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**Subject : "Draft EU Annual Report on Human Rights"**

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Delegations will find attached the final version of the draft EU Annual Report on Human Rights.

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# **EU ANNUAL REPORT ON HUMAN RIGHTS**

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## **1. INTRODUCTION: MAKING HUMAN RIGHTS A REALITY**

Human rights and the recognition of human dignity are the foundations of freedom, justice and peace in the world. This is the wisdom of the Universal Declaration of Human Rights, to which the European Union is deeply committed. The present Report, the first of its kind, covering the period from 1 June 1998 to 30 June 1999, intends to explain how the Union's headway towards integration is paralleled in the field of human rights. In a world where the rights of women, men and children continue to be violated daily, the Union's commitment to human rights is continuously being translated into action.

In presenting this Report, the Union would like to contribute to a better understanding of the motives and institutional structures and policy instruments of the Union. This Report therefore explains who the actors of the Union's human rights policies are, and looks at their goals, methods and activities. In doing so, the Report aims to enhance the transparency of the Union's human rights policies. If the report is perceived as another step towards open dialogue with an interested public, and with public authorities within and outside the Union, then it will have achieved one of its major purposes.

The Report concentrates on the EU's external relations. However, the picture would not be complete without at least making a reference to EU action related to developments in the EU area. Therefore, an introspective look at one specific theme will be included. In this edition, the theme viewed more closely from this perspective is racism.

At the United Nations World Conference on Human Rights held in Vienna in June 1993 the international community reconfirmed its conviction that all human rights are universal, indivisible, interdependent and interrelated. The Union is firmly committed to this principle. It enshrines the mandate for all Governments to make all human rights a reality for all people, through protective and promotional activities encompassing all policy areas. The World Conference also reconfirmed that the protection and promotion of human rights is a legitimate concern of the international community. The Union for its part promotes human rights in its bilateral relations with third countries and takes up human rights violations wherever they occur. In so doing, the Union is aware that human rights policy begins at home.

## **TREATY ON EUROPEAN UNION, ARTICLE 6**

- 1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.*
- 2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.*

The Union is a community of shared values. The Treaty on European Union, as amended by Amsterdam, clearly states that human rights figure among the principles common to all the Union's Member States and on which the Union is founded. But human rights are not foreign to any culture. They are native to all nations and inherent in all individuals. The universality of human rights as confirmed in the Universal Declaration on Human Rights and subsequent human rights instruments and as reaffirmed in the Vienna Declaration and Programme of Action is beyond question. The Union stands ready to strengthen that framework together with others, in a spirit of partnership, but rejects exemptions from human rights standards based on national, cultural or religious considerations. Cultural diversity, which the Union welcomes and promotes, vividly illustrates the richness of the human family, which is one in its common aspirations for human dignity and a life free from fear and want.

The human being is at the centre of the Union's policies. Making human rights a reality is a never-ending challenge. Policies designed to meet this challenge derive their urgency from the insight, backed by experience, that human rights are integral to peace and security, economic development and social equity. The Union therefore welcomes, and promotes, the growing international trend towards integrating the promotion of human rights, democracy and the rule of law into development co-operation, trade policies, and the promotion of peace and security. Many efforts are made to this end by international organisations, and they are thus an important forum for the Union's human rights policies.

It is becoming ever clearer that Government action in tackling existing challenges greatly benefits from dialogue and co-operation with civil society, and the Union is therefore committed to strengthening this relationship further. The Union is also aware of the important role that education and the media can play in promoting human rights awareness and tolerance. At the same time, the Union pays tribute to the acts of courage by thousands of women and men throughout the world who have fought to promote, protect and defend human rights, often paying a heavy toll.

Human rights policies must address the situation of human beings comprehensively. For example, implementing rights such as the right to education, health and social security contributes to the enjoyment of civil and political rights as well. Conversely, promoting economic, social and cultural rights through open public debate requires, inter alia, freedom of speech and association, and the existence of political parties and trade unions. Also, all human rights – whether civil and political, or economic, social and cultural – share many common denominators. For these reasons, the Union subscribes to the interdependence and indivisibility of all human rights and rejects efforts to limit the enjoyment of one set of rights on the pretext that priority attention must be given to another.

This Report does not answer every question, nor does it pretend to do so. It is only one element of accountability. This Report intends to foster an understanding of the Union's human rights policies, to encourage dialogue with all interested parties, and to stimulate broad-based commitment to the global task of protecting and promoting human rights.

## **2. 1998 - HUMAN RIGHTS YEAR**

The year 1998 was marked by the 50th Anniversary of the adoption of the Universal Declaration of Human Rights. At the same time, five years after the World Conference on Human Rights, the international community reviewed the progress made in the implementation of the Vienna Declaration and Programme of Action adopted at that Conference. Human Rights Year 1998 provided a framework for the international community to take stock and to redouble efforts to implement human rights in all countries of the world, including through a further strengthening of the global system for the promotion and protection of human rights and enhanced efforts at national level. On the occasion, the European Union embarked on a process of reviewing their human rights work and policies as well as to re-inforce their contribution to the strengthening of the international system for the promotion and protection of human rights.

On 10 December 1998 the EU issued in Vienna a Declaration on the occasion of the 50th Anniversary of the Universal Declaration of Human Rights (cf. Annex). The Declaration reaffirmed that the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. The Declaration expresses the human rights concerns of the Union and provides guidance and proposes concrete steps to further strengthen the central role of human rights in the work of the Union: internally, in its relations with third countries, and in order to actively support the promotion and protection of human rights in multilateral fora.

The EU also initiated also a research project on human rights and the Union. The final report of the project ("Leading by example: A Human Rights Agenda for the European Union for the Year 2000") drawn up by a Comité de Sages was presented at a conference held in Vienna on 9 and 10 October 1998. Countries candidates for accession to the European Union were also represented at the conference.

An important result of the efforts in connection with Human Rights Year 1998 was the decision of the EU to present an annual human rights report. A number of special measures were taken in order to facilitate and enhance the human rights work of the Union: in particular, guidelines on the abolition of the death penalty, on election monitoring and on human rights reporting were adopted. Special attention was paid by the Union in all its activities to realizing the rights of the child and to ensuring coherent and comprehensive EU policies in this regard.

Throughout 1998 the EU participated actively in the work of international organisations concerned with human rights. An important outcome of the Vienna+5 review was the adoption of Agreed Conclusions of ECOSOC on the integrated follow-up to the World Conference on Human Rights. This document firmly establishes the concept of mainstreaming human rights in all aspects of the work of the United Nations and endorses the work of the High Commissioner for Human Rights, in particular on the field level. A major achievement of Human Rights Year 1998 is the adoption without a vote of the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ("Declaration on Human Rights Defenders", see chapter 3.3.1).

The EU believes that the struggle for the fulfilment of the commitments of the Universal Declaration must be continued and intensified beyond the human rights year. We should ensure such follow-up in partnership - between governments and civil society, among governments and international organisations, and between civil society in the EU and in third countries. The UN - alongside regional organisations such as the Council of Europe - will continue to play a central role in this regard: as a forum for dialogue and for further improvements of international standards; as a forum for scrutiny of the human rights performance of Member States, and for assisting countries to live up to their human rights obligations.

### **3. HUMAN RIGHTS IN THE EUROPEAN UNION**

#### **3.1 Legal Sources**

The Treaty of Amsterdam brought several new provisions relating to human rights and thus strengthened the basis for EU action in this field, also in the Common Foreign and Security Policy.

According to Article 2 of the Treaty on European Union (TEU), one of the objectives of the Union is to "*strengthen the protection of the rights and interests of the nationals of its Member States*" and to "*maintain and develop the Union as an area of freedom, security and justice*". The Treaty also states in Article 6 (1) that the European Union is "*founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States*". According to the same provision, the Union is bound to "*respect fundamental rights, as guaranteed by the [Council of Europe's] (...) Convention for the Protection of Human Rights and Fundamental Freedoms (...) and as they result from the constitutional traditions common to Member States, as general principles of Community law*". Following the entry into force of the Treaty of Amsterdam, Article 6(2) of the TEU is subject to the jurisdiction of the Court of Justice with regard to actions of the institutions, in so far as the Court has jurisdiction under the Community Treaties and under the Treaty of Amsterdam. As explained in chapter 4.2.5, the EU has included the human rights clause in treaties with third countries. These clauses are binding on EC Member States and form part of Community law.

The Treaty establishing the European Community, as amended by the Treaty of Amsterdam, specifically empowers the Community to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief,



disability, age or sexual orientation (Article 13); it also contains a provision on measures concerning asylum, refugees and immigration (Article 63). Conscious of the European Social Charter and the Community Charter on Basic Social Rights of Workers, it defines aims and certain Community powers in the field of employment, working conditions and social protection (Article 136). With regard to development cooperation, the Treaty establishing the European Community (Article 177) states that "*Community policy (...) shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms*". Also, any Member State violating human rights in a "serious and persistent" way can face suspension of some of its rights under the Treaties.

All Member States are subject to supervision by the Council of Europe's Strasbourg-based European Court of Human Rights as well as the European Social Charter, the Committee of Independent Experts of the Social Charter and the European Committee for the Prevention of Torture.

In addition, at the meeting in Cologne in June 1999, the European Council decided that a Charter of the fundamental rights guaranteed in the Union should be established in order to make their overriding importance and relevance more visible.

### **3.2 Enlargement**

Article 49 of the TEU spells out that accession is only open to states that respect the principles set out in Article 6(1) and are thus committed to the protection of human rights.

The European Council meeting in Copenhagen in 1993 formulated political criteria to be met by countries applying for membership of the European Union. It stated that '*membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.*'

On the basis of these criteria, the Commission assessed the requests for membership of the ten candidate countries of Central and Eastern Europe in its Opinions presented in the framework of Agenda 2000 in July 1997. The Commission also reviewed progress achieved by the eleven

candidate countries (ten countries of Central and Eastern Europe and Cyprus) and by Turkey in its regular reports. In these reports, attention is paid both to democratic systems of governance, the rule of law, the rights of minorities and civil and political rights, and to economic, social and cultural rights.

In the context of enlargement, the candidate countries are expected to address the issues presented in the Commission's Opinions and Regular Reports and to implement the priorities set out in the Accession Partnerships.

In the '*Accession Partnerships*' of March 1998 for the ten candidate countries of Central and Eastern Europe, priorities are set for these countries, in the light of the analysis made by the Commission in its Opinions. Priorities related to the fulfilment of the political criteria of membership are identified in most Accession Partnerships.

The Commission will make a further review of the progress made by each of these countries in its *Regular Reports* to be produced in autumn 1999, which will include a full evaluation of preparations to meet the Copenhagen political criteria. The priorities in the Accession Partnerships will be revised accordingly.

On accession to the Union, new Member States will be bound by the principles of the Treaty, which refer inter alia to respect for human rights and fundamental freedoms.

### **3.3 EU institutions**

At Union level, respect for human rights is secured by the European Parliament and the Ombudsman, the Commission, the Council of Ministers and, in particular, by the Luxembourg-based European Court of Justice. As in many other areas, the Court's long-standing case-law has been the centre-piece and an important driving force for the development of the Union's human rights framework. The main responsibility for the protection and promotion of human rights rests, however, with the Union's Member States.

Member States' Governments are also accountable to international monitoring mechanisms, particularly within the framework of the Council of Europe, the Organisation for Security and Cooperation in Europe and the United Nations, with whom they readily co-operate.

Anyone interested in specific human rights issues in a particular Member State of the Union should consult relevant national governmental, parliamentary or non-governmental sources. However, purely *national* situations, actions or institutions are not the focus of this Report, which rather deals with actors, policies and actions at *Union* level.

### **Court of Justice**

The European Court of Justice in Luxembourg ensures compliance by Member States and the EU institutions with the Treaties. Member States and the EU institutions as well as individuals can bring matters pertaining to Community law before the Court. The rulings given by the Court are binding. Since 1989 there has been a Court of First Instance attached to the Court of Justice, with jurisdiction to hear direct actions including cases brought by individuals, and here also human rights can play a role.

Although the EEC Treaty originally contained no specific clauses on human rights, the Court of Justice has consistently recognized that fundamental rights form an integral part of the Community legal order, thereby ensuring that human rights are fully taken into account in the administration of justice. This case-law of the Court was gradually built up from 1969 onwards, by referring to the constitutional traditions common to the Member States and to international treaties for the protection of human rights on which Member States have collaborated or which they have signed. In this regard, the Court has stated that the European Convention for the Protection of Human Rights and Fundamental Freedoms has special significance. The Court's case law is now reflected in Article 6 of the Treaty on European Union.

The case-law of the Court has confirmed that the obligation to respect fundamental rights applies both to EU institutions and to Member States in the area of Community law.

