

EU REPORT ON HUMAN RIGHTS 2008



European Union

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Cataloguing data can be found at the end of this publication.

Luxembourg: Office for Official Publications of the European Communities, 2008

ISBN 978-92-79-10402-2

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Printed in Luxembourg

PRINTED ON WHITE CHLORINE-FREE PAPER



EUROPEAN UNION ANNUAL REPORT ON HUMAN RIGHTS 2008

This report has been jointly prepared by
the Presidency of the European Union,
the European Commission and the General Secretariat of
the Council of the European Union.

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Preface

Year by year, the European Union is developing and strengthening its actions to promote, and ensure respect for, human rights throughout the world. This 10th EU Annual Report on Human Rights testifies to that constant commitment. Promotion of human rights is now one of the most highly-developed facets of the European Union's external relations.

The main aim of this report is to inform the widest possible audience, both in Europe and beyond the frontiers of the Union, of the EU's actions to promote human rights worldwide.

This report covers the period from July 2007 to June 2008. During these twelve months, real progress on human rights has been achieved.

The completion of the reform of the Human Rights Council and the adoption of its operating procedures should enable that central UN body to devote itself now to substantive issues. It is a unique forum bringing together representatives of States, experts and members of civil society. The European Union is fully committed to making its voice heard within the Council and to working to make it function effectively. The Human Rights Council has made a solid start, but all actors, and primarily member states of the Council should work together in good faith so that this new institution is able to fulfil its mandate and to live up to people's expectations. The first half of 2008 was marked by the first sessions of the Universal Periodic Review (UPR), an innovative Human Rights Council mechanism for reviewing the human rights situation in every country in the world, which requires all States to make substantive commitments to improving their protection of human rights.

The death penalty is in retreat. Rwanda and Uzbekistan have abolished capital punishment, taking the number of States which have done so to 135. In the United States, the State of New Jersey was the first US State since 1965 to declare the death penalty illegal. The European Union remains committed on this front. It welcomes the adoption by 104 countries of a resolution by the 62nd General Assembly of the United Nations calling for a moratorium on the death penalty with a view to the abolition of capital punishment.

In international justice, progress is being made. The arrests of Jean-Pierre Bemba and Radovan Karadžić and the indictment by the International Criminal Court of Thomas Lubanga, Germain Katanga and Mathieu Ngudjolo, former warlords in the Democratic Republic of the Congo accused of war crimes and crimes against humanity, represent a significant advance towards ending impunity for massive human rights violations.

The European Union supports the action of the International Criminal Court.

The EU's action in the field of human rights is steadily being reinforced. On the basis of its Guidelines, it intervenes, wherever possible, through diplomatic démarches or declarations, when a person is condemned to death, tortured, imprisoned for his or her opinions or convictions, or threatened. The EU pays particular attention to promoting the rights of the child and will shortly extend the range of its action to include the situation of female victims of violence.

The EU promotes human rights when participating in crisis management. It takes them actively into account when planning, conducting and evaluating ESDP operations. Some of these missions include experts with responsibility for women's rights or for the situation of children affected by armed conflict.

As well as intervening, where necessary, as a matter of urgency to prevent human rights violations, the European Union intends to give priority to dialogue and cooperation. It seeks to maintain close collaboration with civil society organisations. The EU is currently engaged in more than thirty dialogues and consultations on human rights with third countries in five continents, and they are rapidly growing in number, evidence of the ever-increasing importance which attaches to human rights in international relations. In addition to the cooperation programmes run by Member States, the Commission has reinforced its European Instrument for Democracy and Human Rights, which now has an annual budget of nearly EUR 140 million.

The fight for human rights is a long-term one. In many regions of the world, the situation continues to give cause for concern: in the Democratic Republic of the Congo, where mass sexual violence is used as a weapon of war, in Darfur where the international community is still endeavouring to put an end to the acts of brutality being inflicted on the civilian population, in Myanmar which was the scene of brutal repression in September 2007 and where the authorities failed to respond adequately to the humanitarian catastrophe caused by Cyclone Nargis. In Sri Lanka, the civilian population is the main victim of the clashes between the authorities and separatist movements. In North Korea and other countries, authoritarian and repressive regimes are holding on to power with no regard for human rights.

In this year of the 60th anniversary of the Universal Declaration of Human Rights, the 15th anniversary of the Vienna Declaration and the 10th anniversary of the UN Declaration

on Human Rights Defenders, it is important for us to remember that human rights are universal and cannot depend on the internal affairs of any State, in Europe or elsewhere. All civil, political, economic, social and cultural rights are indivisible, interdependent and mutually reinforcing.

To be more effective, the European Union must further strengthen its unity of action. We hope that this report, as well as being a source of information, will assist reflection on how, together, we can further increase the coherence of our action and thus enhance its efficacy.

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1. Introduction

Respect for human rights lies at the foundation of the European Union, together with fundamental freedoms, democracy and the rule of law. Without human rights, there can be no lasting peace or security and no sustainable development. The EU is convinced that this is a legitimate subject of concern and a major responsibility for the international community. It therefore attaches particular importance to respect for human rights, both within and outside its borders.

This 10th EU Annual Report on Human Rights covers the **period from 1 July 2007 to 30 June 2008**. Its aim is to provide an overview of the European Union's policies and actions in the field of human rights. The report thus creates the transparency and visibility required for interaction between the EU and civil society. It should also facilitate assessment and evaluation of the effectiveness of the EU's action¹.

This report aims to cover the EU's actions in the field of human rights vis-à-vis third countries, in multilateral bodies and on certain specific thematic issues. It does not claim to be exhaustive; on the contrary, it intentionally concentrates on issues where the EU's action has been most significant, which should make the report more readable.

The EU has a number of instruments for promoting respect for human rights worldwide. To date, it has developed six sets of Guidelines: on the death penalty, on torture, on human rights dialogues with third countries, on children and armed conflict, on human rights defenders, and, last year, on the rights of the child. In 2005, the EU also adopted Guidelines on the promotion of international humanitarian law. The EU implements these various Guidelines through specific actions (such as a worldwide campaign of *démarches* against torture). The EU carries out diplomatic *démarches* where human rights are violated. It engages in political or specifically human-rights related, dialogues with many third countries (more than thirty human-rights dialogues, at present). It finances the European Instrument for Democracy and Human rights (EIDHR).

At the multilateral level, the European Union is active in the Human Rights Council (HRC) and in the United Nations General Assembly (UNGA). During the period covered by the report, the Human Rights Council held its 6th, 7th and 8th regular sessions and three special sessions on human-rights violations in the Occu-

piated Palestinian Territory, the situation of human rights in Myanmar (held at the request of the EU) and the right to food. The EU successfully supported the extension of the mandates of the Special Rapporteurs on the situation of human rights in certain countries (Haiti, Sudan, Burundi, Liberia, North Korea, Myanmar, Somalia) or on specific thematic issues (for instance, the protection of human rights while countering terrorism, human rights defenders, minorities). At the 8th session of the HRC, the EU also initiated the adoption of a resolution on the situation of human rights in Myanmar, in particular following the passage of cyclone Nargis, which condemned human-rights violations in Myanmar and called on the Government of Myanmar to cooperate fully with the international community to put an end to them.

The EU also supported the launch of the Universal Periodic Review, an innovative Human Rights Council mechanism for carrying out reviews of the human rights situation in every country at four year intervals, which several Member States agreed to undergo. In this context, the EU will work to ensure that due account is taken of the recommendations made by the various UN Committees in the course of the discussions, and that NGOs participate fully when review reports are adopted.

At the 62nd session of the United Nations General Assembly, the EU initiated a declaration in which 95 countries in all continents called for a moratorium with a view to the abolition of the death penalty. Following on from this initiative, a resolution on the death penalty was adopted by 104 countries, in large part owing to an active campaign conducted by the European Union and other co authors of the resolution. It represents a historic success on the path towards the universal abolition of the death penalty. The EU also worked to secure the adoption of a number of resolutions on the situation of human rights in certain countries (Myanmar, North Korea, Iran, Belarus), and a resolution on the rights of the child (in cooperation with the Latin American and Caribbean countries) establishing the mandate of the Special Representative on violence against children.

The unique place which the European Union holds in the world leads it to commit itself particularly strongly to the protection and promotion of human rights. Victims of violations expect the EU to help put an end to the injustices which they experience on a day-to-day basis. Human rights defenders look at the EU to support them in their relentless efforts to promote human rights. This report shows that the European Union is endeavouring to fulfil these expectations through constantly renewed efforts and making use of the large number of instruments available to it.

¹ See Chapter 7., Analysis of effectiveness of EU Actions and Instruments.

2. EU instruments and initiatives in third countries

2.1. Joint Actions, Common Positions and crisis management operations

This section gives an overview of, and an update on, Joint Actions and Common Positions as well as crisis management operations in force during the reporting period.

Joint Actions address specific situations where action by the Union is deemed to be required. In the period covered by this report, the EU adopted a number of Joint Actions relevant to human rights. The Joint Actions in question relate primarily to the appointment of EU Special Representatives (EUSRs) and to civilian and military crisis management operations.

Common Positions essentially deal with restrictive measures either following an obligation imposed by a United Nations Security Council resolution or as an EU autonomous measure. Sanctions are applied in pursuit of specific CFSP objectives as set out in Article 11 of the TEU, which include, but which are not limited to, promoting respect for human rights and fundamental freedoms, democracy, the rule of law and good governance.

The European Union continues to aim at improving its procedures when applying EU autonomous sanctions or EU additions to UN sanctions lists, bearing in mind in particular the obligations with regard to the right to a fair hearing, the obligation to state reasons and the right to effective judicial protection.

Crisis management operations: human rights issues and conflict prevention

In the field of **conflict prevention**, the EU continued to develop its instruments for long- and short-term prevention. The “*Annual Report on EU activities in the framework of conflict prevention, including implementation of the EU Programme for the Prevention of Violent Conflicts*”, sets out progress in this field².

Human rights issues, including gender and children affected by armed conflict (CAAC), continued to be more and more important in the context of crisis management operations and missions, and to be systematically included in the planning and conduct of all ESDP operations/missions, as well as subsequently evaluated in lessons-learned processes. There was also

² <http://register.consilium.europa.eu/pdf/en/08/st10/st10601.en08.pdf>

The eleven EU Special Representatives in office during the reporting period covered the following regions:

- **Afghanistan** (Francesc Vendrell, appointed on 25 June 2002)¹,
- **The African Great Lakes Region** (Roeland van de Geer, appointed on 15 February 2007)²,
- **The African Union** (Koen Vervaeke, appointed on 6 December 2007)³,
- **Bosnia and Herzegovina** (Miroslav Lajčák, appointed on 18 June 2007)⁴,
- **Central Asia** (Pierre Morel, appointed on 5 October 2006)⁵,
- **Kosovo** (Pieter Feith, appointed on 4 February 2008)⁶,
- **The former Yugoslav Republic of Macedonia** (Erwan Fouéré, appointed on 17 October 2005)⁷,
- **The Middle East** (Marc Otte, appointed on 14 July 2003)⁸,
- **Moldova** (Kálmán Mizsei, appointed on 15 February 2007)⁹,
- **The South Caucasus** (Peter Semneby, appointed on 20 February 2006)¹⁰,
- **Sudan** (Torben Brylle, appointed on 19 April 2007)¹¹.

¹ Council Joint Action 2002/496/CFSP of 25 June 2002, OJ L 167, 26.6.2002, p. 12.

² Council Joint Action 2007/112/CFSP of 15 February 2007, OJ L 46, 16.2.2007, p. 79–82.

³ Council Joint Action 2007/805/CFSP of 6 December 2007, OJ L 323, 8.12.2007, p. 45–49.

⁴ Council Decision 2007/427/CFSP of 18 June 2007, OJ L 159, 20.6.2007, p. 63–64.

⁵ Council Decision 2006/670/CFSP of 5 October 2006, OJ L 275, 6.10.2006, p. 65–65.

⁶ Council Joint Action 2008/123/CFSP of 4 February 2008, OJ L 42, 16.2.2008, p. 88–91.

⁷ Council Joint Action 2005/724/CFSP of 17 October 2005, OJ L 272, 18.10.2005, p. 26–27.

⁸ Council Joint Action 2003/537/CFSP of 21 July 2003, OJ L 184, 23.7.2003, p. 45–45.

⁹ Council Joint Action 2007/107/CFSP of 15 February 2007, OJ L 46, 16.2.2007, p. 59–62.

¹⁰ Council Joint Action 2006/121/CFSP of 20 February 2006, OJ L 49, 21.2.2006, p. 14–16.

¹¹ Council Decision 2007/238/CFSP of 19 April 2007, OJ L 103, 20.4.2007, p. 52–53.

closer cooperation on these issues with EUSRs, whose mandates contain specific provisions to address human rights, gender and CAAC matters. Several ESDP operations/missions now include gender expertise. In the EUFOR Tchad/RCA operation, the gender adviser appointed to the Operational Headquarters is, inter alia, conducting gender training and has proposed a comprehensive structure for monitoring and reporting. EULEX Kosovo has a Human Rights and Gender Unit which not only ensures compliance of EULEX Kosovo policies and decisions with Human Rights and Gender standards, but also constitutes an entry point for all third parties' complaints related to alleged breaches of the code of conduct. EUSEC RD Congo and EUPOL RD Congo share a gender adviser, as well as a Human Rights/Children and Armed Conflicts expert, and the gender adviser in EUPOL Afghanistan provides advice to the Afghan authorities on gender policy in the Afghan National Police.

The compilation of relevant documents in the area of mainstreaming human rights and gender into ESDP, which was recommended by the PSC in June 2007 as a reference tool for future work on the planning and conduct of ESDP missions and operations, as well as for training purposes, has now (June 2008) been published in a declassified version³ (as a result of a Tri-Presidency (Germany, Portugal, Slovenia) continued effort).

The importance of gender mainstreaming continued to be emphasised, as well as the reinforcement of efforts in the implementation of UNSCR 1325 and relevant EU documents, particularly with a view to achieving more concrete progress in this field on the ground. In this regard, a study was conducted during the Slovenian Presidency on "Enhancing the EU response to women and armed conflict".

With regard to CAAC issues and the further implementation of UNSCR 1612, a study commissioned by the Slovenian Presidency on "*Enhancing the EU response to children affected by armed conflict*", as well as a review based on a questionnaire and concrete amendments to the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations, emphasised the aim to further enhance its implementation on the ground⁴.

Crisis management: operational activities

During the reporting period, operational activity in the field of **crisis management** continued to expand, both in the civilian and in the military field. The EU is undertaking a wide range of civilian and military missions, on three continents, with tasks ranging from peacekeeping and monitoring implementation of a peace process to advice and assistance in military, police, border monitoring and rule-of-law sectors. Further missions are under active preparation.

Middle East - Central Asia

The promotion of democracy, human rights and the rule of law are key areas of focus in the EU's relations with **Iraq**. Through its **Integrated Rule of Law Mission for Iraq (EUJUST LEX)**, the EU has provided 72 training courses and 12 work experience secondments in EU Member States since July 2005, training more than 1650 senior officials from across Iraq's police force, judiciary and penitentiary services. Following an initial extension in 2006, at the end of 2007 the EU decided to further extend the mission until 30 June 2009, by which time approximately 2 000 Iraqis will have been trained. The EU will possibly explore opportunities to expand the mission with in-country activities.

The EUSR for **Afghanistan**, Francesc Vendrell resigned on 31 August 2008. The new EUSR, Ettore Francesco Sequi, was appointed as of 1 September 2008⁵. Running until 28 February 2009, his mandate is to contribute to the implementation of the EU-Afghanistan Joint Declaration and the Afghanistan Compact, as well as relevant UN resolutions. A key objective is fostering the establishment of a democratic, accountable and sustainable Afghan State, while paying special attention to security and stabilisation, good governance, judicial and security-sector reform, human rights, democratisation and transitional justice.

Present and past impunity of human rights abuses in **Afghanistan** also continues to undermine efforts to build up a "trusted and efficient" police service. As defined in **EUPOLAFGHANISTAN CONOPS**, one of the objectives for the reform of the Afghan National Police (ANP) is the institutional respect for and adherence to international human rights law as well as cooperation with the Afghanistan Independent Human Rights Commission (AIHRC). Here, one of the strategic objectives of the mission is, in accordance with international standards, to assist and support the development of a police service which citizens trust, which works with integrity within the framework of the rule of law and which respects human rights. Human rights aspects were also integrated into other EUPOL's strategic objectives.

A human rights adviser was appointed to the mission's HQ in Kabul. A human rights Action Plan for the mission was developed. A survey of EUPOL police advisors deployed outside Kabul was conducted in February, which formed the basis for further planning on how to integrate human rights into EUPOL's activities in provinces. The EUPOL Human Rights Adviser is also working closely with the EUPOL Rule-of-Law team on Afghan criminal-law-related issues to ensure compliance with international human rights standards in the review processes of the amendments to the Police Law, the draft law on combating abduction and human trafficking, and the Criminal Procedure Code. EUPOL is cooperating with key interna-

³ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/ht/news144.pdf

⁴ See Chapter 4.4., Children and armed conflict.

⁵ Council Joint Action 2008/612/CFSP of 24 July 2008, OJ L 197, 25.7.2008, p. 60-62.

tional and Afghan partners (UNAMA, UNICEF, UNODC, IOM, Afghanistan Independent Human Rights Commission (AIHRC), MoI and other ministries) at the strategic level to develop institutional structures and inter-agency cooperation on human rights.

European Union Police Mission for the Palestinian Territories (EUPOL COPPS) carried forward its re-engagement with the Palestinian Civil Police (PCP), revamping a number of assistance projects that were frozen in early 2006 and constantly increasing its profile as the main international interlocutor and coordinator for assistance to the PCP. On the basis of the EU Action Strategy agreed in November 2007, the EU approved in June 2008 the expansion of the Mission's activities in the criminal justice sector. The Berlin Conference on 24 June 2008 confirmed international donors' support to the PCP and EUPOL COPPS with a substantial amount of donations being specifically earmarked for implementation of projects designed by the PCP in cooperation with the Mission.

Following the Hamas takeover of the Gaza Strip in June 2007, **EUBAM Rafah**⁶ did not return to the Rafah Crossing Point (RCP), but remained on standby for the whole period. In 2008 negotiations were started by Egypt for the reopening of the RCP, without managing to reach an agreement between Fatah, Hamas and Israel. The Mission, to respond to the changed operational situation, was downsized to 18 international staff, but remained ready to redeploy at the RCP at short notice in the event of the political and security conditions being met.

Africa

In accordance with UN Security Council Resolution 1778 (2007), which approved the deployment in **Chad** and the **Central African Republic** of a multidimensional presence and authorised the EU to provide a military component, on 28 January 2008 the EU launched the bridging military operation in Eastern Chad and North Eastern Central African Republic (**EUFOR Tchad/RCA**). This operation is being carried out in the framework of the European Security and Defence Policy, for a period of one year from the date on which initial operational capability was declared (15 March 2008).

The deployment of EUFOR Tchad/RCA is a concrete expression of the EU's commitment to work actively for the improvement of the security situation in the region, in particular in Eastern Chad and North-Eastern Central African Republic, by contributing to the protection of refugees and IDPs, facilitating the delivery of humanitarian assistance, helping to create the conditions for displaced people to return to their places of origin voluntarily, with the support of the Commission's *Programme d'Accompagnement à la Stabilisation de l'Est du Tchad*, as well as contributing to ensure MINURCAT's security and freedom to operate. In observance of its mandate, EUFOR

Tchad/RCA will continue to act in an impartial, neutral and independent manner. The deployment has been welcomed by the Governments of Chad and the Central African Republic.

The European Union has consistently shown its support for the transition process in the **Democratic Republic of the Congo (DRC)**. On 15 February 2007 the Council appointed a new EUSR for the African Great Lakes Region, Roeland van de Geer. In his frequent missions to the region he regularly and energetically raises human rights issues.

Following the earlier mission EUPOL Kinshasa (terminated on 30 June 2007), the EU launched **EUPOL RD Congo** (1 July 2007) in order to support the police aspect of the reform of the security sector as well as its linkages with the justice domain. EUPOL RD Congo has been extended for an additional year and is preparing to deploy a presence in the East of the country.

EUSEC RD Congo continued its work and efforts in the field of security sector reform (SSR) and disarmament, demobilisation and reintegration (DDR) in line with the mandate expiring on 30 June 2008. As regards the renovation of the military administration, the mission continued the biometric census of the Armed Forces personnel. The chain-of-payments project achieved real progress, notably in the form of better delivery of increased salaries to the military. A gradual transfer of responsibilities to the Congolese administration is now a rational objective by June 2009.

The security situation in the East of the country experienced some improvements in the wake of the signatures of the Nairobi communiqué and the Goma engagement acts for the Kivu provinces. Those recent achievements are still fragile as demonstrated by the continued violation of human rights by armed groups and the prevailing climate of impunity. Nevertheless, they represent the beginning of a process that could lead to a lasting peace. In this regard, the mission EUSEC RD Congo has provided support to the EUSR for the African Great Lakes Region in his efforts aiming at maintaining these processes on track.

Following the Council's adoption of the Joint Action on 12 February 2008, and the subsequent approval of planning documents (Concept of Operations on 12 February and Operational Plan on 5 June), the **EU mission in support of security sector reform in Guinea Bissau** was launched on 16 June 2008 and will last until end of May 2009. The strategic objective is to obtain a self-sustaining security sector capable of responding to society's security needs, including the fight against organised crime, compatible with democratic norms and principles of good governance, contributing to stability and lasting development in Guinea Bissau.

The mission provides advice and assistance on reform of the security sector (SSR) in Guinea Bissau to the local authorities in order to contribute to creating the conditions for implemen-

⁶ <http://www.eubam-rafah.eu/portal/>

tation of the National SSR Strategy, in close cooperation with other EU, international and bilateral actors, and with a view to facilitating subsequent donor engagement. The mission follows a comprehensive approach, with police, judicial and military expertise fully integrated in the mission.

Successful implementation of SSR in Guinea Bissau will depend on the commitment of funds and resources by the international community and the commitment of the local authorities to promote SSR implementation.

The EU continued its **civilian-military supporting action** to the African Union Mission in the Darfur region of **Sudan (AMIS)** until the end of 2007. In this framework, the EU provided military assistance in the form of technical, planning and management support throughout the AMIS command structure. Financial – through the African Peace Facility or bilaterally – and logistic support was also provided, including the provision of strategic air transport. In addition, the EU held the position of Vice-Chairman of the Ceasefire Commission which played a decisive role in the Darfur Peace Agreement, and the EU provided a number of military observers. EU police officers continued to play a key role in building AMIS civilian policing capacity through support, advice and training to the AMIS police chain of command and police officers on the ground. The EU also continued its support for the development of African Union policing capacity and the establishment of a police unit within the AU Secretariat in Addis Ababa.

On 31 July 2007 (UNSCR 1769) the UN Security Council authorised the deployment of the joint UN/AU Hybrid Operation in Darfur (UNAMID), constituting the final part of a three phased approach to enhancing peacekeeping in Darfur. UNAMID assumed authority from AMIS (and AMIS was incorporated into UNAMID) on 1 January 2008. After having been extended for a fifth period of six months from 1 July 2007, the EU Civilian-Military Supporting Action to AMIS was completed (through repeal of Joint Action (2007/887/CFSP)⁷) on 31 December 2007.

The work of the **EUSR for Sudan**, Mr Torben Brylle (appointed on 19 April 2007, Council Decision 2007/238/CFSP⁸ and Joint Actions 2007/108/CFSP⁹, 2007/809/CFSP¹⁰ and 2008/110/CFSP¹¹), continued to focus on three key areas: to achieve a political settlement of the conflict in Darfur, assisting the Sudanese parties, the AU and the UN; to ensure the maximum effectiveness and visibility of the EU's support for AMIS; and to facilitate the implementation of the Comprehensive Peace Agreement (CPA) in Sudan. An important part of the EUSR's mandate is within the sphere of human rights: the EUSR follows the situation in this sphere and maintains contacts with

the Sudanese authorities, the AU, the UN (in particular with the Office of the High Commissioner for Human Rights), the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court. The rights of children and women and the fight against impunity are areas specifically mentioned in the EUSR's mandate.

Eastern Europe

The current EUSR for **Moldova**, Kálmán Mizsei, assumed his duties on 1 March 2007 (2007/107/CFSP¹²) and his mandate was prolonged for another year as of 1 March 2008 (2008/106/CFSP¹³). His mandate focuses primarily on the EU's contribution to the settlement of the Transnistria conflict. It also includes the strengthening of democracy and human rights as well as the fight against the trafficking of human beings. In addition, the EUSR maintains an overview of all EU activities, notably relevant aspects of the ENP Action Plan with Moldova, which was signed on 22 February 2005.

On 25 February 2008, the Council renewed the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova and several high-level Transnistrian officials involved in the closure of Latin-script Moldovan schools by force (2008/160/CFSP¹⁴). The Council deleted six persons from the list of targeted persons and added six other persons.

The **European Union Border Assistance Mission to Moldova and Ukraine (EUBAM)** continued its work. The Mission is organised by the European Commission and employs a staff of over 200, including around 120 customs and border experts from more than 20 Member States. In May 2007, the Mission's mandate was prolonged until 30 November 2009. The Head of Mission is double hatted as Senior Political Adviser to the EUSR for Moldova. In addition, an EUSR Border Team consisting of three people ensures liaison with the EUSR and the Council.

Western Balkans

The EUSR in **Bosnia and Herzegovina**, Miroslav Lajčák, kept promotion of a coherent and consistent approach to the mainstreaming of EU human rights policy as a priority and coordinated concrete actions in various fields.

Since 2003 the **European Union Police Mission (EUPM)**¹⁵ has been supporting - as part of the broader rule of law approach in Bosnia and Herzegovina and in the region - the establishment of a sustainable, professional and multiethnic police service operating in accordance with European and international standards. This police service should operate in accordance with

⁷ OJ L 346, 29.12.2007, p. 28.

⁸ OJ L 103, 20.4.2007, p. 52–53.

⁹ OJ L 323, 8.12.2007, p. 57–58.

¹⁰ OJ L 323, 8.12.2007, p. 57–58.

¹¹ OJ L 38, 13.2.2008, p. 28–31.

¹² OJ L 46, 16.2.2007, p. 59–62.

¹³ OJ L 38, 13.2.2008, p. 15–18.

¹⁴ Council Common Position 2008/160/CFSP of 25 February 2008 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova, OJ L 51, 26.2.2008, p. 23–25.

¹⁵ <http://www.eupm.org/>

commitments made as part of the Stabilisation and Association Process with the European Union. EUPM operates in line with the general objectives of Annex 11 to the Dayton/Paris Agreement and its objectives have been supported by Community instruments.

Following the reconfiguration of **Operation ALTHEA** in Bosnia and Herzegovina (BiH) in 2007, the EU-led force (**EUFOR**)¹⁶ numbers some 2 500 troops on the ground, backed up by over the-horizon reserves. Its operational focus remains the maintenance of a safe and secure environment and the transfer of Joint Military Affairs (JMA) tasks to relevant national authorities. Elements of the European Gendarmerie Force have participated in the Integrated Police Unit of EUFOR since November 2007. The EU remains actively committed to BiH, including through Operation ALTHEA, and, as part of the EU's overall engagement in the country, the EU-led military presence will remain there for as long as necessary.

Coherence of overall EU action, including in support of further progress on reforms, in BiH – involving all EU actors including the Commission and EU Heads of Mission – remains a priority. The EU Force Commander, the EUSR and the Head of EUPM continue to consult each other regularly prior to taking action.

On 4 February 2008, Pieter Feith was appointed EUSR in **Kosovo**¹⁷. His mandate, which runs until 28 February 2009, also includes the contribution to the consolidation of respect for human rights and fundamental freedoms in Kosovo.

EU Planning Team Kosovo (EUPPT Kosovo) was established to initiate planning of a possible future ESDP mission in the area of the rule of law. In February 2008, just such a mission, **EULEX KOSOVO**¹⁸, was established by the Council. EULEX KOSOVO forms a crucial part of the EU's engagement in Kosovo, with the aim of assisting Kosovo to strengthen the rule of law and to move towards further European integration. EULEX KOSOVO will implement its mandate through monitoring, mentoring and advising, while retaining certain executive responsibilities where needed. It will assist the Kosovo authorities in developing independent and multiethnic judicial authorities, police and customs services, free from political interference, promoting human rights and adhering to internationally recognised standards and European best practices. Though the human rights and security situation of non-majority communities in Kosovo has shown some improvement over the past years, it still requires specific attention.

Human rights will be mainstreamed horizontally throughout EULEX KOSOVO, which will create a mechanism through the deployment of human rights and gender experts to ensure that the mission will fully respect international human rights

standards in the performance of all its activities. A key conference on human rights and gender issues was held in May 2008 to explain EULEX KOSOVO's mandate and hear the views of NGOs and civil society.

The need to fully implement UNSCR 1325 in the context of ESDP missions, including, inter alia, contacts with local women's groups and inclusion of gender adviser functions, has been taken into account in the planning of new, and in the conducting of ongoing ESDP missions.

Ambassador Erwan Fouéré continued to serve as both EUSR and Head of the Commission Delegation in the **former Yugoslav Republic of Macedonia**. His mandate as EUSR focuses in particular on giving advice and facilitation in the political process, coordinating the International Community's efforts in support of the Ohrid Framework Agreement, as well as on closely following security and interethnic issues. He also contributes to the development and consolidation of respect for human rights and fundamental freedoms in the country.

2.2. Role of the SG/HR Personal Representative for Human Rights

Riina Kionka has served as Personal Representative for Human Rights in the area of CFSP for Javier Solana, Secretary-General/High Representative for CFSP, since 29 January 2007. She is the second person to fill this position since its creation in December 2004. At the same time, Mrs Kionka is responsible for human rights within the Council Secretariat, thus bringing more coherence and continuity to EU human rights policy (with due regard for the responsibilities of the European Commission).

Her double function means that Mrs Kionka is engaged in a broad spectrum of activities on a broad range of topics, ranging from public diplomacy to policy formulation, including mainstreaming human rights into CFSP and ESDP, participating in human rights dialogues and consultations with third countries and generally contributing to the implementation of EU Human Rights and International Humanitarian Law Guidelines as well as EU human rights policy in the UN, the Council of Europe and the OSCE.

Policy remains the most important focus of the Personal Representative's work. During the period under review, she sought to increase coherence within the Secretariat, especially in implementing commitments the Member States have taken to mainstream human rights and gender into ESDP operations. She also continued her efforts to bring human rights issues more often to the attention of the Political and Security Committee in order to raise these questions at a higher political level. Raising the public profile of the EU's Human Rights policy also was a priority. Responding to public interest to know what the EU is doing for human rights is another way of broadening the base of support for all other EU actions worldwide.

¹⁶ <http://www.euforbih.org/>

¹⁷ Under United Nations Security Council Resolution 1244.

¹⁸ <http://www.eulex-kosovo.eu>

On more representational matters during the period under review, the Personal Representative appeared on behalf of Mr Solana and the Council at many international conferences and seminars and took on over forty speaking engagements, for instance on the topic of human rights defenders at the Human Dimension Implementation Meeting in Warsaw in October 2007; on Genocide Prevention at the Madariaga Foundation seminar in March 2008; and on Media Freedom at a seminar organised by the European Commission in Chisinau in May 2008. Selected remarks by the Personal Representative at various public appearances are available on the Council website¹⁹.

The Personal Representative and her staff also met with numerous Human Rights Defenders from different regions, represented the Council seven times at Human Rights Sub-Committee hearings and informal briefings at the European Parliament, and exchanged views with relevant officials of the Council of Europe and the OSCE including Council of Europe Commissioner Hammarberg and ODIHR Director Strohal.

She took part in 15 human rights dialogues and consultations during the period under review.

A series of training sessions, jointly organised by the Personal Representative and the Council Secretariat's training department to raise awareness about human rights issues among Secretariat staff, provided a platform for external speakers including FIDH, Amnesty International and Human Rights Watch, the Chair of the EP's Human Rights Sub-Committee, H el ene Flautre, and Council of Europe Commissioner, Thomas Hammarberg, to present their views. Mrs Kionka also addressed Commission staff including from overseas Delegations at a European Commission training session on EU Guidelines on Human Rights in the autumn of 2007.

The Personal Representative also sought to raise the profile of human rights within the Council by bringing human rights questions to geographic and thematic Council working parties. During the period under review, this included Working party on Africa (COAFR), Working party on Asia and Oceania (COASI), Working party on terrorism (COTER) and Working party on Eastern Europe and Central Asia (COEST). She brought human rights issues to the attention of the Political and Security Committee five times over the past 12 months. Mrs Kionka also identified a need to mainstream human rights in Member States' administrations and sought to help by, for instance, addressing a conference of ambassadors on the Guidelines at the Netherlands MFA in The Hague in September 2007 and a group of incoming working group chairs in Ljubljana in December of that year.

Mainstreaming human rights and gender into ESDP operations remained a key element of the Personal Representative's

work. A handbook on Human Rights and Gender Mainstreaming in ESDP²⁰, compiling materials that comprise the guiding principles for planners of EU operations as well as examples of their use, was published under Slovenian presidency as a project of "trio presidency" of Germany, Portugal and Slovenia in June 2008.

As part of her commitment to mainstream human rights in EU crisis management, Mrs Kionka also stepped up cooperation with EU Special Representatives and undertook joint visits to crisis regions. In July 2007 Riina Kionka went to Baku with Peter Semneby, the EU Special Representative for the South Caucasus, to highlight problems of media freedom. In October 2007 she visited the Kivus in the Democratic Republic of the Congo together with the EU Special Representative for the African Great Lakes Region, Roeland van de Geer, to underline how sexual violence is used as a tool of war.

2.3. Action plans within the framework of the ENP

The European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours and instead strengthening the prosperity, stability and security of all concerned²¹.

The central element of the European Neighbourhood Policy is the bilateral ENP action plans agreed between the EU and each partner. This tool sets out an agenda of political and economic reforms with short and medium-term priorities. The political chapter of each ENP action plan covers a wide range of human rights, governance and democratisation issues, with a varying emphasis and differentiation according to the degree of commitment shown by each partner country.

The commitments in the action plans aim to contribute to key reforms in the area of democratisation (e.g. electoral laws, decentralisation, strengthening of administrative capacity), the rule of law (e.g. reform of penal and civil codes, codes of criminal procedure, strengthening the efficiency of judicial administrations, elaboration of strategies in the fight against corruption), and human rights (e.g. legislation protecting human rights and fundamental freedoms, enforcement of international human rights conventions, fight against racial hatred and xenophobia, human rights training and enforcement of international conventions on core labour rights).

The period under review witnessed the implementation of twelve ENP action plans (Armenia, Azerbaijan, Georgia, Egypt, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine). The implementation

¹⁹ http://www.consiliium.europa.eu/cms3_fo/showPage.asp?id=1193&lang=EN&mode=g

²⁰ http://www.consiliium.europa.eu/ueDocs/cms_Data/docs/hr/news144.pdf

²¹ http://ec.europa.eu/external_relations/enp/index_en.htm

of these action plans is jointly monitored through subcommittees, including for some partner countries through dedicated subcommittees on human rights and democracy. Human rights subcommittees have so far been established and sessions held with Jordan (3rd session on 25 June 2008), Morocco (2nd session on 27 November 2007), Tunisia (1st session on 12 November 2007) and Lebanon (1st session on 12 March 2007). The informal working group on human rights with Israel held its third session on 30 April 2008. With Egypt, commitments in the field of human rights under the ENP action plan were discussed on 2 and 3 June 2008 within the subcommittee on political matters, human rights and democracy, international and regional issues. With Moldova and Ukraine, human rights issues under the ENP action plans were discussed under the auspices of the Justice, Freedom and Security Subcommittees, which met on 19 September 2007 and 10 April 2008 respectively. At the first EU–Georgia subcommittee on Justice, Freedom and Security, on 30 April 2008, it was agreed that regular informal meetings on human rights would be held back to back with this subcommittee, in troika format.

The EU seeks to develop further the working methods of these new structures, including by focusing on key operational issues, prioritising and sequencing actions as well as by jointly defining deliverables of the process. Obviously, the effectiveness and the actual outcome of the dialogue largely depend on the willingness of the partner country to implement and enforce its ENP commitments in the fields of human rights and fundamental freedoms.

The Commission’s communication “A Strong European Neighbourhood Policy”²² (December 2007) made a number of specific proposals intended to achieve a more substantial EU offer vis-à-vis partner countries, particularly on trade and economic integration, mobility and tackling regional conflicts. This communication was welcomed by the EU Foreign Ministers in their conclusions of February 2008 as a basis for further reflection on making the ENP more effective and more attractive to ENP partners, with the aim of making full use of this policy’s potential.

The Commission’s communication on the “Implementation of the European Neighbourhood Policy in 2007”²³ accompanied by country-specific progress reports²⁴ (April 2008) noted that political reform processes, while sharing important core principles, are different in the various countries under the ENP, reflecting the commitments that they have made in this respect. In the east, all ENP partners that have agreed action plans are members of the OSCE and the Council of Europe, which contributes to a particular reform agenda aiming at close approximation to the fundamental standards prevailing in the EU. The implementation of reforms in most countries of the region

also took place against a background of economic growth and relative stability. In the south, the reform agenda is based on the agreed values enshrined in the Barcelona Declaration and takes these and UN commitments as benchmarks. In many countries that have yet to meet these standards fully, political reform is slow-moving. More generally, the political dialogue and reform agenda of the ENP partners is highly differentiated. In addition to the communication providing an overall assessment, each country-specific report reviewed progress made on the implementation of the respective action plan in the period from 1 November 2006 to 31 December 2007.

The EU provides substantial technical and financial support for ENP implementation through its external assistance programmes, in particular the European Neighbourhood and Partnership Instrument (ENPI). The Governance Facility encourages neighbouring countries to go further in their reform processes. The Facility provides additional support, on top of the normal country allocations, to acknowledge and support the work of those partner countries which have made most progress in implementing the agreed reform agenda set out in their action plan. In line with an assessment of progress made in implementing the (broadly-defined) governance aspects of the action plans, this funding is made available to top up national allocations, to support key elements of the reform agenda; this will help reformist governments to strengthen their domestic constituencies for reform. Moldova, Morocco and Ukraine were allocated the facility (EUR 50 million) in year 2008 in equal parts.

2.4. EU guidelines on human rights

The EU guidelines on human rights are policy documents adopted by the Council. They cover issues of particular importance to EU Member States including the **death penalty** (1998, updated 2008), **torture and other cruel, inhuman or degrading treatment or punishment** (2001, updated 2008), **human rights dialogues** (2001), **children and armed conflict** (2003, updated 2008); **human rights defenders** (2004) and **rights of the child** (2007). They are available in all EU languages plus Russian, Chinese, Arabic and Farsi from the Council Secretariat website (<http://consilium.europa.eu/Human-Rights>).

In addition, the EU adopted guidelines on promoting compliance with international humanitarian law (IHL) in December 2005²⁵. The main aim is to set out operational tools for the EU to promote compliance with IHL.

Guidelines are legally not binding, but very pragmatic instrument of EU human rights policy. They provide the different EU actors - not only at headquarters, but also in third countries - with elements allowing sustained action in a number of key areas of concern.

²² http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf

²³ http://ec.europa.eu/world/enp/pdf/progress2008/com08_164_en.pdf

²⁴ http://ec.europa.eu/world/enp/documents_en.htm

²⁵ OJ C 327, 23.12.2005, p. 4.

More details on how the EU has implemented the thematic guidelines are included in Chapter 4. Information on actions undertaken within the framework of the human rights dialogues guidelines is to be found in Chapter 2.6.

2.5. Démarches and declarations

Démarches on human rights to the authorities of third countries are important instruments of the EU's foreign policy. Démarches are usually carried out in a confidential manner, jointly by the current and incoming Presidencies as well as the Commission. In addition, the EU makes 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 protection of human rights defenders, illegal detention, forced disappearances, the death penalty, torture, child protection, refugees and asylum seekers, extrajudicial executions, freedom of expression and of association, the right to a fair trial, and elections.

Démarches and declarations are also employed in a positive sense. In the period under review, the EU welcomed a number of positive developments through declarations on, for example, humanitarian agreements in Colombia (9 October 2007), and the abolition of the death penalty (4 January 2008) and the release of human rights defenders (14 February 2008) in Uzbekistan. Declarations are also used to convey a message in support of EU priorities: e.g. on the European Day against the Death Penalty (common declaration of the EU and the Council of Europe)²⁶ or the UN International Day in Support of Victims of Torture²⁷. Démarches were made in all regions of the world to promote the universality and integrity of the Rome Statute of the International Criminal Court.

In addition the EU High Representative for the CFSP occasionally makes statements on key human rights developments.

2.6. Human rights dialogues and consultations

Human rights dialogues are one of the tools which the European Union may use to implement its human rights policy and constitute an essential part of the Union's overall strategy towards third countries. The European Union has established some 30 human rights dialogues, consultations and dedicated discussion forums with third countries.

²⁶ See also Chapter 4.1., The death penalty.

²⁷ For more information on this declaration see Chapter 4.2., Torture and other cruel, inhuman and degrading treatment or punishment.

Human rights dialogues currently take place in various formats:

- structured human rights dialogues;
- dialogues conducted in dedicated Subcommittees under Association Agreements, Partnership and Cooperation Agreements or Cooperation Agreements, in particular in the context of the European Neighbourhood Policy;
- local human rights dialogues;
- Troika consultations on human rights issues.

Human rights are sometimes also discussed in Article 8 dialogues and Article 96 consultations with ACP countries under the Cotonou Agreement but these are not considered to be human rights dialogues as such.

2.6.1. Human rights dialogue with China

Two further rounds of the EU-China dialogue on human rights were held during the reporting period: the 24th round took place in Beijing on 17 October 2007 and the 25th in Brdo, Slovenia, on 15 May 2008. As is customary, a field trip and "courtesy visit" at political level formed part of the dialogue package on both occasions and a list of individual cases was handed over prior to the meetings. After a year's interruption, the practice of holding a human rights legal seminar back to back with the dialogue was resumed in May 2008.

