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## Human Rights in the World in 2009 and EU policy on the matter

P7\_TA(2010)0489

### European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter (2010/2202(INI))

(2012/C 169 E/10)

The European Parliament,

- having regard to the eleventh European Union Report on Human Rights and Democracy in the World covering the period from July 2008 to December 2009,
- having regard to Articles 6 and 21 of the Lisbon Treaty,
- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments,
- having regard to the United Nations Charter,
- having regard to all United Nations human rights conventions and the optional protocols thereto <sup>(1)</sup>,
- having regard to regional human rights instruments, including in particular the African Charter on Human and Peoples' Rights, the Optional Protocol on the Rights of Women in Africa, the American Convention on Human Rights, the Arab Charter on Human Rights and the ASEAN Intergovernmental Commission on Human Rights,
- having regard to the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to Parliament's resolutions related to the ICC <sup>(2)</sup>,
- having regard to Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court and to the Council's Action Plan following up on the Common Position; recalling the essential role of the ICC in preventing serious crimes within its jurisdiction;
- having regard to the commitment of the European Union to supporting the effective functioning of the ICC;
- having regard that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,
- having regard to the European Convention on Human Rights and the ongoing negotiations on the EU's accession to the Convention,
- having regard to the Charter of Fundamental Rights of the European Union,

<sup>(1)</sup> UN Convention against Torture; UN Convention on the Rights of the Child; UN Convention on the elimination of all forms of discrimination against women; UN Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>(2)</sup> OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293 E, 28.11.2002, p. 88; OJ C 271 E, 12.11.2003, p. 576; OJ C 279 E, 19.11.2009, p. 109; OJ C 15 E, 21.1.2010, p. 33; OJ C 15 E, 21.1.2010, p. 86; OJ C 87 E, 1.4.2010, p. 183; OJ C 117 E, 6.5.2010, p. 198; OJ C 212 E, 5.8.2010, p. 60; OJ C 265 E, 30.9.2010, p. 15; OJ C 286 E, 22.10.2010, p. 25.

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- having regard to the ACP-EU Partnership Agreement and its revision <sup>(1)</sup>,
- having regard to 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 <sup>(2)</sup> (the European Instrument for Democracy and Human Rights or EIDHR),
- having regard to its previous resolutions on human rights in the world,
- having regard to its resolutions of 14 January 2009 <sup>(3)</sup> on the development of the UN Human Rights Council, including the role of the EU, and 25 February 2010 <sup>(4)</sup> on the 13th session of the United Nations Human Rights Council,
- having regard to its resolutions of 1 February 2007 <sup>(5)</sup> and 26 April 2007 <sup>(6)</sup> on the initiative for a universal moratorium on the death penalty and to United Nations General Assembly Resolution 62/149 of 18 December 2007 on a moratorium on the use of death penalty, as well as to its resolution of 7 October 2010 on the World Day against the Death Penalty,
- having regard to Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the abolition of the death penalty in all circumstances,
- having regard to the United Nations Declaration on Human Rights Defenders, the activities of the Special Representatives of the UN Secretary-General on the Situation of Human Rights Defenders, the EU guidelines on Human Rights Defenders, and Parliament's resolution of 17 June 2010 on Human Rights Defenders <sup>(7)</sup>,
- having regard to the United Nations Declaration on the elimination of all forms of intolerance and discrimination based on religion or belief,
- having regard to the European Union Guidelines on promoting compliance with international humanitarian law (IHL) <sup>(8)</sup>, on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, and on human rights defenders, as well as on human rights dialogues with non-EU countries, on the promotion and protection of the rights of the child, and on violence against women and girls and combating all forms of discrimination against them,
- having regard to the Council of the European Union's Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People <sup>(9)</sup>,
- having regard to its resolution of 22 October 2009 on democracy-building in external relations <sup>(10)</sup>,
- having regard to all the resolutions it has adopted on urgent cases of breaches of human rights, democracy and the rule of law,
- having regard to its resolution of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo <sup>(11)</sup>,

<sup>(1)</sup> OJ L 317, 15.12.2000, p. 3; OJ C 303, 14.12.2007, p. 1; OJ L 209, 11.8.2005, p. 27.

<sup>(2)</sup> OJ L 386, 29.12.2006, p. 1.

<sup>(3)</sup> OJ C 46 E, 24.2.2010, p. 71.

<sup>(4)</sup> Texts adopted, P7\_TA(2010)0036.

<sup>(5)</sup> OJ C 250 E, 25.10.2007, p. 91.

<sup>(6)</sup> OJ C 74 E, 20.3.2008, p. 775.

<sup>(7)</sup> Texts adopted, P7\_TA(2010)0226.

<sup>(8)</sup> OJ C 327, 23.12.2005, p. 4.

<sup>(9)</sup> Council document 11179/10.

<sup>(10)</sup> OJ C 265 E, 30.9.2010, p. 3.

<sup>(11)</sup> OJ C 305 E, 11.11.2010, p. 9.

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- having regard to Rules 48 and 119(2) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A7-0339/2010),
- A. whereas the Universal Declaration of Human Rights continues to be the world's reference document, which puts all human beings at the heart of the action,
- B. whereas the 11th European Union Annual Report on Human Rights (2008/2009) provides a general overview of EU action on human rights and democracy in the world,
- C. whereas this resolution sets out to examine, evaluate and, in specific cases, offer constructive criticism of, the EU activities regarding human rights and democracy,
- D. whereas the EU's internal human rights record has a direct impact on its credibility and ability to implement an effective external human rights policy,
- E. whereas the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including freedom of religion or belief and the rights of persons belonging to minorities,
- F. whereas justice, democracy and the rule of law are the pillars of sustainable peace, in that they guarantee fundamental freedoms and human rights, and whereas sustainable peace cannot be achieved by protecting those responsible for systematic human rights abuses and violations of international criminal law,
- G. whereas the Treaty of Lisbon reinforced the EU's powers on foreign policy in a way that will strengthen its values and objectives; whereas the main innovations related to the EU's external action, such as the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP) and the European External Action Service (EEAS), should further consolidate the EU's external action in the area of human rights and should provide better opportunities in terms of mainstreaming human rights in all relevant policy areas,
- H. whereas the Treaty provides the EU with a single legal personality, which will allow it to accede to the European Convention on Human Rights and enable the European Court of Human Rights (ECHR) in Strasbourg to verify compliance by EU acts with the Convention,
- I. whereas with the entry into force of the Treaty of Lisbon, the EU's Charter of Fundamental Rights became legally binding, thus strengthening protection of human rights in Europe,
- J. whereas the EU is a strong supporter of the ICC and promotes the universality, and defends the integrity, of the Rome Statute with a view to protecting and enhancing the independence of the Court,
- K. whereas the Council Common Position of 16 June 2003 and the Action Plan of 2004 are in need of updating in the light of developments in international criminal law since 2004; whereas effective assistance and cooperation by the EU must be intensified and improved as the warrants for arrest and trials at the ICC increase in number,
- L. whereas efforts to combat terrorism in the world have raised the need to reconcile security with respect for human rights,
- M. whereas the global economic and financial crisis has had a negative impact on economic, social and cultural rights; whereas the rights of the poorest people have been most affected; whereas, because of rising and volatile prices and commodity speculations, millions are struggling to meet basic needs in a number of countries in Africa, Asia and Latin America; whereas millions of people have been facing insecurity and indignity, and in some countries protests have been met with repression and violence,

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- N. whereas economic, social and cultural rights must receive the same attention and be treated at the same level of importance as civil and political rights; whereas the human rights clauses in the agreements signed by the EU and non-EU countries must be respected and implemented,
- O. whereas climate change is having a lasting, long-term impact on human rights; whereas negative consequences are especially likely for vulnerable groups, such as indigenous peoples, both in the developing world and in the High North, but could have much wider ramifications as well,
- P. whereas the fight against impunity is crucially important as it is aimed at preventing and punishing the gravest crimes and their perpetrators; whereas impunity is a cross-cutting matter which concerns a wide range of human rights issues, such as torture, the death penalty, violence against women, the persecution of human rights defenders and the fight against terrorism,
- Q. whereas, according to the UN, the old human rights problem of decolonisation is still not resolved throughout the immediate EU neighbourhood, notably in the case of Western Sahara,
- R. having regard to its resolution of 25 November 2010 on the situation of Western Sahara <sup>(1)</sup>,
- S. having regard to the paramount importance for the life of the European institutions of the implementation and enforcement of the founding principles codified in the European Convention on Human Rights,
- T. whereas new forms of human rights abuses are occurring in the world, notably in the area of the new information technologies, such as internet misuse and censorship, and infringement of privacy by the use of personal data,
- U. whereas freedom of religion or belief is under growing threat, notably by authoritarian governments targeting religious minorities or by governments failing to prevent attacks, harassment or other harmful acts against certain individuals or religious groups,
- V. whereas human rights are violated in countries that have recognised the jurisdictions stemming from the International Instruments of Human Rights and in those that disregard those historically acquired rights,
1. Reiterates the European Parliament's strong determination, and recalls its long-term efforts, to defend human rights and democracy in the world through the development of a strong and effective EU human rights policy which guarantees greater coherence and consistency across all policy areas and through bilateral relations with non-EU countries and active participation in international fora, as well as by supporting international and local civil society organisations;
  2. Takes the view that the entry into force of the Lisbon Treaty represents a historic opportunity to address the remaining gaps in the EU's human rights and democracy policy; calls in this respect for full compliance of the EEAS with the purpose and spirit of the Lisbon Treaty, which aims at ensuring that respect for, and promotion of, human rights are at the core of the various areas of the Union's external policy as enshrined in Articles 2, 3 and 21 of the TEU;
  3. Points out that, under Title V, Chapter 1 of the EU Treaty, action on the international scene is to be guided by the principles of democracy, the rule of law, and the universality, inalienability and indivisibility of human rights and fundamental freedoms; stresses that these principles constitute a common fundamental basis for relations with non-EU countries;
  4. Considers, therefore, that the decision of where to place human rights in the structure of the EEAS is of great importance; requests therefore the setting up of a Human Rights and Democracy Directorate with the tasks of developing a robust EU human rights and democracy strategy and providing overall coordination within all multilateral fora; is firmly convinced, while stressing the need to consider that expertise in human rights and democracy must be anchored as a key responsibility for every geographic or policy desk in the EEAS, that this approach prevents human rights from being isolated and is the only way to ensure full compliance with the provisions of the Lisbon Treaty;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0443.