### **The European Parliament**

Together with the Council and the Commission the European Parliament (EP) is an important participant in making and implementing the EU's Human Rights policy. Throughout the years the EP has taken a leading role in keeping human rights at the forefront of the EU agenda. This is in large part due to the specific role of the EP as well as to the strong interest traditionally taken in human rights matters by the EP and many of its individual members. The powers of the Parliament have gradually been increased,

notably through the entry into force of the Maastricht Treaty and the Amsterdam Treaty. The EP has become an important forum for discussion on human rights and maintains regular contact with human rights organisations and human rights defenders. The EP has influence in treaty-making processes with third countries. This has often implied placing emphasis on issues related to human rights. It also undertakes human rights missions to countries outside the EU and publishes reports on specific human rights situations as well as thematic issues. The EP also adopts resolutions and issues declarations in matters related to human rights and submits questions to the Council and the Commission. An important example is the EP Declaration on Fundamental Rights and Freedoms.

The European Parliament (EP) has 626 members who are elected directly by the citizens of Member States. Meetings of the Parliament are convened in Strasbourg and Brussels.

Several other Committees also address human rights issues. The Committee on Foreign Affairs and the Committee on Development Cooperation both deal with human rights issues outside the EU and in the EU's external policy. Human rights issues within the Union are dealt with inter alia by the Committee on Civil Liberties and Internal Affairs, the Committee on Legal Affairs and Citizens Rights and the Committee on Women's Rights.

The Presidency of the Council of the EU consults the EP on the main aspects and the basic choices of the common foreign and security policy and ensures that the views of the EP are duly taken into consideration. The EP is kept regularly informed by the Presidency and the Commission of the development of the Union's common foreign and security policy.

Each year the EP awards an individual or organisation the 'Sakharov Prize' for freedom of thought. In 1998 the prize was awarded to Ibrahim Rugova. In Human Rights Year 1998, the EP took the initiative of calling for a 'Millennium Amnesty' for prisoners of conscience before the year 2000.

### 3.4 Civil Society, Human Rights Defenders

Progress in implementing human rights is based on interaction between governments and civil society. The international community increasingly acknowledges the dynamic link between the two spheres. The Union has a tradition of co-operating with its active and well-established NGO community. NGO involvement in European efforts to combat racism and xenophobia is just one example. Furthermore, various national institutions in the area of human rights exist in the EU Member States.

Under the current Finnish Presidency, a Human Rights Discussion Forum bringing together representatives from NGOs, European institutions, Governments and the academic world aims to deepen co-operation between the various actors and contribute to strengthening the EU's human rights policy.

At a worldwide level, individuals or groups engaged in the defence of human rights or in practical project work continue to suffer the hardships of persecution. This is why the Union was a driving force in making the cause of *human rights defenders* a main theme of the 50th anniversary celebrations of the Universal Declaration of Human Rights. After thirteen years of negotiations, this led – first on 4 March 1998 in the Working Group and in the 54th Commission on Human Rights, then on the occasion of the 50th anniversary of the UDHR in the UN General Assembly – to the adoption of the "UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (Declaration on Human Rights Defenders). During the 55th Commission on Human Rights (April 1999) the Union publicly called on States to build on the commitment given in the Declaration to protect human rights defenders; in this context the Union indicated its readiness to support the creation of a Special Rapporteur on Human Rights Defenders.

The Union seeks to strengthen the position of NGOs in international organisations, where the Union defends established NGO access rights, and in third countries, where the Union makes efforts to enhance the role of civil society and NGOs as participants, promoters and beneficiaries in democratization and development processes. The Union provided extensive support to NGOs and the strengthening of civil society in different parts of the world. The instruments used for this purpose are described in more detail in chapter 4.3.

### **3.5. Human Rights challenges in the EU: Racism and Xenophobia**

Although this Report concentrates on the EU's external relations, a chapter is devoted to the challenges in the EU. In this edition, EU action with regard to racism is looked at. Among the EU's shared values also figures the firmly held belief that diversity is one of the foundations on which the European Union has been built. Racism, xenophobia and intolerance are the antithesis of what the European Union means in its essence. The defence of the basic principle of non-discrimination is at the centre of our understanding of human rights.

The EU is acutely aware that racism, xenophobia and intolerance exist within its Member States. The EU is committed to fighting these phenomena, both through national policies of the 15 Member States and through action at Community level.

The commitment of the EU to curbing racism and related intolerance was reflected in numerous activities in all Member States by governments and NGOs during the European Year Against Racism in 1997. The most visible outcome was the establishment of the European Monitoring Centre on Racism and Xenophobia situated in Vienna. Its prime mandate is to provide and analyse objective, reliable and comparable data and best practices on racism, xenophobia and anti-Semitism in EU Member States. The Centre has established a network of information on racism (RAXEN) that can be utilized by NGOs and academic experts. As problems encountered in the various Member States often have many common denominators, enhanced possibilities of circulating comparable data will create room for more efficient action against racism.

Another focus of activity of the Centre is the organizing of Round-Table seminars in the Member States aimed at increasing the visibility and interaction between the actors in this field. The Centre can also contribute to developing EU action in the area of combating racism. It is expected to play an important role in EU preparation for the forthcoming UN World Conference against Racism.

Another important outcome of the European Year against Racism is the activation of new partnerships and networks between the different actors in the struggle against racism. The most active one is a European NGO network against racism.

The Amsterdam Treaty specifies the Union's powers in combating racism. In December 1998, the European Commission presented its ideas about a legal framework for non-discrimination in the EU and also announced its intention to present this year anti-discrimination legislation under the Amsterdam Treaty provisions. At the request of the European Council (Vienna, December 1998), the European Commission has also elaborated proposals for measures to counter racism in the candidate countries. In addition, monitoring through the European Commission against Racism and Intolerance of the Council of Europe also exists.

Article 13 of the new Treaty offers a huge opportunity for promoting fundamental rights and fighting discrimination. Legislative procedures with this goal will be initiated as soon as possible. Firstly, a directive to combat discrimination on all Article 13 grounds other than sex as regards employment and occupation. Secondly, a proposal for a directive to combat discrimination on grounds of racial and ethnic origin which goes beyond the labour market to deal with the most common areas of discrimination in society within the limits of the powers of the Community – social protection and social security, social advantages, education, access to and supply of goods and services, cultural activities and sports. This second proposal takes account of the experience of the Community during the European Year against racism and, in particular, of the strong political will which exists to combat as many aspects as possible of racial discrimination. The last part of the package will be an action programme to support and complement these legislative proposals.

The Commission drew up in 1998 a comprehensive action plan for combating racism across the European Union. The plan will mainstream the fight against racism into all policies and programmes of the EU, it will support pilot projects and networks which show innovation in combating racism and it will strengthen information and communication activities.

In the EU Communication of 26 May 1999, the Commission gave an overview of measures which can contribute to countering racism, xenophobia and anti-Semitism in the candidate countries. The document was forwarded to the European Council meeting in Cologne on 3-4 June 1999.

## **4. EU ACTION ON HUMAN RIGHTS IN INTERNATIONAL AFFAIRS**

### **4.1 Introduction**

The European Union's international action for the promotion and protection of human rights is based on a mix of instruments, both in its Common Foreign and Security Policy and in its external relations, including development cooperation, covered by the EC Treaty. Article 3 and Article 13 of the Treaty on European Union (TEU) provide that the Union is to ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council of the EU and the European Commission are responsible for ensuring such consistency and cooperate to this end.

On 1 May 1999 the Treaty of Amsterdam entered into force. One of the Treaty's main aims is to make the external policies of the Union more coherent, effective and visible in promoting peace, prosperity and stability in the world. Provisions to that end include strengthening the role of the European Council (Heads of State and Government), including through defining common strategies; establishing the Secretary-General of the Council as High Representative for the Common Foreign and Security Policy (on 3-4 June 1999, the Cologne European Council designated Mr. Javier Solana as Secretary-General of the Council and High Representative for the CFSP); streamlining decision-making by greater recourse to qualified majority voting; and making it possible to conclude international agreements on CFSP matters. A Policy Planning and Early Warning Unit will also be created in the Council Secretariat. Such provisions are expected to reinforce the EU's international presence, visibility and effectiveness, including in the field of human rights.

The development and consolidation of democracy and the rule of law, as well as respect for human rights and fundamental freedoms feature among the key objectives of the EU's Common Foreign and Security Policy (Article 11 of the TEU). Similarly, the promotion of democracy, the rule of law and human rights and fundamental freedoms is one of the objectives of the Union's action in development cooperation (article 177 of the TEC).

The EU is working on the reinforcement of its human rights actions and instruments: in the Vienna Declaration of 10 December 1998 it identified avenues to reinforce its capacity to achieve its objectives in this area (see part 2 of this Report).



The EU maintains systematic coordination on human rights issues in the framework of the Common Foreign and Security Policy, in particular in the Council's 'Human Rights Working Group' (COHOM), which is composed of human rights experts from Member States and the Commission, as well as in the regional working groups. These groups report to the EU's Political Committee (Political Directors) and via the Committee of Permanent Representatives to the Council of Ministers. Human rights related issues regularly come up also in the framework of development cooperation, trade, in committees dealing with the implementation of the relevant budget chapters as well as in the context of asylum and migration issues.

In addition, the EU seeks as a general aim to include the human rights dimension in relevant fields of EU policy. For instance, the EU Code of Conduct on arms exports, agreed in June 1998, reinforces the criterion of respect for human rights in the country of final destination. Respect for human rights is one of the elements of, i.a., conditionality in the EU's strategy for its relations with Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, FRY, FYROM). In the framework of the EC's scheme of generalized tariff preferences, respect by third countries for international labour standards, including on child labour, is an important criterion for the Union. A further example is the EU's approach to terrorism, in which it insists that an unremitting and uncompromising struggle against terrorism is and should at all times be compatible with human rights and fundamental freedoms.

The EU addresses human rights situations and promotes human rights principles through a variety of instruments and actions, which are described below.

## **4.2 EU instruments and initiatives**

### **4.2.1 Common strategies, common positions, joint actions**

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

#### ***Common Strategies:***

Common strategies are a new instrument created by the Amsterdam Treaty. Their aim is to enhance the overall coherence of the Union's international action. They are agreed at European Council level (Heads of State and Government), to be implemented by the

Union in areas where the Member States have important interests in common. They are adopted unanimously, but foreign and security policy decisions taken on the basis of common strategies, including joint actions and common positions, are to be adopted by qualified majority voting. Common strategies may cover issues of all three pillars of the EU.

The EU's first common strategy is devoted to Russia. It was agreed by the Cologne European Council in June 1999 and the consolidation of democracy, the rule of law and civil society is one of its main objectives.

***Common positions:***

Common positions define the approach of the Union to a particular matter of general interest of a geographical or thematic nature. Member States must ensure that their national policies conform to the common positions.

In the period covered by this report, the EU in particular defined the following human rights related common positions:

Reacting to the extreme and criminally irresponsible policies and the massive violations of human rights in Kosovo by the authorities of the Federal Republic of Yugoslavia, the EU imposed a number of restrictive measures against the FRY through a series of common positions and implementing decisions.

It also supported democracy and freedom of expression in the Federal Republic of Yugoslavia by defining a common position on restrictive measures (visa ban) against persons acting against independent media in that country (December 1998).

The EU defined a common position on human rights, democracy, the rule of law and good governance in Africa in May 1998, which it reviews every six months. In the common position, the EU sets out principles and a framework for its action and the action of Member States. A key aspect is the principle that the Union, working with both governments and civil society on the basis of partnership and cooperation, shall consider increasing its support for African countries in which positive changes are engaged towards respect for human rights and democratic principles. Where changes are negative, it shall consider the appropriate responses that could help reverse those developments.

In the latest six-monthly review of the common position (May 1999), the Union recalled that human rights and democratic principles were key criteria and objectives in a number of cooperation agreements between the EU and African countries, in particular the revised Lomé Convention, and listed actions taken by the Union in the past six months to promote respect for human rights and democracy.

In November 1998 the EU repealed some of the sanctions it had imposed against Nigeria in 1995 following the human rights violations perpetrated by the military regime. It lifted the remaining restrictive measures in May 1999 in view of the fact that the conditions it had laid down had been met, with the establishment of a democratically elected civilian President and the formation of a civil government.

The 1998 common position on Rwanda, revised in 1999, places protection of human rights and fundamental freedoms and the transition to democracy at the centre of the Union's policy objectives towards that country.

In view of the further deteriorating human rights situation in Burma/Myanmar, the Union reinforced its common position of 1996 by agreeing on additional restrictive measures against the authorities of that country (October 1998) and prolonging the validity of the common position in April 1999.