In Beijing in October 2007, reform of the criminal justice system in China, freedom of expression, freedom of religion in Tibet and labour rights were key issues for the EU. Substantive responses were received from the Chinese side on the ICCPR, the death penalty, torture, freedom of speech and cooperation in UN fora. In an exchange that spurred the most robust debate of the session, the EU and China discussed freedom of religion in Tibet, and in particular new measures tightening state control over approval of reincarnated lamas.

In the framework of the dialogue, the EU Troika undertook a field visit to Shanxi Province.

During the 25th dialogue meeting in Brdo, Slovenia, on 15 May 2008, special attention was given to questions related to freedom of expression, the rights of persons belonging to minorities, in particular in Tibet, and cooperation in UN fora.

The EU expressed particular concern about the continuing restrictions on freedom of expression in China, including on press freedom and on the Internet, as well as the situation of human rights defenders and petitioners.

The EU voiced grave concern regarding the human rights and humanitarian situation in Tibet following recent events. China reiterated in detail its customary position on the situation in

Tibet and the role of the Dalai Lama, while noting that the door to further talks remained open.

Other activities in connection with the dialogue included a field trip to the institutions of the Italian minority in Koper and Piran and the legal seminar held in Bled on 13 and 14 May, which focused on the right to health and children's rights. This was the first such seminar since 2006 as the seminar planned for Berlin in May 2007 was cancelled due to Chinese opposition to the attendance of two NGOs invited by the EU. The Bled seminar provided a platform for constructive exchanges among Chinese and European academics and officials as well as international NGOs specialised in the topics under discussion. A number of international human rights NGOs, which had been invited by the EU to take part, decided not to participate in the seminar.

The next round of the dialogue is scheduled to take place under the French Presidency in Beijing during the second half of 2008.

2.6.2. Human rights dialogue with Iran

Human rights are an essential element of the EU's overall relations with Iran, as with any other country. Since 2002 the EU has held four sessions of the human rights dialogue with Iran, with the last occurring in June 2004. The European Union deplores the fact that the human rights dialogue with Iran has been frozen since Iran cancelled the fifth round in December 2006. The EU remains committed to resuming the dialogue, provided that Iran confirms its willingness to seriously engage in the process²⁸.

2.6.3. Human rights dialogue with Central Asian States

Turkmenistan

Under the period of reporting, the EU held its last round of the *ad-hoc* human rights dialogue with Turkmenistan, initiated in 2004, on 18 September 2007. In the framework of the implementation of the EU Central Asia Strategy, however, the European Union and Turkmenistan extended the *ad-hoc* human rights dialogue to a regular human rights dialogue and held the first round on 24 June 2008 in Ashgabat. During discussions the EU expressed a wide range of con-

²⁸ For more information on Iran, see Chapter 6.7., The Middle East and the Arabian Peninsula.

cerns about the human rights situation in Turkmenistan, in particular regarding freedom of association and assembly, freedom of expression and the media, independence of the judiciary and functioning of civil society, freedom of thought and religion, prison conditions and torture, rights of persons belonging to minorities, freedom of movement and forced displacement and rights of children. Turkmenistan co-operation with UN mechanisms was also discussed. In addition, the EU raised a number of individual cases of concern with the Turkmen authorities.

Uzbekistan

The second round of the EU-Uzbekistan human rights dialogue took place in Brussels on 5 June 2008 within the framework of the EU-Uzbekistan Subcommittee on Justice and Home Affairs, Human Rights and Related Issues. Discussions covered the human rights situation in Uzbekistan and the EU, as well as human rights developments in UN fora and the OSCE. The EU raised a wide range of concerns about the human rights situation in Uzbekistan, in particular regarding freedom of expression, prison conditions and access, including treatment of returned refugees, follow-up to the abolition of the death penalty, freedom of religion, development of civil society, in particular the situation of NGOs and human rights defenders, and child labour. The EU also raised a number of individual cases with the Uzbek authorities. The Uzbek side for their part focused on specific aspects of the situation of children in certain Member States.

The civil society seminar on the issue of liberalisation of media was also planned to take place in the margin of the human rights dialogue. After the failure to reach agreement on modalities in May, the seminar finally took place on 2 and 3 October in Tashkent.

2.6.4. EU - African Union human rights dialogue

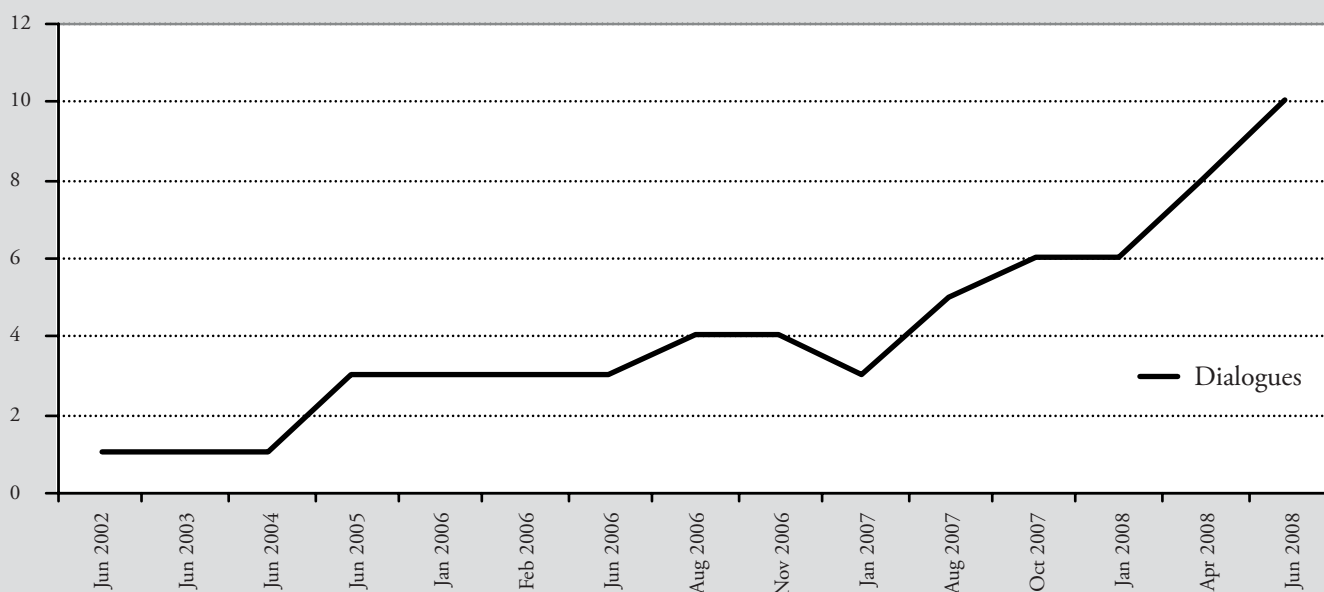
The EU wishes to enhance cooperation with the Member States of the AU both bilaterally and at international fora including in the context of the Human Rights Council. In September 2007 the EU Troika held exploratory talks with the African Union Troika. Both sides agreed on the need to strengthen cooperation on human rights matters between the EU and the African Union (AU), and discussed the modalities for an EU-AU dialogue.

The first round of the EU-AU dialogue took place in Brussels on 26 May 2008. The parties agreed on the modalities of the dialogue, including in particular the aim to carry out a regular assessment of the main challenges concerning respect for human

In the period under review, the Union made human-rights-related declarations concerning inter alia the following countries:

Afghanistan, Azerbaijan, Belarus, Burma/Myanmar, China, Colombia, DRC, Guatemala, Iran, Russia, Somalia, Sudan, Sri Lanka, Syria, Togo, the US and Uzbekistan.

2002-2008: Increase in number of structured human rights dialogues and consultations



rights, democratic principles and the rule of law in Africa and in Europe. They also discussed the development of human rights in the EU and the AU and agreed to improve their cooperation on relevant issues in international fora.

The next round of the dialogue is set to take place on 27 October 2008 in Addis Ababa.

Following the Lisbon Summit of December 2007, the EU and the AU decided to establish a Joint Strategy, which includes a dedicated partnership in the areas of human rights and democratic governance. This Partnership complements and is closely linked to the discussions of the EU-AU Human Rights Dialogue.

2.6.5. Human rights consultations with the Russian Federation

The sixth round of EU-Russia human rights consultations was held in Brussels on 3 October 2007 and the seventh round in

Ljubljana on 17 April 2008. The sixth and especially the seventh round of human rights consultations repeated much of the ground covered in previous rounds and demonstrated that there were few points of agreement between the two sides, with Russia systematically counterattacking whenever criticised. Russia was keen to focus on the process, stressing that the Russian Federation saw the consultations as a confidence-building exercise, while the EU called for a more results-oriented approach.

Discussions covered the human rights situation in the EU and Russia as well as issues relating to the international protection of human rights. The EU raised a number of concerns about the human rights situation in Russia, in particular freedom of media, expression and assembly, especially in the light of the recent parliamentary and presidential elections, the functioning of civil society, the rights of persons belonging to minorities, combating racism and xenophobia and the rights of children and women. Both sides also discussed human rights in the Northern Caucasus. On both occasions, the EU also raised individual cases with the Russian side.

Overview of the dedicated EU human rights dialogues and consultations with third countries (period between 1 July 2007 and 30 June 2008)

African Union	China	Jordan	New Zealand	US
Bangladesh	Egypt	Laos	Russia	Uzbekistan
Canada	India	Lebanon	Turkmenistan	
Cambodia	Israel	Moldova	Tunisia	
Candidate Countries	Japan	Morocco	Ukraine	

The discussions also focused on the international human rights obligations of the EU and Russia, including cooperation with UN human rights Special Procedures. The meetings also discussed cooperation within the Council of Europe, including the issue of implementation of judgments of the European Court of Human Rights. At Russia's request, the EU provided details of current developments in various EU Member States.

In keeping with its policy to closely involve civil society in dialogues on human rights, the EU made a point of associating NGOs in the preparation of the consultations and held a round-table with domestic and international NGOs on the day preceding the dialogue meetings. The Russian authorities declined to participate in the round-table meetings²⁹.

2.6.6. Troika consultations on human rights with the US, Canada, Japan, New Zealand and candidate countries

Troika consultations with the US

The twice-yearly consultations on human rights between the EU and the US took place on 20 September 2007 (Brussels) and 26 February 2008 (Washington). Both meetings gave rise to open, constructive and in-depth exchanges on country and thematic priorities for the Third Committee of the UN General Assembly and the Human Rights Council respectively. Opportunities for EU-US cooperation and coordination in both fora were discussed. The US expressed growing scepticism and frustration about the work of the Human Rights Council, foreshadowing its decision to withdraw from the Council in June 2008. An in-depth exchange of views on countries of concern and policies towards these countries took place at the February meeting. Furthermore, the EU and the US exchanged information on human rights dialogues and consultations with third countries.

At both meetings, the issue of human rights and counterterrorism featured on the agenda providing an opportunity for the EU to ask a series of specific questions regarding certain US practices and policies in the fight against terrorism and to express concerns. The EU raised its concerns regarding the continued use of the death penalty in the US.

Other issues addressed included the Durban process, US support for human rights defenders, the UN Democracy Fund and a joint EU-US initiative on prisoners of conscience.

Troika consultations with Canada

EU-Canada human rights consultations took place on 6 September 2007 in Brussels and on 28 February 2008 in Ottawa. Canada and the EU had an exchange of views on thematic and country priorities for the Third Committee of the UN General Assembly and the Human Rights Council as well as other HRC

issues. Furthermore, the EU and Canada exchanged information on human rights dialogues and consultations with third countries. Other topics discussed included EU concerns over Canada's decision to pull out of the Durban Review Conference and Canada's reluctant stance on the UN Declaration on the Rights of Indigenous Peoples.

Troika consultations with Japan

EU-Japan human rights consultations took place on 9 October 2007 in Brussels and on 6 March 2008 in Geneva. Japan and the EU exchanged views on developments in the UN Human Rights Council and its interface with the Third Committee of the UN General Assembly and on bilateral human rights dialogues with third countries. The EU raised its concerns regarding the continued use of the death penalty in Japan.

Troika consultations with New Zealand

The fourth round of human rights consultations with New Zealand took place on 14 February 2008 in Brussels. New Zealand and the EU had an exchange of views on developments in the UN. They also exchanged information on human rights dialogues and consultations with third countries. Another major item of discussion was the follow-up to the UNGA resolution on the moratorium on and abolition of the death penalty.

Troika consultations with candidate countries

The bi-annual human rights consultations with the candidate countries – Croatia, the former Yugoslav Republic of Macedonia (FYROM) and Turkey – took place on 8 October 2007 and 11 February 2008 in Brussels. The EU informed the candidate countries about the EU's priorities concerning the promotion of human rights, in particular regarding EU initiatives at UN level and asked for their support. Croatia, FYROM and Turkey informed the EU about their general human rights policies.

2.7. Human rights clauses in cooperation agreements with third countries

Since 1995, the European Community has sought to insert a human rights clause in all agreements, other than sectoral agreements, concluded with non-industrialised countries. The human rights clause makes human rights a subject of common interest and part of the dialogue between the parties, and serves as a basis for the implementation of positive measures on a par with other key provisions in an agreement. In the event of serious and persistent breaches of human rights, the human rights clause enables one party to the agreement to take restrictive measures against the offending party in proportion to the gravity of the breaches. On 15 October 2007, the European Community concluded an Interim Agreement on Trade and

²⁹ For more information on Russia, see Chapter 6.3., Russia and Central Asia.

Trade-Related Matters with the Republic of Montenegro which contained a human rights clause³⁰.

In its Resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the EU's policy on the matter, the European Parliament deplored the fact that the human rights and democracy clause was not being implemented in a concrete fashion, due to the lack of a mechanism that would allow it to be enforced. The Parliament reiterated its call for human rights clauses to be implemented through a more transparent procedure of consultation between the parties.

2.8. Activities funded under the European Instrument for Democracy and Human Rights (EIDHR)³¹

The European Instrument for Democracy and Human Rights (EIDHR) succeeded the previous EIDHR Initiative in 2007 as an independent financing instrument specifically designed to complement Community assistance provided through bilateral development and economic cooperation. It contributes to the development and consolidation of democracy, the rule of law and to the promotion and protection of human rights and fundamental freedoms worldwide. The current EIDHR Strategy Paper (2007–2010) is implemented on the basis of annual action programmes³². EIDHR partners are primarily local and international civil society organisations (91% of contributions), but also international intergovernmental bodies with special expertise (9% of contributions).

Work with, for and through civil society organisations gives to the EIDHR its critical profile. On the one hand, it promotes the kind of open society which civil society requires in order to thrive and, on the other hand, it supports civil society in becoming an effective force for dialogue and reform. The EIDHR is an independent financing instrument that can be used even in situations where there are no development cooperation links to the European Community. The EIDHR can finance projects without the consent of a third-country government or other public authorities.

Activities take place at country, regional and global levels. The Commission's Delegations in third countries are in charge of the management of EIDHR country-level projects. In 2007–2008, EIDHR resources for human rights and democracy projects amounted to over EUR 108 million, making it possible to fund a wide range of projects in more than 80 countries. In addition, the EU Election Observation Missions (EOMs) were

funded under the EIDHR³³. These have developed into a pivotal means of fostering democratic processes in a country.

Based on the new Financial Regulation allowing for more flexible and innovative ways of financing, the new EIDHR includes the possibility under certain circumstances to finance not only registered organisations, but also non-legal entities. It furthermore provides the possibility of 're granting', meaning that in order to enhance human rights in situations where they are most at risk, civil society organisations in charge of the project implementation can award small grants to other local organisations, non-legal entities or individual human rights defenders.

Regular meetings take place between the Commission and civil society representatives both at local level in the partner countries, as well as in Brussels with NGO platforms of interest to the EIDHR, with the aim of increasing dialogue with implementing partners and sharing information. The EIDHR also includes funds for capacity building of local civil society organisations in partner countries.

Identification, selection and funding of projects³⁴

In order to meet the objectives of the new EIDHR instrument, projects are selected in three different ways.

Seven **global calls for proposals** were launched between July 2007 and June 2008 with a total amount of EUR 57,5 million drawn from the 2007 and 2008 budgets. These calls for proposals focused on enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk; supporting actions in areas covered by the EU human rights guidelines (human rights dialogues, human rights defenders, death penalty, torture); providing support to global civil society campaigns related to the ICC as well as to Masters' Degree programmes in human rights and democratisation outside the EU.

Since 2002 there has been a major increase in **country-specific micro-project schemes**, with local calls for proposals managed by the Commission delegations. In 2007 the Commission made available an amount of EUR 31,8 million for local projects under the "Country-Based Support Schemes" (CBSS). These schemes were carried out in 47 countries and aimed at strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation. Grants under the CBSS are between EUR 10 000 and EUR 300 000.

Projects selected without calls for proposals are strategic partnerships aimed at "Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy". In 2007–2008 the EU contribution to strategic part-

³⁰ An overview of agreements containing a human rights clause is available at the Treaties Office of the Commission: <http://ec.europa.eu/world/agreements/default.home.do>

³¹ Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, OJ L 386, 29.12.2006, p. 1.

³² http://ec.europa.eu/external_relations/human_rights/doc/index.htm

³³ See Chapter 4.11. on democracy and elections.

³⁴ An overview of the EIDHR projects funded in the period July 2007 to June 2008 is presented in Annex I.

nerships amounted to EUR 18,2 million and included, among others, the Joint Programme with the Council of Europe, the EC-OSCE joint management project to promote democratisation and human rights in Eastern Europe and a contribution to the production and presentation of films as human rights communication tools within the framework of the 60th anniversary of the Universal Declaration of Human Rights. The partnerships further include an annual contribution to the Office of the High Commissioner for Human Rights' Strategic Management Plan as well as the Master's Degrees in Human Rights and Democratisation of the European Inter University Centre for Human Rights and Democratisation (EIUC).

Evaluations and analyses

An evaluation on EIDHR support for prevention of torture and torture rehabilitation centres³⁵ assessed 36 projects carried out during the last five years in 28 countries of the Middle East/Asia,

³⁵ http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/evaluation_torture_projects_en.pdf

Africa, Eastern and Western Europe, and in Latin America. The evaluation concluded that work on torture prevention contributed positively to the situation on torture and other human rights issues in a large number of countries. The assistance to torture victims provided by rehabilitation centres of torture victims had been constantly increasing at the same time as the quality of the services provided had improved. The relevance, efficiency and effectiveness of the projects were assessed to be highly satisfactory. The evaluation also concluded that it was not easy to assess projects on the rehabilitation of torture victims due to the lack of relevant, objective and verifiable indicators.

Furthermore, an analysis completed on all EIDHR projects since the year 2000 gives an overview of what the EIDHR has supported and how its relevance and impact could be evaluated. The desk study produced electronic compendiums³⁶ covering all EIDHR projects organised geographically and thematically. These compendiums will be updated regularly.

³⁶ http://ec.europa.eu/europeaid/where/worldwide/eidhr/projects_en.htm

3. European Parliament actions on Human Rights

The European Parliament (EP) has continued to be an important voice on human rights and democracy issues³⁷. In the reporting period it contributed to the drafting, implementation and evaluation of policies in the field of human rights through its resolutions, reports, missions to third countries, human rights events, interparliamentary delegations and joint parliamentary committees with third countries, oral and written questions, special hearings on specific issues and its annual Human Rights Prize, the Sakharov Prize for Freedom of Thought. Through public discussions in plenary sessions, committees, subcommittees and working groups, it holds the Council and the Commission to account. The President of the EP as well as individual chairs of committees, subcommittees and delegations also regularly take up human rights issues with the representatives of third countries, in direct talks or in correspondence.

The **Subcommittee on Human Rights** within the Foreign Affairs Committee under the chairmanship of H el ene Flautre (Greens/EFA) is at the centre of discussions on human rights in Parliament. It takes parliamentary initiatives in this sphere and provides a permanent forum for discussions on the human rights situation and the development of democracy in non-EU countries. These matters are discussed with other EU institutions, the UN Special Rapporteurs and representatives of the UNDP, the Council of Europe, government representatives, human rights defenders and NGOs.

One of the main aims of the Subcommittee is to contribute to the mainstreaming of human rights issues into all aspects of the external relations of the EU. It has done so inter alia by drafting guidelines for all the EP's Interparliamentary Delegations with third countries.

The Subcommittee also held an extraordinary meeting in Strasbourg with Asma Jahangir, the UN Special Rapporteur on

³⁷ An overview of the European Parliament's main activities in the field of human rights in external relations can be found at <http://www.europarl.europa.eu/comparl/afet/droi/default.htm>

Freedom of Religion or Belief, who also addressed the plenary in the framework of the European Year on Intercultural Dialogue.

In June 2008, the Subcommittee on Human Rights hosted a first meeting of the **Network of Human Rights Parliamentary Committees of the European Union** which was established under the German EU Presidency in 2007, with a special focus on the fight against torture as a key priority for the EU in the context of the International Day in Support of Victims of Torture. In the presence of Manfred Nowak, UN Special Rapporteur on Torture, members present agreed to a declaration on this issue which states inter alia that Member States should finance centres for the rehabilitation of torture victims and should sign and ratify the Optional Protocol to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The **Euro-Mediterranean Parliamentary Assembly** provides opportunities for a parliamentary dialogue on issues of human rights and democracy with Mediterranean countries. In 2008, the Plenary Session was held on 27 and 28 March in Athens. The Committee on Political Affairs, Security and Human Rights has established the practice of a standing point on human rights on every agenda, prepared by a small working group which includes the Chair of the EP Subcommittee on Human Rights. Issues dealt with were the situation as regards the death penalty in the region, as well as migration policies from a human rights perspective.

The European Parliament is also actively participating in **election observation missions**, thereby further contributing to the strengthening of human rights and democracy in third countries. The practice of choosing a Member of the European Parliament as chief observer for the European Union Election Observation Mission is now well established, as is sending a delegation from the European Parliament for short-term obser-

In the reporting period the Subcommittee on Human Rights organised a number of exchanges of views and hearings i.a. on the following human rights issues:

China on the eve of the Olympics and after the human rights dialogue with China, the problematic situation in Tibet, the human rights situation in Russia and the problems between Russia and ODIHR regarding election observations, human rights in Burma, Afghanistan, Iraq, Iran, the Gulf States, Palestinian prisoners, the prisoner camp in Guant anamo Bay, human rights in South Asia, in Central Asia with a special focus on Uzbekistan, cooperation in the EuroMed context, the programme of the Fundamental Rights Agency, Syria, human rights in the EU-Africa strategy, Guatemala, human rights in the EU Neighbourhood Policy, Croatia and Turkey, Human Rights Council, and rights of the child.

vation to complement these missions. The European Parliament attaches great importance to the issue.

In its initiative report prepared by H el ene Flautre the Subcommittee dealt with the **functioning of EU sanctions against third countries**. The draft report called for the rationalisation of the European Union’s use of sanctions as a foreign policy instrument. Overall, the report stressed the need to develop a transparent and effective sanctions policy, in coherence with other EU human rights instruments, in line with the humanitarian and human rights commitments of EU, consistent in its practice and introducing clear and transparent benchmarking.

Own-initiative reports are among the most effective tools for the EP to develop its core position and command attention from other actors in the field of human rights, including the Council and the Commission. The main report in this regard is the **European Parliament’s Annual Report on the human rights situation in the world and EU human rights policy** which provides scrutiny of EU policies, as part of the accountability function of the EP. The last EP Annual Report was drafted by MEP Marco Cappato (ALDE) and its related resolution was adopted in plenary on 8 May 2008. The resolution³⁸ provides an analysis of the work of the European Union in all its forms regarding human rights and presents proposals to make the impact of such work more effective. Topics covered in the report included the activities of the EU in international organisations, the mainstreaming of human rights into other policy areas including trade and the EU HR dialogues with third countries.

In December 2007, the European Parliament awarded its annual Human Rights Prize, the **Sakharov Prize for Freedom of Thought**, to Salih Mahmoud Osman, a lawyer in Sudan, for his fight for victims of the massacres in Darfur.

The Subcommittee holds also a regular dialogue with international and regional organisations, notably with the OSCE Par-

³⁸ PE 400.468v02.00.

liamentary Assembly and the Council of Europe. In this context, a continuing dialogue has been established with the office of the Commissioner on Human Rights of the Council of Europe.

During the reporting period, the Subcommittee also had the opportunity to hold regular exchange of views with the Council Human Rights Working Party (COHOM) chairperson who presented the work programme of the COHOM and reported to Subcommittee members.

The Subcommittee monitors and evaluates the implementation of EU instruments in the human rights field and places particular emphasis on the implementation of the **EU Guidelines on human rights** matters. Under the reporting period, the Subcommittee commissioned a specific study on the implementation of the EU Guidelines on torture and other cruel, inhuman and degrading treatment or punishment in order to give input into the revision process of the Guidelines by the COHOM.

In addition, the EP organised exchanges of views on the new EU Guidelines on the Protection and Promotion of Children’s Rights as well as the existing EU Guidelines on Children in Armed Conflicts.

The Subcommittee furthermore put constant pressure on the EU institutions to improve the effective implementation of the EU Guidelines on Human Rights Defenders with a special focus on EU visa facilitation measures for human rights defenders who are under threat. Within discussions on the European Instrument for Democracy and Human Rights (EIDHR), the Subcommittee has succeeded in ensuring that programmes financed by the EIDHR will improve immediate support activities for human rights defenders.

Regarding **human rights dialogues and consultations** with third countries, the EP Secretariat was regularly invited to EU briefings with NGOs and Legal Seminars ahead of the various rounds of dialogues and received feedback from the Presidency, the Council and the Commission (sometimes discussed publicly at Subcommittee meetings). Following the adoption of the EP

Studies launched by the Subcommittee on Human Rights:

- Political human rights dialogues – synthesis elements;
- Honour killing – its causes and consequences;
- EU and UN sanctions and the respect for human rights and fundamental freedoms;
- Human rights and frozen conflicts in the eastern neighbourhood;
- The role of the EU in the UN Human Rights Council.

Briefing notes commissioned by the Subcommittee on Human Rights: on the Human Rights Dialogue between the EU and China; on the human rights situation in Russia “Citizens in danger – human rights and freedom in Putin’s Russia”; on readmission agreements and respect for human rights in third countries; on the International Criminal Tribunal for the former Yugoslavia; a geographical note on human rights in Afghanistan; on the “possible legal and political consequences of the verdict of the Turkish Constitutional Court concerning the status of the governing AK party”; and on the situation of human rights in China following the Olympic Games.

Report on human rights dialogues and consultations on human rights with third countries, Commission and Council representatives expressed their willingness to cooperate more closely with Parliament in holding systematic meetings between representatives of the Council and of the Commission and involved MEPs ahead of and after every round of all HR dialogues and consultations as well as meetings of relevant structures dedicated to dialogue on human rights such as ENP subcommittees on HR. These meetings allow Parliament to be informed, to provide an input to the agenda of the dialogues/consultations/subcommittees and to evaluate the results achieved in these fora.

A major body for cooperation in the human rights field is the United Nations **Human Rights Council** (HRC) in Geneva, whose work the EP continued to follow with great interest and expectations. In a resolution adopted on 21 February 2008, the Parliament gave a mandate to a delegation of MEPs to follow the 7th session of the HRC, since it would examine a range of issues under new working methods and would fine-tune the Universal Periodic Review (UPR) mechanism. The resolution underlined the crucial role of the HRC in the overall UN architecture and stressed that the credibility of the HRC rests on the implementation of the proposed reforms and mechanisms in a way which will strengthen its ability to address human rights violations around the world. With regards to the new UPR mechanism, the EP urged EU Member States and the Commission to ensure that the conclusions of any UPR are taken into account in EU assistance programmes. The resolution also underlined the need for the EU to speak with one voice to address human rights issues while calling on each EU Member State to underline the EU position in order to give it more weight.

Between 17 and 19 March 2008 a delegation of Members attended the 7th session of the HRC and met the EU Presidency, Member States' and other ambassadors, Special Rapporteurs and non governmental organisations. The delegation sought to influence the key decisions on issues of essential importance discussed at this session, including the review, rationalisation and improvement (RRI) of mandates of Special Procedures as well as the optimal implementation of the UPR mechanism.

Throughout the reporting period the Subcommittee on Human Rights maintained close contact with the President of the HRC and had a meeting devoted to the work in the UNHRC. In its discussions it focused in particular on the Universal Periodic Review, membership criteria and the mandates of Special Rapporteurs.

In November 2007, at the initiative of its chairperson, the members of the Subcommittee on Human Rights attended the Third Committee of UNGA and welcomed the adoption of the EU-sponsored initiative of a moratorium on the death penalty. The issue was also treated in a European Parliament resolution on the universal moratorium on the death penalty³⁹.

³⁹ P6_TA(2007) 0418.

In April 2008 a delegation of members of the European Parliament, consisting mostly of members of the Subcommittee on Human Rights, attended the Seventh Session of the UN Permanent Forum on Indigenous Issues (UNPFII) in New York, for which it had prepared at a briefing on indigenous rights on 31 March 2008 with the participation of a member and the head of the secretariat of the UNPFII. In the context of the adoption of a declaration on the rights of indigenous peoples by UNGA, the EP Subcommittee on Human Rights has taken on the task of promoting the recommendations within the European institutions.

In the reporting period the EP sent delegations or official representation to numerous events, not least the EU-NGO Human Rights Forum. In addition it sent delegations to individual third countries (i.e. Turkey and Croatia).

As well as the Subcommittee on Human Rights, **the Committee on Development** holds regular meetings on human rights and other specific subjects such as birth registration, in developing countries. In the reporting period it discussed in particular the situation in Burma/Myanmar.

Furthermore, Parliament's inter-parliamentary delegations regularly discuss human rights issues with members of parliaments in a variety of countries. The main forum for political dialogue between the EP and parliamentarians from African, Caribbean and Pacific countries is the **ACP-EU Joint Parliamentary Assembly** (JPA). During the fourteenth session of the Assembly, which took place in Kigali (Rwanda) from 17 to 22 November 2007, a joint ACP-EU resolution was adopted on the situation in the Eastern part of the Democratic Republic of the Congo, which called on the international community to build consensus on the next strategic steps. Another joint resolution was adopted on the issue of elections and electoral processes in ACP and EU countries. Complementing the work of the Assembly, a joint ACP-EU workshop focused on the central role of the Gacaca courts in the reconciliation process in Rwanda. The ACP-EU JPA Bureau adopted and made public a joint report on freedom of association in EU and ACP countries.

The fifteenth session of the Assembly took place in Ljubljana (Slovenia) from 15 to 20 March 2008, where debates were held on the role of the International Criminal Court and where a resolution was prepared on the situation in Chad (finally not adopted) and in Kenya. A joint workshop looked at the Slovenian policy on minorities. The ACP-EU JPA held an exchange of views on the issue of the death penalty in EU and ACP countries, which is the topic of its next report.

A general human rights debate was also on the agenda of the first regional meeting of the ACP-EU JPA, held with the Southern African region in Windhoek (Namibia) from 28 to 30 April 2008.

Issues concerning human rights within the EU fall within the remit of **the Committee on Civil Liberties, Justice and**

The European Parliament denounced in resolutions, inter alia:

- the humanitarian catastrophe in Chad and the need for a swift deployment of the EUFOR Tchad/RCA to protect vulnerable people including refugees and internally displaced persons;
- ongoing widespread human rights abuses in Sudan, especially in the region of Darfur and the need for Sudan to cooperate unconditionally with the International Criminal Court (ICC) in investigating and prosecuting those alleged to have committed war crimes and crimes against humanity in Darfur;
- the ongoing civil war in Somalia and the routine killing of innocent civilians in the country;
- the arrest of Chinese dissident Hu Jia;
- the situation in the Democratic Republic of the Congo (DRC), widespread sexual violence against women with impunity and the need for the UN and the EU to formally recognise rape and other forms of sexual violence as crimes against humanity and war crimes;
- the deteriorating situation of human rights, democracy and rule of law in Belarus;
- the attempted assassination of the president of Timor-Leste, Mr Ramos-Horta;
- violent police crackdown on opposition demonstrations leading to deaths in Armenia;
- the fate of Mehdi Kazemi, an Iranian homosexual and failed asylum-seeker who risked execution upon deportation to his country of origin, Iran;
- the situation of women's rights in Iran and ongoing repression of the civil society in Iran, including women's rights defenders;
- human rights abuses in Russia, especially the disproportionate use of force by the police and militia against demonstrators on 3 March 2008 after the Russian presidential election;
- delay in the release of the election results in Zimbabwe;
- the ongoing arrest and continued detention of political prisoners in Burma, most notably the extension of the house arrest of the Sakharov Prize recipient Aung San Suu Kyi.

Home Affairs (LIBE), which deals with the status of respect for fundamental rights in the EU. The Foreign Affairs Committee and its Subcommittee on Human Rights cooperate closely with this Committee to monitor the external effect of internal policies, especially concerning the issues of asylum and migration. These three parliamentary bodies also continue to follow up the issue of illegal renditions of European and other citizens by several CIA flights which involved European territory and airspace. Early in 2008, the Subcommittee held an exchange of views jointly with LIBE on the United Nations Security Council and European Union blacklists with the rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), Dick Marty.

An important element of Parliament's activities consists of the **resolutions on particular human rights violations** in specific countries and, in particular, on individual cases of concern, which are dealt within the monthly plenary debates on urgent subjects. Aside from the aforementioned resolutions, regular démarches are conducted by the President of Parliament, the Chair of the Subcommittee and the Chairs of the Parliamentary Delegations. Council, Commission and the governments involved are urged to take action. The reactions of governments suggest that they are often quite sensitive to criticism by the European Parliament. Individual cases raised by Parliament include political prisoners, prisoners of conscience, journalists, trade unionists and human rights defenders in jail, harassed or under threat.

4. Thematic issues

4.1. The death penalty

The EU actively pursued its policy against the death penalty during the period covered by this report. The EU is opposed to the death penalty in all circumstances and systematically upholds this position in its relations with third countries. It considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

The **guidelines on EU policy towards third countries on the death penalty** (adopted in 1998 and revised in 2008) provide the basis for action of the Union⁴⁰. These guidelines provide criteria for making démarches and outline minimum standards to be applied in countries retaining the death penalty. The EU also presses, where relevant, for moratoria to be introduced as a first step towards the abolition of the death penalty. The guidelines were revised in 2008 in order to take into account the developments that had taken place in the ten years since the guidelines were first drafted.

General démarches consist of the EU raising the issue of the death penalty in its dialogue with third countries. Such démarches occur particularly when 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 likely to be ended or where the death penalty is to be reintroduced through legislation. Similarly, a démarche or public statement may be made where countries take steps towards abolition of the death penalty. Individual representations are used in specific cases where the European Union becomes aware of individual death penalty sentences which violate minimum standards. These standards hold, inter alia, that capital punishment cannot be imposed on persons who were under the age of 18 when they committed their crime, pregnant women or new mothers, and persons who have become insane.

In addition, the EU made a series of public statements on the death penalty worldwide, many of which concerned (imminent) executions of minors in Iran. In May 2008, the EU expressed regret at the resumption of executions in the US following the

US Supreme Court ruling in the *Baze v. Rees* case and urged the immediate re-establishment of a de facto moratorium on the use of the death penalty across the United States. The EU also welcomed positive developments, for instance the abolition of the death penalty in Uzbekistan on 1 January 2008 or the formal abolition of capital punishment in the US State of New Jersey in December 2007.

The Plenary of the United Nations General Assembly adopted the Resolution on a Moratorium on the Use of the Death Penalty on 18 December 2007, with 104 countries voting in favour of the resolution, 54 against, 29 abstaining and five countries not taking part in the vote. This resolution had been co-authored by a cross-regional coalition of UN Member States, including Portugal on behalf of the EU 27 and nine other UN Member States, and was co-sponsored by 87 UN Member States, and had previously been adopted by the UNGA Third Committee. The UNGA Resolution represents a culmination of longstanding EU efforts and a landmark achievement in the global fight against the death penalty at the UN.

Although initially proposed by the Commission and supported by the European Parliament, the **European Day against the Death Penalty** was formally proclaimed by the Council of Europe only, on the occasion of an international Conference against the Death Penalty which took place in Lisbon on 9 October 2007, organized by the Portuguese Presidency of the EU, the European Commission and the Council of Europe. In December 2007, the Council of the European Union decided to join the celebration of this European Day from 10 October 2008 onwards⁴¹.

According to Amnesty International's report for 2007, at least 1 252 people were executed in 24 countries during 2007 and at least 3 347 people were sentenced to death in 51 countries. In 2007, 88 per cent of all known executions took place in five countries: China (at least 470), Iran (at least 317), Saudi Arabia (at least 143), Pakistan (at least 135) and the US (42).

The EU is pleased that 46 of the 47 Council of Europe (CoE) Member States have ratified Protocol No 6 to the European Convention on Human Rights concerning the abolition of the death penalty. More than 10 years after its accession to the CoE,

⁴⁰ http://consilium.europa.eu/cms3_fo/showPage.asp?id=822&lang=EN&mode=g (*Policies/Foreign Policy/Human Rights Policy*).

⁴¹ For list of EU/international days in the field of human rights, see Annex II.

Countries in which the EU carried out general death penalty démarches:

Afghanistan, Belarus, Brunei, Burundi, Canada, Chad, Congo, Congo (Brazzaville), Egypt, Equatorial Guinea, Ethiopia, Fiji, Ghana, Grenada, Guatemala, Guinea-Bissau, India, Iran, Iraq, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Liberia, Libya, Madagascar, Malawi, Morocco, Namibia, Niger, Papua, Palau, Russia, Saudi Arabia, South Korea, Sudan, Syria, Tanzania, Taiwan, Togo, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen, the US and Zambia.

the Russian Federation has yet to ratify Protocol 6. As regards Protocol No 13, which bans the death penalty in all circumstances, including in wartime, 40 CoE Member States have now ratified it, including 23 EU Member States. It has been signed by a further four EU Member States. Among CoE Member States, only Azerbaijan and Russia have not signed it.

Among the positive developments during the reporting period, Cook Islands abolished the death penalty for all crimes in November 2007 and Uzbekistan abolished the death penalty for all crimes in January 2008. The US State of New Jersey also abolished the death penalty in December 2007.

EU-funded projects

The European Instrument for Democracy and Human Rights (EIDHR) has been supporting a project run by the Italian organisation la Comunità di San Egidio in its global effort to fight against the death penalty. The focus is on an awareness-raising and education campaign in two regions of the world, sub-Saharan Africa and central Asia, especially through support to civil society organisations.

The activities of the project include:

- The organisation of yearly “Africa for Life” conferences bringing together ministers for justice of African countries with the aim of discussing the abolition of the death penalty.
- “Cities for Life”, an awareness-raising campaign which takes place in 35 cities around the world on 30th November (lighting-up landmarks on the same day worldwide).
- Various education programmes aimed at young people, leaders and decision-makers in the field of Democracy and Human Rights.
- The setting-up of permanent workshops and the development of local strategies as well as the creation of a group of researchers on the death penalty.
- The establishment of a group of visitors to death-row prisoners.
- The establishment of regional networks.
- The strengthening of the role of civil society organisations.

4.2. Torture and other cruel, inhuman and degrading treatment or punishment

In line with the **EU Guidelines on Torture** adopted by the Council in April 2001 and updated in 2008⁴², the EU has sustained its leadership role and its global action to combat torture

⁴² <http://www.consilium.europa.eu/uedocs/cmsUpload/8590.en08.pdf>

and other forms of ill-treatment with initiatives in international fora, bilateral démarches to third countries and substantial support for projects by civil society organisations in the field⁴³. The EU also undertook a major review of the implementation of the guidelines.

EU action at the UN level and with third countries

During the 62nd session of the **UN General Assembly** (UNGA), the EU Member States co sponsored a resolution on torture and other cruel, inhuman and degrading treatment or punishment, which was adopted by consensus⁴⁴. In statements at the UNGA session, the EU reiterated the absolute prohibition on torture and other forms of ill-treatment in international law and underlined its concern at the use of torture in several countries and regions.

The EU Member States also co-sponsored a resolution on torture and ill-treatment at the **Human Rights Council** in June 2008, which inter alia extended the mandate of the UN Special Rapporteur on Torture for a further period of three years⁴⁵.

In its annual declaration on the occasion of the **International Day in Support of Victims of Torture** on 26 June 2008, the EU underlined the priority it attaches to the global eradication of torture and to the full rehabilitation of torture victims, and reiterated its condemnation of any action aimed at legalising or authorising torture and other forms of ill-treatment. The EU stressed the prominent importance it attaches to the role of the United Nations in fighting torture and supporting victims and underlined its support for the UN Special Rapporteur on Torture, the OHCHR, the UN Committee against Torture, the Subcommittee on Prevention, the UN Voluntary Fund for the Victims of Torture and other mechanisms making valuable contributions in this field, such as the European Committee for the Prevention of Torture (CPT) of the Council of Europe⁴⁶. The EU also welcomed the ratification of the Optional Protocol to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) over the past year by Guatemala, and encouraged all States to sign and ratify OPCAT. At present there are 61 signatories and 35 States Parties to OPCAT, with 9 EU Member States which are States Parties and 12 Member States being in the process of ratifying the Protocol⁴⁷.

A campaign to heighten public awareness of actions funded by the EC to fight torture and other forms of ill-treatment was carried out with the highlight on the International Day in June 2008, when events were organised by EC Delegations in more than 70 countries.

⁴³ http://ec.europa.eu/external_relations/human_rights/torture/index.htm

⁴⁴ See UNGA Resolution 62/148 at <http://www.un.org/ga/62/resolutions.shtml>

⁴⁵ See HRC Resolution 8/8 at <http://www2.ohchr.org/english/bodies/hrcouncil/>

⁴⁶ For UN relevant bodies, see <http://www2.ohchr.org/english/bodies/cat/>; for the CPT see: <http://www.cpt.coe.int/>

⁴⁷ <http://www2.ohchr.org/english/bodies/ratification/9.htm>

EC Regulation on torture equipment

The **role of trade, in particular in goods used for torture purposes**, is of critical concern to the EU. The EU Guidelines on Torture commit the EU to preventing the use and production of, and trade in, equipment designed to inflict torture or other cruel, inhuman or degrading treatment or punishment. Significant progress has now been achieved towards fulfilling this commitment with the entry into force on 30 July 2006 of the EC Regulation on trade in goods which could be used for capital punishment or torture¹, which prohibits the export and import of goods whose only practical use is to carry out capital punishment or to inflict torture and other cruel, inhuman or degrading treatment or punishment. The export of goods which could be used for such purposes is also subject to authorisation by EU Member State authorities. Member States are to publish annual reports on activities in connection with the Regulation. The EU hopes that other states will introduce similar legislation.

