CO/70/DNK).
- CRC: Second periodic report, CRC/C/70/Add.6, submitted on 15. September 1998 was examined on 22 May 2001 (CRC/C/15/Add.151.)

Web sites: [www.unhchr.org](http://www.unhchr.org) and [www.um.dk](http://www.um.dk)

### GERMANY

- CERD: 15<sup>th</sup> Report received 10 August, 2000 (Doc. CERD/C/338/Add. 4), discussed 13/14 March, 2001 (Doc. CERD/C/SR. 1450 of 13 June, 2001)

### GREECE

- 12<sup>th</sup>-15<sup>th</sup> periodic reports to the Committee under the Convention on the Elimination of all Forms of Racial Discrimination were submitted on 9<sup>th</sup> March 2000; an additional report to the initial ones was submitted on 21st February 2001. The reports were examined on 16<sup>th</sup> and 19<sup>th</sup> March 2001
- 4<sup>th</sup>-5<sup>th</sup> periodic reports to the Committee under the Convention on the Elimination of all Forms of Discrimination against Women were submitted on 19<sup>th</sup> April 2001.

All above reports may be found on the website of the UN High Commissioner on Human Rights: <http://www.unhchr.ch/>

## **SPAIN**

- Spain did not submit any reports to human rights treaty bodies in 2000.

## **FRANCE**

- Second periodic report under the Covenant on Economic, Social and Cultural Rights submitted on 25 October 2000 (E/1990/6/Add.27).

Website: [www.unhchr.ch](http://www.unhchr.ch)

## **IRELAND**

- Second report of Ireland on the measures adopted to give effect to the provisions of the International Covenant on Civil and Political Rights, submitted 1998 CCPR/C/IRL. Report examined and concluding observations of Committee, July 2000.
- Second report of Ireland on the measures adopted to give effect to the provisions of the International Covenant on Economic, Social and Cultural Rights, submitted August 2000.

All the reports and the concluding observations are available at [www.unhchr.ch](http://www.unhchr.ch) or at the Department of Foreign Affairs website at [www.irlgov/ive](http://www.irlgov/ive)

## **ITALY**

- XII- XIII Report on the Elimination of Racial Discrimination  
Presented to: UNHCHR  
Date. 26.07.2000  
Discussed: on 30- 31 July 2001  
Web site: [www.unhchr.ch/](http://www.unhchr.ch/)

## **LUXEMBOURG**

- No reports have been submitted during the time period covered by the report.

## **NETHERLANDS**

- International Covenant on Civil and Political Rights: the final version of the third report of the Kingdom of the Netherlands (initially submitted on 19 February 1999) was submitted on 11 January 2001 and examined by the Committee on 9 July 2001 (report CCPR/C/NET/2001)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD): the thirteenth and fourteenth report (submitted on 27 April 1999) were examined on 8/9 and 16 August 2000 (report: CERD/C/362/Add.4 ; Summary Records: CERD/C/SR.1413-1414,1424)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): third report was submitted on 13 November 2000 and examined on 6 July 2001 (report: CEDAW/C/NET/3)

The documents are available on the electronic database of the Treaty Body System (TBS) accessible through the UN human rights website: <http://www.unhchr.ch>

## **AUSTRIA**

### Council of Europe:

- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):  
Publication of the report: 21 June 2001 (CPT/Inf (2001)8)  
Internet homepage of CPT: [www.cpt.coe.int](http://www.cpt.coe.int)
- The European Commission against Racism and Intolerance (ECRI):  
Publication of the 2<sup>nd</sup> report on Austria: 3 April 2001 (adopted 16 June 2000) (CRI(2001)3)  
Internet homepage of ECRI: [www.ecri.coe.int](http://www.ecri.coe.int)

### United Nations:

- International Convention on the Elimination of all forms of Racial Discrimination (CERD):  
14<sup>th</sup> periodic report (CERD/C/362/Add.7)  
Submission of the report: 24 July 2000  
Internet homepage of the Office of the High Commissioner for Human Rights:  
[www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf)

## PORTUGAL

- International Covenant on Economic, Social and Cultural Rights – 3rd report was submitted on 7 November 1997 and examined on 14-15 November 2000.
- Convention on the Elimination of All Forms of Racial Discrimination – 9th report was submitted on 6 January 2000 and examined on 12-13 March 2001.
- Convention on the Elimination of All Forms of Discrimination against Women – 4th and 5th reports were submitted on 12 June 2001 and will be examined in January 2002.