The Union made the promotion of respect for international humanitarian law and human rights, including the rights of women and children, one of the central elements of its 1998 common position on Afghanistan, revised in January 1999.

***Joint Actions:***

Joint actions address specific situations where operational action by the Union is deemed to be required. For that reason, they usually contain budgetary provisions. They commit Member States in the positions they adopt and in the conduct of their activity. Joint actions relevant to human rights adopted by the EU in the period covered by this report include the following.

Through a joint action, the EU notably supported the democratic process in Nigeria by providing technical assistance for the preparation of the February 1999 elections and sending a contingent of 100 EU observers within the framework of the international monitoring mission coordinated by the United Nations. The EU Presidency also appointed an EU spokesperson responsible for the joint EU-UN declarations on the elections.

The multi-annual joint action on assistance to the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control includes provisions for training security and police services in the field of human rights and the rule of law. The programme can be suspended if the Palestinian Authority fails to take appropriate measures to ensure respect for human rights in its implementation.

Through joint actions, the EU supports the peace implementation structures in Bosnia and Herzegovina, as well as the election processes in that country. It co-funds, to the tune of about 50%, the Office of the High Representative, whose task includes the consolidation of democracy and human rights in Bosnia and Herzegovina. It provided contingents of supervisors and observers in the framework of the electoral operations carried out, most recently in autumn 1998, under the auspices of the OSCE.

#### **4.2.2 Demarches / Declarations**

Demarches to the authorities of third countries and press declarations are also important instruments of the EU's foreign policy. They are widely used to convey human rights related concerns and to seek remedy to situations. Demarches are usually carried out, sometimes in a confidential manner, in "Troika" format, or by the Presidency.

In addition, the EU can make public declarations calling upon a government or other parties to respect human rights, or welcoming positive developments. These statements are made by the Presidency on behalf of the EU or, if they are agreed at a Council of Ministers meeting, by the EU as such. They are published simultaneously in Brussels (Press Service of the Council Secretariat, <http://ue.eu.int/newsroom>) and in the Presidency's capital.

#### **4.2.3 Political dialogue**

Political dialogues are important fora for the EU to discuss human rights concerns with third parties. The EU conducts political dialogue meetings with 48 countries and regional groups (see annex for details). Meetings are held at different levels, heads of State and government, ministerial, senior officials or experts, and take place on a regular basis. The EU is normally represented by the Troika but some political dialogue meetings are attended by all EU delegations.

Political dialogue meetings cover a wide range of issues. Human rights are regularly included in the agenda with a view to addressing concrete human rights concerns and to urge the dialogue partner to take measures to improve the situation, as was the case in meetings with Iran and China for example. With a number of partners human rights are also discussed from the angle of fostering cooperation in multilateral fora and advancing common objectives.

***A human-rights-specific dialogue: the EU - China Human Rights Dialogue and cooperation programme***

Besides the general political dialogues, the EU conducts a specific dialogue on human rights with China. This EU - China human rights dialogue, which resumed in 1997, constitutes an important channel for addressing issues of concern in an open and frank manner. The EU Troika and the representatives of the Chinese government meet twice a year to address inter alia the EU's concerns with regard to developments in the human rights situation in China. Official meetings were held in October 1998 and February 1999. With the support of the European Initiative on Democracy and Human Rights, legal seminars involving representatives of the academic community and civil society are also organized in the framework of the human rights dialogue. A seminar on women's rights was organized in October 1998 and another on the administration of justice in May 1999.

The EU is committed to developing its cooperation programme in support of the human rights dialogue with China. In 1998 it aimed at strengthening civil society in China through projects aimed notably at promoting the rights of women and disabled people as well as local democracy.

In 1998 the Chinese authorities took positive steps by signing the UN covenants on Civil and Political Rights and on Social, Economic and Cultural Rights. The Union also welcomed the visit of the UN High Commissioner for Human Rights to China. However, the severe crackdown on dissidents in December 1998, which the Union condemned on several occasions and addressed with the Chinese authorities, showed that the positive steps in the international arena were not matched by concrete progress in the human rights situation in the country.

Areas of EU concern include freedom of opinion, expression and assembly, extensive use of the death penalty, arbitrary detention and the use of labour camps, and the treatment of religious and cultural minorities. The situation in Tibet, including the "patriotic education campaign" continues to give serious cause for concern. EU Troika Ambassadors visited Tibet in May 1998 in order to make an assessment of the situation there. Through the dialogue process, the EU has also raised concerns about the lack of due processes of law in China's "reform through education" system, and the continued broad definition of crimes endangering state security. The EU has also sought retrospective action from the Chinese authorities to review the cases of those detained under the former legislation on "counter-revolutionary crimes".

The excessive use of the death penalty in China remains of deep concern for the EU. This concern has been expressed on several occasions within the framework of the human rights dialogue with China. The EU has pressed the Chinese authorities to ensure that all appeals are heard by the Supreme People's Court, and for data on the number of executions and other information related to the use of the death penalty.

The EU has also raised the cases of many individuals detained in China. Some of these have subsequently been released.

The Union intends to make the human rights dialogue with China focused and more orientated towards concrete improvement in the human rights situation.

#### **4.2.4 Action in pursuit of a specific policy: the EU guidelines on the death penalty**

The universal abolition of the death penalty is a strongly held policy agreed on by all EU Member States. On 29 June 1998 the Union adopted, as an integral part of its human rights policy, 'EU guidelines' on the death penalty. These guidelines define ways to strengthen international activities by the EU in opposition to the death penalty. The guidelines are described in more detail in chapter 5.2.1.

The issue of the death penalty was taken up in bilateral contacts with a number of governments, including China, the United States, the Bahamas, Jamaica, Trinidad and Tobago, Benin, Sierra Leone, Iran, the Philippines, the Palestinian Authority and Uganda, explaining the EU's policy and urging them to take steps towards abolition of the death penalty. Furthermore, the EU intervened in many individual cases, calling for non-application of capital punishment (juvenile offenders etc.), or to review the process of law. The Union also issued several declarations on the issue of the death penalty (see annex for details).

#### **4.2.5 The human rights clause in Agreements with third countries**

##### ***Human rights clauses in EC legislation***

The EU's external trade and cooperation relations have been institutionalized in a series of treaties, ranging from simple bilateral commercial agreements to elaborate association agreements including clauses on different kinds of cooperation.

Both in trade and aid relations, the EU has gradually incorporated human rights into agreements with third countries. Since the early 1990s, the EU has inserted human rights clauses in a substantial number of bilateral trade and cooperation agreements with third countries, including association agreements such as the Europe agreements, Mediterranean agreements and the Lomé Convention. A Council decision of May 1995 spells out the basic modalities of this clause, with the aim of ensuring consistency in the text used and its application. The model consists of a provision stipulating that respect for fundamental human rights and democratic principles as laid down in the Universal Declaration of Human Rights of 1948 (or, in a European context, also the Helsinki Final Act and the Paris Charter for a New Europe) underpins the domestic and external policies of the parties and constitutes an "essential element" of the agreement. A final provision dealing with non-execution of the agreement requires each party to consult the other before taking measures, except in cases of special urgency. An interpretative declaration specifies that cases of special urgency include breaches of an "essential element" of the agreement.

Since the Council decision of May 1995, the human rights clause has been included in all subsequently negotiated bilateral agreements of a general nature (excluding sectoral agreements on textiles, agricultural products, and so on). More than 20 such agreements have already been signed. These agreements come in addition to the more than 30

agreements negotiated before May 1995 which have a human rights clause not necessarily following the model launched in 1995. If the Lomé Convention is included, human rights clauses already apply to more than 120 countries.

An important reason for including this standard clause in agreements with third countries is to spell out the rights of the Community to suspend or terminate an agreement for reasons connected with non-respect of human rights by the third country concerned.

The human rights clause does not transform the basic nature of agreements which are otherwise concerned with matters not directly related to the promotion of human rights. It simply constitutes a mutual reaffirmation of commonly shared values and principles, a precondition for economic and other cooperation under the agreements, and expressly allows for and regulates suspension in cases of non-compliance with these values. Such a clause thus does not seek to establish new standards in the international protection of human rights. It merely reaffirms existing commitments which, as general international law, already bind all States as well as the EC in its capacity as a subject of international law.

In this spirit, the EU also uses the mechanisms of the Lomé Convention to seek to remedy human rights and democracy related concerns. In April 1999, following the coup d'etat in Niger, the EU on 18 May 1999 held consultations with the Niger government and the ACP States in line with the provisions of Article 366a of the Lomé Convention. As a result of these consultations the Niger Government committed itself to a plan for transition to democracy. The EU will continue to closely monitor the progress towards the re-establishment of democracy and the rule of law which is a prerequisite for the full normalization of the relations between the EU and Niger. On 18 May 1999 the EU condemned the new outbreak of violence in Guinea-Bissau; great importance was attached to the respect of human rights, the rule of law and observance of democratic principles and the EU called upon the authorities of Guinea-Bissau to respect these principles fully. The Union has been carefully monitoring developments in Guinea-Bissau. A new round of consultations is due to take place in September. Further to the condemnation of the coup of 30 April 1999 in the Islamic Republic of the Comoros, the EU also decided to hold consultations pursuant to Article 366a of the Lomé Convention with the Comorian military Government. In 1998 consultations were also held with Togo. The experience gained with the application of Article 366a is being reflected in the current negotiations for the renewal of the Lomé Convention.



The Generalised System of Preferences (GSP) is a scheme under which the European Community grants autonomous and non-reciprocal trade preferences to developing countries in order to use trade as an instrument for development. Subsequently the conception of the scheme is adjusted to the requirements of sustainable development and the protection of human rights. The benefits of GSP preferences may be withdrawn in some specific cases of unacceptable practices. These include any form of slavery or forced labour and the export of goods made by prison labour. This procedure was launched against Myanmar for practices of forced labour and led to the withdrawal of GSP preferences; it has been in force since 1997.

#### **4.2.6 Regional initiatives and partnership arrangements**

The EU seeks to make human rights a component of all regional cooperation and partnership initiatives it promotes and participates in.

In the spring of 1999, against the background of the Kosovo conflict, the Union took the initiative to launch the Stability Pact for South Eastern Europe which was adopted on 10 June 1999 by a Conference in Cologne, Germany. The Pact aims at supporting countries in SE Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region. A "Working Table" of the Pact will specifically address democratization and human rights, including the rights of persons belonging to minorities, free and independent media, civil society building, the rule of law and good governance.

Another EU initiative in the region is the Process on Stability and Good Neighbourliness in SE Europe (known as the "Royaumont Process"), launched in 1995. It aims at developing democracy and civil society in the countries of the region and at promoting transborder contacts between the different components of civil society. The Union has appointed a Special Representative for the Royaumont Process and supports accompanying projects focusing on civil society. Royaumont will have a key role to play in the abovementioned Stability Pact.

The enhancement of human rights constitutes an essential aspect of the partnership-building measures of the Euro-Mediterranean Partnership (the "Barcelona Process").

The ASEM (Asia-Europe Meeting) provides a forum for dialogue between Asian and EU countries on a wide range of issues, including human rights. At the last ASEM session (Berlin, March 1999), Foreign Ministers in particular reaffirmed their strong determination to extend ASEM cooperation in the field of child welfare, including the fight against the sexual exploitation of children.

At the Rio summit between the EU, Latin America and the Caribbean in June 1999, human rights were an important aspect of the efforts to strengthen the community of values between these regions.

In the framework of the San José Conference, the EU encourages the efforts made towards the consolidation of democracy and good governance in Central America.

#### **4.2.7 Election observation and assistance**

Election assistance, including election observation, is an important contribution to the sustainability of democratisation processes. Over the past years, the Union has given its support for the organisation of first multiparty elections in many countries and it has sent several observation missions to different regions in the world, mainly in the framework of the leading international organisations for election observation, namely the UN and the OSCE.