The Commission has funded a large-scale project to verify the enforcement of the Regulation in order to fight against the production of, and trade in, torture equipment. The work conducted has made it possible to identify over 16 000 firms or companies involved in this trade. Furthermore, over 6 000 different types of torture equipment have been listed.

¹ Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (OJ L 200, 30.7.2005, p. 1).

EU Member States under international and regional scrutiny

EU Member States are under close international scrutiny as regards their compliance with international and regional instruments in the field of torture and ill-treatment:

- through individual complaints mechanisms under international treaties, including the **UN Convention against Torture**, **International Covenant on Civil and Political Rights** and **European Convention on Human Rights**;
- adherence to UN periodic reporting requirements under the **UN Convention against Torture and screening by the UN Committee against Torture**. During the reporting period, the Committee against Torture (at its 39th and 40th sessions) screened four European Union Member States – Estonia, Latvia, Portugal and Sweden.
- visits from the **UN Special Rapporteur on Torture**. During the reporting period, the Rapporteur visited Denmark in May 2008.
- visits of the **European Committee for the Prevention of Torture (CPT) of the Council of Europe**. During the reporting period, the following 10 EU Member States were visited by the CPT: Cyprus, Czech Republic, Denmark, Finland, Latvia, Lithuania, Malta, Portugal, Spain and the United Kingdom.

The **Network of Human Rights Parliamentary Committees of the European Union** held its first meeting in the European Parliament on 25 June 2008, with a special focus on the fight against torture, in the presence of Manfred Nowak, UN Special Rapporteur on Torture.⁴⁸

In line with the EU Guidelines on Torture, the EU actively continued to raise its concerns on torture with third countries through political dialogue and démarches. Such contacts – confidential or public, depending on the respective case – address both torture issues and individual cases relevant to specific countries as well as wider issues. During the period under review, the EU completed its policy of raising the issue of torture systematically with all countries under its “Global Action Plan on

Torture” and continued to take up individual cases. To facilitate informed dialogue, the EU continued its system of regular confidential reporting on human rights, including on torture, by its Heads of Mission in third countries, and provided Heads of Mission with a checklist designed to provide a solid basis for raising the issue in political dialogue.

Review of EU action

In April 2008, the EU completed a **process of stocktaking** of its action carried out under the EU Guidelines on Torture between January 2005 and December 2007. This assessment, which has been made public (see <http://www.consilium.europa.eu/>), contains a number of key findings and recommendations. These include the need for the EU to develop a more effective and integrated approach to torture prevention, for example through raising the issue more consistently with third countries,

⁴⁸ See also Chapter 3., European Parliament actions on human rights.

EIDHR case studies: supporting NGOs worldwide in their fight against torture

Making progress in the fight against impunity of torturers – Sierra Leone (2003-2006)

Under a ruling from the Appeals Chamber of the Special Court for Sierra Leone, no more amnesties will be granted to torturers. This landmark ruling is the result of an EIDHR-financed project. This decision sets a major precedent for all other international criminal jurisdictions dealing with the impunity of torturers.

Project coordinator: The Redress Trust – www.redress.org

Facilitating the processing of victim's complaints (2003-2006)

An EIDHR project has made it possible to facilitate the processing of complaints presented by the victims of torture and ill-treatment. The tangible result of this project can be seen in a collection of legal guides setting forth the practices, procedures and case-law of the main international systems on human rights. This type of unique reference teaching aid are available on the Internet in a number of languages.

Project coordinator: World Organisation Against Torture – www.omct.org

Supporting the rehabilitation of victim of torture – Latin America (2002-2004)

The project helped the victims of social and political violence in Latin America, which has made a significant contribution to the success of the national reconciliation process in Latin American countries. The EIDHR project's implementation has been made possible, courtesy of the combined efforts of a network of over 60 campaigning human rights organisations. In particular, the project made it possible to help victims recover their mental and physical health and improve their quality of life. It also made it possible to raise public awareness of human rights violations.

Project coordinator: Coordinadora Nacional de Derechos Humanos – www.dhperu.org

enhancing cooperation with the UN and regional mechanisms, intensifying public diplomacy efforts, and ensuring coherence between external and internal policies and action when addressing torture issues (for example as regards OPCAT ratification and support to the UN Voluntary Fund). The EU also adopted "implementation measures", which provide guidance for EU Missions and Commission delegations when implementing the EU Guidelines on Torture in third countries, as well as a revised (updated) version of the Guidelines. Following this review process, the Council adopted conclusions on the review of the EU Guidelines on Torture in April 2008⁴⁹.

Support for torture prevention and rehabilitation projects

Prevention of torture and rehabilitation of torture victims continued to represent a major priority for funding under the EIDHR⁵⁰. For the period 2007-10, EUR 44 million (EUR 11 million per year) have been allocated to support civil society projects worldwide in this field under a dedicated biennial EIDHR call for proposals (a call for 2007-08 for a total amount of EUR 22 million is currently at the final selection stage). The EIDHR thus represents a leading source of funding for rehabilitation of torture victims and

torture prevention worldwide. The themes selected for support are designed to reinforce EU policy: for example, awareness-raising on OPCAT, investigation into the supply of torture technology and support for the rehabilitation of torture victims. At the end of the reporting period, the EIDHR was supporting activities for the rehabilitation of torture victims and the prevention of torture in respectively 38 and 31 countries around the world.

4.3. Rights of the child

In December 2007, the Council adopted new **European Union Guidelines on the rights of the child**. The purpose of the Guidelines is to promote the rights of the child worldwide, in particular by advancing the implementation of the United Nations Convention on the Rights of the Child and its two Optional Protocols regarding the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and by ensuring that the rights of the child are taken into account in all EU external action, including the EU's political dialogue with third countries. "All Forms of Violence against Children" has been selected as a priority area for the first two years of the Guidelines' implementation. An **implementation strategy** details the way in which the EU is to promote the rights of the child at bi- and multilateral levels⁵¹.

⁴⁹ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/100227.pdf

⁵⁰ See the information and communication campaign on EIDHR-funded projects, carried out by the European Commission (Europe-Aid) on the occasion of the International Day against Torture: http://ec.europa.eu/europeaid/where/worldwide/eidhr/torture-is-unacceptable/index_en.htm

⁵¹ See Annex 1 to the EU Guidelines on the rights of the child. All the Guidelines are available at the following address: http://consilium.europa.eu/cms3_fo/showPage.asp?lang=en&id=822&mode=g&name=

According to the Guidelines **the EU disposes of a number of tools for the promotion of** the rights of the child in its external relations. Political dialogue provides an opportunity to promote the ratification and effective implementation of the relevant international instruments. Démarches can be undertaken in response to violations of the rights of the child. Bi- and multilateral cooperation should take into account more fully the rights of the child, for instance in humanitarian assistance programmes or trade negotiations. Lastly, the intensified coordination with international organisations and civil society should contribute to better promote the rights of the child.

While the Guidelines were drafted under German and adopted under Portuguese Presidencies (2007), the Slovenian Presidency (January to June 2008) focused on launching the **implementation of the Guidelines**. Member States have selected ten priority countries for which implementation strategies, appropriate to the local circumstances, were developed. Countries were chosen in close collaboration with UNICEF's Innocenti Centre and relevant NGOs. The strategies will be sent to the Heads of Mission for comments and their implementation will start during the French Presidency.

The rights of the child are an integral part of human rights which the EU and its Member States are obliged to respect, under the Conventions and other international and European instruments such as the United Nations Convention on the Rights of the Child and its two Optional Protocols, or the European Convention on Human Rights. The EU and its Member States have strongly committed themselves to the Millennium Development Goals.

Candidate countries for accession to the European Union (currently: Croatia, the former Yugoslav Republic of Macedonia, and Turkey) and potential candidate countries (Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo⁵²) are required, inter alia, to respect human rights. This includes the rights of the child, which are an integral part of the common European values referred to in Article 24 of the Charter of Fundamental Rights of the EU⁵³. The progress made by candidate and potential countries is assessed each year in reports by the European Commission. For 2007, these reports mention, for instance, the maltreatment of children placed in institutions (Croatia), child labour (Turkey, Albania), the slow implementation of the action plan for the protection of the rights of the child (former Yugoslav Republic of Macedonia), domestic violence (Serbia), inadequate mechanisms to protect children from violence, child labour and child trafficking (Kosovo), social protection (Bosnia and Herzegovina) and the lack of capacities to implement children rights laws in Montenegro.

A seminar on the rights of the child was held in Turkey in March 2008 by the European Commission's TAIEX (Technical Assistance and Information Exchange) instrument. The seminar was a success, but nonetheless showed how much work remained to be done.

The question of the rights of the child was raised in the **consultations** which the EU holds twice a year with candidate countries for accession. This provides both parties with an opportunity to harmonise their points of view in order to strengthen their cooperation at the United Nations in this area.

The European Union seeks to promote the rights of the child within the framework of the CFSP, in particular at the United Nations and in its relations with third countries. At the 62nd session of the **United Nations General Assembly** (UNGA), the resolution on the rights of the child initiated by the European Union in cooperation with the Latin American and Caribbean Group of countries (GRULAC) established the mandate of the Special Representative of the UN Secretary General (**UNSRSG**) on violence against children, charged with promoting the prevention and elimination of all forms of violence against children. To this end, the Special Representative will cooperate with United Nations bodies, mechanisms, funds and programmes, civil society, the private sector and Member States and will submit an annual report to the UNGA, the Human Rights Council and ECOSOC. At the end of period covered by the current report the UN was working on the practical issues (such as drafting the terms of reference) related to the nomination of the UNSRSG.

Following on from the Commission communication "*A Special Place for Children in EU External Action*" of February 2008, **the Council adopted, in May, conclusions on the promotion and protection of the rights of the child in the European Union's external action – the development and humanitarian dimensions**. These conclusions call on the EU to adopt a comprehensive and integrated approach towards the rights of the child, using all available instruments such as political dialogue, trade negotiations, development cooperation, humanitarian aid and action in multilateral fora. Particular emphasis is laid on combating the worst forms of child labour, including by addressing trade instruments. The Council requested the Commission to analyse the impact of positive incentives on the sale of products that have been produced without using child labour and to examine and report to the Council on the possibility of additional measures, including trade related measures, on products that have been used using the worst forms of child labour, in compliance with WTO obligations.

In the context of humanitarian aid, the EU gives special attention to the situation of children affected by armed conflict, in particular children who are victims of recruitment by armed forces or groups, sexual violence, and children exposed to HIV/AIDS.

In the framework of the thematic program "*Investing in People*" the Commission launched in the beginning of 2008 a call for proposals for projects by non-governmental organisa-

⁵² Under United Nations Security Council Resolution 1244.

⁵³ OJ C 303, 14.12.2007, p. 1.

tions for children affected by armed conflict and trafficking in children. The call for proposals aimed at supporting activities and good practices to reduce the number of children enrolled in armed groups, and improving the capacity of civil society to advocate policies against child abuse in armed conflicts, as well as at supporting activities and good practices to reduce child trafficking.

To implement the commitments made in the 2006 Communication “Towards an EU Strategy for the Rights of the Child”⁵⁴ the Commission signed, at the end of 2007, a contract with UNICEF, which includes training activities and the elaboration of a series of practical tools (guidelines, checklists, etc.) that can be used by the EU, other international organisations, donor and partner governments as well as other institutions involved in the protection and the promotion of children’s rights.

4.4. Children and armed conflict

In 2003, the European Union adopted **Guidelines on children and armed conflict**, complemented by an Action Plan in 2005. In 2008, a revision of these Guidelines was carried out resulting in the adoption of an updated version on 16 June 2008. The list of countries for priority action by the EU was extended to include **six new situations of concern**: Israel, the Palestinian Occupied Territories, Haiti, Lebanon, Chad and Iraq.

To promote implementation of these Guidelines, the EU **instructed Ambassadors to draw up** individual strategies with regard to the 13 priority countries to provide information on the six thematic issues identified in the Guidelines (recruitment, killing and maiming, attacks on schools and hospitals, blockage of humanitarian access, sexual and gender based violence and violations and abuses), and to propose actions to implement the Guidelines in the six new situations of concern.

In June 2008, the EU adopted a revised **checklist**, the aim of which is to integrate the protection of children affected by armed conflict into its ESDP operations. According to this checklist each ESDP operation should include an expert on human rights in particular on issues relating to children affected by armed conflict. As emphasised by the Council conclusions of May 2008⁵⁵, this aspect is to be monitored, and regularly reported on, in all ESDP missions.

In April 2008 the Slovenian Presidency organised a conference “Increasing the Impact on the Ground – NGO and EU Collaboration in the Thematic Area of Children Affected by Armed Conflict”. The conference offered a platform for a substantive discussion with interested NGO about the implementation of the EU Guidelines on children and armed conflict and a review

of the “Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP operations”.

A study entitled “Enhancing the EU response to children affected by armed conflict” was commissioned by the Slovenian Presidency with a view to improving the mainstreaming of rights of children affected by armed conflicts into the EU development policy and programming and enhancing the EU’s development policy in this area.

On 19 June 2008, the **European Council** adopted **conclusions** on the rights of the child, and in particular on children and armed conflict. The Council called on the Commission and the Member States to continue ensuring coherence, complementarity, and coordination of human rights, security, and development policies and programmes with a view to addressing the short, medium, and long term impacts of armed conflict on children in an effective, sustainable, and comprehensive manner.

Furthermore, the EU has sought strengthened **cooperation with the United Nations**, in particular with the Special Representative of the UN Secretary General for children and armed conflict, Ms Coomaraswamy, and the United Nations Security Council working group on children and armed conflict. For instance, **Ms Coomaraswamy** was invited in April 2008 to brief PSC and COHOM on her activities and on possibilities of cooperation between the United Nations and the EU.

Following the Paris Conference “Free Children from War” of February 2007 where participating States committed themselves to combat the phenomenon of child soldiers, a follow-up forum was set up on 16 January 2008 aiming at facilitating the financing of programmes and specific projects on rehabilitation of former child soldiers, by bringing together principal donors, NGOs and affected countries. The forum will convene twice a year in New York, co-chaired by France, Unicef and the Office of the UN Special Representative for children and armed conflict.

4.5. Human rights defenders

The European Union takes the view that an active civil society and vigorous human rights defenders are essential to ensuring the protection and promotion of human rights worldwide. In order to make its support for human rights defenders worldwide more visible and to enhance EU actions in their support, the Council adopted in June 2004 the **EU Guidelines on Human Rights Defenders**, which identify practical ways for their protection and assistance. Following an initial review of the implementation of the Guidelines in 2007, an informal working group on human rights defenders was established in 2008. It undertook a mid-term review of the state of implementation of the local strategies and selected a group of 26 pilot countries in order to identify existing deficiencies and best practices with a view to drawing lessons that could be learned. A series of conclusions and recommenda-

⁵⁴ COM(2006) 367 final.

⁵⁵ Council conclusions on the promotion and protection of the rights of the child in the European Union’s external action – the development and humanitarian dimensions.

tions have been approved as a result of the review. In particular, the conclusions insist on the importance of strengthening the involvement of human rights defenders in the implementation of the Guidelines, recommend to set up human rights groups at EU level in third countries, suggest increasing efforts to raise awareness of the Guidelines at local level and emphasise the importance of including freedom of the media on the agenda of human rights dialogues with third countries. It has been agreed that the findings should be sent to local presidencies. Member States were encouraged to distribute them to their respective embassies and discuss the results with civil society organizations and human rights defenders which would reinforce the dialogue between EU missions and local human rights defenders.

Support for human rights defenders is a long established element of the European Union's human rights external relations policy and an essential element in the protection of freedom of expression. It is reflected in the Guidelines on human rights defenders, which recognise the importance of ensuring the safety and protecting the rights of human rights defenders. The Guidelines also provide for interventions by the EU for HRDs at risk and suggest practical means to support and assist HRDs. During the first half of 2008 the subject of issuing visas for temporary relocation of human rights defenders at immediate risk or in need of respite was discussed by the Council working group on human rights (COHOM) with the intention of going a step further after the initiative of the German Presidency in 2007 and exploring the possibility to expand or/and improve the issuance of visas for human rights defenders.

In following up on the 2006 Campaign on Women Human Rights Defenders, the EU continues to pay attention to the situation of women human rights defenders. This issue continues to be addressed e.g. with some NGOs and by EU HOMs in certain countries.

On 1 January 2008 the new **European Instrument for Democracy and Human Rights (EIDHR)** entered into force. It is a financial and policy instrument contributing to the development and consolidation of democracy and the rule of law and of respect for all human rights and fundamental freedoms in third countries. One of its aims is the cooperation with civil society organisations and international organisations around the world. To this end it provides for direct funding of NGOs without the need for prior consent of the host government. The new EIDHR has a strong focus on providing support and solidarity to human rights defenders. A first call for tender proposals supporting actions on human rights and democracy issues in areas covered by the Guidelines on human rights defenders was launched. Funding could start in autumn 2008 after conclusion of contracts with the successful NGOs.

The **Annual EU NGO Human Rights Forum** which offers a platform to human rights defenders for discussion with EU representatives since 1999 took place on 6 and 7 December in Lisbon. This last Forum was devoted to Economic, Social

and Cultural Rights, and in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) with a view to establishing a complaints mechanism under the Covenant.

4.6. Women's rights and gender equality

The EU has a long-standing commitment to promoting gender equality, and plays an active role on the international stage.

The EU and the UN

The focus of the **52nd session of the Commission on the Status of Women** (25 February – 7 March 2008) was "Financing for gender equality and the empowerment of women". The EU played an important role in promoting the Beijing Platform for Action in this forum and, more particularly, in the drafting of the Agreed Conclusions which were adopted by consensus after difficult negotiation. The text incorporated many ideas important to the EU, although it was difficult to reach a balance between a call for increased international aid and specific obligations on countries to integrate a clear gender perspective in their development strategies. The EU organised a side event on the theme "Euro-Mediterranean Partnership and the Istanbul Process: financing for gender equality and women's empowerment". The event centred on experiences and challenges in the implementation of the Istanbul Framework of Action (see below).

The EU continued to advocate the strengthening of UN capacity to promote gender equality and empowerment of women, and mainstream gender equality into the UN architecture. It called for the reinforcement of UN gender resources and coordination mechanism, i.a. through the appointment of a dedicated high-level official at Under-Secretary-General Level.

Women, peace and security

On 6 March 2008, Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, organised in Brussels a high-level international conference for women political leaders entitled "*Women: stabilising an insecure world: an International Conference for women political leaders*". The objective of the conference, attended by more than 50 international women leaders, was threefold: to look for ways to address the impact on women of the new threats to security, from climate change, environmental degradation, international crime, religious fundamentalism and terrorism; to identify concrete steps to increase women's contribution to human security at a local level and to expand that contribution to regional, national and international spheres; and to analyse how to do more to tap into women's contribution to conflict prevention and resolving crisis situations. Special emphasis was put on how to reinvigorate the implementation of UN Security Council Resolution 1325 on women, peace and security.

“Let us not forget the burden of responsibility we hold – to give voice to those who would otherwise be voiceless, to give power to those who would otherwise be powerless, and to protect those who would otherwise be without protection.”

Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy

6 March 2008 at the occasion of the international conference for women political leaders “Women: stabilising an insecure world”

Women, peace and security is also a component of the **Initiative for Peacebuilding** (IfP), funded through the EIDHR and pulling together the expertise of 10 non-governmental organisations⁵⁶ specialised in conflict prevention and resolution. The gender component of the IfP, which started its operations in April 2008 and will run for a period of 18 months, will guide policymakers on how to operationalise UN Security Council resolution 1325 by generating and sharing evidence-based policy recommendations and lessons for more effective support of women’s peacebuilding priorities by the European Union and EU Member States.

As a reflection of the EU’s ongoing work substantially to address gender and human rights in security and defence policy, in May 2008 the Council issued the first **Handbook on Mainstreaming Human Rights and Gender into European Security and Defence Policy** (ESDP). The handbook is destined for those who cooperate with, plan, train, carry out, evaluate and report on EU crisis management.

The **EU election observation** is another relevant tool to promote women’s role and participation in post-conflict/conflict-prone societies. One election observation mission has had a gender expert (Yemen); in others gender issues are incorporated in the job descriptions of the human rights experts. The new Handbook for EU election observation, issued in April 2008, has a specific section on gender issues.

Gender equality and women’s empowerment in development cooperation

After the adoption in March 2007 of the Commission communication and in May 2007 of the Council conclusions on “*Gender equality and women’s empowerment in development cooperation*”, the European Commission and the EU Member States continued to cooperate closely on the follow up and implementation of this new policy framework. Two Member States’ gender expert meetings were held in Brussels in October 2007 and June 2008, when the Commission and Member States discussed the outlines of an upcoming “*EU Action*

Plan for Gender Equality and Women’s Empowerment in External Relations”⁵⁷. Three working groups chaired by the Commission were also established on political dialogue on gender-related issues, gender in new aid modalities, and institutional capacity-building. The results of the work of these working groups will be built into the Action Plan.

In order to better connect security, human rights, and development, the Slovenian Presidency commissioned a study entitled “*Enhancing the EU response to women and armed conflict*”, which made a series of recommendations on how the EU response to the issues relevant to women and armed conflict could be made more effective.

Istanbul Framework of Action

For the first time since the creation of the Euro–Mediterranean Partnership, Euro–Mediterranean partners came together at a special Ministerial Conference on Gender Equality (“*Strengthening the role of women in society*”) in Istanbul on 14 and 15 November 2006 and agreed upon a **framework of action for the promotion of women’s rights and gender equality in the civil, political, social, economic and cultural spheres** over the next five years. The implementation of the Istanbul framework of action is monitored on a yearly basis. To date, two follow-up meetings (on 22 October 2007 and 12 June 2008 respectively) have been organised in Brussels with representatives of all Euromed partners.

A regional programme “*Enhancing equality between men and women in the Euromed region*” (EUR 5 million), funded by the European Neighbourhood and Partnership Instrument, started its operations in May 2008 and will contribute to the effective implementation of the Istanbul ministerial conclusions.

Thematic programmes and EIDHR

The thematic programme **Investing in People** contains a separate financial envelope (EUR 57 million) for funding EC actions in the area of promoting gender equality and the empowerment of women. Under this programme, the Commission launched a call for proposals of EUR 6,8 million to support women’s organisations in the Euromed partner countries in their efforts to make legal changes in favour of gender

⁵⁶ Adelphi Research; Crisis Management Initiative (CMI); European Peacebuilding Liaison Office (EPLO); Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE); Hellenic Foundation for European and Foreign Policy (ELIAMEP); International Alert (IA); International Center for Transitional Justice (ICTJ); Netherlands Institute of International Relations Clingendael (Clingendael Institute); Partners for Democratic Change International (PDICI); Saferworld (SW).

⁵⁷ The Action Plan is to be part of a wider Commission communication on integrating cross-cutting issues in external relations.

The European Union is providing assistance to a new project on gender equality in the Kyrgyz Republic

Women, particularly in rural areas of the Kyrgyz Republic, lack information on their voting rights and often lack the trust that their votes could change the political situation. The project aims to contribute to legal clarifications on voting rights and processes. The envisaged activities will promote democratic values and the formation of an active civic involvement in decision-making processes. Specifically, it will raise public awareness among women, heads of communities and representatives of local government bodies on voting and civil rights. The EIDHR project (2008-2010) will be implemented by Development and Cooperation in Central Asia (DCCA) which will organise 36 training sessions and establish 60 informational and consultative centres where citizens can obtain information and legal advice on protection of their voting rights.

equality as well as to ensure effective implementation of recent reforms in the area.

The EIDHR promotes the equal participation of men and women under its Objective 2 “*Strengthening the role of civil society in promoting human rights and democratic reform, in supporting conflict prevention and in consolidating political participation and representation*”. In July 2008 the Commission published a call for proposals in order to select regional and transnational projects for funding under this objective. Specific emphasis is put on the promotion of UN Security Council resolution 1325.

EC/UN Partnership for Development, Peace and Security

In April 2007 the European Commission started a 3-year **partnership with UNIFEM** (“*EC/UN Partnership on Gender Equality for Development and Peace*”) to build partner country capacity and improve accountability for gender equality. During the period covered by the present report, the project concentrated on the implementation of country consultations and mapping studies in the 12 focus countries in preparation for the September 2008 Accra conference on aid effectiveness⁵⁸.

4.7. Trafficking in human beings

The framework for the **EU policy on combating trafficking in human beings** is provided by the Commission communication on “*Fighting trafficking in human beings – an integrated approach and proposals for an action plan*” (October 2005)⁵⁹ and the subsequent EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (December 2005), adopted by the Council⁶⁰ in accordance with the Hague Programme on Strengthening Freedom, Security and Justice in the EU. Both documents advocate a multidisciplinary approach to trafficking which is not limited to law-enforcement strategies but includes a broad array of prevention and victim support measures. A human-rights-based approach underpins the strategy, placing the rights of victims at the centre and taking into account the additional challenges for

specific groups, such as women and children, as well as individuals discriminated against on any ground, such as members of minorities and indigenous people. Furthermore, the EU policies on gender and on children’s rights⁶¹ include the fight against trafficking in women and children as a priority.

In October 2007, the Commission established a new **Group of Experts on Trafficking in Human Beings**⁶², taking into account the need for new membership deriving from the latest EU enlargement process and the need to ensure specific expertise especially in the field of labour exploitation. The members of the Group were appointed in July 2008⁶³. During the period under review, the Commission prepared a report⁶⁴ on the **evaluation and monitoring of the implementation of the EU Action Plan on Trafficking** on the basis of a questionnaire circulated in December 2007 to all EU Member States asking for updated information about the implementation of national anti-trafficking policies. Other bodies in charge of the implementation of some actions provided for in the action plan were also consulted.

The lack of reliable and comparable data is one of the greatest challenges in combating trafficking in human beings in different countries concerned by this phenomenon. In line with the EU Action Plan of 2005, the Commission communication on developing an EU strategy to measure crime and criminal justice⁶⁵ provides for the setting-up of pilot groups to examine the possibility of establishing common guidelines for the collection of data, including comparable indicators in the area of trafficking in human beings. In this context, a broad consultation based on the DELPHI method has been launched in cooperation with the International Labour Organisation (ILO), for the establishment of agreed indicators for data collection. The results of this exercise will be available by the end of 2008.

Trafficking in human beings has wide **international implications** and actions in this area are not confined solely to the EU⁶⁶. The Commission and the EU Member States therefore contin-

⁵⁸ For further information see www.gendermatters.eu

⁵⁹ COM(2005) 514 final.

⁶⁰ OJ C 311, 9.12.2005, p. 1.

⁶¹ See Chapters 4.6. and 4.3.

⁶² Commission Decision, OJ L 277, 20.10.2007, p. 29.

⁶³ Commission Decision 2008/604/EC, OJ L 194, 23.7.2008.

⁶⁴ Report to be adopted by end 2008.

⁶⁵ COM(2006) 437 final.

⁶⁶ http://ec.europa.eu/external_relations/human_rights/traffic/index.htm

ued to cooperate closely with relevant international organisations, such as the UN, the Council of Europe, the OSCE (including the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings⁶⁷) and the IOM (International Organization of Migration). In particular, the EU closely followed the activities of the UN Human Rights Council Special Rapporteur on trafficking in persons, especially women and children, and supported the extension of this mandate.

The European Community and all the EU Member States are signatories to the UN Convention on transnational organised crime and its supplementing Protocol on trafficking in persons. During the period under review, further steps were taken by the EU Member States to accede to the Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force on 1 February 2008. So far, 10 EU Member States have ratified the Convention, while 15 others have signed the Convention and are now in the ratification procedure.

As regards Community assistance to third countries, a number of country and regional strategy papers and indicative programmes have included direct references to trafficking in human beings and to strengthening strategies to address factors facilitating trafficking. The Commission financed a wide range of initiatives aimed at addressing root causes of trafficking, such as poverty, exclusion, social inequalities and gender discrimination, as well as projects directly focusing on the prevention of trafficking in a large number of third countries, often implemented by civil society organisations. In addition, initiatives aimed at strengthening the economic, legal and political position and promoting the rights of the most vulnerable groups, namely children, women, migrants and indigenous people, have been financed.

The fight against trafficking in human beings has been set as a priority under the new financing programme “*Prevention of and Fight against Crime*” – as part of the General Programme “*Security and Safeguarding Liberties*” – (2007-2013). Nine proposals directly related to trafficking were selected for funding in 2007, and another three projects were selected for action on related issues. Moreover, funds are also available under other geographic and thematic instruments (such as the Development Cooperation Instrument, the Stability Instrument, Investing in People and the EIDHR). Other specific financing programmes have proved to be an effective tool in the fight against trafficking, such as Daphne III (2007-2013) – specifically targeting violence against children, young people, women and groups at risk – and Safer Internet Plus (2005-2008). Furthermore, under the thematic programme Investing in People a call for proposals was launched in February 2008 for projects on child trafficking.

The first **EU Anti-Trafficking day** on 18 October 2007 focused on the human rights-centred approach to anti-trafficking policy. On that occasion, the Commission presented “*Recommen-*

dations on the identification and referral to services of victims of trafficking in human beings”⁶⁸, which call for the establishment of national mechanisms based on cooperation between governments and civil society organisations.

4.8. The ICC and the fight against impunity

Serious crimes under the jurisdiction of the ICC are of concern to the European Union, which is committed to cooperate for the prevention of such crimes and to put an end to the impunity of their perpetrators.

The European Union updated its 2001 Common Position on the International Criminal Court⁶⁹ on 16 June 2003, following the entry into force of the Rome Statute. The objective of the Common Position is to support the effective functioning of the Court and to advance universal support for the Court by promoting the widest possible participation in the Statute.

In this context, the EU published a brochure to explain EU action in support of the ICC⁷⁰. The brochure can be found on the Council website: (<http://consilium.europa.eu/icc>).

In line with the EU Common Position, the ICC was on the agenda of many major summits (e.g. the Africa–EU Summit) and political dialogues with third countries throughout the reporting period. The EU continued to carry out démarches in third countries to encourage the ratification of the Rome Statute and the Agreement on Privileges and Immunities, and to discourage states where possible from signing bilateral non-surrender agreements.

Building on the 2006 EU-ICC Agreement on Cooperation and Assistance, both organisations finalised in April 2008 the implementing arrangements for the exchange of classified information⁷¹. These arrangements will undoubtedly contribute to deepening the cooperation between both organisations.

The 2004 Action Plan⁷² supplements the Common Position. Among other objectives, it stipulates that: “*The ICC should be mainstreamed in the EU external relations. In this respect, the ratification and implementation of the Rome Statute should be brought up as a human rights issue in the negotiation of EU agreements with third countries.*”

⁶⁸ http://ec.europa.eu/justice_home/news/information_dossiers/anti_trafficking_day_07/documents_en.htm

⁶⁹ Council Common Position of 16 June 2003, OJ L 150, 18.6.2003, p. 67. Text available on the Council website in 11 EU languages (FR, DA, EL, ES, IT, NL, DE, PT, FI, SV and EN) and in Chinese, Russian and Arabic.

⁷⁰ February 2008.

⁷¹ 8349/08 REV 1, 8410/08 and 8786/08.

⁷² 5742/04. Text available in English and French, as well as Chinese, Russian and Arabic.

⁶⁷ <http://www.osce.org/cthb/>

Africa is a key priority for the EU and the EU-Africa Summit in Lisbon (8 and 9 December 2007) was an historical landmark in that respect. The EU is committed to mainstream support for the Court in all its policies and the Africa-EU strategic partnership: A Joint Africa-EU Strategy¹ adopted at the Summit is a clear example where both parties commit themselves to fight impunity and support the establishment and effective functioning of the ICC.

¹ 16344/07.

Countries in which the EU carried out démarches to promote the universality and integrity of the Rome Statute:

African Union, Azerbaijan, Cameroon, Cape Verde, Chile, Côte d'Ivoire, Guinea-Bissau, India, Kazakhstan, Madagascar, Malaysia, Morocco, Moldova, Mozambique, Nepal, Qatar, Suriname and Ukraine.

So far the revised Cotonou Agreement of 2005, which applies to 79 African, Caribbean and Pacific countries and the EU, is the only binding legal instrument including an ICC-related clause⁷³. The European Commission negotiated the insertion of ICC clauses into European Neighbourhood Policy action plans with Armenia, Azerbaijan, Egypt, Georgia, Jordan, Lebanon, Moldova and Ukraine. Draft ICC clauses are currently being negotiated with Thailand, Vietnam and Central America. The PCA with Indonesia was endorsed by the Council in June 2007 and is expected to be signed during the current year. It contains an ICC clause committing Indonesia to accede to the Rome Statute. In ongoing negotiations with South Africa, Iraq and the Andean Community, an agreement has been already reached on the clause. Negotiating mandates for Cooperation Agreements with the following countries also include ICC clauses: Ukraine, the Russian Federation and China.

The Rome Statute of the ICC received its 108th ratification during the reporting period.

Further milestones for the ICC in the reporting period include:

- The 6th and 7th reports of the ICC prosecutor (presented to the UNSC in December 2007 and June 2008) showed once more the unwillingness of the Government of Sudan to cooperate with the Court and that the two suspects (for which the Court issued arrest warrants on 27 April 2007) were still free, in office, and involved in acts against civilians.
- The arrest in May 2008 and transfer to the Court of Jean-Pierre Bemba, alleged President and Commander-in-Chief of the "Mouvement de Libération du Congo" (MLC), for crimes allegedly committed in the Central African Republic (two counts of crimes against humanity as well as four counts of war crimes).

⁷³ Article 11 of the Cotonou Agreement (OJ L 317, 15.12.2000, pp. 3-353, as amended by OJ L 209, 11.8.2005, pp. 27-53).

In relation to the Darfur situation, the EU has also increased pressure on Sudan in various Council conclusions⁷⁴, a declaration by the Presidency on behalf of the EU⁷⁵, an EP resolution⁷⁶ and the European Council conclusions⁷⁷ of June 2008, in which "*The European Council called on the GAERC to continue to follow developments in Sudan closely and contemplate additional measures in case of lack of full cooperation with the UN and other institutions, including the ICC*".

In 2008, the ICC sub-area of the Council Working Party on Public International Law continued to discuss issues related to international criminal law with John B. Bellinger III, Legal Adviser at the US State Department.

Throughout the reporting period, the Commission and the Member States continued to finance, among other organisations, the work of the Coalition for the International Criminal Court and Parliamentarians for Global Action, whose efforts are invaluable in promoting the ratification and implementation of the Rome Statute and monitoring the work of the ICC. The Commission continued to fund the Clerkship and Visiting Professionals Programme of the ICC. Member States continued to fund organisations such as the International Criminal Law Network and the Institute for International Criminal Investigations. Member States also provided contributions to the ICC's Trust Fund for Victims and to the Least Developed Countries Trust Fund, the latter being a fund to help delegations from least developed countries to attend meetings of the Assembly of States Parties. Under the EIDHR, the Commission launched at the end of 2007 a call for proposals for EUR 4,9 million for the 2007-2008 period (Support for global civil society campaigns designed to ensure the effective functioning of the ICC).

⁷⁴ December 2007 (16395//07), January 2008 (5922/08 and June 2008 (10832/08).

⁷⁵ 7918/08.

⁷⁶ P6_TA-PROV(2008)0238.

⁷⁷ 11018/08.

The Commission and Member States also provided political and financial support to ad hoc tribunals such as the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, the Special Court for Sierra Leone (which started the trial of Charles Taylor on 4 June 2007 with the first witness appearing on 7 January 2008 and concluded on 28 May 2008 the case of *The Prosecutor v. Moinina Fofana and Allieu Kondewa*, including the Appeal), and the Extraordinary Chambers of the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal, which held its first hearings on 4 February 2008, following several indictments and arrests of five former members of the regime.

4.9. Human rights and terrorism

The EU attaches great importance to guaranteeing the full and effective protection of human rights and fundamental freedoms in Europe and in the wider world in the context of the fight against terrorism. Effective counter-terrorism measures and the protection of human rights are not conflicting but complementary and mutually reinforcing goals. The European Union's strategic commitment, defined in its counter-terrorism strategy, is very clear in this respect: *"To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice."* Democratic societies can only overcome the scourge of terrorism in the long term if they remain committed to their own values. The EU's fight against terrorism is solidly anchored in a legal framework that ensures respect for human rights and fundamental freedoms⁷⁸. The EU remains firmly committed to the absolute prohibition of torture, cruel, inhuman or degrading treatment and punishment. The existence of secret detention facilities where detained persons are kept in a legal vacuum is not in conformity with international humanitarian and human rights law⁷⁹.

The EU reaffirmed in statements in various United Nations forums the importance of ensuring respect for human rights in the fight against terrorism. The Presidency, speaking on behalf of the European Union at the UN General Assembly Committee on Measures to Eliminate International Terrorism in February 2008, noted that international cooperation to fight terrorism must be conducted in conformity with international law, including the UN Charter and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law. In a statement delivered to the UN Security Council on 19 March 2008 on threats to international peace and security caused by terrorist acts, the Presidency stated that any measures to fight terrorism must be in accordance with obli-

gations under international law, in particular human rights law, refugee law and international humanitarian law. Furthermore, the EU supported the renewal of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, during the resumed sixth session of the Human Rights Council (December 2007).

The EU continued to conduct an in-depth dialogue with the US State Department Legal Adviser on international law and various aspects of the counter-terrorism effort. These meetings enabled a detailed exchange of views to be held on the complex issues of international law which arise during the fight against terrorism. The dialogue is contributing to a better understanding of how the fight against terrorism should be carried out with respect for the rule of law and international law, including international human rights law.

In the context of the Euro-Mediterranean Partnership, the European Commission and the Czech Ministry of Foreign Affairs organised a seminar in Prague on 16 and 17 June 2008 on the theme *"Ensuring respect for human rights while countering terrorism in accordance with international law"*. The Code of Conduct on Countering Terrorism adopted during the November 2005 Euro-Mediterranean Barcelona Summit called for decisive yet proportionate responses to terrorist attacks, solidly based on international and domestic legal frameworks in order to ensure respect for human rights and fundamental freedoms. To follow up, Euro-Mediterranean Foreign Ministers meeting in Tampere called for the holding of a regional seminar on ensuring respect for human rights in the fight against terrorism in accordance with international law. The Prague seminar brought together over one hundred government and civil society representatives from the Euro Mediterranean partners. The seminar covered issues such as the fight against discrimination, ensuring freedom of expression, the fight against torture and the right to a fair trial. The seminar adopted extensive recommendations which will form the basis for further work on this issue among the Euro-Mediterranean partners.

On 12 December 2007 the European Parliament adopted a resolution on the fight against terrorism, calling for the most scrupulous respect for human rights during anti-terrorist actions. On 28 February 2008, the European Parliament held a public hearing on Guantánamo Bay. The hearing considered the issues of the international legal obligations applicable to Guantánamo Bay, such as procedural rights for detainees and non-refoulement, and the issue of resettlement of detainees leaving Guantánamo.

4.10. Human rights and business

In the context of globalisation, the growing influence of non-state actors, such as transnational corporations, raises key questions concerning the role and responsibilities of these

⁷⁸ EU Strategy for Combating Radicalisation and Recruitment through Effective Communication of EU Values and Policies.

⁷⁹ Council conclusions, 11 December 2006.

actors with regard to human rights, both at the national and the international level. Recently this issue has increasingly come to the fore and has led to considerable debate on the linkage between human rights and business, already explicit in the Universal Declaration on Human Rights which in 1948 called on “every individual and every organ of society” to strive to promote respect for these rights and fundamental freedoms. The EU has been closely involved in this crucial discussion and has supported various initiatives in this field, notably at the UN level and in relation to the notion of Corporate Social Responsibility (CSR). The EU is also committed to ensuring that its trade policy positively impacts the respect for human rights worldwide by contributing to decent work and sustainable development, including through bilateral trade agreements.

In the period under review, the EU closely followed the work of the **UN Secretary-General’s Special Representative on the issue of human rights and transnational corporations and other business enterprises**, who on 7 April 2008 released his second report to the Human Rights Council. This report, which was supplemented by two addenda and an additional report entitled “*Clarifying the Concepts of ‘Sphere of Influence’ and ‘Complicity’*”, identifies a conceptual and policy framework for consideration by the Council and is organised around three foundational principles: the state duty to protect against human rights abuses by third parties, including business, the corporate responsibility to respect human rights and the need for more effective access to remedies. The EU actively participated in the interactive dialogue on the basis of this report at the 8th session of the Human Rights Council on 3 and 4 June 2008. The EU also welcomed the decision to extend the mandate of the Special Representative for three additional years.

The EU has sought to strengthen the sustainable development dimension of **bilateral trade negotiations** and to promote the effective application of core labour standards through positive instruments and a cooperation-based approach. Trade incentives have been used as a means of encouraging respect for international human/labour rights, environmental protection and governance principles.

In addition, the EU’s Generalised System of Preferences (GSP) is also of relevance in EU efforts to encourage respect for core human and labour rights, even though it is an autonomous regime, rather than a contractual relationship negotiated with third countries. In the framework of the GSP+ scheme introduced in 2005, additional tariff preferences are provided as an incentive to vulnerable beneficiary countries which have signed and effectively implemented the eight ILO conventions on core labour standards (as well as other conventions listed in Annex III to Council Regulation 980/2005). When applying for and receiving GSP+ benefits, GSP+ beneficiary countries undertake the obligation to maintain the ratification and effective implementation of these conventions.

The European Commission continues to work with civil society and the business sector with a view to promoting the Decent Work Agenda globally⁸⁰.