## FINLAND

### United Nations:

- The second report on the implementation of the CRC was reviewed on 19 September 2000.
- The 4th report on the implementation of the Covenant on Economic, Social and Cultural Rights (ESC) was reviewed on 15-16 November 2000.
- The 3rd and 4<sup>th</sup> reports on the implementation of the CEDAW were reviewed on 2 January 2001.

### Council of Europe:

- Regarding Finland's Initial Report on the Framework Convention for the Protection of National Minorities the Advisory Committee on National Minorities adopted its opinion on Finland on 22 September 2000. The Government of Finland has submitted its observations in July 2001.
- The initial report of the Government of Finland on the Application of the European Charter for Regional or Minority Languages is being considered by the monitoring mechanism of the Convention.  
The Committee of Ministers will accept the final recommendations with regard to both Conventions most likely by the end of year 2001.

Reports in English can be found on the official homepage for Facts on Finland at <http://virtual.finland.fi/ministry/english/humanrights.html>. Reports in Finnish are also published on the same homepage at <http://virtual.finland.fi/ministry/suomi/ihmisoikeudet.html>. Details about the review processes can be found on the homepages of the relevant treaty bodies. (Unofficial human rights reports are published on the homepages of a non-governmental organization, the Finnish League for Human Rights, at [www.ihmisoikeusliitto.fi](http://www.ihmisoikeusliitto.fi))



## SWEDEN

- International Covenant on Political and Civil Rights:  
Last report submitted: 23/10/2000  
Doc. ref: CCPR/C/SWE/2000/5  
The report is expected to be considered in March 2002.
- Convention on the Elimination of All Forms of Racial Discrimination:  
Last report submitted: 05/08/99  
Doc. ref: CERD/C/362/Add.5  
The report was considered in the 57th session in 10-11/22-Aug-2000.  
The Committee's concluding observations may be found in doc. ref.  
CERD/C/304/Add.103
- Convention on the Elimination of All Forms of Discrimination against Women:  
Last reports submitted: 5 Dec 2000  
Doc. ref: CEDAW/C/SWE/4 and CEDAW/C/SWE/5  
The reports was considered in July 2001.
- Convention against torture and other inhuman or degrading treatment or punishment:  
Last report submitted: 21/08/2000  
Doc. ref: CAT/C/55/Add.3  
No date has yet been set for the Committee's consideration of the report.

Documents can be found at [www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf)

## UNITED KINGDOM

- The Initial Report of the UK's Overseas Territories under the Convention on the Rights of the Child was examined by the Committee on the Rights of the Child at its 25th Session in September 2000. The Committee's Concluding Observations (CRC/C/15/Add.135) can be found on the OHCHR website  
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/deb167e01154421bc125697a0036f463?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/deb167e01154421bc125697a0036f463?Opendocument)). The Reports(CRC/C/41/Add.7 (Overseas Territories, except the Falkland Islands) and CRC/C/41/Add.9 (The Falkland Islands)) can also be found on the OHCHR website. CRC/C/41/Add.7 is at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/323ec8247bec9c0fc12569ff00534b84?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/323ec8247bec9c0fc12569ff00534b84?Opendocument), while CRC/C/41/Add.9 can be found at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/dd12f6e6fed9eff9c125694d0037c7d3?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/dd12f6e6fed9eff9c125694d0037c7d3?Opendocument).

- The UK's Fifteenth Report under the Convention on the Elimination of Racial Discrimination was examined by the Committee on the Elimination of Racial Discrimination at its 57th Session in August 2000. The Committee's Concluding Observations (CERD/C/304/Add.102) can be found on the OHCHR website ([http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/836b358a9d2f13c5c125694400279fbe?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/836b358a9d2f13c5c125694400279fbe?Opendocument)).
- The Reports (CERD/C/338/Add.12,Part 1 (UK Metropolitan Territories) and CERD/C/338/Add.12,Part 2 (Overseas Territories) can also be found on the OHCHR website. CERD/C/338/Add.12,Part 1 is at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/29e7549a20dd6661c125692f004bbea1?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/29e7549a20dd6661c125692f004bbea1?Opendocument), while CERD/C/338/Add.12,Part 2 can be found at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/37aec924633eb349c1256920003573c0?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/37aec924633eb349c1256920003573c0?Opendocument).