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5. Acknowledges the HR/VP's commitment to building up an active role for the EU on the world stage with a view to improving human rights and democracy globally; urges the HR/VP in this context to take the necessary action to establish a Brussels-based COHOM with a view to effectively mainstreaming and guaranteeing timely input into other areas of EU institutions and policy; calls in the same spirit on the HR/VP to consider the importance of obligatory human rights training for EU staff, including Heads of Delegations and EEAS Directors;
6. Calls for the creation of a Special Representative for Human Rights; stresses that the appointment of EU Special Representatives on human rights, notably for human rights defenders, for IHL and international justice and for women's rights and children's rights, could help to give EU external action in this field greater coherence and visibility; stresses that these EU Special Representatives should be expert-level appointees with a proven track record on human rights;
7. Takes the view that there is a crucial need for a more coherent framework to make EU support for democracy-building throughout the world more effective; takes the view that a consistent EU foreign policy must give absolute priority to promoting democracy and human rights, given that democratic society, the rule of law, and guarantees of fundamental freedoms are the basis for upholding human rights, which are to be included in all agreements on cooperation and strategic partnership between the EU and non-EU countries; believes that the new institutional structure of the EU, and particularly the EEAS, offers an opportunity to enhance the EU's coherence and effectiveness in this area;
8. Calls on the HR/VP to keep to her commitments on mainstreaming human rights throughout the EU's external action, so that they will be reflected in the structure of, and the resources made available within, the EEAS, enabling the new service to ensure that human rights issues are reflected in all areas of external action, including CSDP, Development and Trade;
9. Takes the view that EU Special Representatives should be further developed rather than gradually phased out, especially to cover countries and regions where the EU does not have a diplomatic mission; considers it essential that, given the importance of human rights issues in conflict and post-conflict situations, all EU Special Representatives should have a mandate which encompasses civil and political rights, economic, social and cultural rights, the rights of women and children, International Humanitarian Law and international justice, and specifically mentions promoting and ensuring respect for human rights, democracy and the rule of law; stresses that EU Special Representatives are the focal points for internal guidance, expertise and advocacy, and logical interlocutors for third countries and other non-EU actors; welcomes the designation of at least one individual in each EU delegation as a contact person to lead human rights policy coordination, mainstreaming and monitoring;
10. Welcomes the HR/VP's readiness to undertake a fundamental review of the effectiveness of all the EU instruments in this field, from human rights dialogues to EU guidelines, and from the European Instrument for Democracy and Human Rights (EIDHR) to the EU's bilateral assistance and actions in multilateral fora, and to launch a consultation process on the development of Country Strategies on human rights encompassing all human rights codified by International Covenants and UN Conventions, which also includes economic, social and cultural rights; stresses the determination to ensure, and the importance of, the EP's full participation in this consultation; stresses the need for civil society organisations to be involved in the consultation;
11. Shares the view that such Country Strategies on human rights, repeatedly requested by Parliament, can substantially reinforce the consistency and effectiveness of EU external action when the Country Strategy becomes a reference document establishing country-specific priorities and objectives to be mainstreamed into all relevant external EU policies and instruments;
12. Insists in particular, in the context of the review, on the importance of conducting a thorough assessment of the human rights aspects of the European Neighbourhood Policy (ENP), which should notably address the coherence and efficiency of the existing mechanisms such as the Action Plans, Progress Reports, Human Rights dialogues and the decision-making process of upgrading relations with non-EU countries;

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13. Considers the revised framework agreement on relations between the European Parliament and the Commission as a breakthrough for Parliament in its cooperation with the Commission, but regrets that the Council is not part of the agreement; insists on the necessity to enhance transparency and unrestricted access to documents between all the EU institutions in order to develop more effective interinstitutional cooperation and coherence;

14. Recalls that the development of a coherent EU foreign policy is essential if the Union is to play a significant, constructive role in promoting human rights around the world; calls on the Member States to show unwavering commitment and political will in pursuing this goal;

15. Stresses that greater priority needs to be given to improving the ability of the EU to respond rapidly to breaches of human rights by non-EU countries, notably when it comes to bringing its support to human rights defenders in danger, as well as to violations of human rights by EU-based companies in non-EU countries, by elaborating strategic programmes of action;

16. Recognises that non-governmental organisations are essential to the development and success of democratic societies, the promotion of mutual understanding and tolerance, as well as to initiating and sustaining actionable policy priorities and shared solutions to the challenges to democratic development;

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17. Underlines the importance of the EU Annual Report on Human Rights in analysing and evaluating the EU's human rights policy, notably with a view to raising the visibility of human rights issues in general; emphasises the right of the European Parliament to scrutinise action carried out in the human rights field by the Commission and Council; calls for the full involvement of the European Parliament in drafting sections of future Annual Reports with regard to Parliament's own activities in relation to human rights, reflecting the practice of some past presidencies;

18. Welcomes the presentation to Parliament by the HR/VP of the EU annual report. and the new reporting period based on a calendar year, which gives the Parliament the opportunity to dedicate the December plenary to human rights, with the award of its annual Sakharov Prize for Freedom of Thought and the discussion of the EP annual report on human rights in the world and the EU's policy on the matter;

19. Calls on the European Parliament, the Council and the Commission to make greater efforts to disseminate the EU annual reports on human rights and democracy and to ensure that they reach as wide a readership as possible, especially those involved in promoting human rights and democracy all over the world; also calls for public information campaigns aimed at raising the EU's profile in this field; recognises that in the current edition an improvement has been made in terms of clearer presentation;

20. Reiterates its request that more and better information should be provided by the Council, the Commission and EU delegations and embassies on the ground for the assessment of policies and that specific guidelines should be defined and proposed to improve the general approach, minimise any contradictions and adjust the policy priorities on a country-by-country basis, with a view to the adoption of human rights strategies by country as defined in the EEAS programme; considers that the issue of transparency must be placed at the forefront by the EU in its actions, with increased access to agendas and documents where human rights are specifically discussed with non-EU countries;

21. Reiterates its call for a regular assessment of the use and results of European Union policies, instruments, initiatives and dialogues on human rights in non-EU countries and for the results to be fully shared with Parliament; calls on the Council and the Commission to develop specific quantifiable indices and benchmarks in order to measure the effectiveness of those policies;

#### ***EU activities in the area of human rights in international fora***

22. Highlights the future accession of the EU to the European Convention on Human Rights as an opportunity to prove its commitment to defending human rights inside and outside its borders; calls on the EU Member States to support this and commit the EU's citizens to it;

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23. Urges the Commission and the Council to promote widely, within and outside the Union, the European Convention on Human Rights, with the aim inter alia of educating the public on the existence of jurisdiction of the European Court of Human Rights that can be activated to address and redress violations suffered by a Member State of the Council of Europe or its citizens;
24. Urges the High Representative to ensure that the EEAS is well integrated and coordinated with other international bodies, regional organisations and their work in promoting human rights; calls on the High Representative to ensure that recommendations, concerns and priorities expressed within and by the UN system, the Council of Europe, the OSCE and other international institutions are fully and systematically integrated into all EU policy fields, and the human rights field in particular;
25. Notes with regret the slowness of the process of examining cases at the European Court of Human Rights, which has been as much as seven years; notes that there are about 100 000 cases pending at the Court; stresses that the Court must be an exemplary institution for the protection of the right to justice and a fair trial; urges the EU institutions and the EU Member States to make every effort to assist the Court; welcomes the fact that Russia, which was the last country out of 47 participating states at the Council of Europe to refuse to ratify Protocol 14, has ratified Protocol 14 to the European Convention of Human Rights on the efficiency of the Court, which provides for simplification of the Court's procedures and is intended to help it tackle the backlog of cases and which can only enter into force when ratified by all Council of Europe members;
26. Calls for enhanced cooperation between the Council of Europe and the European Union in the field of promoting and ensuring respect for human rights, including economic and social rights and the rights of persons belonging to minorities, promoting the rights of LGBTI individuals and defenders of LGBTI rights, and ensuring that victims of discrimination are aware of, and have access to, effective legal remedies before a national authority to combat discrimination, as well as protecting regional and minority languages, using the legal tools of non-discrimination and existing social rights organisations to advocate diversity and tolerance;
27. Calls on the EU Member States to sign up to, and ratify, all core UN and Council of Europe human rights conventions and the optional protocols thereto, in particular the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007, the 1998 ILO Declaration on Fundamental Principles and Rights at Work, the Council of Europe's framework convention for the protection of national minorities, the European Charter for Regional or Minority languages, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocols to the Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities; insists that the Optional Protocol to the Convention should be regarded as an integral part thereof, and calls for simultaneous accession to the latter (Convention and Protocol) <sup>(1)</sup>;
28. Underlines the fact that the definitions of human rights adopted by the international community since the end of the Second World War have proved sufficiently flexible to include new developments in human progress, but stresses the need to codify new rights to respond to new threats to freedom, such as those relating to freedom of science, conscience and knowledge, gender identity or sexual orientation, and all the rights relating to the digital domain, starting from universal access to the Internet;
29. Stresses the importance of strengthening the rationalisation and, if possible, coordination of international bodies with jurisdiction over human rights and of their procedures, with the goal of always offering a more effective promotion and defence of fundamental rights as contained in the related international instruments;
30. Stresses the need for more serious attention to the various Council of Europe and UN monitoring mechanisms and for closer cooperation with their various treaty bodies in order better to channel their findings and use their expertise in the field;

<sup>(1)</sup> As of December 2009 Austria, Belgium, Germany, Hungary, Italy, Portugal, Slovenia, Spain, Sweden and the United Kingdom had ratified both the Convention and the Optional Protocol; all Member States had signed the Convention, but 15 Member States had not yet ratified it (Bulgaria, Cyprus, Estonia, Finland, France, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Slovakia); 19 Member States had also signed the Protocol, but 10 had not yet ratified it (Bulgaria, Cyprus, the Czech Republic, Finland, France, Lithuania, Luxembourg, Malta, Romania, Slovakia).