In line with the Commission communication on “*Implementing the Partnership for Growth and Jobs: Making Europe a Pole of Excellence on Corporate Social Responsibility*”⁸¹, the EU continued to promote **Corporate Social Responsibility (CSR)** globally with a view to maximising the contribution of enterprises to the achievement of the UN Millennium Development Goals. In the Presidency conclusions of the European Council of 14 December 2007, the European Council recognised – inter alia – the role of the social partners and civil society in modernising European labour markets, facilitating management change, strengthening social protection and social inclusion, promoting opportunities and combating discrimination.

The cooperation between the ILO and the EU also contributed to the promotion of CSR at international level. In the course of the reporting period, employers, workers and governments sought to considerably reinforce ILO efforts in the field of CSR, including in global supply chains. The EU actively supported the adoption of recommendations on the promotion of sustainable enterprises, one of the issues on the agenda of the International Labour Conference in June 2007.

In December 2007, following a recommendation of the European Parliament in its resolution on CSR adopted in March 2007 and five years after the Johannesburg Global Summit on Sustainable Development, the Commission organised the international conference “*The Global Dimension of CSR: What Role for the EU?*”.

During the reporting period, the Commission funded several projects aimed at improving the awareness and observance by European stakeholders of internationally agreed instruments in the field of CSR and human rights at work. In a call for proposals on CSR launched in April 2008, one main priority was the promotion in Europe and in third countries of an integrated approach to decent work in the supply chain.

In addition, the EU contributed to the work undertaken in the OECD Investment Committee. This Committee is responsible for the overview of the implementation of the OECD Guidelines for Multinational Enterprises. The EU has been notably involved in the development and promotion of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, which was developed further to the 2005 G8 Gleneagles Summit⁸². The Risk Awareness Tool addresses, among other things, the need to observe international human rights instruments and the human rights

⁸⁰ See Chapter 4.12., Economic, Social and Cultural Rights.

⁸¹ COM(2006) 136 final of 22.3.2006.

⁸² The Risk Awareness Tool, adopted by the OECD Council on 8 June 2006, is available on: www.oecd.org/dataoecd/26/21/36885821.pdf

challenges related to the management of security forces. The Commission provided support for OECD projects on CSR in emerging economies and for the dialogue on CSR between G8 and the G5 following the outcome of the 2007 G8 Summit of Heiligendamm on social responsibility and decent work. The Commission also participated in the “*High Level Roundtable on CSR*” organised jointly by the ILO and the OECD, which took place on 23 and 24 June 2008.

4.11. Democracy and elections

The promotion of democracy is a cornerstone of EU foreign and security policy. The consolidation of democratic institutions and the promotion of the rule of law and human rights constitute key objectives of the EU’s partnership with third countries. This chapter focuses on the EU’s contribution to the mechanics of democracy through election observation and assistance.

Elections are an example of human rights in practice. A democratic electoral process is part of establishing a system of government that can ensure respect for human rights and the rule of law, and thereby contribute to preventing violent conflict. Obviously, elections do not yet in all cases provide people with a real opportunity to choose their representatives freely. Democratic transition is a highly complex process which is closely interlinked with social, economic, cultural and security policy developments.

Therefore, in order to support the conduct of genuine, democratic elections the EU has been providing electoral support to a wide range of partner countries.

The EU is one of the leading global actors in supporting elections; the approach followed is outlined in the 2000 Commission communication on election assistance and observation⁸³. The main components of EU election support are election observation missions (EOMs) and electoral assistance.

Election observation, in particular long-term observation, as conducted within the framework of EU EOMs, provides a specific opportunity for an election process to be assessed according to international standards and best practices for genuine democratic elections. The international standards established by international and regional legal treaties and political commitments by which the country observed has agreed to be bound include universal principles applying to the conduct of elections, such as fundamental freedoms and political rights as outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. EU EOMs have also been assessing whether elections have been conducted in line with best practices for democratic elections, such as transparency of the election process; impartiality in the conduct of the elec-

tion administration and in the use of State resources; equitable access to, and balanced coverage by, any public media.

The EU is constantly pursuing the highest standards in election observation. In the reporting period the European Commission published two new EU manuals, i.e. detailing how international standards and best practices for elections should be used in EU election observation.

It is a priority for the EU to consolidate a European approach to election observation among EU practitioners, and with EU partner countries. In this context during the reporting period, a project was elaborated with a view to conducting comprehensive training for EU EOM core team members and long term observers and organising regional meetings and technical assistance for domestic observers. The project builds on the evaluation of the previous “NEEDS” project and will be launched in autumn 2008.

Since 2000 a total of 65 European Union **election observation missions** and ten support missions have been deployed to all continents, with the exception of the OSCE region⁸⁴. Between July 2007 and June 2008, eight EU EOMs were deployed, using EIDHR funding (see table below). All missions adhere to the Declaration of Principles for International Election Observation, commemorated at the United Nations in October 2005 and endorsed by the Commission as well as the European Parliament⁸⁵.

During the reporting period, the EU devoted increased efforts to following up the findings and recommendations of EU EOMs, in particular through their inclusion in EU declarations, political dialogue, cooperation programmes including EIDHR programming. As part of these efforts, all EU EOM Chief Observers are requested to present the EOM final report to a wide range of interlocutors in the country where they have observed an election.

Sierra Leone

An EU EOM led by Marie Anne Isler Béguin, Member of the European Parliament, was deployed from 6 July to 24 September 2007 to observe the presidential and parliamentary elections that took place on 11 August and 8 September in Sierra Leone. The EU EOM was joined by an observation delegation from the European Parliament led by Martin Callanan, Member of the European Parliament.

⁸⁴ No EU EOMs have been deployed in Europe or Central Asia as credible election observation is currently undertaken in these regions by the Organisation for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) with the support of observers seconded by EU Member States, EP observation delegations and, in exceptional circumstances, Commission support through the Instrument for Stability and the EIDHR.

⁸⁵ http://ec.europa.eu/europeaid/observer/declaration_of_principles_code_of_conduct_en.pdf

⁸³ COM(2000) 191; endorsed by the Council and European Parliament in 2001.

Election observation missions (EOMs) / Election expert missions July 2007 – June 2008

Country	Head of EOM	Total budget (EUR)	EOM/Participants ¹
Sierra Leone	Marie-Anne Isler-Beguín, MEP (FR)	3.000.000	78 observers (8 in the core team, 28 LTOs and 42 STOs)
Guatemala	Wolfgang Kreissl-Doerfler, MEP (DE)	3.500.000	105 observers (7 in the core team, 48 LTOs and 50 STOs)
Ecuador	José Ribeiro e Castro, MEP (PT)	2.300.000	105 observers (10 in the core team, 36 LTOs and 60 STOs)
Togo	Fiona Hall, MEP (UK)	2.073.000	86 observers (6 in the core team, 18 LTOs and 62 STOs)
Kenya	Alexander Graf Lambsdorff MEP (DE)	4.600.000	144 observers (11 in the core team, 38 LTOs and 94 STOs)
Pakistan	Michael Gahler, MEP (DE)	5.600.000	92 observers (13 in the core team, 48 LTOs and 31 STOs)
Bhutan	José Javier Pomés Ruiz, MEP (ES)	1.000.000	15 observers (6 in the core team and 9 LTOs)
Nepal	Jan Mulder, MEP (NL)	2.900.000	120 observers (10 in the core team, 40 LTOs and 70 STOs)

¹ In addition to this, the missions were often joined by locally recruited STOs and delegations from the European Parliament. STOs: short term observers; LTOs: long term observers.

Examples of election assistance projects supported by the EU between July 2007 and June 2008 include:

- support for electoral assistance micro-projects in **Eastern Europe, the Mediterranean and the Middle East** (EUR 3 million);
- support for the reform of the electoral system of **Chad** with a view to the elections scheduled at the time for the end of 2007 (EUR 5 million);
- preparatory assistance to **Zambia** to bridge the gap between the immediate post election period and the likely launch of a multi-year electoral support programme, which will target the 2011 tripartite elections (EUR 450 000);
- a contribution to the UNDP managed basket fund to support the preparation of the electoral roll with photographs in **Bangladesh** (EUR 15 million);
- a contribution to the UNDP managed basket fund to support the rehabilitation and operation of the National Electoral Commission of **Sierra Leone** (EUR 11 700 000);
- support for the electoral processes and parliament in **Yemen** (EUR 5 300 000);
- support for the democratic governance and accountability programme in **Uganda** (EUR 12 million, of which half was allocated to electoral assistance);
- a contribution to promote dialogue and democracy in **Zimbabwe** in the context of the 2008 elections (EUR 3 million).

The EU EOM concluded that the elections were generally well administered, peaceful and competitive and marked a significant and positive development in Sierra Leone's progress towards consolidation of democracy and peace. They allowed for a peaceful change of government in a post-conflict country. The legal framework generally provided for genuine elections according to international standards for democratic elections. There were, however, a number of violent incidents during both campaign periods.

Guatemala

Wolfgang Kreissl-Dörfler, Member of the European Parliament, headed an EU EOM to observe the general elections (presidential, legislative, and municipal) in Guatemala on 9 September 2007. The mission was joined by a seven-member observation delegation from the European Parliament led by Emilio Menéndez del Valle, MEP.

The EU EOM concluded that those elections, overall, took place in accordance with international standards for democratic elections. Furthermore, they constituted an important step in the consolidation of democracy. They were, generally, conducted peacefully and marked by efficient operational organisation, transparent management of vote-counting and a strong participation by party agents. The legal framework governing the electoral process generally complied with international standards. The Supreme Electoral Tribunal responded effectively and independently to the logistic and organisational challenges arising from the decentralisation process, despite the limited timeframes for implementation.

The competitive electoral campaign was, however, marked by a worrying level of violence against candidates and the EU EOM was seriously concerned about the high murder toll of candidates and citizens during the pre-campaign and electoral campaign.

Ecuador

An EU EOM headed by José Ribeiro e Castro, Member of the European Parliament, was deployed in Ecuador from 22 August to 25 October 2007 to observe the Constituent Assembly elections of 30 September 2007.

The EU EOM concluded that the elections were well-administered and inclusive, offering the electorate a wide range of options and the candidates freedom of association and expression. The electoral legal framework met international standards for democratic elections. While the election process was overall assessed positively, the EU EOM identified a number of shortcomings, notably the lack of transparency and the complexity of the voting procedures and vote consolidation system, which also caused major delays in the announcement of results; the wide powers of the electoral administration and the deficient sanctioning mechanism.

Togo

An EU EOM led by Fiona Hall, Member of the European Parliament, was deployed from 8 September to 3 November 2007 to observe the legislative elections of 14 October. The mission

was joined by a five-member observation delegation from the European Parliament headed by Marie Arlette Carlotti, Member of the European Parliament.

The EU EOM concluded that the elections constituted an important step in the construction of a pluralistic and stable democracy. The mission underlined the importance of a peaceful campaign and election day for the democratic development of Togo. While the electoral commission provided for conditions allowing voters to express a choice, the EOM identified a number of areas requiring electoral reform.

Kenya

An EU EOM led by Alexander Graf Lambsdorff, Member of the European Parliament, observed the general elections that took place on 27 December 2007. The mission was joined by a four-member observation delegation from the European Parliament headed by Jan Mulder, Member of the European Parliament.

EU EOM concluded that the elections fell short of key international standards for democratic elections. Most significantly, the electoral process suffered from a lack of transparency in the processing and tallying of results, which undermined the confidence in the accuracy of the final result of the presidential election. Some violence before polling hampered the conduct of the election, whereas widespread violence with numerous victims after election day was part of a larger political crisis. The EOM underlined that this was all the more regrettable, since in advance of the tallying process and despite some significant shortcomings in the legal framework, the elections were generally well administered and freedoms of expression, association and assembly were respected.

Pakistan

The mission began as an Election Assessment Team under the state of emergency, developed into a Limited Election Observation Mission after the state of emergency was lifted, and became a full fledged EOM when the elections were postponed until 18 February 2008. The EU EOM was led by Michael Gahler, Member of the European Parliament. Over the election-day period, the EU EOM was joined by a seven-member delegation from

The “*Handbook for EU Election Observation*” has been thoroughly revised in order to take into account advances in the European Union’s methodology for observing and assessing election processes. It provides a comprehensive overview of the EU EOM methodology, with emphasis on how international standards are used in assessment and reporting. It also explains how EU EOMs are planned, deployed and implemented.

“*The Compendium of International Standards for Elections*” outlines the obligations and commitments each state has made by signing international and regional instruments. With this document it is hoped that reference to international standards for elections will intensify in the assessment and reporting by EU EOMs, as well as in the work of other international and domestic observers and election stakeholders¹.

¹ See http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/index.htm

the European Parliament, led by Robert Evans, Member of the European Parliament.

The EU EOM's main conclusion was that the National and Provincial Assembly Elections had been a pluralistic process in which a broad range of views had been expressed. The election was competitive and the polling process had achieved increased public confidence in comparison with previous elections. However, there were serious problems with the conditions in which the elections were held and a level playing-field was not provided during the campaign, primarily as a result of abuse of state resources and bias in the state media in favour of the former ruling parties. As a result, the overall process felt short of a number of international standards for democratic elections.

Bhutan

An EU EOM, headed by José Javier Pomés Ruiz, Member of the European Parliament, was deployed in Bhutan to observe the first-ever National Assembly elections of 24 March 2008. These elections were the first multiparty general elections in Bhutan, which has been an absolute monarchy since 1907. The elections were part of a gradual move to democracy led by the monarchy; they constituted the last major step in establishing the new institutional framework aimed at achieving a stable, harmonious and long-lasting democracy. This carefully thought-out process culminated in the drafting of a Constitution, which for the first time allows political parties, recognises individual rights, and provides checks and balances among the different branches of government.

The elections marked a successful and orderly change of the political system from an absolute monarchy to a constitutional monarchy in Bhutan.

Nepal

An EU EOM headed by Jan Mulder, Member of the European Parliament, was deployed to Nepal from 2 March to 10 May 2008 to observe the Constituent Assembly elections of 10 April 2008. The European Parliament observation delegation led by Josep Borrell Fontelles, Member of the European Parliament, was fully associated to the EU EOM.

These professionally administered and transparent elections represented a crucial step towards the restoration of representative democracy in Nepal. The legal framework generally provided for a democratic and inclusive election process in line with international standards. While the situation on election day and during the post-electoral vote-counting and tabulation period was fairly calm and orderly, the pre-electoral period was tense across the country. With a general climate of fear and intimidation prevailing during the campaign period, the EU EOM concluded that the overall environment for the election did not fully meet international standards in specific areas, including restrictions to the right of freedom of assembly, movement and expression.

In the period 2000-2008 the EU has provided over EUR 560 million for **electoral assistance projects** in over 50 countries, including in post-conflict contexts such as Chad, Sierra Leone and Haiti.

Assistance to State authorities, including election-management bodies, is provided through the EC geographical cooperation funds as well as the Instrument for Stability. Support to civil society can come from these instruments as well as the EIDHR.

4.12. Economic, social and cultural rights

The European Union attaches the same importance to economic, social and cultural rights as to civil and political rights, bearing in mind the universality, indivisibility, interdependence and inter-relatedness of all human rights, as confirmed by the 1993 World Conference on Human Rights held in Vienna⁸⁶. Both categories of rights stem from the inherent dignity of the human person and the effective implementation of each right is indispensable for the full implementation of the others. This link is particularly explicit in the UN Convention on the Rights of the Child, to which all European Union Member States adhere, as well as in the International Convention on the Rights of Persons with Disabilities.

In the period under review, the UN Human Rights Council (HRC) adopted through a Resolution at its eighth session on 18 June 2008, the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP)**. The Resolution of the HRC will be considered for approval by the UN General Assembly in its 63rd session at the end of 2008. The EU had actively participated in the preceding discussions within the working group on the OP, which drafted the text of the instrument⁸⁷. The Protocol aims to establish a complaints mechanism under the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The EU followed with interest the work carried out by the **UN Committee on Economic, Social and Cultural Rights**, including the adoption of its General Comment No 19 on Article 9 of the Covenant, outlining the normative content of the right to social security and the obligations of States parties emanating from it. At its 39th and 40th sessions, the Committee examined the status of implementation of the Covenant in nine States parties, including two EU Member States, on the basis of reports submitted by those States parties and a constructive dialogue held with a delegation from each⁸⁸.

The EU supported several **UN mandates dealing with economic, social and cultural rights**, namely the Special Rapporteurs on education, housing, physical and mental health,

⁸⁶ <http://www2.ohchr.org/english/law/vienna.htm>

⁸⁷ <http://www2.ohchr.org/english/issues/escr/intro.htm>

⁸⁸ <http://www2.ohchr.org/english/bodies/cescr/index.htm>

International conventions of relevance to the GSP+ arrangement

Part A

Core human and labour rights UN/ILO Conventions

1. International Covenant on Civil and Political Rights
2. International Covenant on Economic Social and Cultural Rights
3. International Convention on the Elimination of All Forms of Racial Discrimination
4. Convention on the Elimination of All Forms of Discrimination Against Women
5. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
6. Convention on the Rights of the Child
7. Convention on the Prevention and Punishment of the Crime of Genocide
8. Convention concerning Minimum Age for Admission to Employment (No 138)
9. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No 182)
10. Convention concerning the Abolition of Forced Labour (No 105)
11. Convention concerning Forced or Compulsory Labour (No 29)
12. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value (No 100)
13. Convention concerning Discrimination in Respect of Employment and Occupation (No 111)
14. Convention concerning Freedom of Association and Protection of the Right to Organise (No 87)
15. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No 98)
16. International Convention on the Suppression and Punishment of the Crime of Apartheid.

Part B

Conventions related to the environment and to governance principles

17. Montreal Protocol on Substances that Deplete the Ozone Layer
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
19. Stockholm Convention on Persistent Organic Pollutants
20. Convention on International Trade in Endangered Species of Wild Fauna and Flora
21. Convention on Biological Diversity
22. Cartagena Protocol on Biosafety
23. Kyoto Protocol to the United Nations Framework Convention on Climate Change
24. United Nations Single Convention on Narcotic Drugs (1961)
25. United Nations Convention on Psychotropic Substances (1971)
26. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)
27. United Nations Convention against Corruption (Mexico).

Under the current GSP Regulation (980/2005), which applies until 31 December 2008, GSP+ beneficiary countries must normally have ratified and effectively implemented all the conventions listed in Part A and at least seven of the 11 conventions listed in Part B. GSP+ beneficiary countries have also committed themselves to ratifying and effectively implementing any missing conventions by 31 December 2008.

food, toxic and dangerous products and wastes, internally displaced persons, indigenous peoples, the independent expert on extreme poverty and the newly created mandate for an Independent Expert on access to drinking water and sanitation. The EU welcomes their valuable contributions towards the promotion and protection of human rights in the discharge of their respective mandates, including a better understanding of the scope and obligations regarding these rights.

The EU actively contributed to the adoption by the **UN Commission for Social Development**⁸⁹ of a resolution on promoting full employment and decent work for all, in February 2008.

The promotion of economic, social and cultural rights has deep links with inclusive and equitable development⁹⁰. Significantly, six of the eight United Nations **Millennium Development Goals**⁹¹ (MDG) put a strong emphasis on human and social development. For example, one of the targets under the first MDG (eradication of extreme poverty and hunger) consists of achieving “full and productive employment and decent work for all, including women and young people”. The EU has consistently underlined its commitment to support the achievement of the MDGs, most recently in the conclusions of the European Council in December 2007 and June 2008, as well as its commitment to **the right to development**. The EU placed itself at the forefront of the international effort to achieve the MDGs through its commitment to increase the effectiveness and volume of aid in the run-up to the September 2005 UN Summit and the subsequent adoption of the European Consensus on Development⁹² in December 2005. This commitment is reflected inter alia in the actions funded under the Development Cooperation Instrument (DCI).

The EU is committed to promoting **employment, social cohesion and decent work** for all in EU external policies, bilateral and regional relations and dialogues, including EU cooperation programmes with third countries and regions. This policy includes encouraging and facilitating the ratification and implementation of the International Labour Organisation (ILO) Conventions on core labour standards and other Conventions that have been classified by the ILO as up to date, through technical cooperation and through close cooperation with the ILO⁹³. All core ILO Labour Conventions have been ratified by all EU Member States.

The EU is particularly committed to promoting the **Decent Work Agenda**, as laid out in the 2006 Commission communication on “*Promoting decent work for all – The EU contribution to the implementation of the decent work agenda in the world*”. This communication provides a strategy and orientations for mobilis-

ing the relevant EU policies in order to contribute to the promotion of the universal objective of decent work for all, as defined by the ILO. EU commitments in this field were reaffirmed by the European Council in December 2007, which underlined the importance of complementing the EU Lisbon Strategy for Growth and Employment with a strong external dimension. An international conference on decent work, organised by the European Commission in January 2008, brought together a wide range of key national and international stakeholders⁹⁴. This event followed a large-scale conference on the external dimension of corporate social responsibility organised by the European Commission in Brussels in December 2007⁹⁵.

The **ILO** is a key global player in the area of employment and social affairs. For instance, the EU supports the strengthening of the ILO supervisory system and intervenes in the ILO International Labour Conference and the Governing Body on a regular basis in connection with major cases of violation of core labour standards. During the period under review, the EU notably intervened in connection with cases in Belarus, Zimbabwe, Burma Myanmar, Georgia and Colombia. The EU was an active and important player in building the consensus that led to the adoption of the ILO Declaration on Social Justice for a Fair Globalisation in June 2008. This Declaration will provide a new framework for the support by ILO of its members and hence further enhance the efforts of the ILO on the Decent Work Agenda.

In addition to activities related to international fora, during the reporting period the EU stepped up its **bilateral policy dialogue and cooperation with third countries** on issues such as employment, labour legislation and social protection. Dialogues were held in this regard with China and India and structured dialogues were launched with Brazil and Mexico. This cooperation was complemented at a regional level, where social matters were taken up under the EU Africa Joint Strategy and at an EU-Latin America conference. In addition, the Community has introduced social-development objectives in its most recent bilateral, regional and inter-regional agreements. These agreements contain a commitment by both parties to recognise and promote social rights, including respect for the ILO core conventions on fundamental labour rights.

Under the Special Incentive Arrangement for Sustainable Development and Good Governance (known as GSP+), which is part of the EU’s Generalised System of Preferences (GSP), the EU provides **additional tariff preferences** for vulnerable countries which have ratified and effectively implemented a number of international conventions on core human and labour rights, the environment and good governance (see box below).

During the period covered by this report, 15 GSP beneficiary countries received GSP+ benefits, namely Bolivia, Colom-

⁸⁹ <http://www.un.org/esa/socdev/csd/index.html>

⁹⁰ See Chapter 4.13., The right to development.

⁹¹ <http://www.un.org/millenniumgoals/>

⁹² OJ C 46, 24.2.2006, p. 1.

⁹³ <http://www.ilo.org/>

⁹⁴ http://ec.europa.eu/employment_social/international_cooperation/decent_work_conf2008_en.htm

⁹⁵ See Chapter 4.10., Human rights and business.

bia, Costa Rica, Ecuador, El Salvador, Georgia, Guatemala, Honduras, Moldova, Mongolia, Nicaragua, Panama, Peru, Sri Lanka and Venezuela. GSP+ benefits for Moldova were removed in January 2008 when the EC implemented further reaching autonomous trade preferences specifically for that country.

The Commission continued to monitor closely the status of ratification and implementation of the conventions in the 15 GSP+ beneficiary countries. On 31 March 2008, further to information received that the Supreme Court of El Salvador had declared certain provisions of ILO Convention Number 87 concerning Freedom of Association and Protection of the Right to Organise inconsistent with the Constitution of El Salvador, the Commission decided to initiate in May 2008 an investigation pursuant to Article 18(2) of Regulation 980/2005 in order to establish whether the national legislation of El Salvador no longer incorporated this Convention or whether that legislation was not being effectively implemented. The Commission had an exchange of views with the Member States on further strengthening the monitoring of the implementation of human rights conventions by the 15 GSP+ countries.

GSP preferences remained temporarily withdrawn in respect of Belarus and Burma/Myanmar since there was no change in the situation in those countries which gave rise to the temporary withdrawals and serious and systematic violations of principles laid down in the core human and labour rights conventions continued.

4.13. The right to development

The EU has consistently underlined its commitment to the right to development as set out in the Vienna Declaration and Programme of Action of 1993. That commitment is articulated through the development cooperation partnerships and agreements that have been established with countries throughout the world, for example the Cotonou Agreement between the EU and the African, Caribbean and Pacific (ACP) countries.

The Declaration on the right to development adopted by the UN General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of peoples and of individuals. With a view to monitoring and reviewing progress in the promotion and implementation of the right to development, the UN Commission on Human Rights established in 1998 the open-ended Working Group on the Right to Development (WG). The mandate of the WG was then renewed by the UN Human Rights Council in March 2007. At the WG's most recent working session (February-March 2007), the EU underscored the primary responsibility of States to create the national conditions conducive to the fulfilment of this right. That can best be achieved by applying a human rights perspective to national development plans and global partnerships, which stress the universality, indivisibility, inter-relatedness and interdepend-

ence of all human rights. The ninth session of the WG was postponed from 25-29 February to 18-22 August 2008.

During the reporting period, the High-Level Task Force on the implementation of the right to development established within the framework of the WG held its fourth session of work (7-15 January 2008). On this occasion, the Task Force undertook a preliminary review of the Cotonou Partnership Agreement between the EC and ACP countries as an example of partnerships that give shape to the international dimension of the Right to Development. The Task Force recognised that the cooperation under the Agreement encompassed a wide range of policy fields, including human rights, good governance, environmental conservation and peacebuilding. The Task Force identified a clear link between the Cotonou Agreement and the right to development framework and criteria, and favoured the development of monitoring benchmarks in the Economic Partnership Agreements (EPAs), currently in the process of being negotiated or concluded.

In 2007 the Commission also disbursed the funds earmarked for the Governance Initiative for ACP countries. The aim of this initiative is to further promote a reform agenda in EU partner countries in areas which include human rights, democracy and the rule of law. A total of EUR 3 billion was granted under this initiative in additional financial support to countries ready to commit themselves to plans containing relevant, ambitious and credible measures and reforms. The plans are produced by partner countries and focus on attainable results, with the ultimate objective of reducing poverty and promoting sustainable development. They also provide for benchmarks in the areas of human rights and democracy that the EU will monitor and discuss with the country concerned by means of political dialogue.

4.14. Freedom of religion or belief

The EU's human rights policy encompasses freedom of thought, conscience and religion or belief, which is enshrined in various international human rights instruments.

The EU is actively engaged in discussions on freedom of thought, conscience and religion or belief with a broad range of countries and has raised the issue in a number of political dialogue meetings, inter alia with China, Kyrgyzstan and Turkmenistan. The EU voices its concerns regarding religious freedom and related intolerance and discrimination via démarches and public statements.

As regards the EU's relations with Asia, the ASEM process (Asia-Europe Meeting) is committed to promoting dialogue and building harmony among different religions and faiths. The Fourth ASEM Interfaith Dialogue Meeting hosted by the Netherlands in Amsterdam (3 to 6 June 2008) brought together religious leaders, senior officials, intellectuals and media from ASEM partners. The meeting representatives agreed to further promote the ASEM Interfaith Dialogue and issued a statement in this regard

covering issues such as interfaith dialogue and poverty reduction, religious education, communications in the digital world and government policies. The next two annual meetings will be held in Asia and in Spain.

During the period under review, the Presidents of the European Parliament, the European Council and the European Commission met in May 2008 with around twenty high-level representatives of Christianity, Judaism and Islam in Europe. This was the fourth annual meeting with religious leaders and the second involving the Presidents of the three EU institutions. This year's meeting focused on two major challenges facing the European Union: climate change and reconciliation through intercultural and inter-faith dialogue. Participants at the meeting shared their views on the two main themes and agreed on the essential role of religions and communities of belief in tackling common challenges and mobilising societies for a sustainable future.

In line with its commitment to fight all types of discrimination, the EU is taking action against intolerance and discrimination based on religion or belief, in particular in the UN fora. The EU supports the work carried out by the UN Special Rapporteur on freedom of religion or belief, whose mandate was extended for a further period of three years in December 2007. During the period under review, the EU took action both at the UN General Assembly (UNGA62) and at the Human Rights Council.

The EU introduced to the 62nd session of the UN General Assembly its customary resolution on the elimination of all forms of intolerance based on religion or belief (A/RES/62/157), which was adopted without vote. The resolution condemns all forms of intolerance and of discrimination based on religion or belief. It urges States to ensure adequate freedoms including the right to freely practice one's religion or to change one's religion, as well as to ensure full respect and protection for religious sites and symbols. In addition, States are urged to ensure the right and freedoms of all people to establish religious, charitable and humanitarian institutions, the right to life, liberty and security, and the right not to be arrested, detained or tortured for their beliefs. They are further urged to ensure that all public officials, civil servants and law-enforcement bodies respect the different religions and beliefs and take resolute action to prohibit dissemination of racist and xenophobic ideas and materials that constitute discrimination, intimidation or coercion. It also emphasises that equating any religion with terrorism should be avoided and that restrictions on the freedom to manifest religion should only be permitted if limited by law or necessary to protect public safety and the fundamental rights of others.

As in previous years, the EU voted against the UN General Assembly Resolution on combating defamation of religions (A/RES/62/154) because of its concerns regarding the general approach, conceptual framework and terminology of the reso-

lution. In its explanation of vote at the UN Third Committee, the EU stated that it attaches great importance to combating all forms of discrimination based on religion or belief and incitement to religious hatred, and considered that the UNGA and the HRC should continue to address these issues, including through a dialogue with the relevant Special Procedures.

The EU agrees with the need to raise concern and alarm in respect of serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, occurring throughout the world. The EU does not see the concept of "defamation of religions" as a valid one in a human rights discourse. From a human rights perspective, members of religious or belief communities should not be viewed as parts of homogenous entities. International human rights law protects primarily individuals in the exercise of their freedom of religion or belief, rather than the religions as such. Moreover, in most legal systems, "defamation" is a legal concept, which entitles individuals or entities with legal personality to redress against slander and libel. Religions or beliefs do not enjoy such legal personality in most States, and so it is difficult to see how "defamation of religions" could be used as a useful concept to promote human rights or provide protection or redress against human rights violations.

The EU has stressed that discrimination based on religion or belief, which is a serious human rights violation, has to be addressed in all its aspects; that it should be recognized that it is not confined to any one religion or belief, nor is it confined to any one part of the world; and that the protection of the rights of persons belonging to religious minorities is central to freedom of religion or belief; that it must be ensured that all human rights, including the right to freedom of thought, conscience, expression and religion, are respected and protected at an equal level; and that promoting respect for the adherence to all religions or beliefs is best addressed in a comprehensive manner, as is reflected in other Third Committee resolutions and directly at the plenary. Further the EU considers that freedom of expression and freedom of religion or belief are complementary rather than competing concepts. The EU is well aware that these rights are not unlimited but the EU believes that the balance between these rights and their limitations is well struck in existing international human rights law.

Furthermore, the EU tabled to the sixth session of the Human Rights Council a substantial resolution on freedom of religion or belief (A/HRC/RES/6/37) which also renews the mandate of the Special Rapporteur on freedom of religions or belief for a further period of three years. The resolution urges States to implement some measures in order to protect the freedom of religion or belief and to fight intolerance based on religion or belief. It also invites all actors in the context of different dialogues to address some key issues such as the rise of extremism

affecting religions in all parts of the world. The resolution was adopted by a recorded vote of 29 to none and 18 abstentions. All member states of the OIC decided to abstain because, while declaring their support to the aim of the mandate, they were disappointed that the resolution did not mention the need to protect religions.

4.15. Intercultural dialogue

The EU is strongly committed to promoting intercultural dialogue both within the Union and with third countries. The combined effect of the successive enlargements of the EU, the increased mobility resulting from the single market, old and new migratory flows, more significant exchanges with the rest of the world through trade, education, leisure and globalisation in general, is increasing interactions between European citizens and all those living in the EU, and the various cultures, languages, ethnic groups and religions in Europe and beyond.

The Commission's communication⁹⁶ of May 2007 on a European Agenda for culture in a globalising world affirmed the central role of culture in the process of European integration and proposed a cultural agenda for Europe and for its relations with third countries. On the basis of the Commission's proposal, the Agenda was approved by the Education, Culture and Youth Council in November 2007 and subsequently endorsed by the European Council in December 2007.

A structured system of cooperation on cultural matters among the Member States and the EU institutions has been introduced, based on the open method of coordination that has already been successfully used to structure cooperation between Member States and the EU in, for example, the area of education and training, youth and social protection. Progress towards the common goals will be reviewed every three years by the Commission and the Member States. In addition, the Commission has launched a structured dialogue with the cultural sector.

In 2008, the European Union celebrated the **European Year of Intercultural Dialogue** established by a Decision⁹⁷ of the European Parliament and of the Council in December 2006. The Year was officially launched in January in Ljubljana at a European conference organised by the Slovenian Presidency. Since then, excellent progress has been made on a number of fronts. The communication and awareness-raising campaign, organised at national level by each Member State with a European level focus on the website (www.dialogue2008.eu), has generated significant interest. Over 1 000 media reports per month are recorded and the website attracted half a million visitors in its first six months of existence. Policy discussions in the first semester of the Year focused on intercultural competencies and culminated under the Slovenian Presidency with the adoption of Council conclusions

calling for the development of a sustainable and cross-sectoral strategy on intercultural dialogue. Discussions were coordinated between the education, culture, youth and audiovisual sectors.

Intercultural dialogue was also a priority of the Slovenian Presidency in the first half of 2008. The European Council of June 2008 acknowledged efforts so far to promote the European Year of Intercultural Dialogue. In this context it recognised the value of cultural cooperation and intercultural dialogue as an integral part of all relevant external policies, in line with the recommendations of the conference on *"New Paradigms, New Models & Culture in the EU's External Relations"* (held in Ljubljana on 13 and 14 May 2008) and the work under way within the framework of the Alliance of Civilizations. The Council underlined the importance of cultural cooperation in addressing political processes and challenges, based on dialogue with civil society, in promoting people-to-people contacts and in fostering good neighbourly relations.

European co-funding was provided for one European Year project in each Member State as well as for seven pan-European "flagship projects"⁹⁸ typically designed to raise awareness as widely as possible, reach out to young people and generate maximum media interest.

Policy discussions continue under the French Presidency, which will organise the European closing conference of the Year to take stock of achievements and identify next steps towards a sustainable strategy.

Intercultural dialogue is integrated as a horizontal and trans-sectoral priority into relevant Community policies, programmes and actions. This objective has been implemented both for programmes relating to culture, education, youth and citizenship and in a number of other areas such as employment, social affairs, equal opportunities, external relations and development aid.

Intercultural dialogue is an integral part of the EU's relations with third countries. In the framework of Euro-Mediterranean relations at regional level, culture is a priority sector, as recognised in the Barcelona Declaration of 1995. Among the objectives of Euro-Mediterranean cooperation, special attention is devoted to the social, cultural and human dimension elements.

The importance of culture is highlighted by the existence of meetings at ministerial level. There have been three meetings of Ministers of Culture so far: Bologna 1996, Rhodes 1998 and Athens 2008, as well as a meeting of the Euro-Mediterranean Ministers for Foreign Affairs (Crete 2003) which centred on intercultural dialogue. The latest meeting of Ministers for Culture held in Athens on 29 and 30 May 2008 launched a process leading to the elaboration of a fully-fledged Euro Mediterranean Strategy on Culture, encompassing cooperation both in

⁹⁶ COM(2007) 242 final.

⁹⁷ Decision 1983/2006/EC, OJ L 412, 30.12. 2006.

⁹⁸ http://www.interculturaldialogue2008.eu/354.0.html?&redirect_url=my-startpage-eyid.html

the field of dialogue between cultures and in the field of cultural policy. An ad hoc working group of EuroMed experts will be created in order to develop this strategy for approval by the next meeting of Culture Ministers in 2010.

The important role of culture in external relations is evidenced by the existence of actions and cooperation programmes that have been approved and successfully implemented, including the Anna Lindh Foundation (including by “1001 actions for dialogue”), EuroMed Audiovisual, EuroMed Heritage, the Regional Information and Communication programmes, the EuroMed Youth programme and the EuroMed Gender programme.

The EuroMed Partnership actively supported the 2008 European Year of Intercultural Dialogue: in November 2007 the Euro-Mediterranean Ministers for Foreign Affairs decided to nominate 2008 the “*Euro-Mediterranean year of dialogue between cultures*”.

The cultural pillar of the Asia-Europe Meeting (ASEM) is actively developed. The 3rd ASEM Culture Ministerial Meeting held in Kuala Lumpur (22 and 23 April 2008) focused on the theme of “*Cultural Diversity – Realizing the Action Plan*”. This ministerial meeting contributed to the enhancement of cultural exchanges and cooperation between Asia and Europe, as identified through the Action Plan of Culture Ministers adopted in Paris in June 2005.

The Asia Europe Foundation (ASEF) and its flagship programmes on intellectual and cultural exchanges are supported by the Commission. The development of Culture360, an Asia-Europe cultural web-portal, is expected to enhance art and cultural exchange among ASEM member countries.

Culture is a key element in the EU’s cooperation with the Council of Europe, which includes the joint action “*Intercultural Cities*”, joint implementation of the European Heritage Days as well as joint activities in the Western Balkans.

All the EU Member States as well as the European Commission support the Alliance of Civilizations and are members of the Group of Friends. The Alliance was launched by the Prime Ministers of Spain and Turkey, together with former UNSG Kofi Annan, at the end of 2005 with the aim to improve understanding and cooperative relations among nations and peoples across cultures and religions and, in the process, to help counter the forces that fuel polarisation and extremism. The first Annual Forum of the Alliance held in Madrid in January 2008 launched a number of initiatives, such as a Rapid Response Media Mechanism, a Media Fund, a Clearinghouse on Media Literacy, a Youth Solidarity Fund and a Youth Employment Initiative.

4.16. Asylum, migration, refugees and displaced persons

Migration, asylum and refugee issues figure among the priority areas of EU policies within the EU and in its external relations. The EU stresses the need to continue implementation of the Tampere and Hague Programmes on Justice and Home Affairs and to work on succeeding measures in order to further strengthen Europe’s internal security as well as the fundamental freedoms and rights of citizens.

Since the Global Approach to Migration was adopted by the European Council in 2005, and then confirmed by the 2006 Council, the EU has played a pioneering role internationally by promoting a comprehensive and balanced approach in dealing with migration issues in partnership with third countries. The Global Approach to Migration aims to formulate comprehensive and coherent policies that address the broad range of migration-related issues, bringing together different policy areas – development, social affairs and employment, external relations and justice and home affairs – and taking both short-term actions as well as a longer-term vision to address the root causes of migration and forced migration. The Global Approach has a strong theme of working in partnership with countries of origin and transit: its key concepts are partnership, solidarity and shared responsibility. Aiming, at the beginning, to the countries of Africa and the Mediterranean, the geographical scope of the Global Approach was extended, in 2007, to include the eastern and south-eastern regions neighbouring the EU.

The December 2007 Commission communication⁹⁹ sought to define the steps needed to build on the important work already undertaken to achieve a Common Immigration Policy. It was therefore both an appraisal of achievements and progress made in this area – including an Interim Progress Report on the Global Approach to Migration – and a study of challenges ahead in the medium and long term towards a common and comprehensive immigration policy. A new more integrated approach is needed so that immigration policy strikes the right balance between labour market shortages, needs, economic impacts, social consequences, integration policies and external policy objectives.

As regards the implementation of the Global Approach, the Commission was encouraged by the progress made with regard to Africa and the Mediterranean, in particular the EU missions to African and Mediterranean countries, as well as the progress on the application of the Global Approach to the eastern and south-eastern neighbouring regions. Work continues to further enhance dialogue and cooperation on migration issues with the sub-Saharan region and North Africa.

⁹⁹ Towards a Common Immigration Policy, COM(2007) 780 final of 5.12.2007.

Following the Commission's communication¹⁰⁰, the European Council of December 2007 underlined the need for a renewed political commitment and confirmed that further development of a European migration policy complementing Member States' policies remained a fundamental priority in order to meet the challenges and harness the opportunities which migration presents in a new era of globalisation.

As a contribution to the further development of the common migration and asylum policy, the Commission adopted in June 2008 a communication on "A common immigration policy for Europe: principles, actions and tools" and a "Policy Plan on Asylum – an integrated approach to protection across the EU". The communication put forward ten Common Principles on which to base a common immigration policy, grouped under the three main strands of EU policy: prosperity, solidarity and security. The Policy Plan on Asylum provides for the architecture of the second phase of the Common European Asylum System (CEAS), whose overarching objectives are to uphold and reinforce the Union's humanitarian and protection tradition and to achieve a true level playing-field for protection across the EU through the further harmonisation of Member States' asylum legislation, increased practical cooperation and enhanced solidarity between the Member States and between the EU and third countries. Both the communication and the Policy Plan address the main remaining elements on immigration and asylum of the Hague Programme. The European Council is expected to endorse a European Pact on Immigration and Asylum in October 2008. The Pact is foreseen to give political impetus to the EU debate on migration and asylum. With this Pact, the European Council makes five basic commitments as regards: organization of legal immigration and integration, control of illegal immigration, more effective border controls, building a Europe of asylum and creation of a comprehensive partnership with the countries of origin and of transit. These commitments will continue to be transposed into concrete measures, in particular in the programme to follow on from the Hague programme in 2010.

The General Affairs Council meeting of June 2008 underlined the importance of continuing the dialogue, partnership and cooperation with third countries on migration issues in a comprehensive and regionally balanced manner. The Council reaffirmed that respect for human rights and fundamental freedoms of migrants, the Geneva Convention and due access to asylum procedures lie at the basis of the EU's migration policy. The Council welcomed the progress being made in applying the Global Approach to Migration through the development of instruments such as migration missions and related follow-up processes, cooperation platforms, mobility partnerships on a voluntary basis and migration profiles and through making use of existing structures for dialogue and cooperation. In particular, pilot mobility partnerships have been concluded with

Moldova and Cap Verde at the margins of the June 2008 Justice and Home Affairs Council. The mobility partnerships will be implemented jointly by Member States, the European Community and the partner country.