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## FINANCIAL CONTRIBUTIONS BY MEMBER STATES TO THE UN HUMAN RIGHTS MECHANISMS

(The data refers to the fiscal year 2000, if not stated differently)

### BELGIUM

- Belgium's financial contribution to human rights protection mechanisms was 1.011.319 USD (1.196.086 EUR) in 2000.

### DENMARK

The Danish contribution towards OHCHR amounted to 10 million DKK, *app. 1.344.000 EUR*, in 2000. In the period covered by the report contributions were made to:

- Voluntary Fund for Victims of Torture  
DKK 2,000,000, *app. 270.000 EUR*
- Support to the treaty bodies  
DKK 1,500,000, *app. 201.600 EUR*
- Support to the special procedures  
DKK 2,000,000, *app. 268.700 EUR*
- World conference against Racism  
DKK 600,000, *app. 80.600 EUR*
- Human Rights support for peace-making,  
peacekeeping and peace-building activities/not earmarked  
DKK 2,500,000 *app. 336.000 EUR*
- Human Rights support for peace-making,  
peacekeeping and peace-building activities/Colombia  
DKK 1,000,000, *app. 139.300 EUR*
- ICC LDC Trust Fund  
DKK 400,000, *app. 53.800 EUR*

## GERMANY

- Voluntary Fund for Victims of Torture DM 250.000 (*app. 127 800 EUR*)
- Trust fund technical cooperation activities DM 400.000 (*app. 204 500 EUR*)
- Technical cooperation activities/Yemen DM 200.000 (*app. 102 300 EUR*)
- Technical cooperation activities/national institutions DM 200.000 (*app. 102 300 EUR*)
- Human rights support for peace-making, peacekeeping and peace-building activities/Colombia DM 250.000 (*app. 127 800 EUR*)
- Human rights support for peace-making, peacekeeping and peace-building activities/Cambodia DM 150.000 (*app. 76 700 EUR*)
- Human rights support for peace-making, peacekeeping and peace-building activities/former Yugoslavia DM 500.000 (*app. 255 600 EUR*)
- Human rights support for peace-making, peacekeeping and peace-building activities/Croatia DM 200.000 (*app. 102 300 EUR*)
- Human rights support for peace-making, peacekeeping and peace-building activities/Bosnia Herzegovina DM 250.000 (*app. 127 800 EUR*)
- World conference against racism, racial discrimination, xenophobia and related intolerance DM 200.000 (*app. 102 300 EUR*)
- Commission of Enquiry on extrajudicial executions in Togo DM 150.000 (*app. 76 700 EUR*)

Total: DM 2 750 000 (*app. 1 406 100 EUR*)

## GREECE

- The financial contribution of Greece to the UN mechanisms for the protection of human rights amounted to 982.600 USD (*app. 1 066 100 EUR*)

## SPAIN

### *Compulsory:*

- Intergovernmental group for informal consultations on asylum, refugees and emigrants: Dollars 70.000 = 78.873 EUR = 13.000.000 ptas.

### *Voluntary:*

- ACNUR, Conference against racism: 15 million ptas (*app. 90 150 EUR*).
- ACNUR: 333 million ptas (*app. 2 001 000 EUR*).
- UN Development Fund for Women, UNIFEM: 7,5 million ptas (*app. 45 000 EUR*).
- UN Fund for technical cooperation on human rights: 10 million ptas (*app. 60 100 EUR*).

- UNICEF: 295 million ptas (*app. 1 773 000 EUR*).
- UN Fund for the victims of torture: 7 million ptas (*app. 42 100 EUR*).
- International Institute for Human Rights: 300.000 ptas (*app. 1 800 EUR*).
- INSTRAW: 25 million ptas (*app. 150 300 EUR*).
- Office of the UN High Commissioner for Human Rights: 15 million ptas (*app. 90 150 EUR*).
- Office of the UN High Commissioner for Human Rights in Colombia: 24,300 million ptas (*app. 146 000 EUR*).
- Office of the Humanitarian Coordinator, OCHA: 30 million ptas (*app. 180 300 EUR*).
- Office of the Special Representative of the Secretary-General for Children and armed conflict; 12,5 million ptas (*app. 75 100 EUR*).
- Office of ACNUR in Bogotá: 35 million ptas. (*app. 210 400 EUR*).