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31. Welcomes the EU's endeavours in the UN General Assembly's Third Committee (on Social, Humanitarian and Cultural Affairs) on a large number of resolutions, in particular on the call for a moratorium on the use of the death penalty, which received more supporting countries, on the rights of the child, on religious intolerance and on the human rights situations in Burma/Myanmar and the Democratic People's Republic of Korea (DPRK);

32. Welcomes the opening of the first European Regional Office of the UN High Commissioner for Human Rights in Brussels in October 2009; suggests establishing efficient cooperation with the High Commissioner to better promote and follow up on formulating and implementing human rights standards and policies in the EU and the rest of Europe;

33. Calls on the Council and the Commission to define a strategy vis-à-vis countries which refuse to cooperate fully with the UN mechanisms and allow access to UN independent experts and Special Rapporteurs, whereby they would grant them full access to their territory and refrain from hampering them in their work;

34. Regrets the weakening of the EU's policy and conduct towards the Burmese junta, and underlines that the current attitude is not helpful in fighting the tragic political, social and humanitarian situation in which the Burmese people have been forced to live since the beginning of the military rule and that this attitude is in danger of appearing to be a sort of appeasement of the dictatorship;

35. Welcomes the European Union's support for initiatives at the United Nations and in other international fora encouraging the decriminalisation of homosexuality; calls for the European Union's continued support in favour of initiatives condemning human rights breaches in relation to sexual orientation and gender identity in all international fora, in coordination with like-minded states; points out that the policy of most countries of the world, including those in the EU, discriminates against lesbians, homosexuals, bisexuals and transsexuals and transgenders and goes against human rights; calls therefore on the Member States and the EU to remedy matters and guarantee equal access to healthcare and treatment, including surgical treatment, for these individuals; calls on the EU and Member States to give particular attention, through their admissions policy for example, to third-country nationals who are the victims of discrimination because of their sexual orientation and gender;

36. Calls on the Commission and the Council to promote an official, judicial legitimisation of the term 'climate refugee' (intended to describe people forced to flee their homes and seek refuge abroad as a consequence of climate change), which is not recognised yet in international law or in any legally binding international agreement;

37. Calls for enhanced cooperation between the United Nations, its Permanent Forum on Indigenous People and the European Union in the field of the protection of indigenous peoples' rights, as indigenous people belong to one of the most vulnerable groups all over the world;

#### ***The United Nations Human Rights Council (UNHRC)***

38. Stresses the role of the UNHRC within the overall UN architecture and its potential to develop a valuable framework for the European Union's multilateral human rights efforts; notes that this new body must continue to strive to operate according to the highest standards and in as efficient a way as possible in order to gain more credibility;

39. Stresses that active participation by civil society organisations is essential to the efficiency of the UNHRC;

40. Greatly welcomes the fact that the current US Administration is seeking greater involvement with the UN and has assumed a seat on the UNHRC for the period from 2009 to 2012; acknowledges that US membership enhances the credibility and capacity of the UNHRC; calls for the EU to strengthen cooperation with the US, particularly in terms of exchanging experiences of human rights dialogues;

41. Recalls that in 2011 the UNHRC will undergo a major review of its procedures, and therefore calls for the EU to prepare for, and actively participate in, this review;

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42. Highlights the important role of the Universal Periodic Reviews (UPR), and calls on the Council, the Commission and, in particular, the new EEAS to closely follow and monitor the undertakings of the Universal Periodic Review and, in the context of the UNHRC review, to make the UPR more effective and to increase the weight attached to independent expert opinion;
43. Strongly supports the EU's efforts to prevent any partiality and manipulation of the UPRs; in this context, strongly deplores the outcome of the session in February 2009, which suffered heavily from procedural obstructions and efforts to manipulate the process during the review process;
44. Calls upon the HR/VP to visit the UNHRC regularly and to ensure personally that there are the closest possible links between the UNHRC and the EEAS at all levels; encourages the future Human Rights segment of the EEAS to set up close working contact with the UNHRC; calls for coordinated dialogue with non-EU countries on the positions taken in the UN Human Rights Council, not just in Geneva and in the specific Human Rights Dialogues, but as an integral part of all the EU's bilateral political, trade and development cooperation discussions with these countries;
45. Notes that EU Member States are in a minority in the UNHRC; calls on the EU institutions and the Member States to take concerted action in developing appropriate alliances with those countries and with non-state actors which are continuing to defend the universal and indivisible nature of human rights;
46. Calls on the High Representative and EU Foreign Ministers to adopt Foreign Affairs Council (FAC) conclusions ahead of every UN Human Rights Council and of UN General Assembly Sessions, setting out the EU's priorities and strategies;
47. Calls on the Council, the Commission and the EEAS to strengthen their engagement with democratic governments or governments on the path to democracy from other regional groups within the UNHRC, with a view to improving the chances of success of initiatives aimed at respect for the principles contained in the Universal Declaration of Human Rights; to this end, calls on the Commission and the Member States to coordinate their actions more effectively, and asks the Commission to provide an annual report on voting patterns at the UN in matters concerning human rights, which would analyse how these have been affected by the policies of the EU and its Member States and those of other blocs; reiterates that the EU Delegation and EU Member States in Geneva should give greater priority to outreach to non-EU countries at an earlier stage in discussions, and avoid over-emphasis on internal discussions designed to achieve EU unity at the risk of a 'lowest common denominator' approach;
48. Reaffirms the vital importance of the special procedures and country mandates within the UNHRC; welcomes the newly established thematic mandate in the field of cultural rights, and welcomes the extension of the thematic mandates on the right to food, freedom of religion or belief, and internally displaced people; further welcomes the extension of the country mandates for Burundi, Haiti, Cambodia, Somalia, the Democratic People's Republic of Korea (DPRK), Myanmar and Sudan; regrets that the mandates for Liberia and the Democratic Republic of Congo (DRC) were not extended;
49. Warmly welcomes the 2008 decision of the UNHRC to extend the mandate of the UN Special Representative to the Secretary-General on Business and Human Rights, and the Council conclusions adopted in December 2009 under the Swedish Presidency welcoming the work of the Special Representative; calls on the EU Member States to continue to work towards the operationalisation of the final recommendations of the mandate and the 'protect, respect, remedy' framework due to be presented to the UNHRC in 2011;
50. Welcomes the special sessions of the UNHRC on the human rights situation in the east of the DRC, on the impact of the global economic and financial crises on the universal realisation and effective enjoyment of human rights, on the situation of human rights in Sri Lanka, and on the human rights situation in the Occupied Palestinian Territories and East Jerusalem; regrets that during the 12th session of the UNHRC on 16 October 2009 the EU Member States failed to come up with a single position with regard to the vote on the Goldstone report, with 4 Member States voting against, 2 abstaining and 2 being absent during the vote; calls on the Member States and all relevant EU institutions to achieve closer policy coordination in the HRC and other UN bodies; stresses that respect for international human rights law and

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international humanitarian law by all parties and under all circumstances is an essential prerequisite for achieving a just and lasting peace in the Middle East; urges all parties, therefore, to comply with the UNGA resolutions adopted on 5 November 2009 and 26 February 2010 by conducting investigations that meet international standards; calls on the HR/VP to ensure that those who have committed violations of international law are held accountable in accordance with the EU obligation under the Geneva Convention and the EU priority of combating impunity;

51. Supports the independence of the Office of the High Commissioner for Human Rights (OHCHR); regrets that during the 10th regular session in March 2009, despite the EU's opposition, a resolution aimed at limiting OHCHR's independence was adopted; calls on the EU institutions to provide additional financial support to OHCHR's special procedures system as a whole, so as to make sure that all special procedures' mandate holders have enough resources to perform their functions adequately;

#### ***EU cooperation with the International Criminal Court***

52. Reiterates its strong support for the International Criminal Court and its primary objective of fighting impunity for genocide, war crimes and crimes against humanity; welcomes the fact that the ratifications of the Rome Statute by Bangladesh, the Seychelles, Saint Lucia and Moldova in March, August and October 2010 brought the total number of States Parties to 114; stresses that the Rome Statute of the ICC was ratified by all the EU Member States as an essential component of the democratic principles and values of the Union and therefore calls upon the Member States to comply fully with the Statute as part of the EU *acquis*; underlines the importance of the principle of universality, and calls on the EEAS, the EU Member States and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the agreement on Privileges and Immunities of the International Criminal Court and national implementing legislation, and to review the Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court and the 2004 Action Plan to follow up on the Common Position; requests that such efforts be extended to the Agreement on the Privileges and Immunities of the ICC (APIC), an important operational tool for the Court; further calls on EU Member States to revise and update the Common Position and Action Plan on the ICC in order to reinforce effective assistance by the EU of the ICC in light of current developments, challenges and needs of the Court, as the warrants for arrest and trials at the ICC continue to increase in number, as well as to start discussions on the possible adoption of EU guidelines on international justice/ ICC;

53. Strongly encourages the EEAS, the Commission and the EU Member States to support implementation of ICC decisions and cooperation with the Court during enlargement negotiations and in accession processes, as well as at all EU summits and dialogues with non-EU countries, including the United States, China, Russia, the African Union and Israel; urges in particular the Council and the Commission to ensure that justice is an integral element in all peace negotiations; calls on the EEAS to pursue systematically the inclusion of an ICC clause in related agreements with non-EU countries; calls on the High Representative to ensure the ICC is mainstreamed across EU foreign policy priorities and is included in the mandate of EU Special Representatives, as appropriate, and, furthermore, to ensure that EEAS staff are regularly trained on the ICC, both at headquarters and in EU delegations; calls on the High Representative to appoint a Special Envoy on International Justice with the mandate to promote, mainstream and represent the EU's commitment to the fight against impunity and the ICC across EU foreign policies;

54. Welcomes the execution by Belgium of the arrest warrant issued by ICC Pre-Trial Chamber III against Jean Pierre Bemba, on 3 July 2008; notes with great concern, however, that eight arrest warrants issued by the ICC, including those against four senior leaders of the Lord's Resistance Army (LRA) in Uganda, Bosco Ntaganda in the DRC, Ahmad Harun, Ali Kushayb and Sudanese President Omar Hassan Ahmad Al-Bashir, have not yet been executed; deplores the persistent failure and refusal of Sudan to arrest and transfer the suspects to the ICC in continuous disregard of its obligations under UN Security Council Resolution 1593 (2005); notes that on 26 May 2010 ICC Pre-Trial Chamber I informed the United Nations Security Council of the lack of cooperation by the Republic of the Sudan in the case against Harun and Kushayb; expresses great concern that two ICC States Parties, Chad and Kenya, recently invited and welcomed President Omar al-Bashir to their territories despite their obligation under the Rome Statute to arrest him, and failed to execute the relevant arrest warrant; calls for the continuing search for outstanding indictees, and stresses the role which the EU and ICC could play in ensuring that investigations are carried out into possible war crimes in Sri Lanka and the Democratic Republic of the Congo;

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55. Welcomes the US engagement with, and renewed commitment to, the ICC, illustrated not least by its participating as an observer in the Eighth Session of the Assembly of States Parties (ASP) in The Hague in November 2009, as well as in the first Review Conference of the Rome Statute in June 2010; notes with satisfaction the first promising statements on the ICC by the US Administration and its pledges of cooperation with the Court made during the Review Conference; calls on the USA to reinstate its signature and further engage with the ICC, especially by cooperating fully in situations which are the subject of an ICC investigation or preliminary analysis and by completing a comprehensive ICC policy;

56. Encourages the next ACP-EU Joint Parliamentary Assembly to discuss the fight against impunity in international development cooperation and relevant political dialogue, as advocated in several resolutions and in Article 11.6 of the revised Cotonou Agreement, with a view to mainstreaming the fight against impunity and the strengthening of the rule of law within existing development cooperation programmes and actions; calls on the EU and its Member States to continue the dialogue with the African Union on these matters and to support African States Parties in continuing to abide by their obligations under the Rome Statute; expresses support for the Court's request to open a liaison office with the African Union in Addis Ababa;

57. Notes that cooperation between States Parties, signatory states and the Court under Article 86 of the Rome Statute remains essential to the effectiveness and success of the international criminal justice system, in particular in terms of law-enforcement capacity and of the Court's effective and independent judicial activities; further acknowledges the agreement between the ICC and the EU on cooperation and assistance and, keeping this agreement in mind, calls on the European Union and its Member States to provide the Court with all necessary assistance, including field support in its ongoing cases and, in particular, for the implementation of pending arrest warrants; urges all EU Member States to enact national legislation on cooperation, in accordance with Part IX of the Rome Statute, if they have not yet done so, and to conclude ad hoc agreements with the Court for the enforcement of the Court's sentences and the protection and relocation of victims and witnesses; calls on the EU Member States to include cooperation as a standing item on the agenda of the Assembly of States Parties (ASP) to the ICC, in order to ensure that best practices are shared and to ensure that non-cooperation instances are discussed and appropriate measures taken by the ASP;