In 1998 and 1999 electoral assistance and observation was provided notably to Paraguay, Togo, Bosnia Herzegovina, Cambodia, Nigeria and Indonesia. The EU gave its support to the Organisation of American States (OAS) to observe the general elections in Paraguay held in May 1998 (250.000 ECU). The EU provided assistance to Togo (2 Mio ECU) for the presidential elections which took place in June 1998. In particular the EU gave technical and financial assistance to the National Electoral Commission, and it provided media monitoring, training of people involved in the electoral process, civic education and training of national observers. The EU deployed an observer mission which considered that the elections were not free, transparent and fair and that the announced results did not reflect the will of the Togolese people. The EU decided not to resume full development co-operation with Togo, although projects

in favour of the poorest continued. The EU renewed its support to the OSCE in the organisation and supervision of the elections for all the major institutions in Bosnia Herzegovina held in September 1998, allocating 5 Mio ECU for a team of EU supervisors under the aegis of OSCE and an OSCE/EU media centre. The EU gave its support to the Cambodian general elections which took place in July 1998 (10,45 Mio ECU). The EU was deeply involved in the electoral process, especially in the drafting of the electoral legal framework, in supporting the national electoral commission, in voter registration and in polling observation. The EU supported the legislative and presidential elections in Nigeria in February 1999 with a total amount of 3,2 Mio EURO. The EU gave its support to the National Electoral Commission and to the UN in its co-ordinating role, providing a technical assistant and supporting local monitors through a Nigerian umbrella NGO. The Union deployed 100 election observers. The EU provided support for the Indonesian parliamentary elections of June 1999, allocating 7 Mio EURO for a program co-ordinated with UNDP. Most of this assistance was directed towards Indonesian NGOs and electoral monitoring organisations. These groups worked on voter education, media, domestic monitoring, civic education and institutional management. The EU also provided 135 election observers.

Furthermore, EU Member States have, on a bilateral basis, co-funded and participated in observation missions organized by the UN and the OSCE. These bilateral contributions were coordinated in the EU framework.

In June 1998 the EU adopted guidelines on election observation. These guidelines, which are consistent notably with the OSCE Office of Democratic Institutions and Human Rights' own guidelines, set out the preconditions for sending EU observer missions and the factors that need to be assessed by the observer mission. They also include a code of conduct for electoral observers.

In the course of the past year, the Union has taken steps towards closer coordination of activities related to election observation. EU Seminars on election observation were held in 1999 in Seville and Stockholm and helped to identify concrete areas for further cooperation, notably on the selection of observers, training courses and a common handbook as well as the sharing of information on national rosters of electoral observers. In June 1999 the Council adopted EU guidelines on common criteria for the selection of electoral observers.

#### **4.2.8 Other modalities of action and field operations:**

Other EU actions in the field of human rights or actions in other areas which contain a human rights dimension include the following:

Human rights monitoring is done by EU Heads of Missions in specific countries, who regularly report to EU bodies. Guidelines for common human rights country reports were adopted by the Union and revised in January 1999. The main objective of country reports is to base the EU's analysis and policy making in the field of human rights on an objective and balanced factual basis. In 1998 the EU began to make summaries of its reports concerning the Middle East Peace Process ("EU Settlements Watch", "EU Jerusalem Watch" and "EU Human Rights Watch") publicly available, inter alia on the Council's web site (<http://ue.eu.int>).

There are also EU Special Representatives for specific countries or processes, whom the Union can appoint under Article 18 of the TEU. The mandates of EU Special Representatives, such as for the Middle East Peace Process, for Africa's Great Lakes Region and for the Process on Stability and Good Neighbourliness in SE Europe, directly or indirectly include monitoring and promoting respect for human rights in their respective areas of action.

Continued monitoring of the human rights situation in the Western Balkans region is carried out by the ECMM (European Community Monitoring Mission).

Specific human rights awareness-building activities can be implemented, such as the EU-Indonesia Human Rights Workshop held in Jakarta in October 1998.

Support for human rights institutions, such as the co-financing by the Union of the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina was established by the Dayton/Paris Peace Agreement. The EU has also supported human rights field missions of the OHCHR (e.g. Colombia).

### **4.3 Activities funded under the European Initiative for Democracy and Human Rights (chapter B7-70)**

Promotion of human rights, democratization and the rule of law are part of the general principles underlying all assistance programmes financed through the EU budget such as Phare, Tacis, Meda etc. This means that other bilateral and regional programmes and budget chapters as well include activities that directly or indirectly promote respect for human rights.

One of the most noteworthy measures to give substance to the EU's commitment to protect and promote human rights was the European Parliament's 1994 initiative to bring a series of budget headings specifically dealing with the promotion of human rights together in a chapter of their own (B7-70) entitled the "European initiative for Democracy and Human Rights".

In May 1999 the Council expressed its support for streamlining the funding mechanisms in order to ensure efficiency.

The European Union recognizes the importance of the contributions made by international, regional and non-governmental organisations to civil society and to the development of a democracy that upholds civil, political, economic and social rights. It values both the expertise which many organisations working to implement human rights possess, as well as their visibly high impact in the field of human rights. Chapter B7-70 of the EU budget has been used to fund a range of NGO initiatives.

1998 was an extremely challenging year in view of the difficulties the European Commission had to face in implementing the human rights budget headings. The decision of the European Court of Justice in Case 106/96 concerning the lack of a legal basis for the Commission's actions in the field of, inter alia, human rights led to suspending the implementation of Chapter B7-70 in June and July 1998. Implementation of the budget headings was only resumed following the interinstitutional agreement reached at the end of July. Simultaneously, the unforeseen discontinuation of external assistance provided by the European Human Rights Foundation until May 1998 hindered the smooth management of the budget headings.

Council Regulations on "development cooperation actions and other cooperation actions in third countries, which contribute to the general objective of developing and consolidating democracy and the rule of law and respect for human rights and fundamental freedoms" under Articles 235 (now 308) and 130 (now 130w) were adopted on 29 April 1999 and provide a legal basis for all human rights and democratization activities under Chapter B7-70 of the EU budget. Under these regulations a sum of 98 million Euro is allocated to finance activities in support of human rights and democracy for 1999.

During the "human rights year 1998", and against the odds described above, support was provided for very concrete projects, more particularly to promote human rights education and training and to assist the Commission in identifying priorities in the field of human rights on the eve of the new millennium. For example, the European Master's in Human Rights and Democratization aims to educate professionals on the basis of an action and policy-oriented approach. The importance of the Master's was confirmed in the EU Declaration made in Vienna on 10 December 1998 concerning the reinforcement of EU action in human rights.

#### **4.3.1 Overview of initiatives financed in 1998 through chapter B7-70**

The following overview presents the budget headings that were created under the European Initiative for Democracy and Human Rights mentioned above.

Support for democracy in the countries of Central and Eastern Europe, including the Republics formerly part of Yugoslavia  
(B7-700) 15 million Euro - 28 projects

Support for democracy in the New independent States and Mongolia  
(B7-701) 8 million Euro - 9 projects

Human rights in developing countries, in particular ACP countries  
(B7-702) 19.7 million Euro - 45 projects

Human rights and democracy in Southern Africa  
(B7-7021) 2.3 million Euro - 7 projects

Special Programme for democracy and good governance in Nigeria  
(B7-7022) 3 million Euro - 9 projects

Democratization process in Latin America  
(B7-703) 12.6 million Euro - 1 pluriannual program

Subsidies for certain activities of organisations pursuing objectives in support of human rights objectives  
(B7-704) 14.7 million Euro - 49 projects

Meda program for democracy and human rights (Mediterranean region)  
(B7-705) 10 million Euro - 50 projects

Support for the activities of international criminal tribunals and for the setting up of the International Criminal Court  
(B7-706) 2 million Euro - 5 projects

Human rights and democracy in Asian countries  
(B7-707)  
\* Activities in China 2.5 million Euro - 6 projects

Support for, and supervision of, electoral processes  
(B7-709) 2 million Euro (no projects funded)

#### **4.4 EU action in International fora**

Article 19 of the Treaty on the European Union stipulates that Member States coordinate their actions in the framework of international organisations and international conferences and that they uphold common EU positions. In this context the EU aims at the strengthening of supervisory mechanisms and the promotion of the actual implementation of human rights as well as coordinated participation in further standard-setting.

Coordination of EU positions with respect to international fora is done on a regular basis and in different bodies, including in Council working groups and on the spot.

##### **4.4.1 United Nations**

The EU attaches great importance to the work of the United Nations and is committed to cooperating with the UN human rights mechanisms, including Special Rapporteurs and Representatives as well as Treaty bodies. Our common goal is the full and unconditional implementation of human rights and fundamental freedoms by all States in accordance with the Charter and other international instruments.

The year 1998 marked the 50th anniversary of the Universal Declaration of Human Rights, which constitutes the foundation of the UN system for human rights protection. Over the years, important steps have been made to bring human rights and fundamental freedoms to the centre stage of the international arena, notably through the creation in 1994 of the position of the United Nations High Commissioner for Human Rights. The EU is committed to close cooperation with the present UN High Commissioner for Human Rights, and will continue to act towards achieving the UN Secretary General's objective that human rights be "at the heart of every aspect of UN work".

EU coordination in the UN is becoming ever closer, a trend reflected by the fact that EU Member States voted jointly on 98% and 95% of issues put to a vote in the 1998 UNGA Third Committee and the 1999 Commission on Human Rights respectively.

### ***Third Committee of the UN General Assembly***

During the 53rd session of the General Assembly, the Third Committee focused on the "Human Rights Year 1998" and commemorated the 50th anniversary of the Universal Declaration of Human Rights. On that occasion, the fundamental role of the Universal Declaration and the universality of human rights were highlighted. A major achievement was the adoption of the Human Rights Defenders Declaration, an initiative strongly supported by the EU. The EU further co-sponsored a resolution on the need to increase the resources for the Office of the High Commissioner for Human Rights.

The Austrian Presidency, on behalf of the EU, presented a statement on country situations. The EU initiated country resolutions on the human rights situations in Iran, Iraq, and the Democratic Republic of Congo, which were all adopted, and negotiated a Chairperson's text on Nigeria. The EU actively participated in negotiations on all other country resolutions. Certain EU Members, in their national capacity, took initiatives on Burma/Myanmar and Afghanistan respectively.

The EU was also active in the field of thematic initiatives. Together with the group of Latin American countries (GRULAC), it took the lead on the resolution on the rights of the child. New elements were introduced to reinforce the text, notably on children in armed conflicts, the sexual exploitation of children through the Internet and child



labour. EU Member States, in a national capacity, presented resolutions on torture, executions, disappearances, the human genome, regional arrangements and religious intolerance. In addition, the EU was involved in many other negotiation processes on thematic issues, including the resolution on racism.

The EU made several interventions in the Third Committee on thematic issues and on related plenary items, including the advancement of women and the follow-up to the Beijing World Conference, refugees, rights of the Child, racism and self-determination, human rights instruments and the five year review of the 1993 Vienna Declaration and Programme of Action on Human Rights. In addition, explanations of vote or position were made on a number of country and thematic resolutions.

The EU took the initiative to have in-depth discussions with the Special Rapporteurs and Representatives (both thematic and country-specific). This provided an excellent opportunity to raise substantive issues and to exchange useful information.

Increased coordination efforts by Member States at the Third Committee resulted in a high degree of agreement within the EU on a large number of initiatives. More resolutions were co-sponsored by all fifteen. The EU also took a common position when forced to vote on Right to Development. Regular meetings were held with the Associated countries and with other like-minded partners.

#### ***55th Session of the Commission on Human Rights***

The EU actively participated in the 55th session of the Commission on Human Rights in Geneva (March-April 1999), which is considered the most important forum on human rights in the framework of the United Nations. Highlights of the 55th session were the broad support for the resolution on human rights in Kosovo presented by the Organisation of the Islamic Conference, the African initiative on the World Conference on Racism and the EU initiative on the death penalty. While the overall results of the 55th session were positive, many substantial challenges and political difficulties remain. The EU believes that the Commission on Human Rights should continue to address concrete cases of human rights violations wherever they occur. Another priority for the future is strengthening the role of the High Commissioner on Human Rights, as a key instrument for promoting respect for human rights in the international community. One of the main concerns for the EU is the trend towards diverting the attention of the CHR

to issues which are better dealt with in other intergovernmental bodies. Some complex and recently debated issues within the Commission, such as globalization, duties and responsibilities, democracy and bioethics will pose challenges for the future. The question of reviewing human rights mechanisms was one of the most debated issues during the CHR. The Commission reached an agreement to set up an inter-sessional Working Group to present findings to the next Commission in the year 2000.

Intensive EU coordination resulted in a large number of EU initiatives as well as agreed EU positions on initiatives by third parties. The Union also had frequent and regular meetings with other countries or regional groups before and during the 55th session of CHR. Cooperation with the associated countries was significantly expanded.

The Union initiated country resolutions on Iran, Iraq, Israeli settlements, Burma/Myanmar, the Democratic Republic of Congo as well as, for the first time, on Sudan. All these resolutions were adopted. The EU also negotiated consensus Chairperson's statements on Colombia and East Timor. Germany's Minister for Foreign Affairs spoke on behalf of the EU at the opening of the session, outlining the EU's human rights policy and areas of concern. The text of his speech is included as an annex to this report. Joint statements were presented on several issues, including during the debate on the situation in Kosovo. The Presidency, on behalf of the EU, further delivered joint explanations of position or vote on a number of issues, including on its vote against the no-action motion introduced by China concerning the draft resolution presented by the United States on the human rights situation in that country, as well as on the situation in occupied Palestine.