## FRANCE

- 4,35 MF (*EUR 663 153*) for the High Commissioner for Human Rights
- 0,5 MF (*EUR 76 225*) for the victims of torture
- 0,5 MF (*EUR 76 225*) for indigenous peoples
- 0,5 MF (*EUR 76 225*) for Togo

## IRELAND

- UN Office for the Coordination of Humanitarian Affairs (OCHA): IR£200,000 (*app. 254 000 EUR*)
- UN Voluntary Fund for Assistance in Mine Clearing: IR£125,000 (*app. 158 700 EUR*)
- Office of the Special Representative for Children and Armed Conflict: IR£35,000 (*app. 44 500 EUR*)
- Office of the High Commissioner for Human Rights \*: IR£650,000 (*app. 825 500 EUR*)

Among the activities of the High Commissioner's Office being supported is the Voluntary Fund for Technical Cooperation in the Field of Human Rights which will receive IR£150,000 (*app. 190 500 EUR*). An allocation of IR£150,000 (*app. 190 500 EUR*) will go to the OHCHR's Trust Fund for Human Rights Field Operations some of which will be used in support of the Field Office in Colombia. A contribution of IR£110,000 (*app. 139 700 EUR*) is being made for the World Conference against Racism to be held in Durban, South Africa, from 31 August to 7 September 2001. This contribution brings total Irish support for UNHCHR's role in organising this conference to IR£220,000 (*app. 279 400 EUR*).

Other allocations provided for within this year's overall contribution include the human rights of Persons with Disabilities (IR£150,000, *app. 190 500 EUR*), support for the Office's voluntary Fund for Victims of Torture (IR£100,000, *app. 127 000 EUR*), Human Rights aspects of the peacekeeping operation in Burundi (IR£80,000, *app. 101 600 EUR*), and IR£50,000 (*app. 63 500 EUR*) to fund Human Rights in Development initiatives within the UN system.

## ITALY

- OHCHR: 0,6 million EUR.
- OCHA: approximately 0,5 million EUR .
- UNHCR: 9 million EUR .
- UNICEF: 10,5 million EUR .
- UN TRUST FUND FOR VICTIMS OF TORTURE: 120 000 EUR .

## LUXEMBOURG

- UN voluntary fund for victims of torture: 500.000 flux (12.395 EUR) High Commissioner for Human Rights: 1.000.000 flux (24.790 EUR)
- Office of the Special Representative of the Secretary-General for Children in Armed Conflicts: 1097.804 flux (27.214 EUR)

## NETHERLANDS

In the period 1 July 200 - 30 June 2001 the following financial contributions were made by the Netherlands:

- Voluntary Fund Indigenous People: NLG 75.000 (*app. 34 100 EUR*)
- Voluntary Fund for Field Activities: NLG 1.5 million (*app. 681 000 EUR*)
- Slavery Fund: NLG 98.463 (*app. 44 700 EUR*)
- Fund Victims of Torture: NLG 2.178.000 (*app. 988 800 EUR*)
- Independent Expert for the Right to Development: USD 276,542 (*app. 300 000 EUR*) through Harvard (Boston) on behalf of a study to be undertaken by the independent expert (total commitment to the work of the independent expert on the right to development is USD 1,3 million (*app. 1 410 500 EUR*) for the period 2001-2003)

## AUSTRIA

- UN Voluntary Fund for victims of torture: 40.000 USD (*app. 43 400 EUR*)
- Office of the UN High Commissioner for Human Rights: 113.510 USD (*app. 123 200 EUR*)
- Contribution to the World Conference against Racism (reallocation from World Conference for Human Rights) : 63.291 USD (*app. 68 700 EUR*)
- International Research and Training Institute for the Advancement of Women (INSTRAW): 10.000 USD (*app. 10 800 EUR*)
- UN Development Fund for Women (UNIFEM): 65.000 USD (*app. 70 500 EUR*)
- Un Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights (UNFASTA): 40.000 USD (*app. 43 400 EUR*)
- UNESCO, Human Rights Education: 10.000 USD (*app. 10 800 EUR*)

## PORTUGAL

- In the period covered by the report, the Portuguese financial contribution amounted to USD 190 000 (*app. 206 100 EUR*), including a financial contribution to the UNGA Special Session on Children.