58. Underscores the need to strengthen the international criminal justice system in general and in this respect notes with concern that Ratko Mladić and Goran Hadžić remain at large and have not been brought before the ICTY; in this context, calls on the Serbian authorities to ensure full cooperation with the ICTY, which should lead to the arrest and transfer of all remaining indictees, in order to open the way to the ratification of a Stabilisation and Association Agreement; notes the need for ongoing support, including financial support, to enable the Special Court for Sierra Leone to complete ongoing trials, including any appeal processes; also notes progress in multilateral cooperation on the supply of expertise and assistance where the identification, collection and preservation of information would assist a wide range of international and transitional justice options, in particular through the Justice Rapid Response (JRR), in which more than half of EU Member States are participants, and encourages ongoing and increased support for the JRR;

### ***EU human rights guidelines***

#### *Death penalty*

59. Recalls the resolution calling for a global moratorium on the use of the death penalty (Resolution 63/168) adopted by the United Nations General Assembly on 18 December 2008; stresses that the resolution now has 106 countries voting in favour, confirming a gradual consolidation of global opinion against the death penalty;

60. Welcomes the decisions to abolish the death penalty in 2009 by Burundi and Togo and by the US State of New Mexico; urges the US to abolish the death penalty and regrets the fact that the death penalty is still implemented in 35 out of 50 states of the US;

61. Calls on the Council and the Commission to encourage those remaining countries which have not signed up to, ratified or implemented the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), or a similar regional instrument, to do so;

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62. Calls on the Commission and Member States to ensure that the production and sale of sodium thiopental by companies based in the EU is permitted for medical purposes only and that any licence to produce this drug must impose labelling requirements so that the packaging indicates that it may not be employed to administer lethal injections, in line with national and European laws prohibiting capital punishment, torture or any other cruel and inhuman or degrading treatment or punishment;

63. Reiterates that the EU is opposed to the death penalty in all circumstances including extra-judicial executions; recalls that the EU is the lead donor to civil society organisations which fight against the death penalty; asks the Commission to continue to give priority to the fight against this cruel and inhuman punishment and to keep it as a thematic priority under the EIDHR and geographical instruments; does not consider life imprisonment without parole to be an acceptable alternative to the death penalty;

64. Urges countries which still have recourse to death by stoning to abolish legislation providing for this inhuman punishment; urges the Iranian leaders to enact a law unequivocally banning stoning as a legal punishment, which is the most barbaric form of the death penalty; condemns the fact that many countries still sentence to death and execute juvenile offenders; condemns the Iranian regime's use of the death penalty, which places Iran in second position, just after China, in the league table of countries with the highest number of executions; strongly condemns the increased number of executions following the peaceful demonstrations after presidential elections in Iran in June 2009; is concerned that China still carries out the greatest number of executions worldwide and calls on China to make its national execution figures public, so that there can be transparent analysis and debate on the death penalty; welcomes the positive action of the Belarusian authorities in setting up a Working Group to draft proposals on imposing a moratorium on the death penalty; remains concerned that executions are still carried out in Belarus, which is the only country in Europe that continues to use the death penalty, leaving the families of those executed without information on the date of the execution or where the body is buried;

65. Notes that there are 32 jurisdictions in the world with laws allowing the death penalty to be applied for drug offences; notes that United Nations Office on Drugs and Crime (UNODC), the European Commission and individual European governments are actively involved in funding and/or delivering technical assistance, legislative support and financial aid intended to strengthen drug enforcement activities in states that retain the death penalty for drug enforcement; is concerned that such assistance could lead towards increased death sentences and executions; calls on the Commission to develop guidelines governing international funding for country-level and regional drug enforcement activities to ensure such programmes do not result in human rights violations, including the application of the death penalty; stresses that the abolition of the death penalty for drug-related offences should be made a precondition for financial assistance, technical assistance, capacity-building and other support for drug enforcement;

66. Is concerned that executions are still carried out in Belarus, which is the only country in Europe that continues to use the death penalty; supports the authorities in setting up a Working Group to draft proposals on imposing a moratorium on the death penalty;

67. Expresses grave concern about the Anti-Homosexuality Bill 2009 currently under consideration by Uganda's parliament, which punishes support for lesbian, gay or bisexual people with fines and imprisonment, and punishes consensual homosexual acts with fines, imprisonment and the death penalty; calls on the Ugandan parliament to reject this and any similar legislation; condemns the criminalisation of homosexuality worldwide;

#### *LGBT rights*

68. In the light of the numerous human rights abuses suffered by lesbian, gay, bisexual and transgender people throughout the world in 2009, welcomes the adoption by the Council of the European Union's Working Party on Human Rights of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People; calls on EU delegations and the European External Action Service to fully implement the guidelines included in the Toolkit;

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*Violence against women*

69. Notes that the programme of the Trio Presidency of France, the Czech Republic and Sweden (July 2008 - December 2009) gave priority to the question of violence against women and girls, and asks for coherence on principles and policies both outside and inside the EU, including with respect to supporting a ban on female genital mutilation as a human rights violation; notes the recent adoption of a new set of guidelines on the matter and expects the Commission to present the results of its implementation to Parliament;

70. Takes account of the new European Commission's gender equality strategy's referring specifically to the issue of female genital mutilation; reiterates the need for coherence on EU internal and external policies regarding this particular issue; urges the European Commission and the EU Member States to address the issue of female genital mutilation in the framework of political and policy dialogues with partner countries and stakeholders relevant to this sensitive issue in the national context, using a participatory approach and involving affected communities; calls on the Commission, the Council and the Member States to activate all political and institutional means in order to support initiatives aiming at the adoption as soon as possible of a resolution by the UNGA calling for a worldwide moratorium on female genital mutilation;

71. Considers that violence against women is also expressed psychologically; observes that in the field of work women remain underpaid in comparison with men and that more of them are employed in precarious or part-time jobs; stresses therefore that the role of the Commission and Member States in this field, both within and outside the European Union, cannot be confined to combating violence in the narrow sense, given the need to combat violence against women in all its forms – physical, psychological, social and economic – and that priority should be assigned to education free of gender bias for boys and girls from the earliest age and to combating gender stereotypes;

72. Underlines the importance of comprehensive implementation of the UN Security Council resolutions 1325, 1820, 888 and 1889 calling for the participation of women in all phases and at all levels of conflict resolution and the protection of women and girls from sexual violence and discrimination; calls on Member States that do not yet have a National Action Plan for the implementation of the UNSCR 1325 to adopt one as a matter of urgency; strongly condemns rape used as an instrument of war and the recurrent mass rapes occurring in DR Congo; requests full disclosure on the incapacity of the MONUSCO peacekeeping force to put a stop to mass rapes; urges the EU HR/VP, through EUSEC and EUPOL in DRC, to conduct an enquiry and report to the EP on all Congolese and international companies or entities involved in the extractive industries in DRC which pay armed groups and security personnel involved in such mass rapes and other systematic crimes against civilians;

73. Calls on the HR/VP to increase the number of staff working on gender issues in external action and to create dedicated structures; recognises the progress made in CSDP in both missions and staff training;

74. Expresses its deep concern about the entrenched gender-based discrimination and domestic violence in several countries, and points out that women living in rural areas are a particularly vulnerable group; similarly, is greatly concerned about cases of sexual violence and high rates of rape of women and girls in South Africa, investigations often being inadequate and obstructed by gender bias, with victims facing numerous obstacles in accessing healthcare and delays in the provision of medical treatment; strongly condemns violence against women and girls as a chronic problem in Guatemala and Mexico;

75. Is deeply concerned about the situation of women and girls in Iran, DRC, Afghanistan; condemns brutal violations of women's rights in DRC, urges the international community to significantly increase funds aimed at efforts to protect women from rape, and stresses that major international attention must be given as a matter of urgency to the situation of women and girls in the DRC; condemns the Shia Personal Status Law adopted in March 2009, which strongly violates the rights of Afghan women and contradicts the Afghan Constitution and international human rights standards; welcomes amendments made to the law on 'Personal Affairs of the Followers of Shia Jurisprudence' but remains deeply concerned about certain articles of the law, which contradict the obligations of Afghanistan under the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child; urges the Afghan authorities to take action without delay to improve the situation of women's rights in the country;

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76. Insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls, including, most prominently, gender-selected abortion, all forms of harmful traditional or customary practices, for example female genital mutilation and early or forced marriage, all forms of trafficking in human beings, domestic violence and femicide, exploitation at work and economic exploitation, and likewise insists that the invocation by states of any custom, tradition, or religious consideration of any kind, in order to evade their duty to eliminate such brutality, be rejected; emphasises that efforts to eliminate all forms of female genital mutilation should be intensified both at the grass-roots level and within the policy-making process, so as to highlight the fact that such mutilation is both a gender issue and a human rights violation relating to physical integrity; underlines the situation of immigrant young women who, due to the principles of certain communities, religion, or family honour, have to face mistreatment, honour killings or genital mutilation and are being deprived of their freedom;

77. Recalls the Millennium Development Goals, and stresses that access to education and health are basic human rights; believes that health programmes, including sexual and reproductive health, promotion of gender equality, empowerment of women and rights of the child should be prominent in the EU's development and human rights policy, in particular where gender-based violence is pervasive and women and children are put at risk of HIV/AIDS, or denied access to information, prevention and/or treatment; calls on the Commission to integrate core labour rights and the decent work agenda into its development policy, in particular in trade-related assistance programmes;

78. Welcomes the UN Human Rights Council resolution of 16 June 2009 on preventable maternal mortality and morbidity and human rights, which calls for urgent action in line with the Millennium Development Goals to prevent women from dying needlessly in pregnancy and childbirth; notes that the resolution was supported by the EU Member States, and calls on them effectively to promote the protection of the human rights of women and girls, in particular their rights to life, to be equal in dignity, to education, to be free to seek, receive and impart information, to enjoy the benefits of scientific progress, to freedom from discrimination, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

79. Calls on the Council, the Commission and the Member States to promote in particular the ratification and implementation by African Union Member States of the African Union Protocol on the Rights of Women in Africa;

*Torture and other cruel, inhumane or degrading treatment*

80. Calls for recognition of health abuses against patients and individuals, in particular those unable to defend themselves, as cruel, inhumane and degrading treatment, while recognising the difficulty of proving certain acts and therefore calling for the highest degree of vigilance;

81. Calls for the recognition that minorities such as indigenous groups and people discriminated against because of their caste are disproportionately vulnerable and subjected to torture;