One of the most noteworthy successes with regard to thematic issues was the EU initiative to table a resolution on the death penalty. A seminar on the death penalty was organized by the EU in the margins of the CHR with the participation of academics, lawyers and representatives from the NGO community from different parts of the world. This year the EU had the lead on the resolution on the rights of the child. Close cooperation with the group of Latin American countries (GRULAC) resulted again in adoption of the resolution.

#### 4.4.2 OSCE

The European Union considers the Human Dimension an integral part of the OSCE's comprehensive concept of security. The OSCE constitutes a valuable forum for tackling all the dimensions of security within a comprehensive framework. The EU encourages strengthening of the cooperation between the OSCE and other organisations and international institutions to further strengthen the Human Dimension.

The EU supports the human rights activities of the organs of the OSCE specifically mandated with human rights issues, namely the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media, a position which was created at the Union's initiative. In addition, it is a constant objective for the Union that human dimension aspects be mainstreamed into all activities of the Organisation. Of particular relevance in this respect is the work of the Permanent Council and the work done on the ground by the OSCE field missions.

The EU has had a predominant role in making the Human Dimension activities of the OSCE more efficient. It strongly advocated the new modalities for OSCE meetings on Human Dimension issues, which were adopted in July 1998. The EU's main aim was to integrate the review of implementation of human dimension commitments more closely into the everyday work of the OSCE, and in particular into the Permanent Council.

At the same time the EU considered it essential to ensure, also with regard to the new modalities, the participation and influence of NGO's. The EU has consistently supported the growing involvement of NGOs in the Human Dimension meetings, where these organisations can make significant contributions to the work of the OSCE in strengthening human rights and democracy in the OSCE region.

The EU has been a key actor in the OSCE Review meetings and Human Dimension implementation meetings. This was the case again in the 1998 Human Dimension Implementation Meeting (Warsaw, 26 October - 6 November). The EU made interventions on all major issues. It also expressed its grave concern about the problems relating to refugee return and treatment of minorities in the Federal Republic of Yugoslavia (Kosovo), Croatia and Bosnia and Herzegovina and about the human rights situation, notably in Belarus.

In the Supplementary Human Dimension Meeting on Freedom of Religion (Vienna, March 1999) the EU expressed its full support for the Advisory Panel on Freedom of Religion set up by the OSCE's Office for Democratic Institutions and Human Rights. The EU also stressed not only the responsibility of Governments to guarantee freedom of religion, but also the role the OSCE field missions can play in promoting tolerance between different religious groups.

Also, more generally, the EU strongly supported human rights- and democratization-related activities in field missions, which represent important means to provide assistance to host governments in promoting and protecting human rights. In the OSCE Human Dimension Seminar on "Human Rights: the Role of Field Missions" (Warsaw, 27-30 April 1999) the EU stressed the need for relevant expertise and adequate training of mission members with regard to human rights. The need for enhanced cooperation between international organisations active in the field was also underlined.

#### **4.4.3 Council of Europe**

The European Union and the Council of Europe share the same goals of protection and promotion of human rights. In this year of the 50th Anniversary of the Council of Europe the Union reaffirmed its attachment to the Council of Europe's values of pluralist democracy, respect for human rights and the rule of law (Presidency declaration of 5 May 1999 on behalf of the EU).

With its wider geographical coverage the Council of Europe is an important partner of the EU in promoting democratic stability on our continent and complementing the work of the EU. The Council of Europe also serves as a forum bringing together the EU and other European States.

The EU supports the essential standard-setting role in the field of human rights played by the Council of Europe. The European Convention on Human Rights and the Court of Human Rights, as well as other human rights mechanisms of the Council of Europe, including the new Council of Europe Commissioner for Human Rights, are central to the system of human rights protection in our continent. In 1998 the new Single Court of the European Human Rights Convention was inaugurated with a view to making the system more effective.

The EU and the Council of Europe join forces and complement their respective action attain shared goals, notably by implementing a number of joint programmes for cooperation and assistance to Central and Eastern European countries and the New Independent States (financed in partnership by the Council of Europe and the EU). Three joint programmes were financed in 1998:

- a joint programme for legal reform, the reinforcement of human rights and the promotion of independent media in the Caucasus countries;
- the third joint programme to strengthen the federal structure and introduce human rights mechanisms and legal system reform in the Russian Federation;
- the second joint programme on national minorities in Central and Eastern Europe.

The EU is already engaged in close cooperation with the Council of Europe in the regional preparations for the World Conference on racism and xenophobia that will take place in 2001.

The EU sees merit in enhancing cooperation with the Council of Europe in areas of shared interest taking into account the expertise developed by that organisation in the field of human rights. The EU continues to seek closer cooperation on the basis of the conclusions of the 1996 Dublin European Council on this issue.

## **5. THEMATIC ISSUES**

### **5.1 Preliminary note**

Since the adoption, fifty-one years ago, of the Universal Declaration of Human Rights, and, forty-nine years ago, of the European Convention for the Protection of Human Rights (ECHR) and Fundamental Freedoms, an impressive body of important legal instruments has developed at global level.

While each of these instruments addresses important issues, the Union welcomes the fact that the World Conference on Human Rights reaffirmed the interdependence and inter-relatedness of all human rights, thus putting to rest sterile debates about human rights categories and hierarchies. The EU emphasizes

that human rights are, above all, universal and genuinely interrelated and interdependent. Economic, social and cultural rights have gained in importance in recent years. The EU stresses the equal value of all human rights. In many cases, it is not even possible to place a certain right in either the category of civil and political rights or that of economic, social and cultural rights. Labour rights or property rights can be mentioned as pertinent examples as they clearly contain elements from both categories. It would also be quite useless to try to fit the rights of women or children into any single category. What matters from the point of view of an individual - woman, man or child - is effective implementation of all human rights.

The order chosen in the subsequent section is the result of practical considerations, with major human rights instruments and the order of their articles serving as a loose orientation. The order chosen by no means implies an attempt to hierarchize or prioritize human rights.

## **5.2 Economic, Social and Cultural Rights**

All human rights are universal, indivisible and interdependent. Indeed, economic, social and cultural rights and civil and political rights have many common denominators. The EU recognizes that economic, social and cultural rights are a crucial part of human rights. The EU notes with interest the recent adoption of the revised Social Charter.

The EU wishes to stress that both sets of rights are mutually interdependent. The realization of rights such as the right to education, health and social security contributes to the enjoyment of civil and political rights. Similarly, respect for civil and political rights is instrumental for the implementation of economic, social and cultural rights.

The EU does not accept arguments that play off one category of rights against the other, for instance that the realization of ESC-rights would be hampered by enhancing the implementation of civil and political rights.

Examples of the interaction between the two sets of rights are not hard to find. The right to free expression can better be exercised if one has had the opportunity to learn to write. Furthermore, the promotion of economic, social and cultural rights in a society requires that there be freedom of speech and association, including the freedom to form trade unions.

The EU supports the development of new approaches aimed at making economic, social and cultural rights a reality for all. More than ever there is a need to identify and define concrete steps that Governments can take to enhance the enjoyment of these rights.

#### **U.N.:**

The EU supports the goal of universal ratification of the Covenant on Economic, Social and Cultural Rights. The EU also promotes efforts to enhance the implementation of the Covenant. States have a responsibility to respect these rights and refrain from arbitrary or discriminatory implementation. States also have to protect these rights against violations emanating from others. Furthermore, states have to realize these rights through strategies for social and economic development and the gradual enhancement of economic, social and cultural rights. The EU welcomes the development of indicators and benchmarks as a valuable contribution to putting ESC rights into operation.

The EU welcomes the enhanced efforts by the international community, the various UN bodies and agencies and the Committee on Economic, Social and Cultural Rights to seek close coordination and collaboration in their efforts to achieve the realization of these rights. The ESC Committee supervising the implementation of the Covenant has, in interaction with Governments, greatly contributed to a more precise understanding of the obligations stemming from the Covenant and thus its enhanced implementation.

The ESC Committee has also suggested the drafting of an optional protocol introducing an individual complaint mechanism. In the EU's view, individual complaint mechanisms are one apt way of strengthening the rights awareness of those concerned, as well as encouraging States Parties to implement their obligations vis-a-vis individuals. The EU believes that legal clarity would be an important prerequisite for considering a complaint mechanism and would welcome further progress towards clarifying the justiciability of economic, social and cultural rights, drawing also upon the work of the relevant Special Rapporteurs and the Committee on Economic, Social and Cultural Rights.

The EU also welcomes the fact that in 1998 two new mechanisms on ESC rights were introduced at the Commission on Human Rights. A Special Rapporteur focusing on education and an Independent Expert on Human Rights and Poverty will contribute towards enhancing the visibility of these rights in the international human rights fora.

## **Labour rights**

The experience of the EU is that successful economic development cannot take place at the expense of social equality and labour rights and standards. Policies designed to promote social integration, combat discrimination and to address serious labour market problems are high on the EU agenda. The development of labour standards and participatory methods will help to protect and empower people.

Globalization makes it even more important to promote empowerment and participation among those traditionally disempowered. The EU would welcome new partnerships between the business community, governments and civil society as well as the international community in order to promote human rights standards.

The EU supports the crucial role of the International Labour Organisation in developing standards in the area of workers' rights. It attaches particular importance to respect for ILO core labour standards covering the freedom of association, collective bargaining, non-discrimination and the abolition of forced labour and child labour. The EU welcomes the adoption by the ILO in June 1998 of a Declaration on Fundamental Principles and Rights at Work and stresses the importance of an effective follow-up mechanism.

### **European organisations:**

Strengthening of social cohesion in its member countries is one of the objectives of the Council of Europe. From the human rights point of view, the European Social Charter, to which all EU member states are parties, is of fundamental importance. The EU welcomes the recent revision of the Social Charter. An additional protocol that came into force in August 1998 develops the supervisory mechanism by providing trade unions and certain associations with the possibility of complaining to the Council of Europe. The EU emphasizes the importance of the Committee of Independent Experts as a supervisory mechanism of the Charter.

In the OSCE, the EU has i.a. stressed the importance of education as a basis for democratic society. Also, the EU has emphasized the importance of equal opportunities for all citizens.



## **Development cooperation:**

The principles of consolidating democracy and the rule of law as well as respect for all human rights are applied in the EU's development cooperation policy. It is clear that an essential part of development cooperation financed by the EU budget contributes to enhanced implementation of economic, social and cultural rights in the recipient countries in various ways. The EU is convinced that the Covenant on Economic, Social and Cultural Rights is a useful instrument when supporting national initiatives aimed for instance at poverty eradication. The experiences of the EU show the usefulness of empowering the poor as a strategy to overcome their plight and applying a rights-based approach to development in EU development cooperation.

1998 marked the 50th anniversary of the Universal Declaration of Human Rights. On this historic occasion, support was given to concrete projects particularly in the area of education and training. The EU strongly supports all efforts to progressively realize the right to education for everyone.

The EU is active in promoting the participation of women in social, political and economic life in various ways. Support was i.a. also given to the social partners of the associated countries in order to smooth integration into the European Union. Another example of projects supported is the promotion of rights of persons with disabilities.

### **5.3 Right to life/ Death penalty**

The fact that all of the Associated States of Central and Eastern Europe and the Associated States Cyprus and Malta have now abolished the death penalty for ordinary crimes, and most of them for all crimes, is an encouraging and important development whereby these countries have come closer to the EU acquis.

In June 1998 the Council of Ministers of the EU adopted Guidelines for EU policy towards third countries on the issue of the death penalty. In the process of attaining the main objective of definitive abolition, where the death penalty still exists, the EU aims for the use of capital punishment to be progressively restricted and insists that it be carried out according to minimum standards. The EU is working for the abolition of the death penalty as a strongly held policy view agreed by all EU member states. The abolition of the death penalty contributes to the progressive development of human rights.

The adoption of the Guidelines marked a turning point in EU policy with regard to capital punishment. Subsequently, opposition to the death penalty has become one of the most visible elements in the EU's human rights policy globally.

The Guidelines provide a common framework for the various forms of EU action against the death penalty. These involve demarches in individual cases involving the death penalty, raising the issue of the death penalty with relevant Governments as part of political dialogue as well as action in international fora. The EU encourages states that have not done so to become party to the two legal instruments prohibiting capital punishment: the second optional protocol of the UN Covenant on Civil and Political Rights and, where appropriate, Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms.

Since the Guidelines were adopted, the number of demarches to Governments of third countries has increased markedly (see Chapter 4 and annex for more details). It is not feasible to react in all cases involving capital punishment. In implementing the Guidelines, the EU has nevertheless intervened in a number of cases where, for instance, the policy of the country concerned has changed or where special humanitarian considerations are involved. These include imposing the death penalty on minors or the mentally handicapped, or for non-violent crimes.