## FINLAND

- General contribution FIM 1 500.000 (*app. 252 000 EUR*)
- Field operations FIM 2 600.000 (*app. 436 800 EUR*)
- World Conference against Racism FIM 250.000 (*app. 42 000 EUR*)
- UN Fund for Technical Cooperation in the Field of Human Rights, VFTC FIM 1 150.000 (*app. 193 200 EUR*)

## SWEDEN

- During 2000 Sweden contributed with SEK 10 300 000 (*app. 1 215 400 EUR*) to OHCHR's Geneva based activities, i.a., National Institutions, Special Procedures, Treaty Body System, Voluntary Funds (for Victims of Torture, Technical Cooperation and International Decade for the World's Indigenous People) and the World Conference against Racism etc.
- In addition, Sweden supported the OHCHR's field-offices in Cambodia and Colombia with a total of SEK 10 900 000 (*app. 1 286 200 EUR*), about SEK 3 000 000 (*app. 354 000 EUR*) to SRSG for Children in Armed Conflicts, SEK 1 000 000 (*app. 118 000 EUR*) to SRSG on Internally Displaced Persons as well as about SEK 600 000 (*app. 70 800 EUR*) to the Special Envoy on Persons Deprived of Liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia.
- Sweden further supported the joint UNDP and OHCHR HURIST-program (Human Rights Strengthening) with a contribution of SEK 4 000 000 (*app. 472 000 EUR*). Sweden also financed about 20 JPOs working with human rights issues. Not including the costs of the JPOs this amounted to SEK 28 800 000 (*app. 3 398 400 EUR*).

## UNITED KINGDOM

Financial contributions by the UK to the UN human rights system (between 1 July 2000 and 30 June 2001)

The Department for International Development (DfID) is working in partnership with the OHCHR, with the endorsement and support of the High Commissioner, to increase their efficiency and widen their donor-base.

DfID is contributing 3.3 Million EUR (£2 Million) annually for three years in a programme to achieve these objectives. The first installment was paid in the 2000-2001 financial year.

The Foreign and Commonwealth Office (FCO) through its Human Rights Project Fund (HRPF) made contributions to a number of UN human rights mechanisms, totalling 1,121,500 EUR (£680,000). This total consisted of:

- 264,000 EUR (£160,000) to the UN Voluntary Fund for the Victims of Torture
- 247,500 EUR (£150,000) to the National Institutions Fund, which provides advice or assistance about the establishment of national human rights institutions in a large number of countries
- 231,000 EUR (£140,000) to the UN Voluntary Fund for Technical Cooperation
- 198,000 EUR (£120,000) to the UN Human Rights Office in Bogota, Colombia
- 82,500 EUR (£50,000) to maintain the OHCHR website
- 82,500 EUR (£50,000) to the Committee Against Torture (CAT) Fund for Urgent Cases
- DfID and the FCO also made a joint contribution of 33,000 EUR (£20,000) - 16,500 EUR (£10,000) each - to the UN Special Rapporteur on Disability, Mr Bengt Lindqvist.

(NB: Exchange rate used - 1.649 EUR: £1)

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## **VISITS TO MEMBER STATES BY REPRESENTATIVES OF HUMAN RIGHTS MECHANISMS**

### **BELGIUM**

- Belgium has not received visits from representatives of human rights mechanisms recently.

### **DENMARK**

- Denmark has not received visits from international human rights mechanisms during the time period under review.

### **GERMANY**

- Germany has not received visits from international human rights mechanisms during the time period under review

### **GREECE**

- Greece has not received visits from international human rights mechanisms during the time period under review

### **SPAIN**

- Spain has not received visits from representatives of human rights mechanisms in 2000.

### **FRANCE**

- France has not received visits from representatives of human rights mechanisms recently.