82. Calls on all states which have not yet done so to become parties to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to its Optional Protocol (OPCAT); urges states to lift any reservations they have made to these instruments; encourages states which have signed the OPCAT to implement the National Prevention Mechanism (NPM) better and faster;

83. Encourages states around the world to adopt and effectively implement the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol (IP); considers the IP to be a vital instrument for gathering evidence and preventing impunity; is convinced that impunity of torturers remains a significant obstacle to the effective prevention of torture as it implicitly encourages the perpetrators to continue their abhorrent practices;

84. Stresses the importance of effective implementation of the EU Guidelines against torture and other cruel, inhuman or degrading treatment or punishment; calls on the Council and Commission to present the results of implementation of such guidelines, paying special attention to the results in terms of rehabilitation of victims of torture of the European Instrument for Democracy and Human Rights;

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85. Calls on the Member States to follow up the requests made in its resolution of 17 June 2010 on trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment<sup>(1)</sup>; calls on the Commission to present as soon as possible a revision of several provisions of Council Regulation (EC) No 1236/2005 of 27 June 2005;

86. Is particularly concerned about the high wave of corruption, criminality, political persecution, impunity, and torture and imprisonment of opposition members in Venezuela due to the 'politisation' of police forces, the lack of policies and government's inability to tackle these serious threats to human rights;

87. Expresses deep concern at the resurgence of violations of human rights in the world against persons on grounds of their sexual orientation, and condemns any act of violence against them; notes an increasing number of murders of transgender people worldwide; strongly regrets that in many countries homosexuality is still considered a crime punishable by imprisonment and in some cases even by death; welcomes, in this regard, the decision of the Delhi High Court of 2 July 2009 that decriminalised homosexuality in India, and calls on other countries to follow its example;

#### *Children's Rights*

88. Deeply deplores the fact that some 215 million children are estimated to be victims of child labour, of whom three quarters perform the worst forms of child labour (ILO figures, 2009); welcomes the EU Council conclusions of 14 June 2010 on child labour and the related study by the Commission (SEC(2010)0037) calling for a comprehensive EU policy approach that focuses on development and the eradication of poverty; calls on the Commission to ensure effective monitoring of progress in this field and to encourage, along with the EU Member States, its implementation in dialogues with non-EU countries;

89. Recalls the successful 11th EU-NGO Human Rights Forum on the topic of combating violence against children, and the Swedish Presidency (Stockholm, July 2009) and its appeals to continue the legal work to prohibit all forms of corporal punishment in all settings including the home, to identify best practices and lessons learned in combating violence against children in conflict and post-conflict situations, and to increase coherence between EU external action and EU/MS internal policies on children's rights;

90. Expresses grave concern at the fact that millions of children are still victims of rape, domestic violence, and physical, emotional and sexual abuse, including sexual and economic exploitation; stresses that all rights recognised by the Convention on the Rights of the Child and its optional protocols have equal importance, and calls for the full ratification and implementation of obligations, as well as for particular attention to the new forms of commercial sexual exploitation of children;

91. Is deeply concerned that Eastern Europe and Central Asia continue to face rapid increases in HIV infections among men, women and children; notes with concern that access to antiretroviral treatment is still among the lowest in the world; notes with concern that stigmatisation and discrimination that violate the basic rights and dignity of children affected by HIV are hampering further progress in prevention, care and support; calls on the Commission to consider policy reforms, programmatic shifts and a reallocation of resources in order to protect the rights and dignity of children and young people who are vulnerable, at risk and living with or affected by HIV;

92. Calls urgently for additional EU measures against child labour, and calls for the EU to apply more efficiently the instruments at its disposal by incorporating them in human rights dialogues and consultations; calls for the EU to implement effectively the EU Guidelines on the Rights of the Child and to study the possibility of adopting guidelines on combating child labour; recalls that even EU trade policy can play a useful role in the fight against child labour, notably through the use of GSP+ incentives; hopes that in future this tool will be assessed better and will be the subject of an annual evaluation submitted to the European Parliament on the occasion of the annual debate on human rights;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0236.

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93. Notes that 2009 marked the 20th anniversary of the Convention of the Rights of the Child; notes with satisfaction that accession to the Convention is now almost universal, and urges countries which have not joined the Convention to do so without delay; remains deeply concerned that full realisation of the rights entailed is still widely violated; calls for an increase in the attention devoted to the child's needs for special safeguards and care, including appropriate legal protection, before as well as after the birth, as foreseen by both the Convention on the Rights of the Child and the Declaration of the Rights of the Child; welcomes the appointment of the Special Representative to the Secretary-General on Violence Against Children and underlines the importance of the mandate;

94. Expresses deep concern about children involved in, or otherwise affected by, armed conflicts or even forced to take an active part in them; urges the Commission and the Council to strengthen the implementation of the EU Guidelines on Children and Armed Conflicts; welcomes the new UNSC Resolution 1882 (2009), which further strengthens the protection of children involved in, and affected by, armed conflict;

95. Expresses deep concerns about the use of children as soldiers; calls for immediate steps to be taken by the EU and the UN for their disarmament, rehabilitation and reintegration;

#### *Human rights defenders*

96. Welcomes actions undertaken to implement the review and upgrade of the EU Guidelines on Human Rights Defenders as reviewed in 2008; notes the development of more than 60 local implementation strategies and the appointment of relevant liaison officers; remains, however, particularly concerned by the failure to implement these Guidelines by EU delegations, calls on the EEAS to develop an implementation plan with clear indicators and deadlines in order to continue progress towards effective implementation of the Guidelines, and requests the list of available local strategies; calls on the EEAS, the Council, the Commission and the Member States to take the necessary measures to increase awareness of the Guidelines amongst human rights defenders and EU diplomats working in non-EU countries; calls on the EU missions to maintain regular contacts with human rights defenders before taking action on their behalf and to provide them with feedback; emphasises that during the process of drafting local implementation strategies, a wide range of human rights defenders working in both urban and rural environments on economic, social and cultural rights as well as on civic and political rights should be consulted; notes that local implementation strategies should include a concrete agenda of measures to be taken to improve the protection of human rights defenders and that the impact of these strategies should be evaluated after a reasonable period of time; calls in this respect for an evaluation of the implementation of the assistance and measures undertaken by civil society organisations to support human rights defenders under the EIDHR;

97. Calls on the HR/VP to prioritise a more effective implementation of the existing tools and mechanisms for coherent and systematic protection of human rights defenders, calls on the High Representative of the European Union and on all Commissioners with responsibilities in the area of External Relations to institutionalise a policy of systematically meeting with human rights defenders when they travel officially in non-EU countries, and underlines that support for human rights defenders should also be imperatively included in the mandate of EU Special Representatives; underlines that both the High Representative and the Special Representatives will be held accountable by the European Parliament for their action in this regard;

98. Urges the Council, the Commission and the Member States to implement the measures proposed by Parliament in its resolution on EU policies in favour of human rights defenders, adopted in June 2010, with emphasis on measures aimed at providing swift assistance to human rights defenders at risk, such as emergency visas and shelter, and those implying public support and visible recognition of the work of human rights defenders, with a gender perspective in the implementation of the guidelines in favour of women human rights defenders and other particularly vulnerable groups, such as defenders working to promote economic, social and cultural rights and those working with the rights of minorities and indigenous people; calls on the HR/VP to push for the implementation of the Shelter Cities programme, which provides shelter for human rights defenders in European cities;

99. Calls, in the context of the implementation of the Treaty of Lisbon and the establishment of the EEAS, for the EU institutions to establish an interinstitutional cooperation mechanism on human rights defenders; understands that the creation of such a mechanism could be eased by the setting up of focal

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points and explicit guidelines for human rights defenders in all the EU institutions and development of closer cooperation, with the focal points for human rights defenders and those responsible for human rights and democracy in EU missions and delegations; calls on the EEAS to set up a statistical database on cases where the EU delegations provided assistance to human rights defenders, in order to evaluate the effectiveness of the guidelines and to report back to the EP on the results of these evaluations;

100. Acknowledges conclusions in many human rights reports that human rights defenders, while making an invaluable contribution to the protection and promotion of human rights at the risk of their own personal safety, have been suffering from increasingly strong attacks in various forms, such as attacks on freedom of conscience, freedom of religion, freedom of expression or freedom of association, assaults on, and murder of, relevant persons, arbitrary arrests, unfair trials and closure of the offices of civil society organisations; calls on the EU delegations to play a more active role in preventing these attacks in cooperation with the civil society organisations of the countries concerned, while taking care not to expose these organisations' staff and supporters to danger;

101. Remains vigilant vis-à-vis non-EU governments which use the adoption of controversial laws governing NGOs as an attempt to silence the human rights movement, such as the so-called 'Charities and Societies Proclamation', passed by the Ethiopian Parliament in January 2009, which virtually forbids all human rights activities;

102. Condemns the fact that in several countries attacks and anonymous threats against human rights defenders are commonplace, journalists, in particular those covering corruption and drug trafficking facing threats and attacks for their work;

103. Expresses its deep regret at the assassinations of, among others, Stanislav Markelov, Anastasia Baburova and Natalya Estemirova in Russia and of André Rwisereka and Jean Leonard Rugambage in Rwanda, the arbitrary detention of Roxana Saberi and Abdolfattah Soltani in Iran, and the continued detention and the lack of adequate access to healthcare to which Hu Jia, 2008 Sakharov Prize, was submitted in China, all of which took place during the reporting period; urges the Chinese authorities to clarify without delay the situation of the prominent human rights lawyer Mr Gao Zhisheng, who disappeared on 4 February 2009, and to open a fully independent and transparent investigation into his disappearance;

104. Condemns the detention and harassment of Saharawi human rights defenders in the Moroccan-controlled, Western Saharan territory, and urges the UN to include the monitoring of the human rights situation in the UN mission for the Western Sahara mandate (MINURSO);

105. Notes the release of local human rights defenders in Cuba; deeply regrets the fact that the Cuban Government refuses to recognise human rights monitoring as a legitimate activity, denying legal status to local human rights groups; notes with concern that the detention of human rights defenders in the country is also a grave human rights violation; calls on the Government of Cuba not to exile political prisoners and to give them the freedom to leave and to travel back to Cuba without being arrested;

106. Welcomes the decision of the Nobel Peace Prize Committee to award Liu Xiaobo with the 2010 Nobel Peace Prize for his long and non-violent struggle for fundamental human rights and freedoms in China; urges the Beijing Government to release Liu Xiaobo immediately and unconditionally from detention and to lift the restrictions on his wife Liu Xia;

107. Is greatly concerned that Iran has continued in 2008 and 2009 to suppress independent human rights defenders and members of civil society, and that serious violations of human rights have persisted, even increased; condemns the arbitrary arrest, torture and imprisonment of human rights defenders for their work, on the charge of 'activities contrary to national security'; regrets the current government policy directed against teachers and academics, barring students from access to higher education, and condemns the persecution and imprisonment of student activists; regrets the turmoil in the aftermath of the 12 June 2009 Presidential elections and the violence used by the Iranian authorities, resulting in the arbitrary detention of at least 400 people, the reported killing of at least 40, mass trials of people accused of crimes against national security, the ill-treatment and torture that took place, and the death sentences issued;