The EU took up the issue of the death penalty in its political dialogues with relevant countries such as China, the US and Iran. In this context, the EU emphasized its opposition to capital punishment in all countries.

On 29 June 1999, following the death sentence passed on Abdullah Ocalan, the EU Presidency reiterated its opposition to capital punishment as a matter of principle, irrespective of the defendant and the offence of which he is convicted.

#### **The U.N. :**

Work to combat the death penalty is more to the fore in international fora than before. At the UN, the resolution on the death penalty, previously presented by Italy, was in 1999 presented for the first time by the EU at the Commission on Human Rights, with growing success in terms of voting results. The resolution i.a. calls on states that still maintain the death penalty to progressively restrict its use with a view to completely abolishing it and to observe basic criteria as long as it is used. During the CHR, in April 1999, the EU also organized a panel discussion in Geneva on capital punishment.

## **Europe :**

The universal abolition of the death penalty is also an objective of the Council of Europe. The abolition of the death penalty is an important element in the membership criteria of the organisation. Capital punishment has also been chosen as one of the specific topics for the Committee of Ministers' monitoring mechanism. New member states are expected to apply a moratorium from the time of joining the organisation and to introduce abolition within a certain time-frame. The EU closely monitors the fulfilment of these commitments and has welcomed steps taken towards abolition by certain countries. For instance, when Estonia abolished capital punishment in 1998, the EU issued a declaration welcoming this development.

At the OSCE, exchange of information on capital punishment takes place. As capital punishment still exists in some OSCE countries, no specific commitments have been agreed upon concerning its abolition. The EU, however, gave a speech on capital punishment at the Human Dimension Implementation meeting in autumn 1998. The EU stated that a possible global trend towards finding common ground on this issue has taken place. Moratoria will help to raise awareness in favour of the abolition of the death penalty. The EU emphasized that capital punishment is irrevocable and has not proved to be indispensable in combating crime.

### **5.4 Prohibition of Torture**

All EU states are signatories to the UN Convention Against Torture (CAT). Our goal is to secure universal ratification. Over the last year we have welcomed new accessions by Bangladesh, Burkina Faso, Indonesia, Kazakhstan, Niger, South Africa, Zambia and Japan. All EU Member States are also parties to the European Convention on Prevention of Torture (CPT).

Despite the extensive provisions under national and international law, the reality is that police brutality and maltreatment of detainees remain widespread, and are often condoned or even actively encouraged by the authorities.

## **The U.N. :**

At the United Nations level, the EU has participated actively in the Working Group on the Draft Optional Protocol to the CAT to create independent machinery to investigate places of detention. A similar mechanism already exists in Europe - the European Committee for the Prevention of

Torture which regularly visits EU and other Council of Europe Member States. On a practical level, the EU is a major contributor to the UN Voluntary Fund for Victims of Torture.

The EU regularly raises reports of torture at UN human rights meetings and urges States' full cooperation with the UN Special Rapporteur on Torture. At the 1999 Commission on Human Rights we regretted that the Governments of Indonesia and India as well as Algeria and Egypt have failed to respond to outstanding requests by the Special Rapporteur to visit. But we are pleased that the Special Rapporteur has been able to undertake missions to Turkey, Cameroon and Romania, and that the Governments of Kenya and China have invited him to visit.

### **Europe :**

The EU is also committed to the 1990 Paris Charter and 1994 Budapest Charter of the OSCE, which reiterate and expand upon the commitment expressed in the Universal Declaration of Human Rights to eliminate torture. In the OSCE, the EU fully supports the Office for Democratic Institutions and Human Rights (ODIHR) advisory group on torture, which includes expertise from most disciplines involved in the struggle against torture.

At the OSCE Human Dimension meeting in October 1998 the EU called for better training of law enforcement officers; effective action by governments to bring perpetrators of torture to justice, and more help to rehabilitate victims of torture and their families.

Under the European Initiative for Democracy and Human Rights, the EU has provided practical help to individuals and to states (approximately 9 MECU in 1998) in three major areas:

- information and education, in particular of law enforcement officers;
- bringing perpetrators to justice;
- support for victims of torture and their families. The EU has helped to fund treatment and rehabilitation centres in Bosnia-Herzegovina, Croatia, Denmark, France, Latvia, Nepal, Pakistan and Turkey.

### **5.5 Right to freedom of opinion, expression and religion**

Freedom of opinion, expression and religion are fundamental to free and open societies. Violations of these rights are widespread. The EU supports the work of international mechanisms monitoring such violations and gives practical help such as support for independent media.

**The U.N. :**

The UN Special Rapporteur on the Right to Freedom of Opinion and Expression reports annually to the Commission on Human Rights. The EU has welcomed his recent work on the links between freedom of opinion and expression and the elimination of violence against women. Recent field visits include Malaysia and Hungary. We have urged the Governments of Albania, Argentina, Egypt, Indonesia, the Democratic People's Republic of Korea, Peru, Sri Lanka, Tunisia and Vietnam also to respond positively to his requests to visit.

The UN Special Rapporteur on Religious Intolerance has a global mandate, raising allegations of religious persecution and intolerance with individual governments. The EU supports his work and shares his observation that action to promote freedom of religion or belief is inextricably linked to action to promote democracy and development.

**Europe :**

The OSCE has adopted principles which commit participating states fully to respect freedom of thought and expression, including media freedom. Throughout the year, the EU has fully supported the work of the OSCE Representative on Freedom of the Media. Repeated violations of media freedom in some OSCE states underline the importance of his mandate. Particular areas of focus include the provision of an early warning function and action to help prevent misuse of the press to conduct a "war by words".

At the OSCE Human Dimension Implementation Meeting in October 1998, the EU raised concerns about the restrictive character of Russia's 1997 Law on Freedom of Conscience and Religious Association, as well as laws in Uzbekistan and FYROM restricting the rights of some religious groups.

While seldom condoned by governments, anti-Semitic statements and acts remain a significant problem in some European countries. The EU works closely with the European Commission against Racism and Intolerance (ECRI) of the Council of Europe and the European Monitoring Centre on Racism and Xenophobia in combating these and other forms of intolerance.

Over the past year, the EU has raised its concerns about threats to the full observance of the freedom of opinion, expression and religion in a number of countries.

In China, the EU made clear its serious concern about the crackdown at the end of last year on pro-democracy activists, including a strong statement at the Commission on Human Rights on behalf of the EU and through the EU's human rights dialogue with China. EU Troika Ambassadors also carried out a fact-finding visit to Tibet.

The right to freedom of expression continues to be violated in Belarus. In 1998 the EU highlighted serious press restrictions and a ban on Government officials releasing information to the non-State media.

The EU has also protested to the Iranian authorities about the imprisonment of journalists and writers persecuted for peacefully carrying out their work and about the denial of the rights of the Bahai and Jewish communities in Iran. The discrimination and persecution against the Bahai's, including arrests and death sentences have especially caught the EU's attention.

At the Commission on Human Rights and bilaterally, the EU made clear its deep concern about the arrest and evident torture of two Zimbabwean journalists by military authorities and the Government's subsequent reaction to the court proceedings.

The EU made a declaration expressing its concern about the detention of Mr Birdal, the Chairman of the Turkish Human Rights Association in June 1999. His imprisonment and the one year sentence were big setbacks to freedom of expression in Turkey.

## **5.6 Rule of Law/Impunity/International Criminal Court**

The rule of law and an accessible and independent judicial system are an essential framework for democracy and human rights. Governments and public officials must act in accordance with the law and within the limits set by the law. The EU works to suppress the culture of impunity still prevailing in many countries. It is essential to bring those guilty of human rights violations to justice.

For this reason, the EU has consistently supported the idea of creating and establishing a permanent International Criminal Court (ICC). The ICC will have jurisdiction over war crimes or crimes against humanity. The Union strongly believes such a Court will make for a more just and peaceful world by ending the paradox that those who murder one are more likely to be brought to justice than those who slaughter millions.

The European Union was delighted at the historic outcome of the Rome Diplomatic Conference of June-July 1998 which produced the Statute of the ICC and, together with the overwhelming majority of other participants, voted in favour of the Statute. The Union put its full weight behind the successful moves to give the Court jurisdiction over war crimes occurring in civil wars as well as those between States; over serious sexual crimes when committed as war crimes or crimes against humanity; and over the war crime of using child soldiers. Member States also helped secure agreement that the Court should be able to order the guilty to pay reparations to their victims.

By the end of 1998, all European Union Member States had signed the Rome Statute and committed themselves to completing the constitutional procedures required for ratification without delay. The European Union is urging all States to sign and ratify so that the Court can be established as soon as possible with the widest support of the international community.

Under the European Initiative for Democracy and Human Rights, the European Union continues fully to support the work of the ad hoc international tribunals for Rwanda (ICTR) and for the former Yugoslavia (ICTY). In addition to voluntary and assessed contributions from EU Member States to the Tribunals, in 1998 the EU helped to provide protection and counselling and support for victims and witnesses appearing before the Yugoslav tribunal. In the Great Lakes region the EU funded a project aimed at informing the media about the work of the Rwanda tribunal.

Despite the arrest of individuals indicated by the Yugoslav and Rwanda Tribunals, the Union is concerned that others remain at large. It has repeatedly called upon States to hand over indicated persons to the Tribunals' custody in compliance with UN Security Council resolutions. The EU will continue to work to bring to justice all those accused of war crimes. The EU also supports the efforts of the Yugoslav Tribunal to bring to justice those responsible for committing atrocities.

In 1998 the EU funded a joint programme with the OSCE in Kazakhstan, Kyrgyzstan and Turkmenistan to promote the rule of law. This included help to the three states to review their legislation to bring it in line with international obligations.

European Union Missions in Kuala Lumpur followed closely the trial of the former Malaysian Deputy Prime Minister Anwar Ibrahim. He was subjected to physical mistreatment in police custody; was throughout denied bail, and prominent members of the Malaysian Bar expressed reservations about the conduct of the trial and actions and statements by the Executive. In such circumstances, the EU had doubts about the fairness of the trial and made known its concerns in public statements.

The European Union has called on the Government of Colombia to introduce and implement specific measures to promote and protect respect for human rights and to address the high level of impunity. Transferring all judicial procedures relating to serious human rights violations, currently falling under military penal jurisdiction, to the ordinary justice system, together with conducting thorough investigations, would contribute to reaching this goal.

## **5.7 Arbitrary arrest/Disappearances/Extra-judicial killings**

Arbitrary detention continues to be widely used against persons exercising the fundamental freedoms set out in the UDHR. The EU fully supports the work of the UN Working Group on Arbitrary Detention. Over the last year the Working Group has visited Peru, the United Kingdom, Romania, and Indonesia. Separate independent mechanisms of the Commission on Human Rights similarly monitor disappearances and extra-judicial killings.

The EU has raised its concerns about developments in individual countries. In China, for example, administrative detention and re-education through labour are still widely used on an arbitrary basis. In the light of the recent introduction of the rule of law into the Chinese Constitution, meaningful efforts to reform the system of administrative detention, including through provision for the intervention of a judge at the earliest possible moment, are urgently needed since the absence of arbitrariness is a basic pillar of the rule of law.

While recognizing positive human rights developments in Sri Lanka the EU is still concerned about human rights violations such as disappearances, extra-judicial killings, arbitrary arrests and torture by paramilitary parties, armed forces and the police. The EU has also condemned the human rights abuses committed by the LTTE. The EU has called on the Sri Lankan Government to take steps to strengthen the national Human Rights Commission.

In Colombia the EU has deplored the fact that paramilitary groups were responsible for a growing number of assassinations and that the number of displaced persons has reached unprecedented levels. We have also condemned the murders of human rights activists.

In Indonesia and East Timor we have expressed concern about reports of arbitrary detention, extra-judicial killings, forced disappearances, torture and ill treatment.



The EU has urged Algeria to allow early visits of UN human rights mechanisms, particularly the UN Special Rapporteurs on Torture and on Extra-judicial, Summary or Arbitrary Executions. The EU has urged the Government scrupulously to adhere to human rights standards and the rule of law in their fight against terrorism. The European Union remains concerned over reports of involuntary disappearances, arbitrary detention and torture of detainees and particularly of numerous cases of involuntary disappearances.

The EU has also made clear its concern about human rights violations and breaches of international humanitarian law in the Democratic Republic of Congo (DRC). We have fully supported the UN's efforts to investigate all allegations of human rights violations and to bring those responsible to justice. In this respect, the EU has welcomed the Government of the DRC's commitment to carry out its own inquiry and has offered technical assistance to support this initiative. In two declarations and on other occasions the EU has appealed to the Government of Angola and to UNITA to respect human rights. The EU has expressed its view that a UN presence, including a human rights component, could contribute positively to a peaceful settlement of the Angolan conflict.