A programme entitled "*Thematic Cooperation Programme with Third Countries in the Development Aspects of Migration and Asylum*" has been set up (2007-2013). As with the preceding AENEAS Programme, the general objective of the new thematic programme is to assist third countries to improve the management of all aspects of their migratory flows. The focus will be on countries along the southern and eastern migratory routes to the EU, although other migratory routes as well as south-south migrations will also be covered. In addition, horizontal initiatives will address migration and development, labour migration, asylum and refugee protection, smuggling and trafficking in human being as well as illegal immigration.

As regards the EU engagement in the debate on migration at global level, the Commission and the Member States actively helped to prepare and then participated in the first meeting of the **Global Forum on International Migration and Development (GFMD)**, which was hosted by Belgium in Brussels in July 2007. The Forum is a state-driven initiative and a useful tool for the exchange of views and ideas on challenges related to the migration and development nexus. It offers the opportunity for countries to continue the dialogue on migration and development and to contribute to the elaboration of holistic approaches to that issue. The second GFMD will take place in Manila (Philippines) in December 2008. The third GFMD will be hosted in Greece, in November 2009.

4.17. Racism, xenophobia, non-discrimination and respect for diversity

Racism and xenophobia are incompatible with the principles upon which the EU is founded. EU institutions have repeatedly rejected and condemned all their manifestations. The EU, within the limits of the powers conferred on it by the Treaties, determinedly pursues a clear policy of fighting these phenomena both within the Union itself, and in the context of its external action.

The EU is actively engaged in efforts within the UN to tackle racism and discrimination. During the 62nd session of the UN General Assembly (UNGA), the EU made a statement in the Third Committee on the elimination of racism and racial discrimination. The EU is also constructively participating in the preparatory process of the Durban Review Conference which will take place in 2009 in Geneva, within the framework of the General Assembly. Implementation of the existing norms should be the focus of that Conference. In preparation for the Review Conference, EU Member States and the Commission/FRA submitted a questionnaire prepared by UN Office of the High Commissioner for Human Rights to the Preparatory

¹⁰⁰ Towards a Common Immigration Policy, COM(2007) 780 final of 5.12.2007.

Committee of the Durban Review Conference, describing policies, programmes and projects which have been undertaken to implement the Durban Declaration and Programme of Action within Member States and at Community level. Furthermore, the EU supported the renewal of the mandate of the Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance, during the seventh session of the Human Rights Council (March 2008).

In the OSCE framework, through EU coordination, the Commission and the EU Member States work actively and regularly to obtain the implementation of the commitments made by the 56 OSCE Participating States as regards the fight against racism and xenophobia, non-discrimination and respect for diversity. In this respect, the Human Dimension Implementation Meeting organised by OSCE/ODIHR on an annual basis in Warsaw is a valuable platform for the Commission and the EU Member States.

In the Council of Europe framework, the ECRI (European Commission against Racism and Intolerance) is continuing its action started in 1993. It is in close relation with the European Commission Anti-discrimination, Fundamental and Social Rights Unit of the Directorate-General for Employment and Social Affairs as well as with the Fundamental Rights Agency.

On 18 June 2008, the European Community and the Council of Europe signed an agreement establishing a comprehensive cooperation framework concerning the Fundamental Rights Agency and the Council of Europe. The agreement includes provisions on the organisation of regular meetings, exchange of information and coordination of activities. It provides for the appointment by the Council of Europe of two independent persons to sit on the Management and Executive Boards of the Agency as member and deputy member and sets out the Council of Europe's voting rights in these organs.

The EU raises racism and xenophobia issues in its political dialogues with third countries, for example Russia and China. These issues have also been mainstreamed in cooperation strategies; for example, under European Neighbourhood Policy Action Plans, partner countries commit themselves to cooperation to combat all forms of discrimination, religious intolerance, racism and xenophobia.

The fight against racism, xenophobia, and discrimination against minorities and indigenous people is a priority for funding under the EIDHR. Through EIDHR funds, the EU supports the UN High Commissioner for Human Rights in the implementation of existing international standards on equality and non-discrimination, particularly the Durban Declaration and Programme of Action and the International Convention on the Elimination of Racial Discrimination. Project activities include awareness-raising campaigns and seminars, the provision of advice through technical cooperation projects with governments, and research and analysis. The main partners are UNDP, UNESCO, the World Bank,

the ILO and other international organisations, as well as human rights institutions and civil society organisations.

4.18. Rights of persons belonging to minorities

The EU is committed to fully respecting the human rights of all persons, including those belonging to minorities. The EU Charter on Fundamental Rights calls for the protection of cultural, religious and linguistic diversity, while the Treaty on the European Union upholds the principle of full enjoyment of rights and freedoms without discrimination, including association with a national minority, including the right to freely choose the name of an association and the right to participate in public life by the creation of political parties.

The High-Level Advisory Group of Experts on the social integration of ethnic minorities and their full labour-market participation has been established. The Group's report and recommendations were presented at a conference on 3 and 4 December 2007 in Brussels. The work of the group focused on the overlap of membership of an ethnic minority and social disadvantage, and identified good practice in enterprises and public policy.

The membership criteria for countries wishing to join the EU, as laid down at the Copenhagen European Council in 1993, specifically include the respect for and protection of minorities. Accordingly, in 2007 and the first half of 2008, particular attention continued to be paid to respect for and protection of minorities within the context of the EU enlargement process, as well as in relation to the Stabilisation and Association process with the Western Balkans¹⁰¹. Legislation on the protection of minorities is for the greater part in place throughout the Western Balkan region, but implementation lags behind. Minorities are not yet fully represented in the political and social life and discrimination persists. In Turkey rights of persons belonging to minorities are only granted to certain non-Muslim minorities covered by the 1923 Lausanne Treaty. Turkey has neither signed nor ratified the Council of Europe Framework Convention for the Protection of National Minorities¹⁰².

In this context, developments in the candidate countries (Croatia, former Yugoslav Republic of Macedonia and Turkey) and the potential candidate countries (Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo) continued to be assessed by the European Commission in annual progress reports, of which the last series was presented in November 2007 to the European Parliament and to the Council. The Roma minority is identified as one of the most vulnerable groups in south-east Europe, and still faces in most of these countries very difficult living conditions and discrimination, especially in the

¹⁰¹ Albania, Bosnia and Herzegovina, Croatia, former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244).

¹⁰² The text of the Convention may be found at: <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>

areas of education, social protection, health-care, housing and employment. The new Instrument on Pre-Accession Assistance (IPA)¹⁰³ which since 2007 replaces the former PHARE and CARDS instruments, provides EU funding to promote *inter alia* non-discrimination and equal opportunities in countries that are preparing for EU membership.

The promotion and protection of the rights of persons belonging to ethnic and religious minorities continued to be a key feature of external relations. Rights of persons belonging to minorities are raised with several third countries within the framework of human rights dialogues. The European Instrument for Democracy and Human Rights, which in 2007 succeeded the previous EIDHR, includes the possibility to support actions on the rights of persons belonging to minorities. Under its objective “*Strengthening the role of civil society in promoting human rights and democratic reform, in facilitating the peaceful conciliation of group interests and in consolidating political participation and representation*”, there is scope for specific actions in the field of minorities, to be implemented both at country level or at transnational and regional levels. Several new projects involving the rights of persons belonging to minorities were contracted during 2007 under the EIDHR country-specific calls, for example in Bangladesh, Bosnia and Herzegovina, Burundi, FYROM, Georgia, Nigeria, Pakistan, Rwanda, Russia and Serbia.

At UN level, the work of the Independent Expert on minority issues is a valuable source in informing the EU’s approach to minority issues in relations with third countries. Her mandate has been extended by the Human Rights Council on 27 March 2008 for a period of three years. Furthermore, the EU gives support to the Forum for Minority issues which was created by the Human Rights Council on 28 September 2007 as a follow-up body to the UN Working Group on Minorities under the former UN (sub)commission for Human Rights. The EU and its Member States also continue to be actively involved in the work of international organisations dealing with minorities issues, such as the OSCE and its Office of the High Commissioner on National Minorities, as well as the Council of Europe’s European Commission against Racism and Intolerance (ECRI) and the Commissioner for Human Rights.

The EU is currently financing under IPA a regional project on Roma to the amount of EUR 1 million. The project “*Social inclusion and access to human rights of Roma, Ashkali and Egyptian communities in the Western Balkans*” is implemented by UNHCR and addresses the documentation and registration gap of Roma in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244). The lack of documents is one of the key issues with which the Roma population is con-

fronted. It undermines their integration into the society and their access to basic civic rights such as health-care, education or employment.

UNHCR is implementing the project in partnership with NGOs and in cooperation with other UN agencies, national authorities and Roma information centres. The project offers legal aid for Roma communities in order to enable them to gain registration in birth records. An information campaign targeting the Roma community is being carried out. The project is expected to be completed in 2009.

4.19. Persons with disabilities

The European Community was fully engaged in the negotiations in the UN General Assembly on the International Convention on the Rights of Persons with Disabilities, which opened for signature in New York on 30 March 2007. The EC and majority of its Member States were among the first signatories of the Convention.

The Convention received its 20th ratification on 3 April 2008, triggering the entry into force of the Convention and its Optional Protocol on 3 May 2008. This marks a major milestone in the effort to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities, and to promote respect for their inherent dignity.

As of 8 August 2008, the UN Convention on the Rights of Persons with Disabilities was signed by the European Community and all of its Member States and the Optional Protocol by 16 Member States. Three Member States (Hungary - 20 July 2007, Spain 3 December 2007 and Slovenia 24 April 2008) ratified the UN Convention and the Optional Protocol and deposited their instruments of ratification with the UN.

The Commission is working on the proposal for the Council decisions concerning the conclusion of the UN Convention and the Optional Protocol by the European Community. Declarations of competences with respect to the matters governed by the Convention will be annexed to these proposals. The successful conclusion of the Convention will constitute a landmark for the European Community in that it will become, for the first time ever, party to a comprehensive UN human rights convention.

In terms of its content, the Convention represents a significant change: it establishes disability as a human rights issue and matter of law and not only as a social welfare issue. It will benefit 650 million persons with disabilities around the world, including 50 million Europeans.

The UN Convention provides a robust basis in international law for raising the issue of disability in EU human rights dialogues with third countries that have ratified the Convention;

¹⁰³ Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA), OJ L 170, 29.06.2007, p. 1.

it will also supply a clear framework for engaging in policy dialogue with our partners in development cooperation on the issue of disability.

4.20. Indigenous issues

The period under review was marked by the adoption on the 13 September 2007 of the UN Declaration on the Rights of Indigenous Peoples. This is a major event in the history of indigenous peoples' struggles for their rights, and the Declaration was the result of more than twenty years of negotiations in the UN framework. It passed the 61st General Assembly with 143 votes in favour, 11 abstentions and 4 votes against. The EU has co-sponsored the resolution and voted in favour. Article 43 states that the rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

The right to self-determination, an inalienable collective right to ownership, use and control of lands, territories and other natural resources, rights to maintain and develop their own political, religious, cultural and educational institutions, and protection of their cultural and intellectual property are some of the rights recognised in the Declaration.

Also, in the international arena, the UN Human Rights Council decided, on 14 December 2007, to establish an "Expert Mechanism on the Rights of Indigenous Peoples" as a follow-up body of the Working Group on Indigenous Peoples of the former UN (Sub)Commission for Human Rights. It will include five independent experts on indigenous peoples'

rights and report on their experiences of human rights abuses against indigenous peoples, directly to the Human Rights Council, in coordination with the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples and the UN Permanent Forum on Indigenous Issues.

The UN Special Rapporteur whose mandate has been extended on 28 September 2007 for a period of three years, has the task to promote the implementation of the UN Declaration on the Rights of Indigenous Peoples, to work actively with all actors in the field and to present his recommendations to the Human Rights Council.

Several EC supported actions targeting indigenous peoples either directly or as a cross-cutting issue are currently ongoing. There are both global actions and those carried out at country level. The EIDHR includes the possibility to support actions on the rights of indigenous peoples. Under its objective "*Strengthening the role of civil society in promoting human rights and democratic reform, in facilitating the peaceful conciliation of group interests and in consolidating political participation and representation*", there is wide scope for specific actions in the field of indigenous peoples, to be implemented both at country level or at transnational and regional levels. In 2008, the project "*Promotion of Indigenous and Tribal Peoples' Rights through Legal Advice, Capacity-Building and Dialogue*" was initiated as a joint management between the European Commission and the ILO. The project is a continuation of the implementation of a project by ILO and the work carried out in the regions of Latin America, South Asia and Central Africa. An accomplishment linked to this project was the ratification, in September 2007, of ILO convention 169 on the right of indigenous peoples, by the Government of Nepal.

EIDHR: Indigenous rights advocacy and capacity-enhancement project

The EIDHR supports the activities of the Copenhagen-based organisation IWGIA – International Work Group for Indigenous Affairs (www.iwgia.org) in this three-year project with a total grant of EUR 720 000. The aim of the action is to improve indigenous peoples' possibilities to defend their rights by using international human rights instruments, and to strengthen their capability to link international human rights processes with national and local efforts.

project is carried out notably through the following activities:

- Enhancing the participation of indigenous representatives (men and women) in UN meetings dealing with indigenous peoples rights;
- Enhancing the participation of indigenous representatives (men and women) from Africa in the substantive sessions of the African Commission on Human and Peoples Rights (ACHPR);
- Enhancing the contributions from indigenous peoples to the work of the UN Permanent Forum on Indigenous Issues;
- Strengthening the indigenous peoples' network in Francophone countries;
- Supporting the Indigenous Peoples' Human Rights Watch in the Philippines to improve access to justice among indigenous peoples in the Philippines; and
- Documentation of the global situation of indigenous peoples.

5. EU action in international fora

5.1. The 62nd Session of the UN General-Assembly

The UNGA Third Committee (social, humanitarian and cultural affairs) was in session from 8 October to 28 November 2007. In total, 63 resolutions were considered by the Third Committee. The total number was similar to the previous year. Of these resolutions, 41 were adopted without a vote, 21 were voted upon, and one was withdrawn¹⁰⁴. Slightly fewer resolutions were voted on than in the year before. In addition, five resolutions dealt with by Third Committee delegates were considered directly in the UNGA plenary.

In the Third Committee, the priorities of the European Union focused on three thematic resolutions (the moratorium on the use of the death penalty, rights of the child and religious intolerance) and two resolutions on national human rights situations (Burma/Myanmar and the Democratic People's Republic of Korea). Jointly with the US, the EU also presented a resolution on Belarus and was deeply committed to the adoption of the resolution on the human rights situation in Iran presented by Canada. All these resolutions were successfully adopted.

But the subject that dominated this particular session of the Third Committee, and perhaps the 62nd UNGA itself, was the resolution **on the moratorium on the use of the death penalty**. Its approval represented a landmark for the United Nations in the fight for the universal abolition of the death penalty.

The intense lobbying in capitals and in New York, a team effort involving not only the Portuguese Presidency and the rest of the European Union but also the other co-authors (Albania, Angola, Brazil, Croatia, Gabon, Mexico, New Zealand, Philippines and East Timor), resulted in the adoption of the resolution, on 15 November, by 99 votes to 52 with 33 abstentions¹⁰⁵. The voting itself was a difficult marathon that lasted two days and involved votes on 14 written amendments and several oral amendments to paragraphs of the resolution, generating moments of great tension and emotion.

Throughout this process, the team spirit and cross-regional component of the initiative were remarkable: all the co-authors, representing all regional groups, intervened, dividing equitably the task of defending the draft resolution. This was a victory for all those both within and outside the EU who joined in, convinced of the process.

¹⁰⁴ A resolution on the status of internally displaced persons and refugees from Abkhazia, Georgia.

¹⁰⁵ On 18 December the resolution was adopted at the plenary session of the General Assembly by 104 votes to 54 with 29 abstentions.

The **omnibus resolution on the rights of the child** was particularly important as it contained the mandate for the new Special Representative of the UN Secretary-General on Violence against Children, thus implementing a key recommendation of the study on violence against children by the independent expert of the UN Secretary-General. Furthermore, the EU successfully sponsored the resolution on the **elimination of all forms of intolerance and of discrimination based on religion and belief**, which was adopted without vote.

The EU as a whole, including initiatives by individual Member States and in co sponsorship with countries from other regions, tabled 19 resolutions in the Committee, six of which¹⁰⁶ were voted on and adopted.

In all of the EU initiatives, it was possible to secure a successful outcome, which was, in all cases, particularly welcome given the difficult circumstances that surrounded them. Despite the continuing trend against country resolutions, the Third Committee defeated all no-action motions (Burma/Myanmar, Iran and Belarus)¹⁰⁷. The main reason for this result was earlier and more strategic lobbying, coordinated with Canada, the US and New Zealand, aimed at no-action motions.

All the national initiatives of EU Member States were also successfully adopted, including Youth in the Global Economy (UK), Crime Prevention (IT), Violence against Women (NL/FR), CEDAW (DK), UN Development Fund for Women (EE), Torture (DK), International Covenants on Human Rights (SE), Human Rights in Administration of Justice (AT), Minorities (AT) and Disabilities (SE).

5.2. The United Nations Human Rights Council

The European Union welcomed the establishment of the Human Rights Council (HRC) and has followed its work closely since its inception. The EU works towards the enhancement of the Council as a credible, effective institution that should be able to address in a timely manner issues related to the protection and promotion of human rights all around the world.

¹⁰⁶ A resolution on CEDAW, presented by Denmark, the EU/GRULAC initiative on the Rights of the Child, the death penalty initiative and the 3 country resolutions on Myanmar, Belarus and DPRK.

¹⁰⁷ The draft resolution on **Belarus** was adopted on 21 November by 68 votes to 32 with 76 abstentions, the Russian Federation having presented a non-action motion against the resolution that was defeated by 79 votes to 65 with 31 abstentions. The resolution on **Burma/Myanmar** was adopted on 21 November by 88 to 24 with 66 abstentions. The resolution on the human rights situation in **North Korea** was adopted by 97 votes to 23 with 60 abstentions. The draft resolution on **rights of the child** was adopted by 176 votes to 1 (US) with 0 abstentions. The resolution on **religious intolerance** was adopted by consensus.

During the period under review the HRC held three regular and three special sessions.

The **6th regular session** of the HRC had two parts: the first from 10 to 28 September and the second from 10 to 14 December. During this session, the Council adopted more than 40 resolutions and most importantly successfully concluded the institution-building process. The Council also started the review and rationalisation and improvement process of its Special Procedures. During this session, several thematic mandates, such as the mandates on arbitrary detention, internally displaced persons, indigenous peoples, right to food, human rights and counter-terrorism and freedom of religion or belief, were renewed, as well as the country mandates of the Independent Experts for Burundi, Liberia and Haiti and the Special Rapporteur on Sudan.

The negotiation of the resolution on **religious intolerance** was one of the most difficult exercises during the session, including the issue of the renewal of the mandate of the related Special Rapporteur, whose renewal finally became possible in December, thanks to a resolution adopted by 29 votes in favour and 18 abstentions.

The human rights situations in **Sri Lanka, Zimbabwe, Burma/Myanmar and Sudan/Darfur**, remained the subject of close attention for the EU in the HRC. The situation of Sri Lanka, in particular, was discussed in light of the recent acceptance of the visit of the High Commissioner for Human Rights.

As for Sudan/Darfur, the EU fostered discussion of the question throughout the sixth session and worked on renewal of the mandate of the Special Rapporteur on Sudan. The work of the Group of Experts on Darfur ended with the adoption of a separate consensus resolution tabled jointly by the EU and the African Group, but the follow-up of their recommendations was included in the mandate of the Special Rapporteur on Sudan renewed for one year.

In Geneva, the EU successfully raised all the issues it regarded as priority, through general statements and/or active participations in the relevant interactive dialogues.

Faced with the worsening human rights situation in that country, the EU strongly supported the calling of a Special Session of the Council on the situation in Burma/Myanmar. That session was held on 2 October and a resolution strongly deploring the continued violent repression of peaceful demonstrations in Myanmar was adopted.

One of the main tasks of the **7th and 8th regular session** was the review of four country mandates (DPRK, Burma/Myanmar, Democratic Republic of the Congo (DRC) and Somalia) and 17 thematic mandates of special procedures in the framework of the review, rationalisation and improvement of mandates. In this context, the EU underlined once more the tremendous importance of an efficient, independent special procedures system of the Council.

The opening session of the **7th regular session** (3 March to 1 April 2008) was attended for the first time by the UN Secretary-General, Ban Ki-Moon. Foreign Minister Dimitrij Rupel of Slovenia also addressed the HRC on behalf of the EU. A number of prominent speakers, in a spirit of cooperation, reaffirmed their state's commitment to better protection of human rights in the occasion of this year's 60th anniversary of the Universal Declaration of Human Rights. Over the four weeks of the session, the Council adopted 36 resolutions, of which 24 by consensus, appointed 14 Special Procedures mandate-holders (upon review, rationalisation and improvement of the mandates) and elected 18 members of the HRC Advisory Committee. The Council, presided by Romanian Ambassador Costea, managed to avoid the re-opening of the institution building package in relation to the review, rationalisation and improvement of the mandates procedure. As in the 6th session, NGOs acquired a high-level of participation, not only in the plenary but also in organisation of side-events.

The sessions registered the renewals of the country-specific mandates for Burma/Myanmar and for the Democratic People's Republic of Korea (DPRK) on EU initiative, as well as Somalia. However, the EU regretted the discontinuation of the mandate for the Democratic Republic of the Congo (DRC). In addition to renewing a mandate of the Special Rapporteur for Burma/Myanmar, the Council adopted by consensus a further substantive and strong resolution (initiated by the EU) on the human rights situation in that country. During the session some important thematic mandates were also renewed, including on minority issues, violence against women, enforced disappearances and freedom of expression. The mandate of the Special Representative of the Secretary-General on human rights defenders was transformed into a Special Rapporteur of the Council. Concerning the renewal of the Special Rapporteur on freedom of expression, the EU considered that the amendment introduced in the text on behalf of the African Group, the Organisation of the Islamic Conference and the Arab Group was formulated in such a way that the focus of the mandate was shifted from protection of freedom of expression to limitations to this freedom: this assessment led the EU to publicly express deep regret about the attack against the mandate and, as a result, to withdraw its co-sponsorship of the resolution and to abstain during the vote.

In the EU statements under specific agenda items 3, 4 and 8 the EU drew attention to various country situations, including Sudan, Sri Lanka, DRC, Burma/Myanmar, DPRK, Zimbabwe, Kenya, Iran, Russian Federation and China. The EU made it clear that country-specific issues could be raised under other relevant agenda items and not only under item 4.

The EU constructively engaged in the negotiation process of the resolution on the human rights situation in the Occupied Palestinian Territory. The resolution was adopted with 33 votes in favour, one against and 13 abstentions. In recognising that

the final text of the resolution failed to meet all EU's requests for a balanced text that reflected the situation on the ground, all EU Member States also Members of the Council abstained during the recorded vote. However, the EU supported both other Occupied Palestinian Territory related resolutions – one on Israeli Settlements (voted, with one country voting against) and the other on the Self-Determination of the Palestinian People.

The EU confirmed its traditional cooperation with GRULAC for tabling a resolution on the rights of the child. The EU has also supported another new theme at the Council, a resolution on human rights and climate change, which was an initiative of the Maldives.

The HRC also established a new thematic mandate for the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. Two panels were also organised: one on human rights voluntary goals and one on intercultural dialogue on human rights.

The second year of the Council ended with the **8th regular session** (2 to 20 June 2008), with one week of the session devoted to the adopting 32 UPR outcome reports (see separate sub-item).

Fourteen resolutions were adopted, including eight in the framework of the process of review, rationalisation and improvement of Special Procedures. In particular, the Council renewed the mandates on independence of judges and lawyers, on summary executions, on trafficking in persons and on torture. A historical step towards equal treatment of all human rights was made by adopting the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which must still be endorsed by the General Assembly.

On the initiative of the EU, the Council adopted a substantive resolution on the situation of human rights in Burma/Myanmar. The EU under different agenda items also addressed several other country-specific situations of concern (Zimbabwe, Sudan, Sri Lanka, Iran, DPRK and DRC).

The EU defended the automatic re-appointment of the Special Procedures mandate-holders after their first three-year term and countered attempts to redefine this practice. The Presidential Decision delivered at the 8th HRC made it possible to confirm mandate-holders after the first period of three years, other than in exceptional cases and after a rather elaborate examination.

The HRC appointed seven new Special Procedures mandate-holders, five members of the new expert mechanism on the rights of indigenous peoples and a chairperson of the Forum on minority issues.

A half-day discussion on human rights of women and two special events were organised: one dedicated to the entry into force

of the Convention on the rights of persons with disabilities and one on the draft UN guidelines for the appropriate use and conditions of alternative care for children.

At the organisational session of the HRC on 19 June, the new President of the HRC for its third cycle, **Nigerian Ambassador Martin Ihoeghian Uhomobhi**, and a new Bureau, comprising representatives of Canada (WEOG), Azerbaijan (EEG), Argentina (GRULAC) and the Philippines (Asian group), were appointed.

The President of Slovenia, the EU Presidency, addressed the HRC in June 2008. He was also the second president to address the Council, whereby the Presidency and the EU sent an important gesture of attention and support to both the HRC and the OHCHR.

In the first half of 2008 two special sessions took place:

The **6th Special Session** was convened on 23 and 24 January 2008 at the request of Syria on behalf of the Group of Arab States, and Pakistan on behalf of the Organisation of the Islamic Conference. The session dealt with human rights violations in the Occupied Palestinian Territory, particularly in the Gaza Strip. The EU engaged constructively in the process of negotiating a resolution. However, due to the fact that the resolution failed to address the safety of all civilians, the EU was not able to support it. The resolution was adopted by a vote of 30 to 1, with 15 abstentions. All seven EU Member States on the HRC abstained, in line with the EU common position, as the resolution was considered by the EU as not sufficiently balanced.

The **7th Special Session**, convened on 22 May 2008 at the request of Cuba on the basis of a proposal of the Special Rapporteur on the right to food, dealt with the negative impact of the world food crisis on the realisation of the right to food. It was the first thematic special session of the HRC and had wide support – the proposal to convene the session was signed by 41 Member States of the HRC, and the outcome resolution was adopted by consensus. The EU supported the call for a special session on the food crisis, as it believed it was positive for the Council and its credibility to develop the practice of having thematic special sessions as well. The Special Session served to provide input to the FAO conference on the food crisis in Rome from 3 to 5 June 2008. The resolution adopted as its outcome highlighted **the need to mainstream a human rights perspective into the global debate and response to this crisis**.

After two years of work of the Council, the EU continued to stress that the **role of civil society organisations** was indispensable for the efficiency of the HRC. The practice of inviting relevant NGOs before (preparation phase), during and after (assessment phase) the Human Rights Council sessions to EU human rights expert meetings has proved to be beneficial for both the NGOs and for the EU.

Support for the OHCHR: the EU continues to support the work of the Office of the High Commissioner for Human Rights, both by regular meetings and reiterating its commitment to the continuing independence of the High Commissioner and her Office.

The third elections to the Council took place in May 2008. Among EU Member States, Slovakia was elected for the first time, while the United Kingdom and France were re-elected. In addition to those three, Slovenia, Germany, Italy and the Netherlands are currently members of the Council.

The first half of 2008 also saw the start of the **Universal Periodic Review**. The first round of the review, which took place in April and May, ended with adoption of the outcome reports by the Council's plenary in June 2008. In the EU's view, the implementation of the first two cycles of the new mechanism confirmed the UPR's potential - when implemented in a transparent and serious manner - to highlight priorities and catalyse resources for the improvement of national human rights situations in all UN Member States. The concrete undertaking of the UPR will need to continue to be followed carefully; in particular, the follow-up of the consideration of States under Review (SuRs) under the first two cycles of the UPR will deserve further discussion.

Following the first two cycles, it is worth highlighting that the process of preparation of a number of national reports was an incentive for many SuRs to involve civil society organisations in the evaluation of national human rights situation. Many SuRs took the UPR seriously and showed a high level of preparation in both discussion at Working Group level, as well as during the plenary. Regional groups did not act as a block in this instance, and nor did the EU. EU Member States committed themselves to approach the UPR in good faith, without complacency and in an open and responsible manner. The EU also made it clear that the UPR process should not prevent the HRC from looking into urgent situations that required the Council's attention outside the UPR's framework.

During the discussion before the plenary, in June, some members and NGOs criticised the UPR for a partisan and particularly uncritical approach to some SuRs with significant human rights problems. Moreover, the UPR plenary also revealed a substantive disagreement between regional groups as to what issues could be addressed by NGOs in the plenary session and whether these should be limited to comments and recommendations made during the UPR working groups. In the EU's view, this prevented NGOs from raising other topics of concern that were either inappropriately raised or simply not addressed during the working groups.

Durban Review Conference: The first substantive session of the Preparatory Committee (21 April to 2 May 2008) aimed to define some key organisational matters, the scope of the substance and the form of the outcome document of the Durban Review Conference (DRC). The decision was taken that the

Durban Review Conference would take place in Geneva from 20 to 24 April 2009. The inter-sessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference also held its first session between 26 and 30 May 2008.

The EU has continued to be engaged in this difficult and politically highly sensitive process. The EU welcomed the decision that the Review Conference would take place at the UN Office in Geneva. The EU considers that the focus of the conference should be on implementation of the Durban Declaration and Programme of Action (DDPA), identification of best practices and possible further measures to better implement the DDPA. Furthermore, the EU has also striven for the process to be fair, transparent and consensual, and for the broad participation of civil society.

Right to Development: the High-Level Task Force on the Right to Development met in the beginning of 2008 and the EU continued to support further operationalization of concrete criteria for the implementation of the right to development. The EU also stressed the necessity of the human rights based approach in that. Same approach was advocated by the EU during the Working Group on the Right to Development later in the year.

5.3. The Council of Europe

Cooperation between the European Union and the Council of Europe takes place within the framework of a Memorandum of Understanding signed in May 2007.

Quadripartite meetings between the EU Presidency, the Commission, the Secretary-General of the Council of Europe and the Chair of the Committee of Ministers of the Council of Europe were held on 23 October 2007 and 10 March 2008. The participants expressed their satisfaction with the progress made in the implementation of the Memorandum of Understanding and underlined the importance of further promoting cooperation in the field of human rights, the rule of law and pluralist democracy, which are the shared values of both organisations.

A number of senior Council of Europe officials, including the Commissioner for Human Rights and the Deputy Secretary-General of the Council of Europe, participated in meetings of Working Groups of the Council of the European Union. The European Commission and the General Secretariat of the Council maintained close contacts during the year with the office of the Commissioner for Human Rights.

On 18 June 2008, an agreement was signed between the Commission and the Council of Europe concerning cooperation in the EU Agency for Fundamental Rights¹⁰⁸. The Agreement

¹⁰⁸ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, OJ L 53, 22.2.2007, p. 1.

includes provisions on the organisation of regular meetings, exchange of information and coordination of activities. The Agreement provides for the appointment by the Council of Europe of two independent persons to sit on the Management and Executive Boards of the Agency as member and deputy member and sets out the Council of Europe's voting rights in these organs.

The European Commission and the Council of Europe Venice Commission exchanged letters of cooperation on 13 June 2008. Representatives of the European Commission participated regularly in plenary sessions of the Venice Commission.

The EU and the Council of Europe cooperated on a wide range of actions on human rights during the year. The European Commission was represented at the 2007 session of the Forum for the Future of Democracy in Stockholm and was involved in the work of the Advisory Board of the Forum. The European Union joined the Council of Europe initiative of the European Day against the Death Penalty and the EU participated in a conference on 'Europe against the Death Penalty' organised by the Council of Europe in Lisbon on 9 October 2007. A meeting between the European Court of Justice and the European Court of Human Rights took place in Strasbourg on 9 November 2007 to enable direct exchanges between the judges of the two courts on current legal issues. The European Commission participated in the November 2007 Conference on the Monitoring Mechanism of the Council of Europe Convention on Action against Trafficking in Human Beings. The Council of Europe participated in the second European Forum on the Rights of the Child organised by the European Commission in March 2008. The Council of Europe participated in the launch by the Slovenian Presidency in January 2008 of the European Year of Intercultural Dialogue and is cooperating in a range of activities during the Year.

Thirty-nine Joint Programmes between the European Commission and the Council of Europe were active in 2007-2008 with a total financial envelope of EUR 50,771,312 (11 % of these Joint Programmes addressed human rights issues while a further 51 % addressed rule-of-law issues). Examples of Joint Programmes include "*Enforcing the Rights of the Child and Integrating Children at risk into Society in the Russian Federation*", "*Support for Training of Turkish Lawyers on the European Convention*" and "*Prison Reform and Probation Service Development in Montenegro*". Overall, the European Commission's financial contribution represented some 80 % of total financing.

An important challenge for both organisations remains the strengthening of the European Court of Human Rights, which is still impeded by Russia's failure to ratify Protocol 14 to the European Convention on Human Rights. The EU will continue to raise this issue with Russia, both in its dialogue with Russia and in the framework of the Council of Europe.

5.4. The Organisation for Security and Cooperation in Europe

The EU continued to support the OSCE's efforts to enhance security through all three of its dimensions, namely the politico-military, the economic and environmental and the human dimension. In the human dimension, the EU continued to attach great value to ensuring the autonomy of ODIHR.

The EU attached particular importance to OSCE/ODIHR election observation and welcomed a number of OSCE/ODIHR election observation missions undertaken both in EU and non-EU participating States. The EU regretted that due to unprecedented restrictions and a number of bureaucratic obstacles, ODIHR was unable to act upon the invitation issued by the Russian Federation to observe the 2 December elections to the Russian State Duma. The EU further regretted that due to the restrictions contained in the invitation to the 2 March Russian Presidential elections issued by the Russian authorities, ODIHR was put in a situation where it found it impossible to execute its mandate and cancelled the election observation mission. The EU welcomed the initiative of the Finnish Chairmanship-in-Office to conduct discussions on electoral issues, *inter alia* to reaffirm commitments undertaken by the participating States in this respect, including on freedom of expression, freedom of association and of assembly.

Representatives of ODIHR, including Ambassador Christian Strohal, participated in Council working group meetings on several occasions, and their participation provided a valuable opportunity for a regular exchange of views.

At the Madrid Ministerial Council, a decision was agreed on three future Chairmanships of the OSCE, including Kazakhstan for 2010, after a political declaration by Kazakhstan on its commitment to pursue democratic reforms. The EU participating States are providing assistance to Kazakhstan in its preparations for the Chairmanship. The EU participating States continued to underline the need for further substantial progress, especially in the fields of freedom of media, freedom of religion, freedom of assembly and the judiciary.

The EU places particular value on implementation of the extensive commitments made by participating States in the OSCE Human Dimension, and addresses this issue in its bilateral contacts with other participating States. The EU made frequent statements at meetings of the Permanent Council concerning human rights issues in, among others, Russia, Turkmenistan, Kazakhstan, Azerbaijan, Kyrgyzstan, Uzbekistan and Belarus, especially with regard to media freedom and freedom of assembly. The EU also made statements calling for the abolition of the death penalty in those participating States which retain it. The EU supported the crucial role the High Commissioner for National Minorities played in the protection of rights of persons belonging to minorities, namely in the areas of frozen

conflicts and in Kosovo and shared the emphasis placed on the participating States's responsibility towards the Sinti and Roma populations.

The EU believes that the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw as well as various Supplementary Human Dimension Implementation Meetings held during the year, which assess performance by the participating States of their human dimension commitments,

play an especially important role in enabling discussion between NGOs and government officials on a basis of equality. The EU participating States continue to play an active role in the HDIM, both by taking the floor in plenary sessions and organising side events, for instance one organised by the Portuguese Presidency in October 2007 on Human Rights Defenders where the SG/HR Personal Representative on Human Rights also spoke.

6. Country-focused issues

6.1. EU candidate and potential candidate countries

The perspective of EU membership continues to act as a powerful incentive for candidate and potential candidate countries to undertake political and economic reforms. This is particularly important in the fields of democracy, rule of law, governance and human rights: the massive strides taken by them in introducing democratic systems, reforming their judiciary, safeguarding human rights including rights of persons belonging to minorities and developing free media are testimony to the powerful pull of the EU. The EU's human rights policy vis-à-vis candidate countries provides not only for close monitoring in this respect but also for a bi-annual human rights dialogue¹⁰⁹.

As regards **Croatia**, close monitoring of human rights compliance continued. In the framework of the accession process, on 19 December 2007 the EU completed the outcome of screening on Chapter 23 (Judiciary and Fundamental Rights) for Croatia, and defined opening benchmarks regarding judiciary reform, the fight against corruption and minorities. These opening benchmarks must be met before the negotiating chapter is opened.

The Stabilisation and Association Council on 28 April 2008 underlined that the advancement of the enlargement negotiations was guided above all by Croatia's progress in meeting all accession criteria, of which respect for human rights was an essential element.

Furthermore, at the General Affairs and External Relations Council on 10 December 2007, the Union called on Croatia to build on its achievements and implementing record and to make further progress particularly, *inter alia*, in judicial and administrative reforms, rights of persons belonging to minorities and refugee return. The Council also recalled that full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) must continue and that further improvements were needed to ensure that the prosecution and trial of war crimes in Croatia itself was carried out, without ethnic bias.

Croatia has ratified all the major UN and international human rights conventions. Implementation still needs to improve. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular the Roma still face difficult living conditions and discrimination.

The European Union therefore continues to monitor the situation within the framework of the Stabilisation and Association process and of the political dialogue, on the basis of the Accession Partnership and through the annual Progress Report.

As regards **the former Yugoslav Republic of Macedonia**, the Stabilisation and Association (SA) Council met on 24 July 2007 and reviewed implementation of the Stabilisation and Association Agreement, noting that the former Yugoslav Republic of Macedonia had implemented most of its obligations there under. It welcomed the legislative progress in various areas and underlined the key importance of strengthening administrative capacity to ensure effective implementation.

In September 2007 the Prime Minister and President established a regular dialogue between these two State institutions which had been lacking since the elections in 2006. By the end of 2007, legislation in a number of areas had been adopted, including three central laws on police reform. Additionally, a National Council on EU Integration was established. Dialogue meetings between the leaders of the four major political parties from the government and opposition side were arranged at various intervals.

In March 2008, the government coalition was split when DPA (the ethnic-Albanian Party in the coalition) decided to leave the government. At the NATO Summit in early April, the country received assurances that NATO recognised the hard work and the commitment demonstrated by the former Yugoslav Republic of Macedonia and had agreed that an invitation to join NATO would be extended as soon as a mutually acceptable solution to the name issue had been reached. The absence of an invitation to join immediately was seen as a major disappointment in the country. Immediately after this, it was agreed to hold early elections.

These took place on 1 June, with re-runs held on 15 June and again on 29 June in areas affected by serious irregularities. In its conclusions of 16 June 2008, the Council condemned the violent incidents and regretted other serious shortcomings, as identified by the OSCE/ODIHR, and called upon the authorities to investigate all reported incidents and take appropriate action in line with the OSCE/ODIHR recommendations. The Council also reiterated that the European Union remained firmly committed to the European perspective for the Western Balkans and encouraged the countries of the region to meet the necessary conditions.

¹⁰⁹ See Chapter 2.6.6., Troika consultations on human rights with the US, Canada, Japan, New Zealand and candidate countries.

After the elections, intense negotiations about the formation of a new Government were initiated immediately by the person mandated by the President to lead those negotiations, Mr Gruevski of VMRO-DMPNE (the incumbent Prime Minister) who, together with a block of 19 parties, won a majority in the new Parliament with 63 seats out of 120.

The former Yugoslav Republic of Macedonia has ratified all the major UN and international human rights conventions. Implementation still needs to improve. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular the Roma still face very difficult living conditions and discrimination.

The European Union therefore continues to monitor the situation within the framework of the Stabilisation and Association process and of the political dialogue, on the basis of the Accession Partnership and through the annual progress report.

Turkey went through a political and constitutional crisis in 2007, continuing into 2008.

Limited progress was achieved in political reform, and closure cases against political parties, including the governing party, were opened. In this context, it is important to pursue the necessary reforms and their implementation. Steps were taken in the areas of judicial and administrative reforms and the fight against corruption but further efforts are needed. On civil military relations, the outcome of the 2007 constitutional crisis reaffirmed the primacy of the democratic process, but the armed forces continued to exercise significant political influence. As regards torture and ill-treatment focus continues to be needed in order to fulfil the government's policy on zero tolerance on torture. On freedom of expression, prosecutions of citizens for the expression of non-violent opinions continued. On a positive note, Article 301 of the Turkish Criminal Code that has been used to open hundreds of such cases was amended. However, other provisions also need to be amended and all relevant legislation has to be implemented in line with the European Convention for Human rights and the case law of the European Court of Human Rights. On freedom of religion, the law on foundations was adopted, but there is still a need to establish a legal framework so that all religious communities can function in law and in practice without undue constraints. Further efforts to establish an atmosphere of tolerance are also requested. Some progress was achieved as regards freedom of association and assembly and women's and children's rights but further efforts are needed. Physical harassment on account of sexual orientation continues to occur occasionally. Specific protection against discrimination on grounds of sexual orientation remains absent from legislation. On trade union rights, the legislation needs to be amended whilst on minority and cultural rights restrictions continued to apply.

Turkey has ratified many major UN and international human rights conventions. Implementation still needs to improve, including in particular the enforcement of judgements of the European Court of Human Rights. Socially vulnerable people as well as minorities are affected by a fragmented legal and financial framework. In particular Roma face difficult living conditions and discrimination.

The European Union therefore continues to monitor the situation within the framework of the negotiating process and of the political dialogue, on the basis of the Accession Partnership and through the annual progress report.

The countries of the **Western Balkans** are part of the **Stabilisation and Association process (SAP)**¹¹⁰. Preconditions for moving forward in the SAP i.a. are respect for democratic principles, the rule of law, human rights and rights of persons belonging to minorities, fundamental freedoms and the principles of international law and regional cooperation. Community assistance is provided through the Instrument for Pre-Accession Assistance (IPA)¹¹¹. SAP conditionality is monitored through annual progress reports prepared by the Commission. The next progress reports will be published in November 2008.