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*Human rights clauses*

108. Emphasises the importance and indispensability of human rights and democracy clauses and effective dispute mechanisms in trade agreements, including fisheries agreements, between the EU and non-EU countries; requests, however, once again that this clause be accompanied by an enforcement mechanism so as to ensure its implementation in practice; highlights the importance of closely monitoring the human rights record of non-EU countries that engage in trade relations with the EU; stresses that such monitoring and assessment should include formal consultations with civil society regarding the impact of these agreements; calls for a clear set of human rights benchmarks to be established within the framework of individual trade agreements to ensure that there is a clear standard and understanding for both parties on what situations and actions may trigger such human rights clauses;

109. Reaffirms the principle of the indivisibility of human rights, and condemns attempts to consider any right or ground of discrimination less important than others; calls on the Commission and Council to respect the principle of indivisibility when negotiating human rights clauses with non-EU countries;

110. Stresses that, with a view to fulfilling its international human rights commitments, the EU should include, taking account of the nature of the agreements and the situation specific to each partner country, systematic clauses relating to democracy, the rule of law and human rights, as well as social and environmental standards; considers that these clauses should allow the Commission to suspend at least temporarily trade advantages, including those stemming from free trade agreements, if sufficient evidence of human rights – including labour rights – violations is found, either on its own initiative or at the request of a Member State or the European Parliament; considers that, at all events, the EU should clearly indicate the appropriate penalties which could be applied to non-EU countries that commit serious human rights violations, and should apply them; reiterates yet again its call for the Commission, the Council and, in particular the HR/VP of the Commission, to render effective the human rights clauses in the international agreements in force and consequently to establish a procedure for effective implementation of these clauses in the spirit of Articles 8, 9 and 96 of the Cotonou Agreement;

111. Welcomes the use of impact assessments on sustainable development, but considers that they should also be carried out once the agreement is in place, and not only ex-ante, to ensure continuing evaluation;

112. Notes the functioning of the GSP+ (Generalised System of Preferences) regime; considers, however, that this system which rewards countries with considerable trade benefits for compliance with international human rights and labour rights conventions and standards must be more closely and transparently monitored, including by the use of detailed Human Rights Impacts Assessments, a consistent and fair benchmarking system, and open consultations when the preference is being awarded, and that trade preferences must be granted only to countries that have ratified and effectively implemented key international conventions on sustainable development, human rights - particularly child labour - and good governance; calls for enhanced monitoring of implementation with civil society, trade unions and communities, taking account of the achievements as well as the setbacks in the development of human rights, including social, economic, cultural and environmental rights; stresses the importance of close monitoring of ICCPR implementation by Pakistan, which is invited to participate in the GSP+ system;

113. Urges the Commission to table a proposal for a regulation banning importation into the EU of goods produced using forced labour, and in particular child labour, in violation of basic human rights standards; emphasises that such a regulation would have to enable the EU to investigate specific claims;

114. Welcomes the inclusion of a human rights clause in the Partnership Agreement signed by the EU with Indonesia and in the Stabilisation and Association Agreement with Albania, which entered into force during the reporting period, which brings to more than 120 the number of countries accepting the inclusion of this clause in agreements with the EU;

115. Deplores the poor follow-up of human rights clauses inserted in the Cotonou Agreement, and urges the HR/VP, the Commission, the Council and the Member States to make full use of those clauses in order to take up extensively human rights problems and the promotion of human rights in bilateral and regional dialogues with ACP partner countries;

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*Promotion of democracy and rule of law in external relations*

116. Welcomes the Council Conclusions on Democracy Support in EU External Relations<sup>(1)</sup> and the adoption of the EU Agenda for Action on Democracy Support in EU External Relations as a means of improving the coherence and effectiveness of EU democracy support;

117. Urges the Commission finally to follow up without delay, through the necessary initiatives and financial commitments, the 2007 Human Rights Report in which Parliament considered 'non-violence as the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected', believing that 'its promotion should constitute a priority objective in EU human rights and democracy policy';

118. Calls on the Commission to integrate the agenda for democracy support more fully in the annual action programmes of its external instruments, in particular that of the EIDHR, as well as in regional and country strategy papers, thereby consistently taking into account the country's specific situation and the EU's regional strategy;

119. Takes note of the Amnesty International Report 2010 which highlights the ongoing second trial of former YUKOS oil company chief Mikhail Khodorkovsky and his business associate Platon Lebedev as representative of unfair trials in Russia; calls upon the Russian Federation to ensure that fundamental norms of due process and human rights are respected in the prosecution of these and all other defendants in the country's justice system;

120. Urges the Russian judicial authorities to press ahead with the investigation of the death on 16 November 2009 of Russian lawyer Sergey Magnitsky; deplores that this case is still an outstanding example of the serious shortcomings within the country's judicial system; regrets the situation that, while human rights defenders are often subject to a harsh treatment and trials that ignore the Russian Federation's Code of Criminal Procedure (such as its Article 72 in the case against Oleg Orlov of Memorial for slander), those guilty of aggressions against and even murder of human rights defenders, independent journalists and lawyers still too often enjoy impunity; calls on the Council, in the absence of positive moves from the Russian authorities to cooperate and investigate the case of Sergey Magnitsky, to insist that the Russian authorities bring those responsible to justice and to consider imposing an EU entry ban for Russian officials involved in this case, and encourages EU law enforcement agencies to cooperate in freezing bank accounts and other assets of these Russian officials in all EU Member States;

121. Calls on the HR/VP of the Commission to ensure that human rights and democracy-building effectively become 'the silver thread running through all' external policy areas; notes meanwhile with concern that the Council has not formally taken note of any follow-up report in relation to the Council conclusions of November 2009 on Democracy Support in the EU's External Relations and the Agenda for Action on Democracy Support, contrary to what is stipulated in the said Council conclusions;

*International Humanitarian Law (IHL)*

122. Welcomes the conclusions adopted by the Council in December 2009 on promoting compliance with IHL, in the same year that the 60th anniversary of the Geneva Conventions was celebrated;

123. Notes the adoption of the Updated EU Guidelines on promoting compliance with IHL in 2009; calls on the Council to integrate the implementation of the IHL guidelines more effectively with the other EU human rights guidelines and to improve the mainstreaming of IHL throughout the external action of the EU;

124. Welcomes the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia (IIFMCG – CEIIG) (the 'Tagliavini Report') issued on 30 September 2009, and supports its main observations and conclusions under international humanitarian law and human rights law, in particular the need to ensure accountability and reparation for all violations committed in August 2008, and expects that the extensive background information provided by the report can be used for legal proceedings at national and international level to finally ensure accountability for the crimes committed during the conflict between Russia and Georgia of August 2008;

<sup>(1)</sup> GAERC 17 November 2009.

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125. Deeply regrets that during the armed conflict between Russia and Georgia over South Ossetia and Abkhazia in August 2008 the violations of international humanitarian law resulted in hundreds of casualties and tens of thousands of displaced individuals; recalls that to this day Russia has fulfilled only the first point of its six-point ceasefire agreement with Georgia; deplores the deliberate destruction of ethnic Georgian villages in South Ossetia and Abkhazia during and after the conflict; stresses that impunity for these violations persists to this day;

*Freedom of religion or belief*

126. Underlines that freedom of religion or belief constitutes, amongst all human rights, an essential and basic right which must be respected, and that conditionalities related to respect for human rights which feature in the bilateral agreements with non-EU countries need to be enforced more strongly and more effectively;

127. Welcomes the Council conclusions on freedom of religion or belief adopted in November 2009; acknowledges the importance of freedom of religion or belief for the identity of religious and non-religious individuals alike, given that belief, in whatever form it takes, is a vital component of personal and social belonging; calls on the Council and the Commission to adopt and implement practical measures to fight religious intolerance and discrimination and promote freedom of religion or belief worldwide as considered in the aforementioned conclusions; calls on the Council and the Commission to involve the EP, civil society organisations and other relevant actors in the process;

128. Calls on the HR/VP of the Commission to mainstream freedom of religion or belief in EU human rights policy and to give a thorough evaluation of the situation of freedom of religion or belief in the EU Annual Report on Human Rights;

129. Calls on the HR/VP to increase the number of staff working on issues concerning respect for freedom of religion or belief in external action and to create dedicated structures, especially in the context of the establishment of the European External Action Service; supports the identification of the issue of respect for freedom of religion or belief in the world as one of the priorities of the EEAS, given the grave violations of such freedom existing in the world and the obvious need to provide assistance for persecuted religious minorities in many areas of the globe;

130. Calls on the Council and Commission to take into account religion and the dialogue with religious authorities and bodies engaged in inter-faith dialogue in conflict prevention, conflict resolution and reconciliation;

131. Remains deeply concerned that discrimination based on religion or belief still exists in all regions of the world, and that persons belonging to particular religious communities, including religious minorities, continue to be denied their human rights in many countries, such as North Korea, Iran, Saudi Arabia, Somalia, the Maldives, Afghanistan, Yemen, Mauritania, Laos, Uzbekistan, Eritrea, Iraq, Pakistan and Egypt; condemns the Chinese authorities for the persecution of individuals who practise their religion outside officially sanctioned channels, including Christians, Muslims, Buddhists and Falun Gong practitioners; urges China to ratify the ICCPR as it promised; urges the Chinese authorities to refrain from their oppressive policy in Tibet, which could eventually lead to the annihilation of the Tibetan religion and culture; condemns the Iranian authorities for the persecution of individuals belonging to religious minorities, including Christians, Bahá'í, and Muslims who have converted to another or no religion; urges the Iranian authorities to protect religious minorities in accordance with their obligations under the ICCPR; urges the authorities of the Russian Federation to impose a moratorium on the implementation of the 2002 Law on Fighting Extremist Activity, which is extensively misused to persecute peaceful religious minority groups; expresses its concern about the situation of the Montagnard Christian minority living in the Central Highlands of Vietnam; reminds the Vietnamese authorities that the rights of minorities include freedom to practise their religion without restriction, freedom of association and expression, the right of peaceful assembly, the equal right to own and use land and the right to participate fully and effectively in decision-making regarding issues that affect them, including with respect to economic development projects and re-settlement issues;

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132. Urges the EU to develop a toolkit on the advancement of the right to freedom of religion or belief in its external policy, to regard freedom of religion or belief as fundamental, to include a checklist on the necessary freedoms pertaining to the right of freedom of religion or belief in order to assess whether they are being respected and to include mechanisms to identify infringements of freedom of religion or belief, in order to enhance the promotion of freedom of religion or belief in the work of civil servants, especially in the European External Action Service, as well as to involve civil society organisations in the preparation of the toolkit;

133. Welcomes the EU's continuous stance of principle in relation to the UNGA and UNHRC resolutions on combating defamation of religions; welcomes the resolution on elimination of all forms of intolerance and discrimination based on religion or belief tabled by the EU; encourages the EU to continue its striving for a balanced approach between freedom of expression and a prohibition of incitement to religious hatred; encourages the EU to engage in a constructive dialogue with the Organisation for Islamic Conference and other supporters of the principle of defamation of religions;