### **IRELAND**

- Ireland has not received visits from international human rights mechanisms during the time period under review

### **ITALY**

- II visit in Italy of the European Commission against Racism and Intolerance of the Council of Europe (ECRI) in order to prepare the II Report for the period 1999- 2001  
Date of the visit: 28- 31 May 2001  
Discussion of the Report: date not yet fixed, probably autumn 2001  
Web site: [www.ecri.coe.int](http://www.ecri.coe.int)

## **LUXEMBOURG**

Luxembourg has not received visits from international human rights mechanisms during the time period under review

## **NETHERLANDS**

- There have been no visits by representatives of UN human rights mechanisms to the Netherlands during the period 1 July 2000 - 30 June 2001

## **AUSTRIA**

- Austria has not received visits from international human rights mechanisms during the time period under review.

## **PORTUGAL**

- There have been no visits by representatives of UN human rights mechanisms to Portugal during the time period covered by the report.

## **FINLAND**

- There have been no visits by representatives of UN human rights mechanisms to Finland during the time period covered by the report.

## **SWEDEN**

- No visits took place during the time period covered by the report.

## **UNITED KINGDOM**

- There were no visits by UN Special Rapporteurs to the UK in the period 1 July 2000 - 30 June 2001.

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## OVERVIEW OF INITIATIVES FINANCED IN 2000 THROUGH CHAPTER B7-7

### **NGOs activities to support the fight against the discrimination of children**

**B7-612** - Amount available: EUR 3.500.000; 4 projects approved

### **Support for democracy for countries of Central and Eastern Europe and in the Republics formerly part of Yugoslavia**

**B7-700** – Amount available: EUR 13.470.000; 12 projects (+ micro-projects) approved.

### **Support for democracy in the Independent States of the former Soviet Union and Mongolia**

**B7-701** - Amount available EUR 6.697.000; 13 projects (+ micro-projects) approved

### **Human Rights and democracy in developing countries, in particular the ACP countries**

**B7-7020** – Amount available: EUR 14.693.000; 30 projects approved.

### **Human Rights in democracy in Southern African countries**

**B7-7021** – Amount available: EUR 3.953.000; 7 projects approved.

### **Democratisation process in Latin America**

**B7-703** – Amount available: EUR 14.600.000; 5 projects + 1 multi-annual regional programme.

### **Grants to certain activities of human rights organisations (including the rehabilitation of torture victims)**

**B7-704** – Amount available: EUR 15.553.600; 22 projects approved.

### **MEDA programme for democracy**

**B7-705** – Amount available: EUR 8.698.500; 13 projects approved.

### **Support for the activities of the international criminal tribunals and for the setting up of the ICC**

**B7-706** – Amount available: EUR 2.115.000; 5 projects approved.

### **Human Rights and Democracy in Asian countries**

**B7-707** – Amount available: EUR 7.607.000; 14 projects (+ micro-projects) approved.

### **Support for and supervision of electoral processes**

**B7-709** – Amount available: EUR 4.594.600; 4 projects approved.

A total of EUR 4.891.300 was allocated for technical assistance under budget lines B7-700, B7-7020, B7-703, B7-704, B7-705, B7-707, B7-709.

## HUMAN RIGHTS ON THE INTERNET

### EUROPEAN COMMISSION

Service Commun Relex des relations extérieures

[http://europa.eu.int/comm/scr/index\\_en.htm](http://europa.eu.int/comm/scr/index_en.htm)

Delegation of the European Commission to the US

[http://europa.eu.int/comm/scr/index\\_en.htm](http://europa.eu.int/comm/scr/index_en.htm)

Secretariat General of the Commission – A Guide to Grants and Loans

[http://europa.eu.int/comm/secretariat\\_general/sgc/aides/en/en.htm](http://europa.eu.int/comm/secretariat_general/sgc/aides/en/en.htm)

External Relations

[http://europa.eu.int/comm/external\\_relations/index.htm](http://europa.eu.int/comm/external_relations/index.htm)

Development policy

[http://europa.eu.int/comm/development/index\\_en.htm](http://europa.eu.int/comm/development/index_en.htm)

Humanitarian aid

[http://europa.eu.int/comm/echo/en/index\\_en.html](http://europa.eu.int/comm/echo/en/index_en.html)

Enlargement

<http://europa.eu.int/comm/enlargement/index.htm>

Justice and Home Affairs

[http://europa.eu.int/comm/justice\\_home/index\\_en.htm](http://europa.eu.int/comm/justice_home/index_en.htm)