## **5.8 Right to take part in the government of one's country: elections, local democracy and citizenship**

The EU attaches great significance to the principles that the will of the people shall be the basis of the authority of government and that everyone has the right to take part in the government of his country, as expressed in Article 21 of the Universal Declaration of Human Rights. Article 6 (1) of the TEU, as amended by the Treaty of Amsterdam, spells out that the Union is founded on the principle of democracy. The human rights clause included in Community agreements with third countries requires respect, not only for fundamental human rights, but also for democratic principles.

The right to genuinely free, fair and periodic elections is firmly stated in the International Bill of Human Rights, as well as in various other international and regional human rights instruments. Elections are not an end in themselves but a means of ensuring citizens' participation in decision-making. They require a political environment characterized by tolerance and freedom of expression.

The only truly democratic electoral systems are also inclusive; women and members of minorities have a right to full participation in the electoral process. It is therefore necessary to establish complete and accurate voter registers as a pre-requisite for winning full public confidence in the election system.

And democracy at the national level needs to be underpinned by local democracy. In the Council of Europe thirty six members, including all EU Member States, have signed the European Charter of Local Self-Government - the only international legal instrument recognizing municipal self-government.

The European Union also expressed its concern that the parliamentary elections held in Equatorial Guinea in March 1999 were seriously flawed. Irregularities included unequal access to media, restrictions on freedom of movement and assembly and a lack of independence of the National Election Committee. The European Union appealed to the Government of Equatorial Guinea carefully to examine these incidents and to take appropriate measures to rectify them.

The European Union has worked to strengthen democratic institutions and bring about participation in elections. For example, the EU has mounted electoral observer missions to a number of countries (see section 4.2.7). In early 1998 the European Union agreed on Guidelines for EU election observation missions. These include a code of conduct on when the EU should observe elections, and how the observers should carry out their work. A similar Code exists for missions of the OSCE, which has developed considerable electoral expertise through its Office for Democratic Institutions and Human Rights. To strengthen its capacity to respond to international operations such as these, the EU agreed in June 1999 common criteria for the selection of EU electoral observers and is preparing a common training handbook.

## **5.9 Freedom from slavery and forced labour**

EU Governments recognize the importance of abolishing child labour, which deprives children of their right to childhood, their right to education, and their freedom from forced labour. We are actively supporting the work of the United Nations, the International Labour Organisation (ILO) and the UN Children's Fund (UNICEF) in this area. We welcome the adoption of a new ILO Convention concerning the Prohibition and Immediate Actions for the Elimination of the Worst Forms of Child Labour. The EU will help ensure that the Convention makes a positive contribution to the elimination of the most intolerable forms of child labour, including bonded labour and the exploitation of children in prostitution.

The EU has also agreed to reward developing countries which meet international labour standards with additional access to EU markets for their products under the EU's Generalized System of Preferences scheme. This will encourage these countries to address the problem domestically so that they can benefit from increased trade with the EU.

At the Commission on Human Rights, the EU supported resolutions calling on States to take action to prevent forced and bonded labour, including trafficking in women and children. The European Union also tabled a successful resolution calling upon the Government of Sudan to address instances of abduction of women and children for forced labour.

In June 1999 the International Labour Conference, with EU support, adopted an Emergency Resolution on Forced Labour in Burma. This declared the Burmese regime's behaviour incompatible with the conditions and principles governing ILO membership and prohibited ILO technical cooperation. The ILO emergency resolution removed ILO technical assistance, except where this is specifically designed to promote the abolition of forced labour.

### **5.10 Right to freedom of peaceful assembly/freedom of association**

The right to assemble peacefully and to form associations are key elements in a democratic society. Citizens should be allowed to exercise these rights without intimidation from security forces and the police. Associations such as NGOs and Trade Unions are important fora for civil society to exchange views and ideas, and to articulate interests. They also provide a framework for individuals to learn more about their rights and to seek redress when their rights are denied. As such, associations make a vital contribution to a vibrant civil society, complementing the work of government. For these reasons European Union governments work closely with NGOs in developing new policies.

However, in some countries, governments seek to prevent public gatherings, and use force to break up peaceful demonstrations. In 1998 the EU publicly voiced its concerns at the beatings and arrest of peaceful demonstrators in Belarus, for example.

The European Union has adopted a code of conduct to prevent the export of equipment which could be used against peaceful demonstrators. The European Union is also concerned about restrictive laws in some countries which seek to curtail the activities of NGOs. In particular, the European Union is concerned about new measures in Egypt and in Pakistan, which restrict the activities of NGOs.

## **5.11 Non-discrimination and respect for diversity**

The principle of non-discrimination is at the core of human rights protection. The Amsterdam treaty determines fighting any discrimination based on sex, race, ethnic origin, religion or belief, disability, age or sexual orientation. However, manifestations of racism and intolerance occur in all regions. A substantial share of present conflicts derive from ethnic tensions and infringements of rights of persons belonging to minorities. Tolerance and non-discrimination build stability and security and promote the full development and dignity of all individuals, communities and society as a whole.

Persons belonging to minorities often face an increased risk of human rights violations. Minorities and indigenous peoples are often marginalised from social and economic life and are prevented from fully enjoying their human rights.

States have the responsibility to ensure that all citizens are treated on an equal basis and protected against discrimination, racism and other forms of related intolerance. States should, where appropriate, strengthen their national legislation, policy and practice to fulfil this obligation. In addition, human rights education and awareness-raising are needed to counter racist attitudes. Governments bear particular responsibility in this respect but efforts by civil society and non-governmental organisations are needed as well.

The principle of non-discrimination contained in human rights treaties lays a basis for the EU policy in this field. The entry into force of the Amsterdam Treaty reinforced the EU's commitment to the principle of non-discrimination. The new Article 13 lays a basis for enhanced action to counteract discrimination based on gender, ethnic origin, religion, disability, age or sexual orientation. Moreover, the fight against racism and xenophobia inside the EU has been made a specific theme this year.

The Vienna European Council in December 1998 underlined the need to combat all manifestations of racism, xenophobia and anti-Semitism, both in the European Union and in third countries. It invited the Commission to draft proposals for measures to counter racism in the candidate countries.

The EU raises the issue of the status of minorities and indigenous peoples as well as the promotion of tolerance in its various dialogues. A recent example was the EU-Latin America Summit, the final documents of which refer to these subjects. Support for minorities, ethnic groups and indigenous peoples is mentioned in the new EU regulations on democracy and human rights. Enhancement of projects in this area is planned by the Commission.

### **5.11.1 Racism**

#### **The U.N.:**

The decision to hold a UN World Conference against racism, racial discrimination, xenophobia and related intolerance in 2001 has created a new momentum in the fight against racism. The World Conference will review progress made world-wide, consider ways and means to better ensure the implementation of existing standards and formulate concrete recommendations to combat all forms of racism.

The EU supports the convening of the World Conference. The EU stresses that the process should make a difference at the practical level. Therefore, the EU has stressed the importance of regional preparatory processes, NGO participation and identification of follow-up activity, as well as the need to keep the agenda comprehensive enough to cover all forms of racism and racial discrimination.

In its speeches at the Commission on Human Rights and the UN General Assembly, the EU stressed that it is one of the very purposes of the UN to promote universal respect for human rights for all, without any distinction as to race, colour or national or ethnic origin. The significance of the UN Convention on the Elimination of all Forms of Racial Discrimination is underlined by the fact that today more than 150 States have ratified it. The EU reaffirmed that its goal remains the universal ratification of the Convention.

#### **Europe:**

##### ***The Council of Europe:***

The EU supports the wide-ranging activities of the Council of Europe in the field of promoting tolerance in Europe. The EU welcomes the efforts of ECRI (European Commission against Racism and Intolerance) which has developed both a thematic and a country-specific approach. The EU stresses the importance of ensuring cooperation between the Council of Europe and the EU in the field of combating racism. The Council of Europe already participates actively in the work of the EU Monitoring Centre on Racism and Xenophobia.

The Council of Europe is entrusted with the preparation of the World Conference at European level. The EU initiated and now gives its strong support to this regional preparatory process. The European Conference is planned for autumn 2000. The European input should be comprehensive, forward-looking, practical and action oriented. The EU emphasizes the importance of establishing a meaningful link to the regional and global preparatory processes. The EU is considering providing support to ensure the full participation of NGOs in the preparatory process.

***The OSCE:***

The issue of racism is also dealt with under the OSCE Human Dimension. Respect for the principle of non-discrimination is seen as contributing to the stability of societies.

The EU participated actively in the debate on racism during the Warsaw Implementation Meeting in October -November 1998. The EU made speeches, inter alia, on "Tolerance and Non-Discrimination" as well as "Preventing Aggressive Nationalism, Ethnic Cleansing, Racism, Chauvinism and Xenophobia". In these statements the EU emphasized that manifestations of racism and xenophobia occur throughout the OSCE area and stressed the need to counteract these at all levels.

**5.11.2 Minorities**

**The U.N.:**

Various UN human rights instruments form a legal basis for respect of the principle of non-discrimination and the rights of persons belonging to national or ethnic, religious and linguistic minorities. The International Covenant on Civil and Political Rights guarantees persons belonging to national minorities the right to foster their own culture, religion and language. In 1992 the UN General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities which, although not legally binding, forms an important basis for the protection of minority rights. This work is pursued in the UN Working group on minorities, which now has a permanent mandate.

At the Commission on Human Rights, the resolution on minorities at CHR was presented by an EU Member State. In addition, EU member states held speeches on this issue at CHR and UNGA.

## **Europe:**

### ***The Council of Europe:***

The recently entry into force of the legally binding instruments, in particular the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages, now provide a good basis for enhanced activities. The development of standards in this area continues.

The EU and the Council of Europe have for some time collaborated on issues related to minorities in Europe. The second Joint Programme for “Minorities in Europe” was launched on the occasion of the 50th anniversary of the Council of Europe in Budapest in May 1999. This is the continuation of the first Joint Programme “Minorities in Central European Countries” which came to an end in March 1998. Activities in this field have included the establishment of cooperation mechanisms among governmental offices responsible for minorities issues.

### ***The OSCE:***

Several OSCE documents deal with the protection of national minorities. The Copenhagen Document on the Human Dimension of 1990 was clearly a major step forward in this respect and this has been followed in subsequent documents. For instance in Budapest in 1994 a decision was taken to establish a contact point for Roma affairs.

The EU supports the OSCE activities with regard to national minorities as an element of promoting comprehensive security in Europe. In its speech on national minorities at the Warsaw Implementation meeting, the EU stated that ethnic conflicts are one of the main sources of large-scale violence in Europe today and that more needs to be done to strengthen the implementation mechanisms.

The EU regards the role of the OSCE High Commissioner on National Minorities as a highly important one. The EU has emphasized that practical solutions have been found that have ensured that people belonging to national minorities will be able to effectively exercise and enjoy their human rights.

***The EU enlargement process:***

Compliance with the principle of non-discrimination is an important element in the EU enlargement process. The European Council in 1993 included in the Copenhagen criteria that membership requires that the candidate country has established respect for and protection of minorities.

The situation of minorities in the Associated Countries has subsequently been followed up by the Commission (for example in Commission document Agenda 2000 - for a Stronger and Wider Europe) as a condition for democratic stability.

It is estimated that around 8 million Roma live in Europe. The EU has paid special attention to the situation of the Roma population in Central and Eastern Europe. Discrimination against the Roma can be encountered in the labour market, where unemployment rates are particularly high, and in their access to housing, health care and public services in general. Violence by individuals and extremist groups remains a threat to the security of the Roma. Roma women may be victims of multiple discrimination.

The situation of the Roma in the associated countries is being closely followed in the process of EU enlargement. The EU supports the candidate countries in adopting the necessary measures mainly through the Phare Programme for Central and Eastern Europe. In Slovakia, for instance, projects related to improving the housing standards, the cultural and educational levels and the job opportunities of the Roma were supported. In the Czech Republic, local NGOs promoting integration through legal and advisory support and communal tolerance actions have received funding through Phare.

The importance of the protection of minorities has recently been highlighted in the Commission Communication entitled "Countering racism, xenophobia and anti-Semitism in the candidate countries" which was presented to the European Council meeting in Cologne on 3-4 June 1999.



### **5.11.3 Indigenous peoples**

#### **The U.N.:**

Indigenous peoples are often subjected to repeated human rights violations and exclusion from economic, social and political life. Indigenous peoples are of course protected by the principles of non-discrimination and the standards relating to minorities. A specific Declaration on indigenous rights is being prepared at the UN.