The EU regularly discusses - inter alia - human rights issues with the countries of the region. At ministerial level: the Stabilisation and Association Council meetings with Croatia and the former Yugoslav Republic of Macedonia, the Political Dialogue Troika meetings and the ministerial EU Western Balkans forum. At officials level: the Enhanced Permanent Dialogue (EPD) with Serbia and with Montenegro, the SAP Tracking Mechanism (STM) with Kosovo, the Reform Process Monitoring (RPM) with Bosnia and Herzegovina and the Comprehensive Task Force with Albania.

Partnerships¹¹² provide each country with guidelines for further European integration. The partnerships identify short and medium-term priorities and obligations to be fulfilled for moving closer to the EU. They are updated on a regular basis. Human rights issues and the protection of minorities constitute a political requirement under these partnerships. The Western Balkan countries mirror the partnerships by drawing up national action plans for implementation, which provide a clear agenda and commitment to respect human rights. EU financial assistance is directed to the priorities set out in the partnerships.

¹¹⁰ The former Yugoslav Republic of Macedonia being a candidate country and Bosnia and Herzegovina, Montenegro, Serbia and Albania being potential candidate countries.

¹¹¹ OJ L 210, 31.7.2006, p. 82.

¹¹² OJ L 42, 16.2.2008, p. 51 (Accession Partnership with Croatia); OJ L 80, 19.3.2008 (European partnerships with Albania, Bosnia and Herzegovina and Serbia including Kosovo, as defined by UNSC Resolution 1244 of 10 June 1999; Accession Partnership with the former Yugoslav Republic of Macedonia); OJ L 20, 27.1.2007 (European Partnership with Montenegro).

Regional cooperation remains essential to long-term stability, economic development and reconciliation in the Western Balkans and is one of the conditions of the SAP. So too is full cooperation with the **International Criminal Tribunal for the former Yugoslavia (ICTY)**. In this way the SAP addresses past human rights violations. The European Union will continue to support the ICTY's work until it has been completed, presumably in 2010.

Common Positions have been adopted in the past aiming to support the effective implementation of the mandate of the ICTY by imposing an assets freeze on indicted fugitives and a travel ban on persons assisting ICTY indictees to evade justice. These Common Positions are regularly extended and updated.

The Stabilisation and Association Agreement (SAA) with **Albania** was signed on 12 June 2006. The trade-related provisions under the Interim Agreement entered into force on 1 December 2006. By 30 June 2008, 19 EU Member States had ratified the SAA.

In July 2007, a new President (Bamir Topi) was elected by Parliament in accordance with the Constitution, thereby avoiding the difficult political situation of early elections. Following this, the dialogue among the major political parties focused on measures allowing the country to obtain an invitation to join NATO. This goal was achieved when Albania received an invitation to join the alliance, at the Bucharest NATO Summit in early April 2008.

On 21 April 2008, the Albanian Parliament passed amendments to the Constitution, including on electoral reform, with a large majority on the basis of an agreement between the biggest political parties. The smaller political parties have called for a referendum on some of these changes. Parliament is working on an electoral code to implement electoral reform. Freedom of expression is guaranteed by the Constitution, but many media are subject to political and economic interests. Albania has ratified most of the major UN and international human rights conventions. Implementation still needs to improve. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular the Roma still face very difficult living conditions and discrimination.

The EU continues to monitor the human rights situation and in particular the situation of socially vulnerable groups and minorities in Albania within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the annual progress report.

The EU signed the SAA and the Interim Agreement with **Bosnia and Herzegovina (BIH)** on 16 June 2008, after acknowledging decisive progress on a number of key issues, in particular police reform and cooperation with ICTY. The Council welcomed the signature in its conclusions and looked forward to intensifying cooperation with BiH. The real challenge will be proper implementation of the signed Agreements to establish a sustained and effective track record. The Council

therefore encouraged all the political forces of BiH to unite their efforts to pursue with strong determination its reform agenda including the priorities set out in the European Partnership.

Local elections have been called for 5 October 2008 and will be an important political test for a country which, during the reporting period, underwent a difficult period of political stagnation that significantly delayed the reform process.

BiH has ratified all the major UN and international human rights conventions. Implementation still needs to improve. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular the Roma still face very difficult living conditions and discrimination.

The EU continues to monitor the human rights situation and in particular the situation of socially vulnerable groups and minorities in BiH within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the annual progress report.

Montenegro signed a Stabilisation and Association Agreement with the EU in October 2007. Pending the ratification of the SAA by the Member States, the Interim Agreement entered into force on 1 January 2008.

The main internal political achievement during 2007 in Montenegro was the adoption of a new Constitution on 19 October which incorporates the recommendations of the Council of Europe and the Venice Commission regarding a high level of protection of human rights and freedoms, including rights of persons belonging to minorities. The Prime Minister of Montenegro since the first elections after independence, Zeljko Sturanovic, resigned at the end of January 2008. On 29 February the Parliament of Montenegro voted Milo Djukanovic Prime Minister for a fifth time. The next regular parliamentary elections will take place in September 2009. On 6 April Filip Vujanovic was re-elected president of Montenegro.

Montenegro has ratified most of the major UN and international human rights conventions. Implementation still needs to improve. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular the Roma still face very difficult living conditions and discrimination.

The EU continues to monitor the human rights situation and in particular the situation of socially vulnerable groups and minorities in Montenegro within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the annual progress report.

First, presidential elections (3 February) and then parliamentary elections (11 May) took place during the reporting period in **Serbia**. The pre-election period in Serbia was also a sensitive time for Kosovo security but passed off uneventfully: Serb elections were also held in Kosovo and were conducted in an orderly and uneventful way. United Nations mission in Kosovo

(UNMIK) assessed these elections as illegal. UNMIK, namely stated that holding of Serbian municipal elections on the territory of Kosovo would not be consistent with UNMIK authority and mandate under the Resolution 1244 (1999) and therefore cannot be contemplated. President Tadic's party DS won the parliamentary elections of 11 May 2008, defeating the Radical party to become the biggest party in the new Parliament. The signing of the Stabilisation and Association Agreement (SAA) on 29 April and other favourable measures by the EU had an important impact on voters. The Council decided that the ratification procedure for the SAA will begin as soon as the Council decides unanimously that the Republic of Serbia fully cooperates with the ICTY. On the basis of a proposal from the Commission, the Council decided that the Interim Agreement with the Republic of Serbia will be implemented as soon as the Council decides unanimously that the Republic of Serbia fully cooperates with the ICTY.

After a long process of negotiation, the pro-EU bloc was able to form a coalition with Milosevic's former Socialist party (SPS), and the new government, led by Mirko Cvetkovic, former Minister of Finance from DS, was approved by the Parliament on 7 July. The outcome of the elections and the formation of a government led by the pro-EU bloc clearly showed that the people of Serbia were more interested in economic and social issues than in Kosovo.

Serbia has ratified most of the major UN and international human rights conventions. Implementation still needs to improve. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular the Roma still face very difficult living conditions and discrimination.

The EU continues to monitor the human rights situation and in particular the situation of socially vulnerable groups and minorities in Serbia within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the annual progress report.

The most important political development in the Western Balkans region in the reporting period was the declaration of independence of Kosovo on 17 February 2008. In the Council conclusions of 18 February, the Council noted that "Member States will decide, in accordance with national practice and international law, on their relations with **Kosovo**". On this basis, twenty-one EU Member States have, at the time of writing, recognised Kosovo's independence. The list is as follows: France, UK, Germany, Latvia, Denmark, Estonia, Italy, Luxemburg, Belgium, Poland, Austria, Ireland, Sweden, Netherlands, Slovenia, Finland, Hungary, Bulgaria, Lithuania, Czech Republic and Malta.

The Council conclusions of 18 February further reaffirmed the Council's commitment to "fully and effectively support the European perspective for the Western Balkans" and asked "the Commission to use community instruments to promote economic and political development and to propose to the

broader region concrete measures in order to advance in that direction".

The independence declaration has been firmly rejected by Serbia and Serbs in Kosovo, and Serbia has responded to the declaration by increasing its influence in majority Serb areas, particularly in the north of Kosovo around Mitrovica. There have been a few violent incidents, notably riots in Belgrade, in which Embassies of recognising states were targeted, the burning of two UN customs points between Kosovo and Serbia in the north, and the seizure, and subsequent re-taking by UNMIK, of the court building in North Mitrovica which resulted in rioting and two fatalities. Inter-ethnic incidents, which have a potential to escalate in the current political climate, have so far largely been avoided.

Kosovo adopted a new constitution on 9 April 2008, as compatible with the Comprehensive Status Proposal (CSP) prepared under the lead of UN Envoy, Martti Ahtisaari, guaranteeing a high level of protection of human rights and rights of persons belonging to minorities. It came into effect on 15 June along with a package of 41 laws, as provided for in Annex XII to the CSP. The EU is committed to enhancing its involvement in Kosovo, in particular through EULEX (its ESDP operation in the area of the rule of law). The protection of human and community rights will be a key priority of this engagement.

Socially vulnerable people, such as persons with disabilities, and minorities are affected by a poor implementation of the legal framework and are strongly affected by the weak economy. In particular the Roma still face very difficult living conditions and discrimination.

The EU continues to monitor the human rights situation and in particular the situation of socially vulnerable groups and minorities in Kosovo within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the annual progress report and peer assessment reviews.

6.2. The European Neighbourhood Policy (ENP)

Armenia, Azerbaijan and Georgia

The EU continued its regular dialogue on human rights with **Armenia, Azerbaijan and Georgia** in the framework of the institutional structures set up by the three Partnership and Cooperation Agreements and within the priorities for action defined in the three ENP action plans. Discussions took place notably at the EU-Armenia, EU-Azerbaijan and EU-Georgia Cooperation Committees in September 2007 and at the EU-Armenia and EU-Azerbaijan Cooperation Committees in June 2008 and at the Cooperation Councils with the three countries on 16 October 2007. During the EU Foreign Ministers Troika Mission which visited the South Caucasus from 4 to 6 February 2008, human rights issues were also discussed.

The ENP action plans with the three South Caucasus countries, adopted in November 2006, are currently in the second year of their implementation. In the framework of the ENP action plans both sides agreed to achieve closer political cooperation and dialogue on the basis of their common values, i.e. respect for human rights and fundamental freedoms, democracy, rule of law, good governance and international law. The three ENP action plans contain a specific section on human rights and fundamental freedoms with concrete actions to be implemented. In April 2008, the Commission took stock of the progress made by all ENP countries in implementing the action plan, including in the fields of human rights and democratisation¹¹³.

Democracy and the rule of law are far from being consolidated in South Caucasus, as demonstrated by the difficulties at the end of 2007 and in 2008. There were concerns about the conduct of the early presidential and parliamentary elections in Georgia on 5 January 2008 and 21 May 2008, respectively, as well as the presidential election in Armenia on 19 February 2008. During the reporting period, the EU has kept under close review the human rights situation in the three countries.

In **Armenia**, the presidential elections on 19 February were followed by demonstrations and clashes between opposition protesters and police forces in Yerevan, resulting in several deaths and the detention of a large number of opposition activists and the declaration of a state of emergency. The EU has repeatedly called for the release of those arrested in connection with political activities, the resumption of political dialogue, the restoration of full freedom of assembly and an independent inquest into the events of 1 March. President Sargsian publicly expressed his intention to work on confidence-building and reforms and requested the EU to provide a small team of expert advisers to work in his office and in the offices of key government ministers, in order to advise on key reform areas and to assist the government in accelerating the implementation of the most important reforms in the country, including on democracy and fundamental rights issues.

In **Azerbaijan**, the overall human rights situation remained highly problematic. Pressure continued to be applied to opposition and independent media outlets and a number of journalists were harassed, physically assaulted and convicted on questionable charges. The number of defamation suits by public officials against independent journalists substantially increased. Although the Azerbaijani authorities gave amnesties to a number of journalists at the end of 2007, several journalists remain in jail.

On 20 and 21 July 2007, the EUSR for the South Caucasus and the SG/HR Personal Representative on Human Rights made a joint trip to Baku dedicated to human rights and media freedom issues. A démarche was carried out in Baku on 19 December 2007 regarding the case of human rights defender Faina Kungurova and three journalists.

Both in the cases of Armenia and Azerbaijan, the EU has decided to conduct a regular human rights dialogue both in the form of local meetings between Armenian and Azerbaijani authorities and Yerevan and Baku-based Heads of Mission, respectively, and EU Troika visits at regular intervals. The EU also decided to initiate a regular human rights dialogue at EU Troika level with Georgia.

The events surrounding the presidential elections and the imposition of a state of emergency in **Georgia** in November 2007 gave way to strong concerns with regard to the human rights situation in the country. At the end of 2007, following the introduction of the state of emergency, the EUSR for the South Caucasus cooperated with the OSCE Representative on Freedom of Media to create conditions for reopening the closed Imedi TV station. The EUSR also facilitated the establishment of a group of Georgian journalists and intellectuals to evaluate and assess the media situation in the country under the auspices of the Polish journalist, Adam Michnik, an initiative that was well received by all political stakeholders in Georgia. Under the Instrument for Stability, the EU adopted a programme in April 2008 in support of the preparation of parliamentary elections in Georgia. The programme included: training for support staff (facilitators and trainers) and staff of Precinct, District and Central Electoral Commissions; voter information; support to a significant number of NGOs observers and parallel voter tabulation on election day. The Commission is now implementing the post-election elements of this programme, including advice on the improvement of relevant legislation, election organisation and voter education in minority areas.

The OSCE/ODIHR-led international election observation mission stated in its preliminary conclusions on the 21 May 2008 parliamentary elections that *'despite the pluralistic media environment, most outlets remain under strong influence from their owners and political patrons'*.

The EU-Georgia Subcommittee on Freedom, Security and Justice held its first meeting on 30 April 2008. Both sides agreed to hold regular informal human rights dialogue meetings, in the troika format, back-to-back with the meetings of this Subcommittee.

An EU fact-finding mission to Georgia in early 2007 proposed a set of confidence-building measures (CBM). The implementation of the CBMs package in Georgia and the conflict zones started soon after the consultations with all sides and especially after Georgia agreed with the proposed package at the end of July 2007. The CBMs package includes measures related to the protection of the rights of all persons belonging to minorities in

¹¹³ Commission Staff Working Document accompanying the communication from the *Commission to the Council and the European Parliament* 'Implementation of the European Neighbourhood Policy in 2007' (see country-specific progress reports at http://ec.europa.eu/world/enp/documents_en.htm).

Georgia, for the positive impact that they could have on ethnic minorities living in Georgia's breakaway regions. The seminars in October 2007 (EU and Conflict Resolution in Georgia) and November 2007 (Minority protection in Georgia) with the participation of independent experts and civil society representatives from Georgia, including both conflict areas, have contributed to achieving this target.

The Republic of Moldova¹¹⁴

The EU-Moldova European Neighbourhood Policy action plan, launched in February 2005, contains a section on democracy, rule of law, human rights and fundamental freedoms. Although the initial three-year period of the action plan ended in February 2008, the EU and Moldova agreed to keep the action plan in place as an instrument to strengthen the reform process. In April 2008, the Commission took stock of the progress made by Moldova in implementing the ENP Action Plan, including in the fields of human rights and democratisation¹¹⁵.

While Moldova has made efforts to bring its legislation into line with relevant European and international standards – for example, it adopted a progressive law on freedom of assembly – further efforts are needed in particular as regards the implementation and enforcement of such laws. Limited freedom and plurality of the media, as well as the need to ensure independence of the judiciary, remain particular causes for concern. Ill-treatment of detainees by law-enforcement agencies continues to be a problem.

Human rights, rule of law, freedom of the media, and the settlement of the Transnistria conflict were among the key issues, which were discussed during the EU-Moldova Cooperation Council in May 2008. The EU side underlined the need for further domestic reforms in these areas as well as the need to ensure that the parliamentary elections to be held in spring 2009 will be prepared and conducted in accordance with international standards.

A detailed examination on issues related to human rights and rule of law took place in the EU–Moldova Subcommittee on Justice, Freedom and Security, which took place in Brussels on 19 September 2007.

The EUSR for Moldova discussed human rights related issues regularly with his counterparts. One of the EUSR's advisers in Chisinau worked as his human rights contact point, monitoring the human rights situation in Moldova and providing input for the EUSR's work in this field.

The Commission, together with representatives of the Council of Europe and the OSCE, organised two sessions of human rights expert talks with representatives of all relevant ministries and services in Moldova, the Moldovan Parliament and the Moldovan Ombudsman, to discuss in detail the specific actions

that are required from Moldova to implement the relevant sections of the EU–Moldova ENP Action Plan.

The SG/HR Personal Representative for Human Rights participated in a conference on freedom of the media held in May 2008 in Chisinau, organised by the European Commission and the Government of Moldova, in the context of Black Sea Synergy¹¹⁶. During her visit she also met Ms Apolischii, the Moldovan Ombudsman, and the President of the Moldovan Parliament Human Rights Committee, Mr Secareanu.

Ukraine

The EU - Ukraine action plan, launched in February 2005, contains a section on democracy, rule of law, human rights and fundamental freedoms. Although the initial three-year period of the action plan ended in February 2008, the EU and Ukraine agreed to extend the document for a maximum period of one year as a key tool for the reform process. In April 2008, the Commission took stock of the progress made by Ukraine in implementing the ENP action plan, including in the fields of human rights and democratisation¹¹⁷.

Since the Orange Revolution of late 2004, Ukraine's democratisation has made significant progress, in particular as regards the freedom of the media and the development of civil society. There is a wide range of independent media outlets and a vibrant NGO sector. The country has also held two parliamentary elections – recognised as being broadly in compliance with international standards – in March 2006 and September 2007.

At the same time, a number of challenges remain for Ukraine, notably as regards the independence and impartiality of the judiciary and the efficient functioning of the court system. The EU has also expressed concerns over the ill-treatment of detainees by law enforcement agencies. A rise in racially-motivated attacks against ethnic and religious minorities as well as asylum seekers has also given reason for concern. The EU has consistently raised these issues at meetings with Ukrainian counterparts.

A detailed examination on issues related to human rights and rule of law took place in the EU–Ukraine Subcommittee on Justice, Freedom and Security, which took place in Kiev on 9 April 2008.

Belarus

The human rights situation in Belarus has remained poor, precluding the country's full participation in the ENP. The Union remains open to engaging with Belarus, including through the ENP, as soon as Belarus takes concrete steps towards democratisation, respect for human rights and the rule of law.

¹¹⁴ Henceforth, the Republic of Moldova is referred to as 'Moldova'.

¹¹⁵ Progress report Moldova 2007, http://ec.europa.eu/world/enp/pdf/progress2008/sec08_399_en.pdf

¹¹⁶ http://ec.europa.eu/external_relations/blacksea/index_en.htm

¹¹⁷ Progress report Ukraine 2007, http://ec.europa.eu/world/enp/pdf/progress2008/sec08_402_en.pdf

This message is emphasised in the Commission's publication *'What the EU could bring to Belarus'*. This document outlines a number of steps Belarus is encouraged to take with regard to democratisation, respect for human rights and rule of law, as well as the benefits that ENP could bring to the country and its population. The possibilities and requirements for improved Belarus-EU relations have been consistently raised by the EU Presidency, the Commission, and the Contact Point of the EU High Representative for CFSP, including in the Troika format, in their contacts with the Belarusian authorities.

The existence of political prisoners remains a reality in Belarus, as does the continued harassment of civil society and opposition activists. The situation regarding the freedom of the media in Belarus remains a cause for serious concern, especially with the recent adoption of a new law on mass media which places additional restrictions on the Belarusian media, including the internet media and which ignored the recommendations made by the OSCE Representative on Freedom of the Media. The EU continues to support efforts and provides assistance to independent media sources inside Belarus and to independent media broadcasting to Belarus from neighbouring countries.

After some positive moves at the beginning of 2008, which saw the release of all but one political prisoner, with former opposition presidential candidate Aliaksandr Kazulin remaining behind bars, in March-April the regime again toughened its stance most notably through the sentencing of Andrei Kim and Sergei Parsyukevich for their alleged actions in connection with an unauthorized demonstration in January 2008. The call for the release of all political prisoners and an end to further arrests and harassment of members of the opposition and civil society remains one of the main demands of the EU in its contacts with the Belarusian authorities.

With little substantive move towards democratisation in Belarus, in April 2008 the EU rolled-over its restrictive measures targeted at certain Belarusian officials responsible for violation of democratic rights, especially in the context of the fundamentally flawed presidential elections in March 2006. In a joint statement accompanying the decision, the Council and the Commission note that in the context of the eventual review of the restrictive measures, they attach a particular importance to the conduct of the upcoming parliamentary elections (scheduled to take place on 28 September) in accordance with international standards. The EU considers that the holding of parliamentary elections in accordance with international standards could provide an opportunity for Belarus to move forward on the course of democratisation and thus return Belarus on an engagement track with the EU. In this context the EU has repeatedly stressed that in assessing whether elections have taken place in accordance with international standards it is necessary to look at the process as a whole including respect for freedom of expression, assembly and association, whether opposition candidates have been able to participate in all stages of the electoral process on an equal footing with government candidates and whether

observers from the OSCE/ODIHR have been able to observe the process.

Occupied Palestinian Territory

The reporting period has in general witnessed a significant deterioration in the human rights situation, in particular as regards the right to life and personal security and the right to personal freedom and safety (especially relating to arrest, detention, search procedures, and torture and ill-treatment during interrogation). Both Palestinian and Israeli authorities are responsible for human rights violations.

In Gaza, the situation with regard to human rights and fundamental freedoms suffered serious setbacks during the first few weeks following the takeover of the Gaza Strip by Hamas on 14 June. Cases of arbitrary arrests, torture and even deaths in custody have been documented, although some improvements are reported to have taken place recently. The freedom of the press was curtailed and reports on the harassment of journalists increased. All Fatah radio and TV stations were closed. Several NGOs were also closed. The functioning of the judiciary system has regressed in Gaza, e.g. through establishment by Hamas of a parallel prosecution system. The judiciary also suffered from serious setbacks as the year ended with a collapsed civilian court system.

In the West Bank, numerous instances of torture by Palestinian security services have been reported. A number of journalists suffered intimidation. Politically motivated (Hamas members) arrests have continued. Security forces have carried out hundreds of arrests without warrants. The Palestinian Authority closed over 100 charity groups in September 2007. There have been frequent violations of the due process provisions guaranteed in Palestinian law. Most of the cases documented involved Preventive Security, a quasi-paramilitary force that deals with armed groups and political crimes, and the General Intelligence Service.

Significant human rights abuses in both Gaza and the West Bank have also been carried out by Israel during the reporting period. Settlement activity which is illegal under international law continues in the West Bank. The ongoing construction of the separation barrier inside the West Bank endangers basic rights of the Palestinian population. Israel's near total blockade of the Gaza Strip continues to have a severe impact on the civilian population, reducing the availability of basic goods to a trickle and severely affecting the provision of essential services.

Israel

The EU continued to raise its serious human rights concerns with Israel in the framework of the relevant political dialogue meetings, which provided the opportunity to discuss issues such as respect for human rights, including freedom of religion and belief, settlement expansion, administrative detention including individual cases and international humanitarian law.

Moreover, the third meeting of the EU-Israel informal working group on human rights on 30 April 2008 provided the opportunity to discuss a broad range of issues such as minorities, human rights defenders, children's rights and the UN Human Rights Council as well as human rights situations of common concern. In this context, the EU reiterated the need for an appropriate follow-up of issues discussed in the previous meetings.

Strengthening the human rights dialogue between the EU and Israel is an essential part of the process of developing EU-Israel relations. In this light, the EU intends to establish a subcommittee on human rights, within the framework of the Association Agreement, replacing the current informal working group.

Furthermore, the second bilateral seminar on the fight against racism, xenophobia and anti-Semitism in January 2008 provided a welcome opportunity to address issues of common concern.

Algeria

Following the entry into force of the EU-Algeria Association Agreement in September 2005, there is an appropriate framework allowing both sides to consolidate their dialogue on issues of human rights and democracy. These issues were raised by the EU at the last meeting of the EU-Algeria Association Council on 10 March 2008 and during the first Association Committee meeting on 16 September 2008. Regarding the respect of human rights and fundamental principles there are areas of concern, notably in the context of the still tense security situation and the fight against terrorism. Ten years after the end of the civil war like spread of violence and the subsequently rather successful reconciliation initiatives, Algeria continues its battle with terrorist acts of the Salafist Group for Preaching and Combat (GSPC), now named Al Qaeda in the Islamic Maghreb and directly affiliated to Al Qaeda. The state of emergency is still in place and the security forces make use of repressive action. Allegations of torture, secret detention centres and forced disappearances have been reported. The EU argues that this difficult security environment should not lead to restrictions in the exercise of certain fundamental freedoms such as the right of public assembly and that the fight against terrorism has to ensure the respect of human and civil rights. In this context, the situation concerning the freedoms of religion and consciousness has to be followed closely in particular as regards increasing regulation and control of non-muslim community activities. The political system is highly presidential with institutions and democratic constitutional procedures in place. Local and legislative elections were held in 2007 reflecting some progress towards a multiparty system. However, in practice, the system still needs to evolve considerably encouraging true participation by the citizens and civil society. Upcoming presidential elections in 2009 will be the next important benchmark.

Egypt

The EU-Egypt subcommittee on political matters covering human rights and democracy as well as international and regional issues was established following the adoption of the EU-Egypt Action Plan in March 2007. After the adoption on 17 January 2008 of a European Parliament resolution critical of human rights in Egypt, the Egyptian Government cancelled the political subcommittee meeting that had been scheduled soon after. The first meeting of the subcommittee on political matters was finally convened on 2 and 3 June 2008 in Brussels. This dialogue has allowed both parties to discuss human rights issues in an open and constructive manner.

National debate concerning the human rights situation in Egypt, and a certain degree of arbitration, is provided by the National Council for Human Rights (NCHR), whose board is composed of political figures, academics, lawyers, civil servants and – to a lesser extent – civil society representatives. The EU commended the Egyptian Government's commitment to mainstream human rights through a national strategy and welcomed the completion of the national plan by NCHR.

The NCHR issued its fourth annual report in March 2008, including recommendations to the Egyptian Government. This report stressed that Egypt's international pledges, commitments and national strategies to promote human rights have failed to materialise in concrete improvements, both in legislative and executive terms; the authorities' relentless 'quest' for security and stability has taken precedence and weighs heavily on civil and political rights. The report also criticised the Government's continuous exertion in 2007 to condemn international reports on the situation of human rights in Egypt.

The holding of free and fair elections in accordance with all international standards is key to progress towards a more democratic society. The EU closely followed the local elections of 8 April 2008, which were held in accordance with the constitutional amendments of March 2007. There were a number of concerns over serious shortcomings in the electoral process. Many potential candidates were prevented for one reason or another from registering for the election. The EU encouraged the Egyptian authorities to review the electoral framework with a view to bringing it into line with international standards, including the right to stand as a candidate.

The EU expressed its concern that on 26 May 2008 the Egyptian Parliament voted to extend the state of emergency, in force for several decades, until 31 May 2010, or until anti-terror legislation had been enacted. The EU looks forward to its lifting, while at the same time expecting the adoption of counter-terrorism legislation in line with international standards as soon as possible.

Contrary to the expectations of greater political liberalisation in the aftermath of the 2005 elections, the EU also has serious concerns at the trend of continued arrest and prosecution of

political opponents, including members of the Muslim Brotherhood. The use of military tribunals to try civilian cases is also of concern. The latest case related to the trial of 40 key figures of the Muslim Brotherhood and led to the conviction of 25 of them, with sentences of up to 10 years in prison – the maximum sentence. The EU is very concerned about the number of complaints of torture, administrative detention and the alleged mistreatment of detainees.

Freedom of association remained curtailed. On a positive note, the judiciary upheld the right of the Centre for Trade Unions and Workers Services to operate and register as an NGO – almost one year after the centre was closed by administrative decree.

While independent and opposition newspapers are flourishing and the media are more outspoken, the authorities have put several journalists and newspaper editors on trial, resulting in court sentences (currently under appeal). The authorities are increasing their control over the internet, including through the harassment of bloggers. There have been complaints on restrictions on freedom of religion, particularly through the harassment of converts or the refusal to amend their civil records.

The National Council for Childhood and Motherhood (NCCM) has led public campaigns, backed by the authorities, to make female genital mutilation illegal, to promote women's rights to divorce as well as a campaign against domestic violence. Female genital mutilation was officially prohibited in June 2007.

The European Commission has launched an EIDHR call for proposals aimed at *'Strengthening the Role of Civil Society in Promoting Human Rights and Democratic Reform'* in Egypt. A total of EUR 873 000 will be awarded to projects supporting democratic electoral processes, to promoting social and economic rights or combating torture and ill-treatment.

Jordan

Respect for democratic principles, human rights and fundamental freedoms constitutes an essential element of the Association Agreement with Jordan and are a priority in the ENP Action Plan. Jordan was the first ENP country to organise a subcommittee on human rights and democracy. Through this subcommittee, a positive dialogue has now been established with the government. The third dialogue meeting on 25 June 2008 provided the opportunity to discuss in detail many issues of common interest.

The European Union welcomed the adoption of the political reform laws in 2007, the political parties law and the municipal elections law. The EU encouraged Jordan to continue, or where necessary accelerate, the effective implementation of those laws. The participation of women in political life has improved as the new municipality law provided for a quota of 20 % of municipal council seats for women. This is a very important first step towards bringing about genuine merit-based participation

of women in political life. The EU also encouraged Jordan to implement specific recommendations of the National Agenda Committee, such as the establishment of an independent committee to organise and supervise elections and to deal with complaints in order to ensure transparency in the electoral process. The EU expressed its readiness to assist Jordan in the preparation of the next parliamentary elections in 2011.

The EU emphasised further positive elements, such as the adoption of a law on domestic violence and a law on access to information, the anti-corruption commission which started its work in January 2008 and the promotion of equal treatment of women - quotas for municipal councils and the establishment of a special unit in the Ministry of Labour. The EU welcomed the 2007 Press and Publications Law, which expanded the current legislation and strengthened the protection of journalists and all individual freedoms. At the same time the EU stressed the need for greater coherence between this Law and the Penal Code.

The EU expressed serious concerns about the civil society law recently adopted by the Parliament without taking into account the recommendations and objections of civil society organisations. The EU positively considered the role of the latter in the reform process and underlined the importance of consultations with civil society on the new civil society law.

The EU hoped that the implementation of the recently amended law on public gatherings would be able to strike the right balance between the need to ensure security and the need to give the population the space to formulate and express its opinion and to participate in public life. The EU acknowledged the appointment of the first ombudsman as an institutional framework for the protection of the rights of citizens. The EU encouraged Jordan to undertake public information campaigns in order to raise citizens' awareness of the position of the ombudsman.

The EU acknowledged the recently adopted measures to fight torture and other cruel, inhuman and degrading treatment. It welcomed the fact that the definition of torture under Jordanian legislation had been brought into line with the UN convention against torture.

The EU also welcomed Jordan's de facto moratorium on executions, in place since May 2006. It invited Jordan to go even further and abolish capital punishment both in practice and in law. Ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights would provide an appropriate instrument to that end.

Jordan's National Agenda and the National Economic and Social Development Programme 2009-2011 emphasise the need to enhance the independence of the judiciary. The National Agenda explicitly stated that an independent budget for the judiciary needed to be ensured and the EU therefore welcomed Jordan's intention to implement a roadmap toward financial independence from 2009.

Lebanon

Lebanon's overall human rights record remains mixed, despite improvements since the withdrawal of Syria in 2005. Civil and political rights are generally respected; however, major difficulties relate to the practices of the judiciary and the security apparatus, a weak concept of the rule of law, inefficient administration and corruption. Prison conditions and allegations of torture are further concerns. Reform prospects in the fields of democratisation, human rights and governance were slowed by political instability, including the 2006 conflict between Israel and Hezbollah and subsequent political stalemate, which severely limited government and legislative activity. With the improvement of matters since the Doha accord in May 2008, followed by the election of a President and the formation of a government of national unity, it is expected that the general atmosphere may improve. There is now some momentum for reforms that would bring elections further into line with international practice.

Many political groups are armed, a factor which serves to contribute to a mood of tension within which certain basic liberties are under threat, as witnessed by the events of May 2008 in Beirut and elsewhere in Lebanon, during which abuses of human rights were reported. Clashes continued in north Lebanon.

Some progress has been made to regularise the situation of the significant number of Iraqi refugees in Lebanon (100 000). However, the situation of Palestinian refugees and of migrant workers remains of particular concern.

In regard to the Palestinians, living conditions are extremely difficult and, despite the good offices of the Lebanese/Palestinian Dialogue Committee and efforts by the Government under the camp improvement initiative and on the important non-ID problem, Palestinian refugees still cannot properly access the labour market and are not permitted to own property. Difficult conditions in the camps can and have been exploited by extremist groupings, as shown during the protracted conflict (May-August 2007) at the Nahr el-Bared refugee camp. In June 2008, the EU called for a transformation of Lebanon's de facto moratorium on the death penalty into a de iure moratorium pending eventual abolition. Lebanon's commitment to the signature and ratification of the Optional Protocol to the Convention Against Torture (taken in the framework of the first ENP Human Rights Working Group) was recalled on this occasion as well.

Libya

The situation of human rights in Libya remains a source of high concern. The EU observes a number of obstacles to political and civil rights, in particular freedom of expression, press and association. Political parties are prohibited; the judicial system is far from being independent from political influence. Incommunicado arrests, torture and capital punishment occur regularly. After the successful conclusion of the case of the Bulgarian and

Palestinian medical personnel in the summer of 2007, the EU initiated the process of opening negotiations with Libya with a view to concluding a framework agreement. This agreement would cover a broad range of political issues, through a political dialogue and cooperation in the fields of foreign and security policy. Respect for human rights, fundamental freedoms and democratic principles will constitute essential elements of the agreement. During the negotiations, the EU is committed to start a constructive dialogue on strengthening respect for human rights and fundamental freedoms, the rule of law and good governance in order to encourage Libyan reforms.

Morocco

The second meeting of the subcommittee on human rights, democratisation and governance was held in Brussels on 27 November 2007. The discussions permitted to continue the dialogue on a wide range of topics relating to democracy and the rule of law. The strengthening of administrative capacity with a view to improving application of legislative measures, the functioning of the judicial system and the fostering of human rights and fundamental freedoms were also discussed. Regarding the legislative elections that were held in September 2007, the EU noted that there was important progress as compared with past experience. However, there was a strong necessity to put in place a clear legal framework for an independent electoral observation mechanism. The King of Morocco has stressed the need to launch important reforms in the field of justice. These reforms are supported by EU programmes aiming at modernizing the justice system (modernisation of the prison system, and training of judges/prosecutors). A process for revision of the penal code has been initiated.

Morocco introduced reform in the family code, thus promoting the role of women in the society. Morocco has also amended the Code of nationality in order to allow a child with a Moroccan mother and a foreign father to have the Moroccan nationality. Women are more represented in the new government. Great efforts have been put in place to combat violence against women, in particular by setting up an information system and organising public awareness campaigns.

Regarding human rights and fundamental liberties, Morocco started preparations for a national strategy and an action plan in these fields with the support of the EU. There are still important problems in the areas of freedom of association and freedom of expression.

In the framework of the ENP instrument, the European Commission has also launched a programme supporting the implementation of the recommendations of the Fairness and Reconciliation Commission (IER), and notably the reparation process. Furthermore, the European Commission has enhanced its cooperation with NGOs by awarding them financial assistance from the European Instrument for Democracy and Human Rights in order to strengthen the role of civil society in promoting human rights and democratic reforms in Morocco.

Western Sahara

The EU continued to follow developments regarding the Western Sahara issue closely. It continued to make its voice heard on the humanitarian aspects linked to the conflict. The issue was discussed in the political dialogue with Morocco at the Association Council on 23 July 2007 as well as on the occasion of the Reinforced Political Dialogue on 21 December 2007. It was also discussed with Algeria at the Association Council meeting on 10 March 2008. Human rights problems persisted relating to freedom of expression and assembly and to access to the territory under Moroccan administration and to the refugee camps in the Tindouf area on Algerian soil under the control of the Polisario Front. On the political side, the negotiation process that started following the adoption on 30 April 2007 of UN Security Council resolution 1754 continues without any tangible results, however.

Syria

The overall human rights situation in Syria remains unsatisfactory due to a strong position of the security services and the lack of a sound civil society. In principle, the Syrian constitution guarantees the main political, civil and social rights. However, the Emergency Law effectively prevents citizens from exercising basic civil and political rights.

In December 2007 and January 2008, the Syrian State Security Services launched a series of arrests of political activists throughout Syria, in reaction to a meeting of the '*Damascus Declaration for Democratic and National Change*' initiative on 1 December 2007 which gathered a wide coalition of activists calling for political reform. Twelve leading members of the movement are currently facing trial at the Criminal Court in Damascus. The EU and several Member States have repeatedly expressed their concern about the detention of Syrian civil society activists for peacefully expressing their views and called for their release.

Arbitrary detention is a persistent problem. Suspects may be detained without charge or trial for prolonged periods. There is no legal redress against unlawful arrest. According to lawyers, human rights defenders and former prisoners, torture remains to be applied especially to suspects under interrogation, including political opponents.

Promises of greater political liberalisation like the relaxation of the Emergency Law, the granting of citizenship to stateless Kurds or the adoption of a multi party law have not been transformed into action.

The Syrian authorities are traditionally reluctant to discuss human rights with outside interlocutors, including the EU. They invoke national sovereignty and the lack of an appropriate institutional framework such as the EU-Syria Association Agreement. However, EU representatives are granted regular access to trials at the State Security Court, the Military Court and the Criminal Court.

The question of the Association Agreement with Syria may be re-examined in the light of a thawing of relations between Damascus and the West.

Since the beginning of the Iraq war, Syria has generously welcomed refugees. Their number increased dramatically in 2006 and at the beginning of 2007. To help Syria cope with this massive influx of refugees, the EU and Member States have provided humanitarian assistance as well as support to the authorities to increase domestic capacity for addressing the most pressing needs in health and education. The attitude of Syria towards the Iraqi refugees, notably its willingness to collaborate with the EU on this matter, can be identified as the first step in the improvement of relations between the two sides.

Tunisia

The EU was pleased that the subcommittee for human rights and democracy was finally able to meet in Tunis on 12 November 2007. It was the first time that a structured dialogue on human rights and democracy had taken place between the EU and Tunisia. The promotion of respect for human rights is a central objective of EU policy towards Tunisia. During this first meeting, the EU noted the persistent lack of respect for human rights in particular, with regard to freedom of expression and association. NGOs active in the defence of human rights and human rights defenders are confronted by various obstacles and cannot work freely for the promotion of human rights, the League of Human Rights being an obvious case in point. Freedom of the press and media is also an area where a more pluralistic approach is needed. The reinforcement of the role and the participation of civil society in political life, with a view to the 2009 elections horizon, should be a priority. The political developments in Tunisia and the questions related to human rights were also discussed at the political dialogue meeting that the EU held with Tunisia during the sixth meeting of the Association Council held in Brussels on 19 November 2007.

6.3. Russia and Central Asia

Although human rights in **Russia** are guaranteed by the Constitution, and despite Russia's participation in many international human rights conventions, the EU continues to have serious concerns about the deteriorating human rights situation in Russia, in particular as regards respect for the rule of law, freedom of opinion and assembly, freedom of the press, the situation of Russian non-governmental organisations (NGOs) and civil society, and the situation in Chechnya and other parts of the North Caucasus.

Following agreement at the EU-Russia Summit in The Hague in November 2004 to start a regular human rights dialogue, EU-Russia consultations on human rights are now held twice a year¹¹⁸.

¹¹⁸ See Chapter 2.6.5., Human rights consultations with the Russian Federation.

In the context of the parliamentary and presidential elections in December 2007 and March 2008 respectively, the EU expressed its concern at the restrictions imposed on freedom of assembly and on opposition demonstrations. In cases where opposition rallies went ahead despite bans, there were several instances of police brutality, a disproportionate use of force and arbitrary arrests. Government control over the main media outlets in Russia, in particular television, is also of concern and was particularly worrying during the recent parliamentary and presidential election campaigns, where the lack of equal media access for the opposition, as well as the use of 'administrative resources', did not allow truly competitive elections. In the case of the presidential elections, the threshold of two million signatures to be collected in support of persons other than nominees of State Duma parties seeking registration as presidential candidates represents an unreasonably difficult hurdle, inviting malpractice.

The dangers faced by journalists in Russia are of great concern. Although the number of journalists killed in Russia in 2007 was down to one (compared to 5 in 2006), almost all such killings remain unresolved.

The situation of Russian non-governmental organisations (NGOs) and civil society remains difficult, although there have been no cases so far of influential and critical NGOs being closed down as a result of the amendments to NGO legislation which came into force in April 2006. However, the provisions of the NGO law are often implemented in a way which is cumbersome, costly and time-consuming for NGOs. Furthermore, there are worrying regional differences in the way in which the NGO law is implemented.

A number of laws and provisions adopted in the general context of combating terrorism restrict freedom of opinion and expression, in particular for opposition forces, NGOs and the media. The EU continues to be concerned about the Anti-Extremism Law, where the still very wide definition of extremism has blurred the difference between what constitutes opposition activities and what constitutes extremism.

Reports of ill-treatment and the use of torture by Russian law-enforcement personnel continue to be of concern, although efforts are being undertaken to address this problem. The fact that officials are often not held accountable for their actions only increases the problem. The tendency of Russian courts to base convictions solely on the confessions of suspects also contributes to a culture of ill-treatment in pre-trial detention facilities. Furthermore, prison conditions remain extremely harsh and sometimes life-threatening. Abuse of prisoners by other prisoners continues to be a problem and is reportedly exploited or encouraged (sometimes institutionalised) by the administration of certain detention facilities in order to maintain order by terror.