Employment and social affairs

[http://europa.eu.int/comm/dgs/employment\\_social/index\\_en.htm](http://europa.eu.int/comm/dgs/employment_social/index_en.htm)

### EUROPEAN PARLIAMENT

<http://www.europarl.eu.int>

### EU COUNCIL OF MINISTERS

<http://ue.eu.int/>

### EUROPEAN COURT OF JUSTICE

<http://europa.eu.int/cj/index/>

### EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

<http://www.esc.eu.int/index800.htm>

### THE EUROPEAN OMBUDSMAN

<http://www.euro-ombudsman.eu.int>

### CHARTER OF FUNDAMENTAL RIGHTS OF THE EU

<http://ue.eu.int/en/summ.htm>

### STABILITY PACT FOR EASTERN EUROPE

<http://www.stabilitypact.org>

## **ACADEMICA /UNIVERSITY**

European Masters Degree in Human Rights and Democratisation

<http://www.hrd-european.master.venis.it>

Mediterranean Masters Degree in Human Rights and Democratisation

<http://www.um.edu.mt/courses/prospectus.medmahrd>

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law

<http://www.rwi.lu.se>

Netherlands Institute of Human Rights

<http://www.law.uu.nl/english/sim>

The Danish Center for Human Rights

<http://www.humanrights.dk>

## **NON-GOVERNMENTAL ORGANISATIONS**

Coalition to stop the use of child soldiers

<http://www.child-soldiers.org>

The Death Penalty Information Centre

<http://www.deathpenaltyinfo.org>

International Rehabilitation Council for Torture victims

<http://www.irct.org/>

The European Human Rights Foundation

<http://www.ehrfoundation.org>

European Roma Rights Centre

<http://errc.org/>

International Coalition for the establishment of an International Criminal Court

<http://www.iccnw.org/>

Amnesty International

<http://www.amnesty.org/>

International Federation of Human Rights

<http://www.fidh.org/>

Human Rights Watch

<http://www.hrw.org/>

Human Rights Web

<http://www.hrweb.org/>

Search engine specialized in human rights issues

<http://www.hri.ca>

Save the Children

<http://www.raddabarnen.se>

The Sami Council

<http://www.saamicouncil.org>

The Asia-Europe Child Welfare Center

<http://www.asem.org>

International Committee of the Red Cross

<http://www.icrc.org>

The Human Rights Informations Centre

<http://www.humanrights.coe.int>

## **INTERGOVERNMENTAL ORGANISATIONS**

Organisation of African Unity

<http://www.oau-oau.org>

The Commonwealth

<http://www.thecommonwealth.org>

Organisation of American States

<http://www.oas.org>

International Labour Organisation

<http://www.ilo.org>

Organisation for Security and Cooperation in Europe

<http://www.osce.org>

OSCE/Office for Democratic Institutions and Human Rights

<http://www.osce.org/odihr>

The International Institute for Democracy and Electoral Assistance

<http://www.idea.int>

## ***UNITED NATIONS***

<http://www.un.org/>

Office of the High Commissioner for Human Rights

<http://www.unhchr.ch/>

United Nations – the UN working for women

<http://www.un.org/womenwatch/un/index.html>

World Conference Against Racism

<http://www.unhchr.ch/html/racism/index.htm>

International Criminal Court

<http://www.un.org/law/icc>

United Nations Children's Fund

<http://www.unicef.org>

United Nations High Commissioner for Refugees

<http://www.unhcr.ch>

The Global Compact

<http://www.unglobalcompact.org>

## **COUNCIL OF EUROPE**

<http://www.coe.int/>

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

<http://www.cpt.coe.int>

European Court of Human Rights

<http://www.echr.coe.int>

## **MEMBER STATES**

Belgium: EU Presidency's website

<http://www.eu2001.be>

Belgium: Centre for Equal Opportunities and opposition to Racism

<http://www.antiracisme.be>

Belgium: Ministry of Justice/Human Rights Department

[http://194.7.188.126/justice/index\\_fr.htm](http://194.7.188.126/justice/index_fr.htm)