134. Stresses that international human rights law recognises freedom of religion or belief regardless of registration status, so registration should not be a mandatory precondition for practising one's religion; points out with concern, furthermore, that in Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Vietnam religious groups need to register with the government and operate under government-controlled management boards, which interfere with their religious autonomy and restrict their activity;

135. Calls on Russia to put a moratorium on the implementation of the 2002 Law on Fighting Extremist Activity as it is used and abused to restrict religious freedom, and to repress and attempt to ban non-violent religious groups; notes furthermore with great concern that 265 religious and faith-based organisations are on a black list of so-called extremist organisations;

136. Urges, furthermore, the following countries to stop restrictions on freedom of association and assembly of religious groups and to respect freedom of religion or belief: Saudi Arabia, Egypt, Eritrea, Iran, Somalia, Yemen, Belarus, North Korea and Laos;

137. Underlines the obstacles still existing in parts of the world such as Saudi Arabia, Indonesia, Pakistan, Iraq, Somalia and Sudan to the unhindered profession of faith, at both the individual and the collective level, as well as growing intolerance of religious minorities in countries with grounded democratic traditions such as India, and calls on the Commission to emphasise such issues in the context of its relevant political dialogues;

138. Firmly condemns any criminalisation or punishment for 'apostasy' in relation to cases of conversion from one religion to another or from one religious denomination (subgroup) to another, as still carried out in most of the countries of the Middle East and North Africa; calls on the EU institutions to exert pressure on these countries to reject such practices, in particular where capital punishment is the prescribed penalty; is deeply concerned about forced conversion practices still existing in countries such as Saudi Arabia and Egypt, and asks for a clear commitment on the part of the EU institutions to the fight against such human rights violations;

139. Recalls that in a number of countries in the world, prohibition, confiscation and destruction of both places of worship and religious publications, and prohibition of the training of clergy, are still common practice; urges the EU institutions, in their contacts with the relevant governments, to counter such violations and to encourage those countries where blasphemy laws are used for the purpose of persecuting members of religious minorities to amend or abolish such provisions;

140. Stresses that for the EU freedom of conscience is a fundamental value, incorporating the freedom to believe or not to believe and the freedom to practice the religion of one's choice;

### ***Freedom of expression***

141. Is concerned that freedom of expression has come under attack in various new forms, especially using modern technologies such as the internet; reiterates that freedom of expression includes the right to seek, receive and impart information and ideas through any medium;

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142. Recognises that new technologies provide unprecedented opportunities to participate in public life, express opinions, gain access to information about human rights and make violations of human rights known to the rest of the world; is concerned that states are using increasingly sophisticated techniques, such as dual-use technologies, to censor information and monitor activities on the internet, and that harassment, persecution and even detention and imprisonment of people using the internet to exercise the right to freedom of opinion and expression have occurred in a number of countries;

143. Encourages the HR/VP to take the lead in adopting a position and developing concrete policies for the EU to act as a global player when it comes to internet freedom by covering not only ways of addressing threats to human rights through the use of new technologies, but also using them as a means of enhancing opportunities to protect and support human rights;

144. Urges countries that limit access to the internet to lift restrictions on the free flow of information; notes that according to 'Reporters without Borders' the 'internet enemy list' includes the following states which engage in pervasive internet censorship: Belarus, China, Cuba, Egypt, Iran, Myanmar/Burma, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan and Vietnam;

145. Urges the Commission to draw up a list of individuals responsible for severe human rights violations, such as torture, censorship, rape and extra-judicial executions, in Iran, particularly after the 2009 elections, and to consider imposing sanctions on them in the form of asset freezes and travel bans;

146. Supports the right of expression and peaceful assembly in Russia as formally, but not actually, guaranteed by Article 31 of the Russian Constitution; expresses solidarity with the organisers and participants of Strategy-31, the series of civic protests in support of this right which started on 31 July 2009 and take place on Triumfalnaya Square in Moscow on the 31st of every month with 31 days; regrets that, except for the very last one, on 31 October 2010, all Strategy-31 demonstrations have been refused permission by the authorities on the grounds that other activities had been scheduled to take place in Triumfalnaya Square at the same time; is deeply concerned that on 31 December 2009, among dozens of other peaceful protesters, Russian police detained the Chairperson of the Moscow Helsinki Group, Lyudmila Alexeyeva, who had been awarded Parliament's Sakharov Prize only a few weeks before her detention; supports the call of the Human Rights Commissioner of Russia Vladimir Lukin to launch an investigation into the harsh police action in connection with the 31 May 2010 protests;

147. Is deeply concerned at the lack of freedom of expression in Venezuela and Cuba, the grip on news media, the restricted and controlled internet use and the attempts to stifle dissent;

#### ***Human rights and the fight against terrorism***

148. Condemns terrorism in all its forms; recalls that terrorism worldwide has resulted in thousands of deaths of innocent civilians and has shattered the lives of many families; takes the view that in the case of terrorist attacks it is imperative to talk first and foremost about the rights of the victims and not the perpetrators; stresses the need to make sure that terrorists are brought to justice;

149. Notes that measures to fight terrorism have resulted in violations of basic human rights in a number of countries around the world, in the form of the application of disproportionate surveillance measures, illegal detentions and the use of torture as a means of extracting information from suspected terrorists; expresses concern that certain countries are using the fight against terrorism as a cloak to crack down on ethnic minorities and local human rights defenders, and urges that the fight against terrorism not be used as an argument to restrict or ban the lawful and legitimate action of human rights defenders; condemns these violations of human rights, underlines the EU's position that the fight against terrorism must be conducted with full respect for fundamental rights and the rule of law and is convinced that civil liberties should not be compromised in the fight against terrorism;

150. Calls on the Commission and the Council to use the opportunity of bilateral political and human rights dialogues with non-EU countries to recall that human rights have to be respected when combating terrorism, and that under no circumstance must counter-terrorism policy be instrumentalised and used against human rights defenders or political opponents; calls in particular on the HR/VP to publicly denounce human rights violations in counter-terrorism policies and operations;

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151. Calls for a greater coordination and interaction between COTER and COHOM on this issue in order to condemn cases of abusive use of counter-terrorism policy against human rights defenders by systematically initiating *démarches* under the EU guidelines on Human Rights Defenders and to adopt the same approach in cases of torture and ill-treatment linked to the fight against terrorism under the EU guidelines on torture;

152. Recalls the decision of US President Barack Obama to close the Guantanamo Bay detention camp in January 2009; expresses its regret that this decision has not yet been able to be fully implemented; recalls its resolution of 13 June 2006 on the situation of prisoners at Guantanamo, which insists that every prisoner be treated in accordance with international humanitarian law and, if charged, tried without delay in a fair and public hearing; recalls the EU-US Joint Statement of 15 June 2009 on the Closure of the Guantanamo Bay Detention Facility and Future Counter-Terrorism Cooperation, which welcomed the determination of the US to eliminate secret detention facilities; asks the US Government to live up fully to its commitments; calls on the EU Member States to agree on a coordinated action plan to assist the USA in closing Guantanamo's detention facilities, by granting refugee status to former detainees who are not charged with crimes and cannot be repatriated or resettled in the USA; welcomes the constructive engagement of a number of EU Member States in their efforts to assist with reception of certain former Guantanamo detainees and with finding accommodation for some of the people cleared for release from the detention camp; notes however that to date only the following EU Member States – Germany, Ireland, Slovakia, Denmark, the United Kingdom, Spain, Portugal, Belgium, France, Hungary and Italy – have agreed to take detainees; is concerned about the ongoing detention without trial of detainees by the US, for example at the Bagram Air Base in Afghanistan;

153. Notes the convening under the French Presidency on 16 September 2008 of the inaugural Roma Summit, and the second such Summit held under the Spanish Presidency on 9-10 April 2010; notes with gravest concern the forced expulsions of Roma communities in Europe and the rise in xenophobic and hate language in relation to minority and migrant communities; reiterates the call of the European Parliament for Member States to honour to the full their obligations under EU law; and where Member States do not comply, calls on the European Commission to act formally and forcefully on infringement proceedings;

154. Notes that following the entry into force of the Lisbon Treaty the codecision procedure applies to directives and other forms of legislation on the fight against terrorism and organised crime, whereas international agreements related to this subject will have to be assented to by Parliament; notes that these changes will give Parliament additional leverage on the right balance between security and human rights; undertakes, therefore, to act in line with its new prerogatives by consistently calling for respect for, and promotion of, human rights, civil and political liberties and democracy in all the EU's relations with non-EU countries and regional organisations;

155. Reiterates that each Member State has a positive obligation to protect identifiable potential victims who are at real and immediate risk of terrorist acts, and adds that all Member States must take all reasonable measures to put in place procedures to prevent terrorist activity and to minimise the collateral impact of counter-terrorism activities;

156. Recalls the EU Council Framework Decision of March 2001 on victims of terrorism: emergency assistance, continuing assistance, investigation and prosecution, effective access to the law and justice, administration of justice, compensation, protection of the private and family life of victims, protection of the dignity and security of victims, information for victims and specific training for those responsible for assisting victims;

#### ***Human rights dialogues and consultations with non-EU countries***

157. Expresses its disappointment at the lack of progress achieved by a number of human rights dialogues and consultations; notes the fact that the involvement of civil society in these dialogues and consultations is not systematically guaranteed and is sometimes subject to constraints imposed by the non-EU parties; is concerned that even when cases are raised, governments are not fulfilling their commitment to report back to the EU on the individual and structural issues raised within the framework of the dialogue;

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158. Calls for real participation by the EP in the on-going evaluations of the human rights dialogues and consultations; asks for full access to the outcome documents and to other relevant sources; expects, as a result of the evaluations, the development of clear indicators to measure the impact of the dialogues and explicitly defined suggestions, based on a country-by-country approach, as to how to improve these outcomes and avoid any repeated failures of EU human rights consultations;

159. Calls on the European institutions to ensure transparency and coherence between themselves in terms of objectives, values and attitudes in this field;

160. Points out the need to feed the conclusions of the human rights dialogues and consultations into EU summits with its partners;

161. Takes the view that, in general, human rights dialogues and consultations must be planned and conducted transparently, and that objectives set in advance of the dialogue must be evaluated immediately afterwards; calls on the Council and the Commission to press the non-EU countries' authorities for high, broad ministerial involvement in the dialogues and consultations;

162. Calls on the EU accession countries to improve the level of human rights protection in their territories in the light of that provided for under the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms;

163. Calls on the Commission and the Council in their human rights consultations and dialogues with non EU-countries to pay close attention to the situation of ethnic and religious minorities and the frequent violations of their rights;