Hazing continues to be a serious problem in the military, although attempts are being made to address this problem. According to the Ministry of Defence, 20 military servicemen

were killed in hazing incidents in the first nine months of 2007 alone. Unfortunately, it seems that few of the accused in such incidents are prosecuted or held accountable. The high suicide rate in the military forces – and its causes – also need to be effectively addressed.

All reports indicate persistently high levels of racism and xenophobia in Russia: prejudices against Chechens, Caucasians, Roma, Jews, Meskhetian Turks, Africans and Asians are particularly strong. Furthermore, racial discrimination remains a problem. Although the Labour Code contains detailed provisions against racial discrimination in employment, these seem rarely to be applied. Racial discrimination also restricts the access of racial minorities to education, housing, public services and public places, as well as to citizenship and the registration system. The police are often accused of discriminatory and arbitrary behaviour towards visible minorities.

Although Russia is in the process of pushing through comprehensive judicial reforms, and President Medvedev has underlined his intention to address 'legal nihilism' in Russia, the judicial system, especially at the level of lower courts, still does not sufficiently respect human rights and betrays a lack of independence. Most rulings by the European Court of Human Rights against Russia are the result of the failure of the Russian administrative system to implement decisions taken by Russian courts. There have been reports of state interference aimed at obstructing applications by Russian citizens to the ECHR, of which the most alarming concern ECHR applications in cases related to the conflicts in the Northern Caucasus. Furthermore, the failure of the Russian Parliament (Duma) to ratify Protocol 14 of the Council of Europe on the ECHR, which is essential to guarantee its future functioning in the face of an ever increasing workload, threatens to undermine the functioning of the Court.

Despite the end of the war in Chechnya and the ongoing process of reconstruction in the Republic, the human rights situation in North Caucasus remains of concern. Many violations of human rights including enforced disappearances, torture, arbitrary detentions, harassment of human rights defenders and restrictions on freedom of expression, are still often committed. Although the situation in Chechnya has improved in the last two years, the human rights situation in particular in neighbouring Ingushetia and also Dagestan has worsened. Russia still refuses to allow the UN Special Rapporteur on Torture to visit jails in North Caucasus according to his normal conditions and has been reluctant to implement the recommendations of the Committee for the Prevention of Torture of the Council of Europe.

Since its adoption by the European Council on 21 and 22 June 2007, the EU Strategy for a New Partnership with **Central Asia** has provided the overall framework for EU relations with Central Asia. Over the past year a new quality of cooperation has evolved between Central Asia and the EU and the political dialogue with the countries of the region has intensified significantly.

The Council remains concerned by the situation of human rights in Central Asia and remains committed to working for a concrete improvement in the human rights situation in the five Central Asian countries, which all have, to varying degrees, serious problems upholding fundamental rights and freedoms. The EU Strategy for a New Partnership with Central Asia recognises that human rights, the rule of law, good governance and democratisation underpin the long-term political stability and economic development of Central Asia. In line with the Strategy, human rights issues have therefore been raised with each Central Asian state through different channels and in all political dialogues, including the meeting of National Coordinators on 10 March 2008 in Brussels and the EU - Central Asia ministerial meeting in Ashgabat in April 2008. The EU has also continued to raise human rights issues in its Cooperation Council and Cooperation Committee meetings with the countries in the region, as well as in the meetings in other formats where such agreements are not in place. A number of bilateral démarches have been carried out with the countries in the region on issues of concern.

According to the Strategy the EU should seek to enter into structured, regular and results-oriented human rights dialogues with all countries of the region. By 30 June 2008, such dialogues had been held with Uzbekistan and Turkmenistan. The EU - Central Asia ministerial meeting in Ashgabat in April 2008 reached an agreement in principle to also begin such dialogues with Kazakhstan, Tajikistan and the Kyrgyz Republic by the end of 2008.

Contributing to the implementation of the EU human rights policy is part of the mandate of the EUSR for Central Asia, Pierre Morel. He worked closely with the SG/HR Personal Representative for Human Rights and has continued to raise human rights issues during his visits to the region and in bilateral contacts.

In view of **Kazakhstan's** Chairmanship of the OSCE in 2010, the EU has stressed the importance of implementing further political reforms, especially in the area of human rights, freedom of assembly, the role of civil society and NGOs, the situation of the political opposition and freedom of media.

On 13 November 2007, the Council adopted Common Position 2007/734/CFSP¹¹⁹, renewing certain restrictive measures in relation to **Uzbekistan**. However, to encourage Uzbekistan to improve its human rights situation and, taking into account the commitments made, the visa restrictions were suspended for six months. Following a review on 29 April 2008, the Council extended the suspension of visa restrictions for a further period of six months until 13 November 2008.

On the occasion of the review on 29 April, the Council adopted conclusions welcoming the abolition of the death penalty, the introduction of habeas corpus and the release of various human rights defenders but also expressing concern as regards

the human rights situation in other areas, and calling on Uzbekistan, inter alia, to ensure the release of human rights defenders, finalise the accreditation of the country director of Human Rights Watch, cooperate with the UN Special Rapporteurs on Torture and on Freedom of Expression and to revoke restrictions on NGOs.

The EU held the second round of the EU-Uzbekistan human rights dialogue on 5 June 2008¹²⁰.

On the occasion of the first regular EU-Turkmenistan human rights dialogue which took place on 24 June 2008¹²¹, the EU raised concerns with **Turkmenistan** in areas such as freedom of association and assembly, freedom of expression and the media, freedom of thought and religion, prison conditions and freedom of movement and forced displacement.

With the **Kyrgyz Republic**, the EU raised issues such as constitutional reform, the social situation of large parts of the population, legislative developments pointing to stricter controls over democratic freedoms and restricted access to information, as well as the December 2007 parliamentary elections which, according to ODIHR, were 'a missed opportunity'.

The EU regretted that **Tajikistan** continues to undergo serious setbacks on its road to stabilisation and called upon Tajikistan to make improvements in this respect. The socio-economic situation of the majority of the population, especially in the winter period, remains dramatic while government's sporadic efforts to fight corruption and bad governance result in the stifling of growth of civil society. The EU also raised concerns regarding difficult conditions for NGO activities in the country, as well as the curbing of religious freedoms.

6.4. Africa

Since the adoption of the Joint Africa-EU Strategy and its First Action Plan at the EU-Africa Summit in Lisbon in December 2007, much attention has been devoted to the promotion of human rights, the rule of law and good governance.

On 6 December 2007, the Council adopted a Joint Action appointing Koen Vervaeke as EU Special Representative to the African Union. On the same date, he was appointed by the Commission as Head of the European Commission Delegation for the African Union. This appointment reflects the common will of the two institutions to combine all the instruments of the EU and thereby ensure a coherent approach towards Africa at all levels.

Africa and the EU have identified selected priority actions in the initial period 2008-2010 and agreed to implement them in the context of the Africa-EU Partnership on Democratic Governance and Human Rights. This partnership integrates a

¹¹⁹ OJ L 295, 14.11.2007, p. 34-39.

¹²⁰ See section on Uzbekistan in Chapter 2.6.3.

¹²¹ See section on Turkmenistan in Chapter 2.6.3.

range of priority actions in order to enhance dialogue, including at global level and in international fora, promote the African Peer Review Mechanism and support the African Charter on Democracy, Elections and Governance. In the area of human rights, a process of regular dialogue between the AU and the EU is ongoing. The parties have agreed on the objectives of this dialogue, its format and its agenda¹²². The African Court of Human and Peoples' Rights addressed the sub committee on Human Rights of the European Parliament together with the leading Civil Society Organisation, the Coalition for an Effective African Court for Human and Peoples' Rights in September 2008.

Moreover, human rights issues continue to be addressed through political dialogue with each and every country in Africa, flanked by practical approaches such as support for the consolidation of civil society, the strengthening of parliaments and programmes for decentralisation that strengthen the voice and power of provincial and/or local authorities. Violations of human rights, the rule of law and democratic processes continue to be addressed through consultations under Article 96 of the Cotonou Agreement with Guinea and Zimbabwe. While there is observable progress in Guinea, relations with Zimbabwe continue to be very problematic. On a positive note, in view of the considerable improvement in the human rights situation in Togo, the EU decided in November 2007 to revoke the measures taken and conclude the consultation procedure with the Togolese Republic under Article 96 of the Cotonou Agreement.

Western Africa

The Ouagadougou political agreement of March 2007 brought about positive change in many areas and the hope of permanent peace in **Côte d'Ivoire**. Côte d'Ivoire is due to hold a much-delayed presidential election in November 2008 and the EU has been invited to assist and observe. However, progress on other crucial issues, namely disarmament and dismantling of the militia and the reunification of the armed forces, remains slow.

Since the election of President Johnson-Sirleaf, the rule-of-law situation has improved in **Liberia**. The only sanctions still in force, the arms embargo and travel restrictions on certain individuals, were extended for a further period of twelve months¹²³. However, widespread violence, especially armed robbery and rape, particularly in Monrovia and its environs, persists and reveals a lack of ability on the part of the Liberian National Police to effectively perform its duties. Moreover, a number of issues critical to the sustainability of peace and stability still need to be addressed, including the reform of the legal and judicial system, the reintegration of war affected populations and the extension of the rule of law throughout the country.

The EU met in troika format with the Minister for Foreign Affairs of **Nigeria** in May 2008 to decide on an enhanced EU-Nigeria political dialogue in which human rights at both global and national level will also be addressed. Nigeria plays a crucial role for peace and stability in Africa and West Africa in particular. It is expected that EU assistance will be channelled to support priority actions in the following areas: peace and security, governance and human rights, trade and regional integration, key development issues (including environmental sustainability and climate change).

The prevailing security situation in the North of **Mali** continued to cause concern. By the end of the reporting period peace negotiations had started, mediated by Algeria, between the rebels and the Government of Mali. During the reporting period, attacks by the rebels and the army's response resulted in many casualties, including among civilians. The regional conference on peace and development which the authorities have been announcing since autumn 2007 is eagerly awaited.

Aggressions against homosexuals by the public resumed in **Senegal** during spring 2008. The police intervened to stop the violence. The decriminalisation of homosexuality cannot be foreseen in the near future as the question is politically sensitive. The EU welcomed the decision of the Government of Senegal to try the former president of Chad, Hissène Habré, in Senegal. The EU expressed its intention to contribute to the trial.

Central Africa

The European Union continues to closely scrutinise the human rights situation in the **Democratic Republic of the Congo** (DRC) and is concerned with the persistent violations of human rights in the country including sexual violence against women, in particular in the East.

The EU has condemned the human rights violations in the DRC on several occasions, expressing its utmost concern, including in its direct contacts with Congolese state officials. Moreover, human rights' démarches in defence of human rights defenders or other issues of concern are held as often as necessary towards the relevant national authorities.

Also, the EU Member States and the Commission continue to support good governance, including the consolidation of democracy, the rule of law and security sector reform. In this context, the two EU ESDP missions EUSEC RD Congo and EUPOL RD Congo have been prolonged until 1 July 2009, testifying to the EU's priority to continue supporting the reform of the army and of the police alongside the well-established EC's efforts in the Justice/police areas.

The security situation in the East of the country experienced some improvements in the wake of the signatures of the Nairobi communiqué and the Goma engagement acts for the Kivu provinces. Yet, the gradual deterioration since August 2008 has confirmed once again the fragility of the situation. The

¹²² See Chapter 2.6.4., EU-African Union human rights dialogue.

¹²³ Council Common Position 2008/109/CFSP concerning restrictive measures imposed against Liberia (OJ L 38, 13.2.2008, p. 26).

EU will continue to support the political processes, considering that dialogue and implementation of the political and security commitments taken are the only sustainable approach in view of decreasing human rights violations and reaching lasting peace.

In addition, the lack of state authority in the East in particular is still a major problem and the human rights situation has not improved. Hundred of thousands people remain displaced, while women and children, but also men, have suffered rape, torture, killings and lootings. These rapes, often used as a weapon of war, have been recognised as a potential threat against international peace in the framework of the UNSC. The departure of the FDLR from DRC, the reform and disciplining of the Congolese army, the end of impunity as well as the strengthening of state authority in the Kivus are high on the international agenda in order to end these abuses. The EU opposed suppressing the mandate of the UN Special Rapporteur on the human rights situation in DRC in March 2008, and will closely follow the report on DRC that several human rights thematic special rapporteurs will present in March 2009.

The SG/HR Personal Representative, Ms Kionka, together with the EUSR for the Great Lakes, visited the East of DRC in October 2007 and addressed these issues with local governors, military commanders and government officials in Kinshasa.

The EU will continue its dialogue with the Government of the DRC and other countries in the region with the view to promoting peace and human security in the region.

The EU strongly supports the principle that those violating the human rights of civilians must be held responsible. In this context, the EU reiterated its support for the ICC in its efforts related to past and ongoing human rights violations in the Great Lakes Region. Following the issue of an arrest warrant by the Court against J.P. Bemba, one EU Member State arrested him, which enabled the delivery of Mr Bemba to the ICC.

Southern Africa

The EU closely followed the human rights situation in **Zimbabwe**, which continued to deteriorate during the period under review. The EU made a number of public statements denouncing the situation.

In February 2008, given the absence of progress in the human rights situation in the country, the Council renewed Common Position 2008/135/CFSP¹²⁴, initially adopted in February 2002 (2002/145/CFSP¹²⁵), concerning restrictive measures against those leading figures responsible for Zimbabwe's crisis of governance and abuses of human rights. The restrictive measures consist of a ban on entry into the EU and a freeze on financial

assets for individuals who have engaged in activities which seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe. An embargo on the supply of arms and equipment intended for military operations is also in force.

The period was marked by two developments. The first was the continued mediation efforts by President Mbeki of South Africa and the second the preparations for the presidential and parliamentary elections in Zimbabwe in 2008.

In August 2008 during the annual SADC Summit in Lusaka, Zambia, President Mbeki reported on progress in the mediation between the ZANU-PF and the MDC. The Summit welcomed the progress and encouraged the parties to expedite the process of negotiations and conclude work as soon as possible so that the next elections could be held in an atmosphere of peace, allowing the people of Zimbabwe to elect the leaders of their choice. Alas, the mediation efforts did not succeed in creating a peaceful atmosphere for the elections. The ruling ZANU-PF party never really seemed prepared to commit itself to the negotiations and, as the year drew to an end, the violence and human rights abuses increased, perpetrated by the security forces and ZANU-PF supporters against not only the MDC but also the population in general.

President Mugabe attended the EU-Africa Summit in Lisbon in December 2007. He had been issued a visa despite being on the visa ban list because a number of African states had made this a condition for attending the Summit. During the Summit a number of EU Heads of State roundly criticised President Mugabe and his regime in Zimbabwe.

The first round of elections took place on 29 March 2008. They were observed by SADC, the AU and the Pan-African Parliament. Despite the criticism of the elections voiced by the observers, the opposition won both the parliamentary and presidential elections. This event was aided in a very substantial way by the mediation efforts undertaken by President Mbeki, since one of his results was that the election result for each precinct should immediately after counting be posted on the outside of the polling station. This enabled NGOs and election observers to photograph and collate all the individual figures before the government could start any undue processing of the numbers. The result of the presidential elections were not, however sufficiently clear-cut enough (Mugabe 43%; Tsvangirai 48%) to avoid a re-run of the presidential elections. This took place on 27 June and all the observers were unanimous in their condemnation of the event. Even before the event, the ruling party and the security forces had let loose a regime of terror unprecedented in the country and the result was that the opposition candidate had to withdraw from the elections before they took place in fear of his life and those of his supporters. The elections went ahead anyway with just one candidate, who unsurprisingly won with 85% of the votes cast according to the count of government officials but not supervised by neutral observers.

¹²⁴ OJ L 43, 19.2.2008, p. 39–39.

¹²⁵ OJ L 50, 21.2.2002, p. 1.

Eastern Africa

The EU participated as an observer in the **Northern Uganda** Juba talks between the Government of Uganda and the Lord's Resistance Army (LRA). The Council thus supported the mediation by the former President of Mozambique, Joaquim Chissano, the UN Secretary-General's Special Envoy for LRA-affected areas. The EU contributed to the development and signing of the five separate annexes to the Juba Peace Agreement, including one annex on accountability and justice, and regretted that the Final Peace Agreement could ultimately not be signed. There has, however, been no new outbreak of violence in Northern Uganda and the EU is committed to assist in the rebuilding of Northern Uganda so that the estimated one million IDPs can return home. It has also urged the Ugandan Government to remain committed to the process and to be ready to implement the provisions of the Peace Agreement, in accordance with the Rome Statute establishing the ICC, and to strengthen the rule of law in the whole of Uganda.

The political, security and humanitarian situation in **Sudan**, and notably in Darfur, has not improved over the last year. The non-stop violence against the civilian population, peacekeepers and humanitarian personnel, as well as the evidence of continued high levels of gender violence and sexual crimes, remain of deep concern for the EU.

Although the moratorium on humanitarian access in Darfur was extended for another year at the end of January 2008, the situation has deteriorated further. Human suffering, with tens of thousands of additional refugees and internally displaced peoples, with limited or no access to humanitarian aid, continues to be a regular feature following military assaults on villages in Darfur. Both government forces and rebel groups contribute to the violations of human rights and international humanitarian law. Their refusal to enter into meaningful peace talks perpetuates the deplorable humanitarian situation. Perpetrators of crimes and violations of human rights and international humanitarian law cannot go unpunished. The importance of respecting UNSC resolution 1325 (2000) on women, peace and security has been recalled on many occasions.

In line with UNSC resolution 1593 (2005), the EU repeatedly called on the Government of Sudan to cooperate unconditionally with the International Criminal Court (ICC) and to surrender the two individuals for whom the ICC issued arrest warrants on 27 April 2007 in connection with alleged crimes against humanity and war crimes in Darfur. Impunity for these most appalling crimes cannot remain an option. The European Council has in its conclusions called on GAERC to closely follow the developments in Sudan and contemplate additional measures in case of lack of full cooperation with the UN and other institutions, including the ICC¹²⁶.

¹²⁶ See Chapter 4.8., The ICC and the fight against impunity.

Horn of Africa

The EU remains deeply concerned about the human rights situation in **Eritrea**, including the worsening situation for freedom of religion and freedom of the media, and has conveyed messages to this end directly to the President of Eritrea. The EU issued a Declaration on 18 September 2007 expressing concern for the situation of political prisoners in the country, including the prominent members of parliament and journalists arrested in September 2001 who remain under incommunicado detention without charge. The EU continues to call for the implementation of the human rights treaties ratified by Eritrea; in this context it is specifically supporting the implementation of the ILO Conventions through an EC project with the local trade unions.

In relation to **Ethiopia**, the EU continues its work to promote respect for human rights and multi-party democracy. The EU notably voiced concerns about a draft law on NGOs, which may undermine the possibility for civil society to promote democracy. Concerns have also been expressed about the violence and other types of pressure against journalists and other limitations on freedom of expression and association. The EU sent a letter to the Prime Minister of Ethiopia expressing its concern over the human rights situation in the Somali region of Ethiopia (Ogaden) and offering its help to promote economic development in the region. The EU is also monitoring the problematic trials against those arrested as a result of the 2005 demonstrations. On a positive note, the first steps in creating national monitoring mechanisms for human rights have been taken.

The EU expressed concern over the worsening of the human rights situation in **Somalia** as a result of the continuing conflict and called for all violations of human rights in Somalia to be officially denounced and investigated. After sixteen years of civil war, Somalia faces the key challenges of building peace and security, establishing democratic processes and institutions and strengthening human rights. In particular, basic human rights of children, women and other vulnerable groups are severely compromised. Children are at extreme risk (50% of the population is below the age of 18 and some 20% under the age of 5), mainly as a result of under-nourishment and lack of protection. The EU supports the Office of the High Commissioner for Human Rights, including the Independent Expert on Human Rights in Somalia, and has encouraged them to undertake an independent fact-finding and assessment mission to Somalia. That would be a welcome first step towards the creation of a mechanism to investigate systematic human rights abuses by all parties. The EU is ready to increase its support to Somalia in the field of human rights, notably for capacity-building within public institutions and services.

6.5. The Middle East and the Arabian Peninsula

Serious violations of human rights continued to occur in **Iran**. There was no progress in the EU's main areas of concern since the last Annual Report; in many respects the situation has worsened. The use of the death penalty, including juveniles,

is increasing in an alarming way. Iran executes more juvenile offenders than any other country in the world and is one of a very small group of countries that continues to retain the death penalty for crimes committed before the age of 18. Freedom of expression is severely restricted. Iran's treatment of religious and ethnic minorities continues to be of concern to the EU. Reports of torture are frequent. Human rights defenders are increasingly being imprisoned for their work, and report growing harassment and intimidation. There is little effective action to reform the laws, institutions and official practices that allow human rights violations to occur. On the contrary, the EU is concerned by the draft penal code under consideration, some sections of which clearly violate the Islamic Republic of Iran's commitments under the international human rights conventions, such as introducing a mandatory death sentence for crimes of apostasy, heresy and witchcraft.

The EU consistently reacted to all grave human rights violations (death penalty, torture, human rights defenders, women's rights, rights of persons belonging to minorities), in many cases with public declarations. EU representatives raised human rights concerns with the Iranian authorities on many occasions during the period. The subjects discussed have included the execution of juvenile offenders – despite the moratorium announced on such practice – amputation cases, and public executions; the harassment and imprisonment by the authorities of people reporting or expressing their opinions peacefully. Of concern was the ongoing discrimination against religious minorities, notably the Bahá'ís, who suffer from specific persecution, as witnessed by the unlawful arrest of their community leadership in May, and increase in violent attacks and continued propaganda campaigns against Baha'ism in the Iranian media. The EU also voiced its concern at the severe restrictions on freedom of expression, including the closure of newspapers, the clampdown on web-bloggers and on universities, and the detention of political prisoners, in particular women human rights defenders, trade unionists and journalists.

The Iranian authorities have displayed an increasing reluctance to discuss and address human rights cases with the EU. They have continued to refuse to hold a session of the EU-Iran human rights dialogue despite the EU's efforts to pursue it. In December 2007, all EU Member States co sponsored a resolution on human rights in Iran at the United Nations General Assembly. The resolution expressed serious concern at continuing violations of human rights and called on the Islamic Republic of Iran to abide by its freely undertaken international obligations.

Good governance, democracy, human rights and the rule of law are key areas of focus in the EU's relations with and assistance to **Iraq**. The EU promotes the consolidation of security by underpinning the system of the rule of law and promoting a culture of respect for human rights and endorses a model of democratic government that overcomes divisions and supports the implementation of the International Compact with Iraq, with Iraqi commitments on rule-of-law and human rights.

Through its Integrated Rule of Law Mission for Iraq (EUJUST LEX), the EU continued to provide training in EU Member States to senior officials from across Iraq's police force, judiciary and penitentiary services at Iraqi request. The EC has been involved in supporting the rule-of-law and justice sector in Iraq since 2005. Emphasis is given to the practical application inside Iraq. In 2007, the Commission allocated funding specifically for supporting the rule-of-law and justice sector through the strengthening of key public and private institutions and capacities. Support is provided to several public and private institutions and to the development of civil society in the field of Human Rights. Given the plight of the internally displaced and refugees particularly in the region, EC funding was also provided for humanitarian support to address this situation.

In September 2005, the EU and Iraq signed a Joint Declaration on Political Dialogue. The EU has used this dialogue to promote the EU's human rights objectives and to raise its concerns regarding human rights in Iraq. The EU expressed its disappointment at the reintroduction of the death penalty in Iraq, in September 2005, and has repeatedly called for its abolition since then. The EU is currently negotiating a Trade and Cooperation Agreement with Iraq which is expected to include a human rights clause, establish a framework for cooperation on human rights issues and address various issues including the rule of law and the International Criminal Court.

Public awareness of human rights issues in **Saudi Arabia** appears to be increasing, and the EU wishes to build on this positive trend and continue dialogue with Saudi Arabia on these matters. Serious concerns over the human rights situation in Saudi Arabia remain, however, both in relation to individual cases and on issues of general concern such as the death penalty, the situation of women and the freedom of the press. The EU continued to raise its concerns with the Saudi authorities, bilaterally and in meetings with the Gulf Cooperation Council.

The EU continued to assist the Republic of **Yemen** in its reform efforts, including in the area of human rights and fundamental freedoms. As a country committed to representative democracy and human rights, Yemen represents an obvious human rights interlocutor for the EU in the Arab Gulf region. A positive democratic development in Yemen, including successful implementation of its declared human rights ambitions, will, however, depend on the country's ability to combat poverty, fundamentalism and terrorism. The EU will continue to provide know-how and capacity-building assistance in all of these areas, in cooperation with the Yemeni authorities.

6.6. Asia

Human rights is a key dimension of EU political relations with countries in the region. The EU pursues its goal of human rights promotion and democratic consolidation through a whole array of foreign policy instruments, in particular through the inclusion of human rights clauses in bilateral agreements,

the negotiation of Partnership and Cooperation Agreements, the discussion of human rights issues in the context of regular political dialogue meetings, the organisation of dedicated dialogues on human rights and the establishment of election observation missions. In addition, the EU has been consistently pursuing its human rights policy within Asia-Europe Meeting (ASEM), a multilateral process including countries from both the European and the Asian regions. The EU commended that the ASEAN Charter, as adopted by the Association of Southeast Asian Nations (ASEAN) includes the promotion and protection of human rights and fundamental freedoms and thus envisages the establishment of an ASEAN human rights body, which would be the first such regional institution in Asia.

While acknowledging the general progress with regard to human rights in the continent, the EU considers that much more needs to be done, in particular regarding the situation of minorities, refugees and socially vulnerable groups, freedom of expression, freedom of association and weak and non-independent justice systems.

North-East Asia

During the period under review, the human rights situation in **China** came under intense scrutiny by the international community and civil society due to the hosting of the Olympic Games in August 2008. Based partly on promises made by China as part of and during its Olympic bid, notably complete media freedom for foreign reporters before and during the Games, there were high expectations that China would strive to present a positive image to the world by improving human rights. These expectations were altogether not met and, on the contrary, preparations for the Games led to a strengthening of security measures at the expense of civil liberties and paradoxically contributed to human rights violations in some cases. These included the silencing of critical voices through intimidation, harassment and arrests ahead of the Games, Internet control, forced evictions of people from their homes to make room for Olympic construction works and a general clean-up operation in Beijing involving rounding up of petitioners, activists and others.

The EU carried out an unprecedented number of démarches, including on some high-profile arrests and sentencing of human rights defenders such as Hu Jia, who was also subject of a rare public EU statement. Two meetings of the EU-China human rights dialogue took place during the reporting period¹²⁷ and human rights concerns were also raised during other high-level political dialogue meetings, including the College of Commissioners' visit in April 2008.

The March 14 disturbances in Lhasa and subsequent unrest in other areas inhabited by Tibetans further tainted China's human rights record and made it the target of international criticism. While it is clear that serious violations of human

rights were committed, their full extent is difficult to assess since Tibet was effectively sealed off. The reported number of dead, wounded and detained varies widely and there is continuing concern about maltreatment and torture of detainees, the absence of internationally guaranteed fair trial rights and an intensified patriotic re-education campaign.

On 17 March the EU issued a public declaration which, *inter alia*, called on the Chinese Government to address the concerns of Tibetans with regard to issues of human rights and encouraged both sides to enter into a substantive and constructive dialogue with a view to reaching a sustainable solution acceptable to all that would fully respect Tibetan culture, religion and identity. Following international pressure, two meetings have taken place between the representatives of the Dalai Lama and the Chinese authorities, but with few concrete results so far.

Repression of cultural and religious identity remained a problem with regard to the Uighur minority in Xinjiang Province.

On the other hand, the Sichuan earthquake in May galvanised an outpouring of international sympathy and support for the Chinese people and initial openness in reporting and news coverage contrasted favourably with the secrecy surrounding the Tibet events.

Overall, the reporting period showed no progress on some of the main areas of concern for the EU which include the ratification of the ICCPR, freedom of expression and association, with particular emphasis on human rights defenders, reform of the criminal justice system and abolition of re-education through the labour system, prisoners' rights, freedom of religion and rights of persons belonging to minorities. On the other hand, there were some positive developments especially in the area of economic, social and cultural rights, such as the adoption of a new Labour Contract Law, which increases the protection of workers, as well as on review of death penalty cases.

The EU has followed with concern the worsening of the situation in **Japan**¹²⁸ with regard to the death penalty. HoMs in Tokyo have organized several meetings with members of the Japanese government, the parliamentarians, and with NGOs in order to convey the EU's message about the unacceptability of the capital punishment.

The EU remained seriously concerned about the grave violations of human rights in **Democratic People's Republic of Korea** (DPRK). It repeatedly voiced its concern in international fora and in bilateral talks and continued to urge Pyongyang to improve the situation. Human rights concerns were raised with DPRK during the EU Troika visit (Director level) to Pyongyang (December 2007) by the resident ambassadors of the EU Member States and during meetings with DPRK officials in Brussels and in other EU Member States.

¹²⁷ See Chapter 2.6.1., Human rights dialogue with China.

¹²⁸ See Chapter 2.6.6., Troika consultations on human rights.

On the occasion of the fifth World Day against the Death Penalty in October 2007, the European Union reiterated its longstanding position against the death penalty in all circumstances. The EU is deeply concerned by the fact that in the Democratic People's Republic of Korea people are still being sentenced to death and executed. The EU noted with great concern the rejection of the UN General Assembly's resolution on the moratorium on the death penalty by the Government of the Democratic People's Republic of Korea in December 2007.

At the latest meeting of the UNGA III Committee, the specific resolution on the human rights situation in DPRK tabled by the EU was adopted by a comfortable margin. The EU also tabled a resolution on DPRK adopted on 28 March 2008 by the Human Rights Council. This resolution urges Pyongyang to improve its human rights record and permits the extension of the mandate of the UN Special Rapporteur for Human Rights in DPRK.

The EU has also urged Pyongyang to show leniency towards DPRK citizens who cross the border in search of food and are subsequently sent back home. Many North Koreans continue to risk escaping abroad in search of food and work, a trend exacerbated by the massive flooding which damaged crops and homes.

Concerned by the food shortage in DPRK, the EU continued to provide food security. It also welcomed the appeal for food aid lodged by DPRK with the World Food Programme.

The EU regarded favourably the de facto moratorium on the death penalty which has been in force for ten years in the **Republic of Korea** and encouraged Seoul to introduce a de jure moratorium with a view to the rapid abolition of the death penalty.

South-East Asia

The EU continued to follow very closely the situation in **Burma/Myanmar**, in particular in view of the violent repression of peaceful demonstrations in September 2007. The EU raised this matter with many partners, mainly from Asia, and issued a number of Council conclusions, EU declarations and Presidency statements on the events in question and also on the prolongation in May 2008 of the house arrest of Daw Aung San Suu Kyi, leader of the National League for Democracy and Nobel Peace Prize winner. The EU called for lifting of all restrictions on her as well as the release of other political prisoners and those imprisoned during the August/September 2007 demonstrations and since.

In August/September 2007, the EU repeatedly urged the Government not to use violence against non-violent demonstrators and expressed its solidarity with the people of Burma/Myanmar, and its admiration for the courageous monks and other citizens who were exercising their right to demonstrate peacefully.

In response to the violent crackdown on peaceful demonstrations in September 2007, which it deplored, the EU strengthened the existing sanctions to include a ban of trade in gems and timber from Burma/Myanmar and related investment. In April 2008 the EU renewed in its strengthened form the Common Position on restrictive measures against individuals in Burma/Myanmar who benefit most from misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.

The EU actively supported the good offices of the United Nations, including the work of Secretary-General Ban Ki-Moon and Special Adviser Ibrahim Gambari as well as former and present Special Rapporteurs on the situation of human rights in Myanmar, Sergio Pinheiro and Tomás Ojea Quintana. The EU initiated the holding of a special session on Myanmar of the Human Rights Council on 2 October 2007 and successfully tabled several resolutions on the human rights situation in Myanmar. The resolution adopted by consensus in June 2008 was the strongest in years.

In order to support the UN's good offices in a more consolidated manner and to communicate EU positions more actively, in particular to Asian partners, in November 2007 the EU appointed Piero Fassino of Italy as Special Envoy for Burma/Myanmar. EUSE Fassino has worked closely with UNSA Gambari and consulted with a number of Asian partners and other members of the UN Group of Friends on Myanmar.

The EU supported the results obtained by the missions to Myanmar of UNSA Gambari but regretted the lack of substance in the talks between Burmese authorities and Daw Aung San Suu Kyi, as well as the decision to extend her house arrest and to imprison the political activists who were demanding her release. The EU also regretted the lack of credibility of the constitutional referendum conducted on 10 and 24 May 2008 amid an overall climate of intimidation. EU representatives regularly underlined that the holding of the referendum according to international standards and the release of Daw Aung San Suu Kyi, under continued arrest without charge for over six years, would have helped to begin a process of national reconciliation and genuine democratic transition, which Burma/Myanmar needs more than ever after the natural disaster that struck at the beginning of May 2008.

Regarding the disaster caused by cyclone Nargis, the EU immediately made substantial emergency aid available and sent as many experts to the terrain as possible. The EU used public declarations and diplomatic channels to urge the authorities to improve access to the country and the affected areas and, when appropriate, welcomed improvements such as the decision of the authorities to grant access to foreign aid workers regardless of nationality. However, the EU continued to express concern that progress was not swift and comprehensive enough and issued further strong appeals to the Myanmar authorities to continue to improve access and streamline bureaucratic procedures.

The EU expressed appreciation for the coordination and facilitation role played by the United Nations and ASEAN countries. The EU continued to work with international and local agencies and NGOs to bring relief to survivors of the cyclone. The EU still hopes that the authorities of Burma/Myanmar will seize the opportunities presented by the substantial and generous offers of international assistance and genuinely engage with the international community.

The EU remains concerned about the lack of rule of law and violations of human rights relating to land and housing disputes in **Cambodia**. The EU is also deeply concerned about the existence and the extent of human trafficking of Cambodian citizens.

The EU followed the holding of local elections that took place in April 2007. As a result of an invitation from the Royal Government of the Kingdom of Cambodia and the National Election Committee of Cambodia, the EU deployed an Election Observation Mission (EOM) to observe the National Assembly elections on 27 July 2008. The EU EOM consisted of 130 observers and was deployed for a two-month period. As usual, the EU EOM monitored all aspects of the electoral process and assessed the extent to which the election complies with international and regional standards for elections, as well as with domestic law.

The EU (European Commission and several Member States) also continued to support the Khmer Rouge Tribunal (Extraordinary Chambers in the Constitutional Court of Cambodia - ECCC) which, in autumn 2007, began trying former senior leaders of the Khmer Rouge regimes who are alleged to have committed serious crimes.

In general, the EU has increasing confidence in government of **Indonesia** as regards its commitment to uphold respect for human rights. The EU recognised progress in Indonesia in setting legal human rights standards, with two Constitutional Court decisions of July 2007 overturning legal restrictions on free expression. Noteworthy among many positive aspects are the flourishing civil society and the freedom of the media.

On a practical level, the EU remains concerned about human rights aspects, notably the relations between religious groups and within religious beliefs. The human rights situation in the provinces of Papua and West Papua has revealed a gap between Indonesia's international commitments and the reality on the ground. The human rights situation in the province of Aceh should likewise be monitored. The EU noted the difficulties in bringing perpetrators of serious human rights violations to justice.

In April 2008, the EU was startled by a ministerial decree practically banning activities of the Ahmadiyah faith. The decision could be seen as unconstitutionally curbing religious freedom and hence as a setback to Indonesia's tradition of respect for moderation, tolerance and pluralism. The EU made a démarche in respect of the Ahmadiyah movement and underlined the importance of guaranteeing the rights of all persons belonging to religious minorities to practice their faith freely.

The EU remains concerned also about the accountability for past human rights abuses and the treatment of human rights defenders. Judicial authorities have made little progress in tackling past violations. Police and security forces still enjoy wide-ranging impunity. In some regions of Indonesia human rights defenders are still subject to intimidation and harassment by security forces.

An EU-Indonesia human rights dialogue was agreed during the Senior Officials Meeting in Yogyakarta in March 2007. A meeting of the Political Directors of the EU Troika and Indonesia (Jakarta, May 2008) confirmed the readiness of both sides to launch a regular human rights dialogue to exchange views and best practices on human rights issues of global, regional, and domestic relevance.

In **Laos**, the EU continued to follow the treatment of Hmong asylum-seekers, who flee persecution by the Laotian authorities. In December 2007, the New York Troika met at human rights expert level with representatives of two NGOs: the Society for Threatened People and the Lao Human Rights Council. The 2nd Government of the Lao-European Commission Informal Working Group on Cooperation in the areas of institution building and administrative reform, governance and human rights took place in March 2008. At the meeting, the EU highlighted the role of civil society in democratic development and fostering social capital. It also expressed its concerns on the forced repatriation of Lao Hmong in Thailand. The EU actively promotes the International Criminal Court in Laos. For instance, in February 2008, Commissioner Benita Ferrero-Waldner participated in a workshop on the ICC and civil society in Laos, during which she urged Laos to take steps towards ratification of the Rome Statute and confirmed the European Commission's support in this process.

The EU welcomed the decision of the Government of the **Philippines** to ratify the Optional Protocol to the OPCAT Convention against Torture in April 2008 and the commitment to stamp out the scourge of extrajudicial killings affecting political activists, journalists, human rights activists, judges and lawyers, and bring the perpetrators to justice.

Following political discussions between the Government of the Philippines and the EU and expression of interest by the Government in EU technical assistance, the EU indicated its readiness to help address the issue of extrajudicial killings and the atmosphere of impunity that has been prevalent in the past. Following a Needs Assessment Mission in 2007 and a detailed review of the experts' recommendations, the authorities of the Philippines and the EU agreed on how EU assistance could best help strengthen the investigation and prosecution of extrajudicial killings.

Through an EU Justice Assistance Mission, which is to start work in 2008, the EU would provide support, advice, technical assistance and training in areas such as the criminal justice system (judiciary, prosecution, police), the Commission

on Human Rights and civil society, including human rights awareness training for both police and military. The EU has also proposed to support the establishment of a credible and effective national monitoring mechanism, which would bring together all Philippine stakeholders to help track progress in addressing this issue.

The EU continued to pay close attention to **Thailand** after the military coup in September 2006 and noted with satisfaction that democratic elections were conducted on 23 December 2007, following which a civilian government took office. The EU continues to closely monitor political developments, including in the south of Thailand, where extrajudicial killings, forced disappearances and torture cases by security forces are regularly reported. A concern that the EU regularly raises with the Thai Government is the treatment of Hmong asylum-seekers, who flee persecution by the Laotian authorities and who are being forcibly returned to Laos without independent monitoring or refugee screening, and the situation of illegal immigrants in Thailand – many of whom are from Burma/Myanmar.

The presidential and legislative elections in 2007 in **Timor-Leste** were an important milestone on the road to nation-building and establishing stable and accountable democratic structures and institutions. The EU congratulated the Timorese people for having shown their commitment to democracy and peace by participating peacefully and in large numbers in the parliamentary elections. In February 2008 the EU firmly condemned the assassination attempts on President Ramos-Horta and Prime Minister Gusmão. These attempts only strengthen the EU's firm determination to support Timor-Leste's institutions and their development in order to protect the country's future. The EU Member States and the European Commission remain fully committed to supporting Timor-Leste in addressing the difficult challenges ahead, which include rebuilding the security sector, re-establishing the rule of law and guaranteeing the socio-economic development of the people of Timor-Leste in a peaceful and stable environment.

Despite the broadly positive trajectory of change in the area of civil and political rights in recent years, **Vietnam** remains a country of particular concern because of restrictions on freedom of expression (in particular Internet censorship and stiff prison sentences for so-called 'Internet dissidents') and freedom of religion, as well as the continued use of the death penalty, which contrasts worryingly with the overall positive development of the country in terms of greater economic openness and socio-economic progress.

Governance and the respect for human rights are prominent areas of cooperation in the EU-Vietnam partnership. They are regularly discussed within an EU-Vietnam Subgroup and at local Troika level. On 30 May 2008, the 3rd meeting of the Vietnam-EC Subgroup on Cooperation in the Areas of Institution-Building and Administrative Reforms, Governance and

Human Rights under the EC-Vietnam Cooperation Agreement took place in Hanoi. During this meeting, the International Criminal Court, human rights and governance issues, migration and the role of civil society were discussed and a number of concrete initiatives agreed, in particular in the areas of migration, governance and civil society, to be carried out before the next meeting of the Subgroup in Brussels in 2009.

On 10 June 2008, the six-monthly local EU-Vietnam human rights dialogue in Hanoi discussed a number of issues, including freedom of expression and religious tolerance. Both sides also decided on policy actions and technical cooperation in the field of human rights. Vietnam's Master Plan for the further development of EU-Vietnam relations (which refers to the principles of governance and human rights) and the future Partnership and Cooperation Agreement under negotiations since November 2007 should reinforce these dialogues further.

The EU is actively involved in activities that aim at improving the quality of life of the disadvantaged and poor. The Commission is implementing a EUR 18 million project (2006-2010) with the main objective to improve health standards by providing high-quality preventive, curative and promotive care to the poor living in the Northern Uplands and Central Highlands. Additionally, the Commission contributes EUR 11,45 million in grant aid to a project implemented by the World Bank, that will provide an increased coverage of essential health services, particularly at commune level in the mountainous areas in Vietnam. The project is expected to benefit some 3 million people, mostly ethnic minorities and poor people.

In addition, the EU actively promotes the International Criminal Court in Vietnam. For instance, in May 2008, the EC Delegation in Vietnam coorganised together with the Vietnamese Ministry of Justice a regional seminar on the International Criminal Court. This was the first time that the Government was involved in such a seminar.

South Asia

Afghanistan remains one of the top long-term priorities of the European Union. The high level of importance that the Council attaches to relations with Afghanistan is reflected in the fact that it adopted three sets of substantial conclusions during the period under review, on 10 December 2007, 10 March 2008 and 26 May 2008. All of these highlighted the particular importance of human rights, the promotion of which is a cross-cutting priority for the EU. Special attention was devoted to human rights violations related to violence against civilians, in particular the rights of women and children, as well as to the abolition of the death penalty and the eradication of torture. In general, the EU remained committed to working with the Government of Afghanistan to strengthen its human rights institutions and mechanisms. The EU continued to urge implementation of the transitional justice action plan. It also continued to urge the Government of Afghanistan to promote media freedom.