Germany: Foreign Ministry

<http://www.auswaertiges-amt.de>

Germany: Permanent Mission to the United Nations

<http://www.germany-info.org/UN/index.htm>

Germany: Federal Ministry for Development

<http://www.bmz.de>

UN Information Centre in Germany

<http://www.uno.de>

Ireland: Department of Foreign Affairs

<http://www.ir.gov.ie/iveagh/>

Sweden: EU Presidency's website

<http://EU2001.se>

Sweden: Ministry for Foreign Affairs/International Law and Human Rights Department

<http://www.utrikes.regeringen.se/dettaar/organisation/depart/enheter/fMr.htm>

Sweden: Permanent Mission to the United Nations

<http://www.un.int/sweden>

United-Kingdom: The Foreign and Commonwealth Office

<http://www.fco.gov.uk>

España: Defensor del Pueblo Español

<http://www.defensordelpueblo.org>

España: Ministerio de Asuntos Exteriores/Oficina de Derechos Humanos

E-mail: [juan.zurita@mae.es](mailto:juan.zurita@mae.es)

España: Ministerio de Justicia/Dirección del Servicio Jurídico del Estado

Abogacía del Estado para el Tribunal Europeo de Derechos Humanos

E-mail: [dhumanos@dsje.mju.es](mailto:dhumanos@dsje.mju.es)

France: Site Internet de la présidence française:

<http://www.presidence-europe.fr>

## LIST OF ABBREVIATIONS

<b>ACP</b>	African, Caribbean and Pacific States
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>ASEAN</b>	Association of South East Asian Nations
<b>ASEM</b>	Asia-Europe Meeting
<b>CAT</b>	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination against Women
<b>CFSP</b>	Common Foreign and Security Policy
<b>CHR</b>	Commission on Human Rights
<b>CIS</b>	Community of Independent States
<b>COHOM</b>	Human Rights Working Group
<b>COREPER</b>	Permanent Representatives Committee
<b>CPT</b>	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>CRC</b>	Convention on the Rights of the Child
<b>CSR</b>	Corporate Social Responsibility
<b>CSW</b>	Commission on the Status of Women
<b>DAPHNE</b>	Programme of community action on preventive measures to fight violence against children, young persons and women
<b>DPRK</b>	Democratic People's Republic of Korea
<b>DRC</b>	Democratic Republic of the Congo
<b>EC</b>	European Community
<b>ECHO</b>	European Community Humanitarian Office
<b>ECHR</b>	European Convention on Human Rights
<b>ECJ</b>	Court of Justice of the European Communities
<b>ECMM</b>	European Community Monitoring Mission
<b>ECOSOC</b>	Economic and Social Council
<b>ECRI</b>	European Commission against Racism and Intolerance
<b>ECU</b>	European Currency Unit
<b>EIDHR</b>	European Initiative for Democracy and Human Rights
<b>EP</b>	European Parliament
<b>ESC Committee</b>	United Nations Committee on Economic, Social and Cultural Rights
<b>EU</b>	European Union



<b>FRY</b>	Federal Republic of Yugoslavia
<b>FYROM</b>	Former Yugoslav Republic of Macedonia
<b>GRULAC</b>	Latin American and Caribbean Group
<b>GSP</b>	Generalised System of Preferences
<b>HIV</b>	Human Immune Virus
<b>HOM</b>	Head of Mission
<b>ICC</b>	International Criminal Court
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia
<b>IDEA</b>	International Institute for Democracy and Electoral Assistance
<b>ILO</b>	International Labour Organisation
<b>IMF</b>	International Monetary Fund
<b>IDP</b>	Integrated Development Programme
<b>MNE</b>	Multinational Enterprises
<b>NGO</b>	Non Governmental Organisations
<b>OAS</b>	Organisation of American States
<b>OAU</b>	Organisation of African Unity
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OJ</b>	Official journal
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>PHARE</b>	Program for Central and Eastern Europe
<b>RAXEN</b>	European Racism and Xenophobia Network
<b>STOP</b>	Incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children
<b>TEC</b>	Treaty establishing the European Community
<b>TEU</b>	Treaty on European Union
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNCHR</b>	United Nations Commission on Human Rights
<b>UNDP</b>	United Nations Development Programme
<b>UNGA</b>	United Nations General Assembly
<b>UNICEF</b>	United Nations Children's Fund
<b>WEOG</b>	Western European and Others Group

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