164. Welcomes closer coordination and cooperation between the United States and the European Union on human rights;

165. Welcomes the establishment of human rights dialogues with each of the Central Asian states – Tajikistan, Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan – and the holding of a second dialogue in each case up to November 2009; welcomes in addition the first EU-Uzbek civil society seminar on human rights dialogue in October 2008; regrets that the EU-China human rights dialogues have consistently failed to deliver any improvements as regards specific human rights abuses in China; points out that, despite some steps taken by the Chinese authorities in the right direction (labour reform, Supreme People's Court review of death sentences), the human rights situation continues to deteriorate and is marked by widening social unrest and tightening of the control and repression of human rights defenders, lawyers, bloggers, and social activists, as well as by targeted policies aimed at marginalizing Tibetans and their cultural identity; is deeply concerned about the lack of progress of the Sino-Tibetan dialogue; is deeply concerned about the deteriorating human rights situation of the Uighur population in China, condemns its longstanding oppression in East Turkestan and deplores the non-adherence of the Chinese authorities to the safeguards of freedoms including those of expression, demonstration, assembly, religion and person contained within the constitution of the People's Republic of China; also deplores the population transfer policy of the People's Republic of China, which is intended to dilute the culture of the Uyghur population and fragment their unity; expresses its disappointment that EU-Russia human rights consultations have not yielded any substantial results; welcomes the launch in 2009 of human rights dialogues with Indonesia, and the holding of the first dialogue meetings with Georgia and Armenia; considers that while such human rights dialogues bring a welcome focus on human rights issues in the EU's external relations, they cannot be allowed to become an end in themselves and must be focused on ensuring follow-up action is taken on the issues which are raised and discussed in these dialogues; regrets the lack of results from the human rights dialogue with India and is disappointed that the issue of caste-based discrimination was not discussed during the last human rights dialogue;

166. Calls for strong coordination between EU Member States, the European Commission and the EU Agency for Fundamental Rights of every EU human rights dialogue with non-EU countries; points out the need for the EU to be able to tackle human rights violations inside the Union itself if it is to be viewed as a beacon of human rights on the world stage;

167. Welcomes the first EU-Belarus human rights dialogue, which took place in June 2009, while regretting that the human rights situation in that country remains dire, with continuing restrictions on freedom of associations, assembly and expression, and repression of human rights defenders and journalists;

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168. Welcomes the efforts of the Government of Mexico in the fight against drug trafficking and organised crime and the submission to Congress of a bill aiming to reform the Military Code of Justice; stresses that the EU – Mexico Strategic Partnership should be seen as an opportunity to reinforce human rights and democracy;

169. Notes that in April 2009 the Parliament of the Democratic People's Republic of Korea (North Korea) revised the country's Constitution to include, among other things, a provision that North Korea 'respects and protects human rights', urges the North Korean authorities to make concrete and tangible steps towards improving human rights conditions, and in this respect calls on the authorities to allow inspection of all types of detention facilities by independent international experts, and to allow UN Special Reporters to visit the country; stresses that not only constitutional provisions, but above all the application of concrete measures, have to be taken into account when evaluating the human rights situation in the country; calls on the North Korean authorities to lift restrictions on international staff's ability to monitor the distribution of aid, and to ensure that international aid reaches the needy; urges the leadership of North Korea to engage constructively in human rights dialogues with the EU;

170. Continues to be concerned that the human rights dialogue with Iran has been interrupted since 2004 due to a lack of cooperation from Iran, and considers that the time has come for the international community to act in support of Iranian civil society at this crucial juncture in the history of the country's democratic movement; calls on the Iranian authorities to resume this dialogue with a view to supporting all civil society stakeholders who are committed to democracy, and to strengthen – through peaceful and non-violent means – existing processes that can foster democratic, institutional and constitutional reforms, ensure the sustainability of those reforms and consolidate the involvement of all Iranian human rights defenders and civil society representatives in policy-making processes, reinforcing the role played by them in the general political discourse; calls on the Council, the Commission and the Member States to support and strengthen those processes; is deeply concerned that, in 2008 and 2009, the human rights situation in Iran worsened and the restrictions on freedom of expression and assembly persisted; in this context, is deeply concerned by the suppression of the journalists, writers, scholars and women's rights and human rights activists; remains concerned about the repression of ethnic and religious minorities in Iran;

171. Takes note of the worrying authoritarian trend in Cambodia, underlined by a long-standing impunity for human rights violations and the narrowing of political space and freedom of expression for people belonging to the opposition parties and other political activists; calls on the Commission to take action for the reactivation of the 1991 Paris Agreement on Cambodia;

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

172. Recognises that economic, social and cultural rights should be given equal importance 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 Vienna; urges countries around the world to sign up to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which was opened for signature on 24 September 2009;

173. Stresses that human rights include, inter alia, the right to food, water and sanitation, education, adequate housing, land, decent work and social security; these rights should be granted as fair access to natural resources on a sustainability basis, including for future generations; recognises that poverty and the lack of good governance are important factors behind many of the situations of non-compliance with such rights; calls for the EU to invest greater efforts in achieving the Millennium Development Goals (MDGs), given the evidence that the world is falling far short of the goals set for 2015; in this context, reiterates the importance of implementing human-rights-based policies for the realisation of the MDGs;

174. Recognises the importance of the International Labour Organisation's supervisory system in defending rights in the areas of trade and employment, statistical systems, social protection and employment policies, as well as occupational safety and health;

175. Calls on the Commission and the Member States to ensure that companies which come under national or European law do not disregard human rights and the health and environmental standards applicable to them when they establish themselves or conduct their activities in a non EU-country, in particular in developing countries;

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176. Asks the Commission and the Member States to fulfil their Official Development Assistance (ODA) commitments towards developing countries in order to fight the global economic and financial crisis and in this way reduce the negative consequences this crisis has had on the human rights situation in the world; welcomes the 10th Special Session of the Human Rights Council entitled 'The Impact of the Global Economic and Financial Crises on the Universal Realisation and Effective Enjoyment of Human Rights', which took place on 20 February 2009; calls for EU Member States to maintain their cooperation with non-EU countries on human rights in the face of the crisis, and insists that lack of resources can never be used to justify the violation of human rights;

***The Commission's external assistance programmes and the EIDHR***

177. Welcomes the fact that Parliament's priorities have been taken into consideration in the 2008 and 2009 programming documents of the EIDHR;

178. Supports the contributions of the EIDHR, mainly through civil society projects by local and international civil society organisations (90 % of contributions), and also through regional and international organisations in this field, such as the Council of Europe, the OSCE and the Office of the UN High Commissioner for Human Rights (10 % of contributions);

179. Notes that in 2008-2009 resources for human rights and democracy amounted to over EUR 235 million, making it possible to fund 900 projects in some 100 countries, that a particularly high number of projects were funded in countries covered by the European Neighbourhood Policy, while ACP countries received the highest overall amount; notes with concern an imbalance to the detriment of democracy assistance projects other than election observation; considers that EIDHR funding should be significantly increased, so as to include appropriate funding for a European Endowment for Democracy, to support human rights capacity building and democracy promotion in the most needful societies;

180. Stresses as a key strength of the EIDHR the fact that it does not depend on host government consent and is therefore able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations, which need to preserve their independence from public authorities;

181. Stresses the importance of using the EIDHR as a way of reacting to human rights threats and a way of providing increased support to human rights defenders and victims of human rights abuses; supports a network of 11 EIDHR-funded organisations focusing on protecting human rights defenders and responding rapidly in emergency situations; encourages the development of specific strategies to respond to the needs of different categories of human rights defenders, including those defending LGBTI rights and those associated with investigations of human rights and humanitarian law violations;

182. Calls on the Commission to ensure that there is coherence between the Union's political priorities, its partnership and cooperation agreements, and the projects and programmes which it supports, particularly in connection with its bilateral programming with non-EU countries;

183. Is mindful of the still worrying human rights situation in the African continent and convinced that African states have taken significant steps towards the promotion of the rule of law at continent level with the adoption of the African Charter on Human and Peoples' Rights (also known as the Banjul Charter), and is consequently considering the possibility of setting up an ad hoc budget line to support the work of the African Court on Human and Peoples' Rights;

184. Calls on the Commission staff to meet regularly with civil society representatives in Brussels in order to foster dialogue with those partners who actually implement projects on the ground;

185. Welcomes the spread of funds for human rights through geographical programmes, the implementation of the policy at national and regional level being supported by the European Development Fund (in the African, Caribbean and Pacific countries), the Development Cooperation Instrument (in Latin America, Asia and South Africa) and the European Neighbourhood and Partnership Instrument (in the neighbouring regions), as well as through thematic instruments such as EIDHR, IfS, DCI and ICI Plus;

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***Electoral assistance and election observation***

186. Notes with satisfaction that the EU is making increasing use of electoral assistance and election observation to promote democracy in non-EU countries, thereby enhancing respect for human rights, fundamental freedoms and the rule of law, and that the quality and independence of these missions are widely recognised;

187. Calls on the HP/VP to monitor the implementation of recommendations made in EU EOMs final reports, to ensure follow-up assistance if needed and to report back regularly to the EP;

188. Reiterates its calls for the electoral process, including both the pre- and post-electoral stages, to be incorporated into the different levels of political dialogue with the non-EU countries concerned, accompanied by specific measures where appropriate, with a view to ensuring the coherence of EU policies and reaffirming the crucial role of human rights and democracy;

189. Calls for increased vigilance with regard to the criteria for selection of the countries in which electoral assistance/election observation is to take place, and for compliance with the methodology and rules set up at international level, particularly concerning the independence and effectiveness of the mission;

190. Welcomes the amount of funding, which totalled a further EUR 50 million over the 18-month period of this report;

***Making use of European Parliament's actions on human rights***

191. Calls on the Council and the Commission to make thorough use of Parliament's resolutions and other communications, responding in a substantive manner to the concerns and wishes expressed, particularly with respect to urgent resolutions;

192. Reiterates the need to give greater visibility to the Sakharov Prize of Freedom of Thought annually awarded by the EP; regrets that a proper follow-up is not being carried out on the well-being of the candidates and laureates, nor on the situations in their countries; calls also on the Council and the Commission to give visibility to this prize, among other things by including it in the annual report on Human Rights; calls, furthermore, on the Council and the Commission to stay in touch with the Sakharov Prize candidates and laureates to ensure continuous dialogue and monitoring of the situation of human rights in their respective countries and to offer protection to those being acutely persecuted;

193. Reminds Parliament's delegations to systematically include debates on human rights in the agendas of interparliamentary meetings, to include in their visits projects and institutions seeking to improve respect for human rights, and to meet human rights defenders and provide them, where appropriate, with international visibility and protection;

194. Welcomes the establishment of the Sakharov Prize Laureates Network; urges that the necessary resources be found without delay to achieve its objectives and to facilitate communication between Sakharov Prize winners and Parliament by granting special status to the prize-winners, allowing them to enter Parliament's premises with facilitated entrance procedures;

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195. Instructs its President to forward this resolution to the Council and the Commission, to the governments and parliaments of the Member States and the candidate countries, to the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe, and to the governments of the countries and territories mentioned in this resolution.

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