Human rights were one of the key subjects on the agenda for the ministerial Troika held in Brdo, Slovenia, on 21 February 2008. Particular discussion was devoted there to the death penalty and the situation of women and girls in Afghanistan. Human rights also figured during the visit to Afghanistan by EU HR Javier Solana, on 21 April 2008. He used this occasion to address various issues of concern in EU-Afghanistan relations, including the death penalty.

More recently, on 12 June 2008, the EU played a leading role at the Paris conference in support of Afghanistan. All those represented at the conference committed themselves to promoting respect for human rights for all Afghans. The conference noted the vital importance for the protection of human rights of establishing rule of law. This is a field in which the EU has made a particular contribution through its police mission, EUPOL Afghanistan. The conference also made a commitment to supporting implementation of the National Action Plan for Women and emphasised the continuing need to ensure respect for international humanitarian law.

The EU continued to monitor the situation in **Bangladesh** following the visit by a troika of Regional Directors to Dhaka on 6 to 9 June 2007. Throughout the period under review, the EU favoured quiet diplomacy to deliver a number of targeted messages to the caretaker government and civil society. The EU welcomed moves towards the establishment of a National Human Rights Commission for Bangladesh in the expectation that it would respect the Paris principles. More generally, the EU continued to track the political reform process in Bangladesh, including the drive against corruption and with a particular emphasis on Bangladesh's compliance with international human rights obligations. The EU regularly raised human rights concerns with the Bangladesh authorities. The prime opportunity to address issues of mutual concern came during the visit to Brussels by Foreign Adviser (Minister) Chowdhury in April 2008, when he had meetings with HR Solana and Commissioner Ferrero-Waldner. The main EU message on this occasion was to urge the caretaker government to respect its declared timetable for a return to democracy.

Since the suspension of elections in January 2007, the EU has supported the establishment of conditions for credible parliamentary elections by December 2008. To this end, the EU sent an exploratory election mission to Bangladesh in June 2008. The aim of this was to assess whether re-deployment of the European Union Election Observation Mission (EOM), suspended on 11 January 2007, for the parliamentary elections scheduled to take place in December 2008 would be useful, feasible and advisable, in accordance with the criteria set out in the communication on EU Election Assistance and Observation (COM(2000) 191 final).

The European Union continued to support good governance in **Bhutan** during a historic year for the country. On 24 March 2008, for the first time ever, the Bhutanese people elected a

National Assembly. The EU deployed an Election Observation Mission to observe this process: it gave a broadly positive assessment of the democratic transition towards a constitutional monarchy providing assurances for the fundamental rights of citizens.

In **India**, the continuing discrimination and violence faced by minorities and socially vulnerable groups is of concern. The EU's relations with India continued to develop within the framework of the Joint Action Plan agreed in New Delhi on 7 September 2005. The eighth India-European Union Summit was held in Delhi on 30 November 2007. Both sides reaffirmed their shared commitment to the values of democracy, fundamental freedoms, pluralism, rule of law and respect for human rights. In addition, the leaders stressed the importance of eliminating impunity for perpetrators of genocide, war crimes and crimes against humanity. Also at the Summit, the EU and India agreed to work jointly towards strengthening the role of the UN Human Rights Council. On 15 February 2008, the EU Troika and its Indian counterparts held their fourth human rights dialogue, which the EU is committed to developing and strengthening.

The EU used a declaration issued on 27 September 2007 to express its full support for the process of democratic reform in the **Maldives**. The EU continued to use its good offices to encourage cross party cooperation with a view to the adoption of a constitution acceptable to all the people of the Maldives and which would guarantee their fundamental rights.

For the fourth year running, the EU sent a troika of Regional Directors to visit **Nepal** in December 2007. The main aim of this was to offer continued EU support to the people of Nepal for ensuring popular ownership of the peace process. Meetings with civil society, including human rights defenders and representatives from marginalised groups, formed an important part of the programme. A particular priority for the troika was to urge all parties to uphold the rule of law and tackle impunity, allowing Nepalese people to live without fear. The EU specifically encouraged the Government to act on recent Supreme Court rulings concerning human rights abuses. The troika also pressed the Government to implement its agreements with marginalised groups. Some months later, following the historic agreement between the political parties, the EU played a significant role, at the request of the Nepalese Government, in observing elections to a Constituent Assembly. These open the prospect of a new, inclusive Nepal, based upon equal rights and equality before the law.

Pakistan came under unprecedented attention from the EU in 2007-2008. Above all, this was driven by preparations for the general parliamentary elections held on 18 February 2008. The EU was able to play a positive, constructive role in this process through the deployment of its Election Observation Mission. This contributed to general acceptance of the results in difficult circumstances, resulting in increased public confidence in

democracy in Pakistan. The Council welcomed the transition to new governments at federal and provincial levels and the initial steps taken to restore judicial independence. Since then, the EU has underlined its commitment to continuing support for the people and Government of Pakistan through strengthening dialogue. One of the EU's main priorities is the promotion of human rights, paying special attention to the rights of women and children. The biannual exchange on human rights between the EU Heads of Mission in Islamabad and the Government of Pakistan underlines this commitment. The EU is also committed to exploring ways to support the strengthening of democratic institutions, with particular focus on institution-building and legislative reform.

The European Union followed with dismay the deterioration in the human rights situation in **Sri Lanka** during the period under review. In particular, the EU deeply regretted the decision by the Government of Sri Lanka to abrogate the ceasefire agreement concluded in 2002 with the Liberation Tigers of Tamil Eelam (LTTE). This decision and the current military campaign were responsible for a worsening of the country's already difficult situation, including the humanitarian and human rights situation. The EU was similarly concerned by LTTE acts of terror during the period which reached an unprecedentedly high level with alleged repeated indiscriminate attacks against civilians; equally worrying were the serious human rights abuses committed by the LTTE including targeted killings, use of child soldiers and forced conscription.

Faced with this situation, the EU decided to send a troika of Regional Directors to Sri Lanka in March 2008. This emphasised binding commitments shared by the EU and Sri Lanka under the international conventions signed by both, especially regarding human rights and international humanitarian law. The troika expressed serious EU concerns about continuing reports of human rights abuses in Sri Lanka, portraying a prevailing climate of impunity with widespread abductions, disappearances, use of torture and arbitrary arrests and targeting of journalists. It noted with regret the decision by the Independent International Group of Eminent Persons (IIGEP) to terminate its work with the Presidential Commission of Inquiry because of concerns about its compliance with international standards and institutional lack of support for the work of the Commission. The EU underlined the seriousness of calls by the IIGEP and the UN High Commissioner for Human Rights for the Government to deliver concrete results through considering their recommendations seriously, taking cases to court, and ensuring effective and independent human rights monitoring. The EU also emphasised the importance of guaranteeing access to Kilinochchi for the Norwegian facilitator, to allow the delivery of key messages to the LTTE about returning to the peace process, observing humanitarian access and human rights.

EU concerns were reiterated during the EU-Sri Lanka Joint Commission in June 2008.

Pacific

The European Union remained concerned about the internal situation in the **Republic of Fiji** and the delays in implementing the commitments made by the Fijian authorities in Brussels on 18 April 2007 as part of the consultations under Article 96 of the ACP-EC Partnership Agreement. To verify progress regarding the implementation of the commitments given in the context of the Article 96 consultations and related to the fields of democracy, rule of law and human rights, and to address remaining concerns, the EU in June 2008 conducted a fact-finding mission to Fiji. The mission served to reassert the EU approach to the crisis following the coup of December 2006 and to seek to maintain a constructive dialogue based on shared values. It also discussed the main issues raised in the letter dated 9 May 2008 addressed by the interim Prime Minister, Mr Bainimarama, to Commissioner Michel, which had mentioned the possibility of delaying the elections in order to allow time for electoral reform. While the mission as such was successful, the situation in the country remains very fragile, and the EU is resolved to continue looking at it very closely. The EU also expressed concern at reports of alleged abuses perpetrated by the military and police on those arrested on suspicion of plotting to overthrow the Fiji Interim Government. In this context, the Presidency of the EU in the winter of 2007 urged the authorities to ensure that the rule of law was upheld and that due legal process was followed. The EU called on the Interim Government of Fiji to respect the human rights of everyone in Fiji, and urged the Interim Government of Fiji to conduct a full investigation into the alleged abuses in line with its abovementioned commitments.

6.7. Latin America and the Caribbean

The EU closely follows the human rights and security situation in Latin American and Caribbean (LAC) countries and attaches great importance to the process of continuous democracy building and peaceful democratic transition in the region. The EU closely cooperates with the region on these issues in the multilateral framework and financially supports projects and programmes aimed at the protection and promotion of human rights, including the rights of indigenous peoples, democratisation and non-discrimination through, notably, the European Instrument for Democracy and Human Rights and the Instrument for Stability. The EU contributes to democratic consolidation in the region by, inter alia, deploying EU Election Observation Missions to the region. Two such missions were deployed in 2007 (to Ecuador and Guatemala).

Human rights clauses form an integral part of all agreements concluded and under negotiations with the countries of the region. Notably, the EU is currently negotiating Association Agreements with the countries of Central America, the Andean Community and with Mercosur, which include political dialogue, cooperation and trade liberalisation sections. Human rights and security issues are important components taken into

account in all chapters of the Agreements. Human rights are also being discussed in the context of the new strategic partnerships envisaged with Brazil and Mexico. With certain countries, such as Argentina, sectoral dialogues on human rights form part of regular political consultations. Institutionalised political dialogues are also established with Chile and Mexico under the existing Association Agreements. These dialogues include regular discussions of human rights issues at Senior Officials level.

At their V Summit in Lima, Peru (16 May 2008) the leaders of the EU and LAC reiterated that respect for the rule of law and the values and principles of democracy and human rights prevail within a framework of solidarity and equality and form the basis of the EU-LAC strategic bi-regional partnership. They committed themselves to significantly improving the quality of life of their peoples within the framework of universal human rights, including civil, cultural, economic, political and social rights and fundamental freedoms for all without discrimination. In Lima declaration attention was also called to the deteriorating food security situation and encouraged governments and international organizations to improve citizens right to food as one aspect of human rights. Human rights were also addressed by the mini-Summits held with the sub-regions of the continent and during bilateral meetings between EU and LAC leaders in Lima.

The EU closely follows the human rights situation in **Central America**, and encourages the efforts made by the region to address the challenges of democratic security. At the EU-Central America Summit in Lima on 17 May 2008, the EU welcomed the significant progress made in this field by the Central America region mainly as a result of the adoption of a series of initiatives, including the Security Strategy for Central America designed to tackle the problems of violence and those related to young people at risk or in conflict with the law¹²⁹. The Commission is supporting security efforts at both national and regional levels in particular through a number of cooperation activities in the areas of prevention of youth delinquency, regional integration and reform of justice.

In **Guatemala**, the EU Heads of Mission have set up a working group which checks the human rights violation reports, in particular concerning human rights defenders and proposes actions. A series of positive achievements can be highlighted: the establishment of the International Commission against Impunity in Guatemala (CICIG) financially supported by a number of Member States and the Commission; the ratification of the Hague Convention and adoption of the implementing law, together with the establishment of the new National Council on Adoptions to approve and supervise the legal proceedings regulating international adoptions; the adoption of the law on femicide and violence against women, for which the preparatory work was supported by the Commission within a project on reform of the justice sector; and the State's broad engagement

with international mechanisms for the protection of human rights, including its support to the Human Rights Council. The EU expressed to the Guatemalan authorities its deep concern on the adoption of the so-called law regulating the commutation of the death sentence and welcomed the decision of the Guatemalan President to veto the law.

The EU is concerned of the escalating security situation and increased violence in Mexico and appreciates the efforts made by **Mexico** in promoting and defending human rights at multilateral level, and notably in the HRC, and has continued discussing HR and security issues including feminicides in its regular political dialogue, including at ministerial level. The Commission continues to support projects and actions aimed at enhancing human rights in Mexico, in particular at state and local levels.

As regards the **Andean Community**, during the past year the EU consistently denounced all human rights abuses and terrorist acts in **Colombia**, by whoever they were committed. The Council recognised the improved security situation and the strengthened efforts by the Colombian Government to restore peace and justice in a very complex situation. However, the implementation of the Justice and Peace Law (JPL), Colombia's legal framework for transitional justice, is far from complete. The EU urged the Colombian Government to support and resource the quick and efficient implementation of all aspects of the JPL, in a manner that gives priority to victims' rights to truth, justice and reparation. The EU contributed to the various aspects of the process through its cooperation, inter alia by providing assistance under the Instrument for Stability to victims' organisations. The EU called upon all illegal armed groups to engage sincerely in the search for a negotiated solution to the internal armed conflict. The Council repeated its demand that the illegal armed groups that still detain hostages release them immediately and unconditionally and demanded that they refrain from any future kidnappings. In numerous contacts with Colombian authorities, the EU encouraged the Colombian Government's determination to improve the armed forces' respect for human rights and welcomed the progress made in this respect. It also articulated its preoccupation about a new wave of attacks on and threats against human rights defenders, trade unionists and other vulnerable groups, and called on the government to condemn these publicly whilst stepping up measures to protect persons under threat. The Council expressed concern about the emergence of new paramilitary and other armed criminal groups and called on the Colombian Government to increase its ongoing efforts and step up the measures it is taking to fight these groups¹³⁰. The EU also held regular contacts with NGOs in Bogota and in Brussels. Démarches were carried out and a declaration was issued in May 2008 to express EU concerns about a wave of murders and death threats of leaders of social organisations and human rights defenders.

¹²⁹ 9538/08.

¹³⁰ Council conclusions, doc. 15040/07.

In **Peru** the EU made several démarches on Government's attempt to expand the scope of the death penalty, and recalled Peru's commitments under the San José Pact and the Inter-American human rights system. Partially due to the EU active diplomacy the Peruvian Congress rejected the proposed amendments to the Constitution.

The EU welcomed the participation of the people of **Venezuela** in the December 2nd referendum on constitutional reform and noted that it took place in a transparent manner. In contacts with representatives of the various groups in Venezuela, the EU recalled the need to respect democratic principles and human rights, and reiterated its determination to support consolidation of democracy and good government in Venezuela, as well as alleviation of poverty, inequality and exclusion.

As to the Caribbean, in its conclusions on an EU policy on **Cuba** adopted in June 2008, the Council urged the Cuban Government to improve effectively the human rights situation by, inter alia, releasing unconditionally all political prisoners, including those who had been detained and sentenced in 2003. This remains a key priority for the EU. It also called on the Cuban Government to facilitate access of international humanitarian organisations to Cuban prisons. The Council further called upon the Cuban authorities to ratify and implement the recently signed International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to deliver on the commitment to human rights it had made by signing the two human rights covenants in question.

In renewing the Common Position on Cuba the Council confirmed the two-track approach that EU continues human rights dialogue with the government and with the peaceful civil society. There is an understanding among the MS that during high-level visits human rights issues should always be addressed and meetings with the democratic opposition should be part of high-level visits, where appropriate.

The EU also reiterated its call on the Cuban Government to grant freedom of information and expression including access to the Internet and invited the Cuban Government to cooperate on this matter¹³¹.

The EU continued to sustain the reinstatement of democracy in **Haiti** by supporting the UN Security Council's peacekeeping operation - MINUSTAH - and providing assistance to the electoral process. An overall increase of the security level, mainly due to the actions undertaken by MINUSTAH in the shantytowns of the biggest Haitian cities, permitted the launching of the activities aimed at consolidating the fragile stability. Under the new EU Stability Instrument the programme of the reconstruction of the Martissant neighbourhood of Port-au-Prince was initiated. The EU continued to assist the Government efforts to tackle the difficult situation of the judiciary and penitentiary systems in Haiti. Human rights with a special focus on the situation of children and food security are to be further addressed in the political dialogue between the EU and Haitian Government under the EC initiative for countries in fragile situations.

¹³¹ Council conclusions, doc. 11076/08.

7. Analysis of effectiveness of EU actions and instruments

The promotion and protection of human rights and fundamental freedoms, democracy and the rule of law are principles which the European Union is determined to take into account not only in its internal policies but also in its external relations.

Consequently, as has been highlighted throughout this report, the EU has become a key actor in the field of human rights. To that end, it has developed a wide range of instruments with which to advance and protect human rights. The Guidelines on priority thematic issues (death penalty, torture, human rights defenders, child soldiers, rights of the child, etc.), public declarations, démarches on individual cases of human rights violations, dialogues or consultations with third countries, common positions and the Community instrument for financing civil society projects in the areas of human rights and democracy are all tools available to the EU for promoting human rights.

European Council conclusions

One of the key results of the period under review is undoubtedly the adoption of the European Council conclusions on human rights, concretely on the rights of the child, in particular children affected by armed conflict, in June 2008. The conclusions reaffirm the need for a comprehensive approach to the rights of children affected by armed conflicts that encompasses security, development, and human rights. The conclusions reflect an effort to intensify the mainstreaming of the rights of children affected by armed conflict into EU development policy and programming (on which a set of conclusions was adopted by GAERC in May), into ESDP operations (with a revised Checklist adopted at the May GAERC), as well as the adoption of revised guidelines and with the publication of documents relevant for mainstreaming human rights into ESDP operations.

Mainstreaming human rights

The mainstreaming of human rights in the EU's policies has advanced substantially in recent years, particularly in the context of European Security and Defence Policy, in particular by increasingly appointing human rights and gender advisers in all ESDP missions. This mainstreaming strategy is illustrated by the practice of systematically taking human rights into account in external operations, in particular by appointing human rights and gender advisers. These advisers are responsible, inter alia, for monitoring, and regularly reporting on, the problem of children in armed conflict. During the period under review, the EU has made additional efforts to strengthen the coherence and transparency of its human rights policy. It is important to

make this policy more effective and to have human rights fully taken into account in all relevant policies and actions, within and outside the EU, in order to ensure the EU's credibility vis à vis third countries, including by integrating clauses on human rights and core labour standards systematically in EC negotiations and EU agreements with third countries. The EU human rights guidelines and other norms will be further elaborated and operationalized through the development of practical implementation tools.

Since her post was created in December 2004, **the Secretary General/High Representative's Personal Representative for Human Rights** has raised the profile of this topic within the EU and enhanced the visibility of the EU's action on respect for human rights worldwide. Riina Kionka, who has held this post since January 2007, while heading the Council Secretariat's Human Rights Unit, made a major contribution to continuity and to the taking into account of the question of human rights by addressing the Africa Working Party in April 2008 and the Political and Security Committee and the Asia/Oceania Working Party in June. Ms Kionka is also advocating that this question be more fully taken into account in political dialogues and by EU Special Representatives. This **horizontal approach** to human rights in the EU external policy remains, however, one of the principal challenges for the Member States, the Council Secretariat, and the Commission. The Council's Working Party on Human Rights (COHOM) advocates a systematic inclusion of human rights issue in the agenda of experts' meetings on thematic issues (terrorism, for instance) and 1st and 3rd pillar decisions, and at summits between the EU and third countries¹³². An improved horizontal approach would also increase the **visibility of the EU'S action on human rights worldwide**. Although the EU is one of the most strongly committed actors in the area of human rights, both in financial terms (annual EIDHR budget: EUR 140 million) and politically (more than 30 specific human rights dialogues with third countries), this action deserves to be given a higher profile among the general public.

The EU Guidelines

To direct its action at international level towards the protection and promotion of human rights, in 1998 the EU has adopted Guidelines on human rights as **a basis for its interventions in third countries**. These Guidelines determine the criteria governing interventions, the type of démarches carried out and the content of declarations. For instance, under the Guidelines on human rights defenders, EU embassies may

¹³² See 10076/06 of 7 June 2006 from the Council Secretariat.

send observers to trials and inform their capitals when human rights defenders are in danger. These Guidelines are invaluable documents guiding the EU's action on the ground and **are generally accompanied by an implementation strategy** – for instance, in the case of torture, awareness raising campaigns aimed at persuading third countries to ratify and implement the United Nations Convention and its Optional Protocols. New Guidelines on violence against women could be adopted by the end of 2008, supplementing the six thematic issues already covered (death penalty, dialogues with third countries, torture, human rights defenders, child soldiers and rights of the child).

In 2008, ten years after the adoption of these major thematic orientations and in the context of the 60th anniversary of the Universal Declaration of Human Rights, the EU decided to **update all the Guidelines**. The Guidelines on torture, the death penalty and children and armed conflict were updated during the first half of 2008, and a new implementation strategy for the guidelines on torture was adopted in the same period as well. The EU also carried out an evaluation of the implementation of the Guidelines on human rights defenders: local strategies on this subject in 26 countries were evaluated with a view to identifying possible improvements. The Guidelines on human rights defenders, and on dialogues with third countries, will be updated in the second half of 2008.

A regular assessment of the efficiency of the Guidelines remains one of the main preoccupations. The EU's principal objective is to ensure that the existing guidelines are efficiently applied. There still remain some opportunities for improvement in the area of raising awareness of these guidelines in EU missions, among decision-makers in the capitals and in Brussels and among those to whom the guidelines are intended.

As regards **the death penalty**, sustained action has been conducted on this issue, in accordance with the EU Guidelines, contributing to progress in the abolition of the death penalty throughout the world. In addition to regular démarches and public declarations, the EU has campaigned at the United Nations and secured the passing, in a plenary session of the United Nations General Assembly, of a resolution calling for a moratorium on the use of the death penalty. The resolution, submitted by the EU and 9 other co authors from all continents, was adopted by a comfortable majority despite the campaign conducted against it by some fifty States. Resolution 62/149 was adopted on 18 December 2007 with 104 votes in favour, with 54 States against and 29 abstaining. General demarches raising the issue of the death penalty were carried out in 48 countries in the spring of 2008.

New Guidelines on the rights of the child were adopted in December 2007. The EU then set about developing tailor made strategies for ten priority countries, in close cooperation with UNICEF and the NGOs. This approach should lead to better implementation of these Guidelines.

Dialogues with third countries

The establishment of human rights dialogues with third countries is a key element of the EU's policy to **promote respect for human rights worldwide**. The EU is currently conducting some thirty dialogues with experts in capitals or at local level, while some ten new dialogues are in preparation.

The **2001 Guidelines on dialogues** lay down the framework for these human rights dialogues with third countries. They have been supplemented by a 2004 communication from the Political and Security Committee on their implementation. This coherent working framework does not prevent the specific features of each dialogue being adapted to local circumstances in a flexible and pragmatic way. Whatever format is adopted, the aim of all these dialogues is to raise the issue of human rights with a view to examining, with the third countries concerned, ways of improving the situation on the ground.

The relevance of this instrument for promoting human rights worldwide has aroused **keen interest among third countries in human rights dialogues**, as is evident from the increasing number of such dialogues during the past year. New dialogues have been planned with the five Central Asian States and the Caucasus countries. In a communication adopted in February 2008, the Political and Security Committee welcomed the progress made in the development of specialised human rights dialogues with third countries, which testifies amply to the success of the EU's action in this area. It also noted that the EU needs to **ensure consistency** between these various dialogues and ensure that it has the capacity to respond to requests from third countries.

This exercise conducted by the EU entails its willingness **also to discuss human rights issues within the EU**, which are more and more frequently raised by third countries in the course of dialogues. The EU must therefore continue to ensure the consistency of its actions on human rights, internally and externally, by continuing to examine the way in which it implements its essential values in its own territory.

Consultation and action in international fora

In terms of results, the European Union's action **in the Third Committee at the 62nd session of the United Nations General Assembly (UNGA)** can be assessed as having been very successful. The EU continued to contribute actively to the work of the UNGA's Third Committee, in which it maintained a common position for all votes on resolutions. The concrete results can be considered as quite fruitful. For instance, following the Declaration on the death penalty signed by 95 UN Member States in 2007, and a worldwide campaign of demarches in favour of a draft resolution on the issue, the EU, leading a transregional alliance, secured the passing, for the first time, of a **resolution calling for the establishment of a universal moratorium on the use of the death penalty**. The adoption of such a resolution, despite stiff opposition from some retentionist countries,

marks a genuine turning point on the road towards the universal abolition of capital punishment.

In the first half of the second year of the **Human Rights Council's** existence, institutional questions gave way to substantive issues. The EU was strongly involved, in particular, in the adoption of the Council's operating mechanisms and rules (including the Universal Periodic Review) and managed to preserve the most important elements: the country specific special procedures (except those for Cuba and Belarus) and participation by NGOs. Although the discussions on fundamental issues were highly polarised, and the allocation of seats was not in its favour, the EU succeeded in defending the universality of human rights despite the relativistic conception of them entertained by some States. At the 8th session of the HRC, the EU's firm and united position enabled it to secure the passing, without a vote, of its resolution on Myanmar. The EU has been able to raise country situations by using all relevant parts of the agenda, such as Interactive Dialogues, thematic debates and general statements, and will continue to do so. It is important for the international community to make the Human Rights Council function with effectiveness and credibility. The EU will continue to play a key role in these efforts.

The Universal Periodic Review, an innovative mechanism providing for an automatic peer review, every 4 years, of the situation of human rights in each UN Member State, was established in April 2008. The first two rounds of the review, in April and May 2008, may be assessed relatively positively, with EU

member states having participated actively in the interactive dialogue. However, the UPR's potential for an objective overview of situations in countries will continue to need care, attention, and seriousness. Attempts have already been made to weaken the process, and the EU has consistently countered them.

The EU continues to **reflect on ways of enhancing the effectiveness of its action** in multilateral fora. The EU continued to seek ways to overcome the dilemma of how to present its position to the Council, and the EU continued to speak with a "plurality of voices" while presenting the agreed EU common position through the Presidency, thus reinforcing its message. The EU has also continued being constructive and open for dialogue and negotiations with countries from different regional groups, though the EU recognise that more outreach could be done. Furthermore, the practice of inviting relevant NGOs before, during and after the Human Rights Council sessions to EU-27 human rights expert meetings has proved to be beneficial for both the NGOs and the EU.

In future, the EU needs to work more on planning its initiatives further in advance, to identify its priorities for action more accurately, to intensify contacts with third countries, to share burdens to a greater extent with other like minded countries, and to play a part in rationalising the use of resolutions in the various fora. The EU's strength as an actor in the United Nations bodies is based on unity among its Member States, and it is important to make the best possible use of their joint resources.

8. Conclusions

This 10th Annual Report on Human Rights shows the importance which the European Union attaches to human rights, democracy and good governance in the conduct of its foreign policy. The promotion of and respect for human rights are essential for development, peace and security throughout the world.

The past year has seen a steady increase in the EU's activities in the area of human rights, with the growing number of human rights dialogues, the widening range of thematic issues addressed by COHOM and the establishment of new mechanisms in the Human Rights Council.

Although the EU has achieved some undoubted successes (such as the UNGA Resolution calling for a moratorium on the death penalty), it nonetheless faces new challenges:

- In this year of the 60th anniversary of the Universal Declaration of Human Rights, the universality of human rights is disputed, more than ever, by those who subscribe to relativism based on a tradition, religion, cultural affiliation or history.
- At a time when the European Union is increasingly expected to answer for the situation of human rights within its frontiers, it must be exemplary. It is a question both of consistency and of credibility on the international stage.
- Mainstreaming human rights across all the EU's internal and external policies is the key to ensuring that consistency. In this respect, the action of the Personal Representative of the High Representative for the CFSP, Riina Kionka, is of decisive importance. She will continue to brief geographical and thematic working parties on human rights issues. Human rights must also be more fully taken into account in ESDP operations and in all other relevant European policies, including trade agreements.
- Now that the Human Rights Council and its Consultative Committee have been established and their main rules of operation defined, the EU must remain committed to ensuring that they assert themselves as effective and credible instruments.

To meet these challenges, the EU, which is in a minority position in the Human Rights Council, will have to resist the temptation to remain isolated and endeavour to pursue dialogue transcending regional divisions. It will seek to take new trans-regional initiatives while deepening its cooperation with civil society and in particular with human rights defenders. Only in this way will the European Union be able to pull its full weight in the debates and play its role in the promotion and protection of human rights throughout the world to the full.

ANNEX I

OVERVIEW OF PROJECTS FUNDED UNDER EIDHR BETWEEN 1 JULY 2007 AND 30 JUNE 2008

I/ Projects selected through global calls for proposals¹³³

Organisation	Project Title	Country	Max. EC contribution
MEDIA INSTITUTE FOR SOUTHERN AFRICA EDUCATION & PRODUCTION TRUST	Strengthening the basis for civil society dialogue and democratic discourse: freedom of expression	Namibia	EUR 786.072
TRANSITION MONITORING GROUP INCORPORATED TRUSTEE	Making the votes count: Promoting citizens participation and protection of their mandate during the 2007 local government elections in Nigeria	Nigeria	EUR 589.080
THE BBC WORLD SERVICE TRUST	Support for Palestinian media sector with focus on building sustainable mechanisms for professional development of journalists and media professionals	WB Gaza	EUR 679.796
FONDATION HIRONDELLE MEDIA FOR PEACE AND HUMAN DIGNITY	Strengthening Radio Miraya, the United Nations radio network in Sudan	Sudan	EUR 808.632
THE BBC WORLD SERVICE TRUST	Mobilising the Media in Support of Women's and Children's Rights in Central Asia	Kyrgyzstan, Kazakhstan, Tajikistan	EUR 914.313
JORDANIAN WOMEN'S UNION	Reforming the family laws in Arab countries	Jordan, Egypt, Lebanon, WB Gaza	EUR 816.000
SOROS FOUNDATION KYRGYZSTAN	Development of mechanisms and implementation of social and legal protection from violence against women	Kyrgyzstan	EUR 200.000
MOSCOW GROUP OF ASSISTANCE TO IMPLEMENTATION OF HELSINKI ACCORDS	Combating torture through legal advice, education and advocacy	Russia	EUR 298.262

¹³³ This list does not include sensitive projects which will not be published for security reasons.

2/ Country calls for proposals

Country-based support schemes, CBSS, are being concluded for the following 72 countries: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Bolivia, Bosnia Herzegovina, Brazil, Burundi, Cambodia, Chile, Colombia, Costa Rica, Croatia, Cuba, DRC, Ecuador, Egypt, Ethiopia, Fiji, fYRoM, Georgia, Guatemala, Guyana, Haiti, Honduras, Indonesia, Israel, Jordan, Kazakhstan, Kosovo, Kyrgyzstan, Laos, Lebanon, Mauritania, Mexico, Moldova, Montenegro, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, RCA, Russia, Rwanda, Salvador, Serbia, Sierra Leone, Solomon Islands, Sri Lanka, Sudan, Tajikistan, Turkey, Uganda, Ukraine, Uruguay, Venezuela, Vietnam, West Bank and Gaza, Yemen and Zimbabwe

1/ Funding/projects selected without calls for proposals¹³⁴

Organisation	Project Title	Country	Max. EC contribution
ASSOCIAZIONE EUROPEAN INTER UNIVERSITY CENTRE FOR HUMAN RIGHTS AND DEMOCRATISATION	Support to the European Inter University Centre for Human Rights and Democratisation (EIUC)'s Working Programme 2007-2008	Italy, EU	EUR 1.900.000
CONSEIL DE L' EUROPE	Support to free and fair elections in South Caucasus and Moldova	Armenia, Azerbaijan, Georgia, Moldova	EUR 500.000
CONSEIL DE L' EUROPE	Freedom of expression & information and freedom of the media in the South Caucasus and Moldova	Armenia, Azerbaijan, Georgia, Moldova	EUR 500.000
CONSEIL DE L' EUROPE	Civil society leadership network - Ukraine, Moldova and Southern Caucasus	Ukraine, Armenia, Azerbaijan, Georgia, Moldova	EUR 350.000
CONSEIL DE L' EUROPE	Adoption and Implementation of a comprehensive strategy for the improvement of the living conditions of the Roma and for their integration into society	Ukraine, Moldova	EUR 200.000
CONSEIL DE L' EUROPE	SYNOMIA - Setting up of an active network of independent non-judicial H.R. structures (NHRs - Ombudsmen and HR Commissions at nation-wide and subnation-wide levels)	Italy, France, Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Croatia, Georgia, Moldova, Montenegro, Russia, Serbia, fYRoM, Turkey and Ukraine	EUR 450.000
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	Support to the 2008-2009 Management plan of the United Nations High Commissioner for Human Rights	Worldwide	EUR 4.000.000
ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE	OSCE/ODIHR: project to promote democratisation and human rights in Eastern Europe	Eastern Europe - regional	EUR 600.000
INTERNATIONAL CRIMINAL COURT	Strengthening the ICC - enhancing its universality and increasing awareness on the national level with regard to complementarity	Worldwide, Netherlands	EUR 2.000.000
SPECIAL COURT FOR SIERRA LEONE	Communicating justice and capacity building project	Sierra Leone	EUR 600.000
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	Film directors for human rights	Worldwide	EUR 1.200.000

¹³⁴ Without the Election Observation Missions.

ANNEX II

EU/INTERNATIONAL DAYS IN THE FIELD OF HUMAN RIGHTS

DATE	DAY
6 February	International Day of Zero Tolerance against Female Genital Mutilation
8 March	International Women's Day
21 March	International Day for the Elimination of Racial Discrimination
8 April	International Roma Day
3 May	World Press Freedom Day
17 May	International Day against Homophobia
18 October	EU Day against Trafficking in Human Beings
20 June	World Refugee Day
26 June	International Day in Support of Victims of Torture
9 August	International Day of the World's Indigenous People
10 October	World Day Against the Death Penalty
20 November	Universal Children's Day
25 November	International Day for the Elimination of Violence against Women
3 December	International Day/EU Day of Disabled People
10 December	Human Rights Day

ANNEX III

Further information about the EU's human rights policy is available at:

<http://www.consilium.europa.eu/human-rights>
http://ec.europa.eu/external_relations/human_rights/intro/index.htm
http://www.europarl.europa.eu/comparl/human_rights/

As mentioned in this report, there are a number of international organisations involved in human rights work. Their websites provide further detail on their actions in this field:

United Nations; <http://www.un.org>
International Labour Organisation; <http://www.ilo.org/global/lang--en/index.htm>
Un Office of the High Commissioner for Human rights; <http://www.ohchr.org>
International Criminal Court; <http://www.icc-cpi.int>
Council of Europe; <http://www.coe.int>
European Court of Human Rights; <http://www.echr.coe.int/echr>
Organisation for Security and Cooperation in Europe; <http://www.osce.org>
African Union; <http://www.africa-union.org>
Organisation of American States; <http://www.oas.org>

There are a number of international NGO's which provide a wealth of information on human rights issues across the globe on their various websites, including:

Amnesty International; <http://www.amnesty.org>
Human Rights Watch; <http://www.hrw.org>
International Federation of Human Rights; <http://www.fidh.org>
The International Committee of the Red Cross; <http://www.icrc.org>

LIST OF ABBREVIATIONS

ACHPR	African Commission on Human and Peoples Rights
ACP	African, Caribbean and Pacific
AIHRC	Afghanistan Independent Human Rights Commission
ALDE	Alliance of Liberals and Democrats for Europe
AMIS	African Union Mission in the Darfur region of Sudan
ANP	Afghan National Police
ASEAN	Association of Southeast Asian Nations
ASEF	Asia Europe Foundation
ASEM	Asia-Europe Meeting
AT	Austria
AU	African Union
BiH	Bosnia and Herzegovina
CAAC	Children affected by armed conflict
CARDS	Programme of Community assistance for reconstruction, development and stabilisation
CBM	Confidence-building measures
CBSS	Country-Based Support Schemes
CEAS	Common European Asylum System
CEDAW	Committee on the Elimination of Discrimination against Women
CFSP	Common Foreign Security Policy
CICIG	International Commission against Impunity in Guatemala
CMI	Crisis Management Initiative
COAFR	EU Council's Working Party on Africa
COASI	EU Council's Working Party on Asia-Oceania
CoE	Council of Europe
COEST	EU Council's Working Party on Eastern Europe and Central Asia
COHOM	Council Human Rights Working Party
CONOPS	Concept of operations
COTER	EU Council's Working Party on terrorism
CPA	Comprehensive Peace Agreement
CPT	European Committee for the Prevention of Torture
CSP	Comprehensive Status Proposal
CSR	Corporate Social Responsibility
DCCA	Development and Cooperation in Central Asia
DCI	Development Cooperation Instrument
DDPA	Durban Declaration and Programme of Action
DDR	Disarmament, demobilization and reintegration
DK	Denmark

DPRK	Democratic People's Republic of Korea
DRC	Democratic Republic of the Congo
DRC	Durban Review Conference
EC	European Commission
ECCC	Extraordinary Chambers in the Constitutional Court of Cambodia
ECHR	European Court of Human Rights
ECOSOC	Economic and Social Council
ECRI	European Commission against Racism and Intolerance
EE	Estonia
EEG	Eastern European Group
EFA	European Free Alliance, European Parliament political group
EIDHR	European Instrument for Democracy and Human Rights
EIUC	European Inter University Centre for Human Rights and Democratisation
ELIAMEP	Hellenic Foundation for European and Foreign Policy
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EOM	Election Observation Mission
EP	European Parliament
EPAs	Economic Partnership Agreements
EPD	Enhanced Permanent Dialogue
EPLO	European Peacebuilding Liaison Office
ESDP	European Security and Defence Policy
EU	European Union
EUBAM	European Union Border Assistance Mission to Moldova and Ukraine
EUFOR	European Military Force
EUFOR Tchad/ RCA	Bridging military operation in Eastern Chad and North Eastern Central African Republic
EUJUST LEX	Integrated Rule of Law Mission for Iraq
EULEX Kosovo	European Union Rule of Law Mission in Kosovo
EUPM	European Union Police Mission
EUPOL Afghanistan	EU Police mission in Afghanistan
EUPOL COPPS	European Union Police Mission for the Palestinian Territories
EUPOL RD Congo	European Union Police Mission in the Democratic Republic of Congo
EUPT Kosovo	EU Planning Team Kosovo
EUR	Euro
EUSEC RD Congo	EU mission to provide advice and assistance for security sector reform in the Democratic Republic of Congo

EUSR	EU Special Representative
FAO	Food and Agriculture Organisation
FDLR	Forces démocratiques de libération du Rwanda
FIDH	Fédération Internationale des Droits de l'Homme
FR	France
FRA	Fundamental Rights Agency
FRIDE	Fundación para las Relaciones Internacionales y el Diálogo Exterior
FYROM	former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
GFMD	Global Forum on International Migration and Development
GRULAC	Group of Latin American and Caribbean countries
GSP	EU's Generalised System of Preferences
GSP+	Special Incentive Arrangement for Sustainable Development and Good Governance
GSPC	Salafist Group for Preaching and Combat
HDIM	Human Dimension Implementation Meeting
HoMs	Heads of Mission
HQ	Headquarters
HRC	Human Rights Council
HRDs	Human Rights Defenders
IA	International Alert
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTJ	International Center for Transitional Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPS	Institut de Développement de Produits de Santé
IER	Fairness and Reconciliation Commission
IFP	Initiative for Peace building
IHL	International humanitarian law
IIGEP	Independent International Group of Eminent Persons
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPA	Instrument on Pre-Accession Assistance
IT	Italy
IWGIA	International Work Group for Indigenous Affairs
JMA	Joint Military Affairs
JPA	Joint Parliamentary Assembly
JPL	Justice and Peace Law

LAC	Latin American and Caribbean countries
LIBE	Committee on Civil Liberties, Justice and Home Affairs
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MDC	Movement for Democratic Change
MDG	Millennium Development Goal
MEP	Member of the European Parliament
Mercosur	Common market of the south
MINUSTAH	Mission des Nations Unies pour la stabilisation en Haiti
MLC	Mouvement de Libération du Congo
MoI	Ministry of the Interior
NATO	North Atlantic Treaty Organization
NCCM	National Council for Childhood and Motherhood
NCHR	National Council for Human Rights
NGOs	Non-governmental organisations
NL	Netherlands
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OJ	Official Journal of the European Union
OP	Optional Protocol
OPCAT	Optional Protocol to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OSCE	Organisation for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PCP	Palestinian Civil Police
PDCI	Partners for Democratic Change International
PHARE	Programme of Community aid to the countries of Central and Eastern Europe
PSC	Political and Security Committee
RCP	Rafah Crossing Point
RPM	Reform Process Monitoring
RRI	Review, rationalisation and improvement
SA	Stabilisation and Association
SAA	Stabilisation and Association Agreement
SADC	Southern African Development Community
SAP	Stabilisation and Association process
SE	Sweden
SG/HR	Secretary General/High Representative for the Common Foreign and Security Policy
SPS	Milosevic's former Socialist party

SSR	Security sector reform
STM	SAP Tracking Mechanism
SuR	State under Review
SW	Saferworld
TAIEX	Technical Assistance and Information Exchange
TEU	Treaty of European Union
UK	United Kingdom
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMID	UN/AU Hybrid Operation in Darfur
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNHRC	UN Human Rights Council
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNPFII	UN Permanent Forum on Indigenous Issues
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
UNSRSG	Special Representative of the UN Secretary General
UPR	Universal Periodic Review
US	United States
WEOG	Western European and Others Group
WG	Working Group
WTO	World Trade Organisation
ZANU-PF	Zimbabwe African National Union – Patriotic Front

European Union

EU Annual Report on Human Rights 2008

Luxembourg: Office for Official Publications of the European Communities

2008 — 101 pp. — cm 21 x 29.7

ISBN 978-92-79-10402-2

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Cover: "*Human Rights for All*", original drawing done by **Lorenzo Mattotti** for the European Commission on the occasion of the 60th anniversary of the Universal Declaration of Human Rights, adopted on 10 December 1948.

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<http://www.consilium.europa.eu/human-rights>
http://ec.europa.eu/external_relations/human_rights/doc/

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Luxembourg: Office for Official Publications of the European Communities, 2008

ISBN 978-92-79-10402-2

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Printed in Luxembourg

PRINTED ON WHITE CHLORINE-FREE PAPER