The situation of indigenous peoples has taken on a new international dimension since the adoption of the Vienna Declaration and Programme of Action at the World Conference on Human Rights in 1993. The policy of the EU towards indigenous peoples is based on the principles contained in paragraph 20 of the Vienna Declaration.

On the recommendation of the Vienna Conference, the General Assembly proclaimed an international decade of the World's Indigenous Peoples, 1995-2004, under the theme: "Indigenous People: Partnership in Action". A major outcome of the decade should be the adoption of a Declaration of the Rights of Indigenous Peoples and the establishment of a Permanent Forum within the UN system.

#### **Europe :**

The Council resolution on indigenous peoples within the framework of the development cooperation of the EU and its member states was adopted in November 1998. The resolution was based on a Commission communication on the same subject. The Council emphasized that cooperation with indigenous peoples is essential for the objectives of poverty elimination, sustainable development of natural resources, the observance of human rights and the development of democracy. The Council called for the full participation of indigenous peoples, and involvement of other partners including local populations, regional and local authorities and NGOs is also provided for.

## **5.12 Women's rights**

All individuals are entitled to all human rights. The need to emphasize women's rights is based on the fact that the realization of these rights differs. Various obstacles to the implementation of the human rights of women remain. Disadvantageous economic situations and certain cultural traditions prevailing in various countries can be mentioned here. Women and girls often suffer from specific violations of human rights in a different way than their male counterparts do. In addition, some rights and human rights violations are clearly gender-specific. Violence against women is a pertinent example. Therefore, any analysis or action in the field of human rights must not be gender-blind.

Women's rights are an integral and inalienable part of universal human rights. The Beijing World Conference on Women was clearly a step forward. The Beijing Platform for Action remains a highly relevant agenda in terms of promoting the human rights of women and the girl child.

According to the Amsterdam Treaty, gender equality is an objective of the European Community under Articles 2 and 3 of the TEC. The EU has actively raised the rights of the girl child as well as the position of women in particularly difficult circumstances. Being aware of the fact that girls are often not brought up to assume important roles in society, the EU supports special programmes directed at girls and young women. In Europe trafficking in women has become a serious problem which the EU has targeted through various measures. The STOP and DAPHNE programmes aim at improving the situation of victims of violence and of trafficking. The EU has also paid attention to the position of women in armed conflicts. EU support for the inclusion of gender-related crimes (e.g. rape) in the Rome Statute of the International Criminal Court is an example of this.

### **The U.N.:**

Within the UN, the EU takes a twofold approach. It is essential to promote women's rights through mainstreaming, that is by integrating the gender perspective into all relevant thematic and country-related initiatives. At the same time, however, it is important to promote specific projects on women's rights and emphasize awareness-raising in this area.

At the Commission on Human Rights (CHR), the EU has followed this two-track strategy. The EU has promoted mainstreaming by, inter alia, introducing the need to apply the gender perspective to the mandates of Special Rapporteurs of the Commission. This is a practical way of making gender issues more visible in the reports and the discussions of the Commission. Similarly, the EU supports in particular the valuable work of the special mechanism in place, i.e. the Rapporteur on Violence against Women.

In its speech at the CHR, the EU said that states have to respect the principle of non-discrimination but that this is not enough. According to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), States Parties must pursue an active policy of eliminating discrimination by any person or organisation. States must review their legislation and also customs and practices which discriminate against women. The EU is working to promote the universal ratification of CEDAW by the year 2000.

As a means of enhancing the efficiency of CEDAW, the EU has supported the initiative to supplement the Convention through an optional protocol creating the possibility of individual complaints against States Parties. The EU warmly welcomed the consensus reached on this initiative in March and is now working for the early entry into force of this new instrument.

Another relevant UN forum for the promotion of women's rights is the Commission on the Status of Women (CSW), which this year concentrated on health issues and institutional mechanisms. The CSW also serves as the Preparatory Committee for the Beijing + 5 UN General Assembly. In this context the EU strongly made the point that the results of Beijing are non-negotiable. The EU was also successful in safeguarding the active participation of non-governmental organisations in the Beijing follow-up process.

### **European Organisations:**

The OSCE has grown increasingly active in promoting the status of women in Europe. The EU welcomed this trend, which included the organizing in April 1998 of an informal meeting on women's participation in Vienna. In its speech at the OSCE Human Dimension Implementation meeting in October 1998, the EU stressed that full and true equality between men and women is a fundamental aspect of a just and democratic society. The EU also spoke at the OSCE's supplementary human dimension meeting on gender issues held in Vienna on 14-15 June 1999.

At the Council of Europe, the EU member states have supported the finalisation of an additional protocol to the European Convention on Human Rights concerning Article 14 on non-discrimination. The member states also supported the adoption of a Declaration on the equality of women and men presented by the Committee of Ministers of the Council of Europe in November 1998.

### **Cooperation Programmes:**

The EU has continued to further the cause of women and remove inequalities between men and women through its dialogue with third countries and through its policies on development co-operation. The Council Resolution (of 20 Dec 1995) on integrating gender in development identifies human rights and democratization as an emerging area where special attention should be given to gender issues.

Council Regulation No 2836/98 on Integrating Gender Issues in Development Co-operation (22/12/98) formally established budget chapter B7-6110 for gender awareness-raising activities.

The right of women to participate equally in cultural, economic, social and political development is increasingly being implemented in all EU development cooperation projects and programmes, under internal procedures for gender integration.

For instance, the EU provides extensive support for projects concerning women's sexual and reproductive rights. Examples include an ECU 200 million contribution to the Sector Programme for Health and Family Welfare in India, which is focused on women's sexual and reproductive health and rights. The EU supports similar programmes in a number of countries such as Egypt and the Philippines.

In the area of women's rights, Afghanistan is currently a central concern of ECHO, the European Community Humanitarian Aid Office. The European Parliament, too, devoted 8 March 1998 to the women of Kabul, in order to focus the world's attention on the oppression these women are suffering and to do everything possible to stop the violations of their rights.

### **5.13 The rights of the child**

The rights of the child are a clear priority in the area of human rights. The European Union fully recognizes this. The EU supports the decision to increase the number of members of the Committee. In the Amsterdam Treaty, the EU specifically recognized the importance of addressing offences against children. Children are too often denied the support they need to realize their full potential as human beings. In addition, children are often the deliberate victims of a wide range of violations.

All the EU's work for children's rights is guided by the United Nations Convention on the Rights of the Child (CRC) of 1989 which all members of the EU have ratified. The Convention has attained almost universal ratification and has enhanced the global visibility of children's rights. The EU has regularly called on the two states which have not yet ratified the CRC to do so as a matter of urgency.

The Convention has made the issue of children's rights more visible. Its full implementation, however, remains a distant objective. In this respect the EU supports the Committee supervising the implementation of the Convention. The task of the Committee is considerable taking into consideration the fact that almost all countries in the world are signatories and the Convention covers a wide range of issues related to child rights.

At the United Nations Commission for Human Rights as well as the UN General Assembly the EU is the main sponsor, together with the Latin American and Caribbean countries, of the resolution on the rights of the child. The extensive resolution has made it possible to highlight various topical issues. The EU also regularly speaks when children's rights are discussed at the relevant fora. In addition, the EU supports important work for children's rights in the regional context, such as the Council of Europe's Programme for Children.

The improvement of the rights of the child is also an issue extensively covered in the context of development cooperation through the EU budget. Reinforcing respect for the rights of the child is, for instance, mentioned as a specific objective of a budget heading, through which various projects of human rights NGOs are financed. Support has i.a. been given to projects aimed at rehabilitation of child victims of human rights abuses.

In the following, the EU's views on some areas of child rights of primary importance are briefly described:

***Girl child:***

The EU finds that girls often have to face multiple discrimination. Girls often still do not have equal access to education and health care. The EU is fully committed to eliminating harmful traditional practices as well as gender stereotyping affecting girls.

The EU underlines the urgent need to prohibit genital mutilation of girls where it still exists. Implementation of prohibition cannot be achieved by laws alone. Education, especially focused on women's health, must be a vital part of any effective programme. The EU also calls for legislation discriminating or condoning unequal treatment of girls to be abolished.

***Children in armed conflict:***

Children are the first victims of any armed conflict. The EU is unreservedly convinced that children must be protected from taking part in warfare, whether as recruits or civilians.

The EU believes that there is an urgent need to raise the current minimum age limit set by Article 38 of the Convention on the Rights of the Child for the recruitment and participation of any person in armed conflicts, with the aim of a higher standard of protection of children and an early conclusion of the proceedings of the working group on a draft optional protocol on the involvement of children in armed conflicts, especially with a view to the tenth anniversary of the entry into force of the Convention.

The EU fully supports the important work of the UN in this field, in particular the UN Special Representative of the Secretary General on Children in Armed Conflicts and UNICEF. Several EU Member States have made voluntary contributions to the Special Representative's work.

At the negotiations for the new International Criminal Court (ICC) the EU successfully pushed for a provision making conscripting or enlisting and using children a recognized war crime for the first time.

An estimated 2 million children have been killed and another 6 million seriously injured in wars over the last ten years. Many are made refugees or internally displaced. The clear majority of the world's refugees are women and children. This was the case also recently in Kosovo. Others witness acts of violence which leave mental scars for the rest of their lives.

Children are often recruited in prolonged civil wars such as the ones in Sierra Leone or Afghanistan where they may be deliberately brutalized. Recruiting children as soldiers damages entire societies. It is often very difficult to bring traumatized children who have not had the opportunity of basic education to normal life again. The acute problems related to children in armed conflict have gained increased visibility globally. The EU also acknowledges the highly valuable work by several NGOs in this field.

***Sexual exploitation of children:***

The sexual abuse of children remains one of the most shocking and repellent abuses of children's rights. Children are forced in a variety of ways, or through simple poverty, to become one of the estimated one million child prostitutes around the world. Others are exploited for pornographic purposes. The EU is also particularly concerned about the potential role of the Internet in providing a tool for the sexual exploitation of children.

The EU promotes international efforts aiming at more cooperative and efficient ways to tackle this problem. The EU calls for early finalisation of an Optional Protocol to the CRC on the sale of children, child prostitution and child pornography.

The EU has undertaken a number of initiatives aimed at addressing this problem, including:

- The STOP Programme from 1996 to the year 2000 which seeks to promote and coordinate activities to combat the trafficking and sexual abuse of children.
- The proposed Multi-annual Community Action Plan which would combat the use of the Internet for the sexual exploitation of children.
- The Asia-Europe Meeting (ASEM) process aimed at increasing cooperation to combat the sexual abuse of children and the forthcoming opening of a web site for exchange of information on legislation and best practices on this issue.

***Child labour:***

Child labour, a form of exploitation to which children are subjected world-wide, continues to be of particular concern to the EU. According to ILO studies, at least 250 million children between the ages of 5 - 14 are obliged to work. The EU recognizes that child labour is both a consequence and a cause of poverty and child labour has to be seen in the context of strategies for poverty eradication and social development.

EU Governments recognize the importance of abolishing child labour, which deprives children of their right to a childhood, their right to an education, and their freedom from forced labour. We are actively supporting the work of the United Nations, the International Labour Organisation (ILO) and the UN Children's Fund (UNICEF) in this area. At the recent Conference of the ILO, EU Members were heavily involved in the successful conclusion and adoption of a new Convention aimed at addressing the worst forms of child labour. We welcome the adoption of the Convention concerning the Prohibition and Immediate Actions for the Elimination of the Worst Forms of Child Labour. The EU will help to ensure that the Convention makes a positive contribution to the elimination of the most intolerable forms of child labour, including bonded labour and the exploitation of children in prostitution.

The EU sees the adoption of the Convention as a major step forward and calls for its early ratification and effective implementation.

#### **5.14 The Right to Development**

Since the adoption of the Declaration on the Right to Development by the UN General Assembly in 1986 the international community's understanding of the right to development has been broadened and deepened. The 1993 World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and stressed that democracy, development and respect for human rights are interdependent and mutually reinforcing.

The human being is the central subject of development and should be the active participant and beneficiary of the right to development. The right to development is based on the understanding that development is a process targeted at the realization of civil, cultural, economic, political and social rights meeting equitably the developmental and environmental needs of present and future generations.

The EU participated actively in the deliberations on the right to development in the various bodies of the United Nations concerned with human rights and supported the new UN mechanisms on the right to development, the Independent Expert and the Working Group on the Right to Development of the Commission on Human Rights. These efforts aimed at further strengthening the international consensus on the right to development.



At its 55th session the Commission on Human Rights was able to adopt a resolution on the subject without a vote. In the negotiations for this important resolution the EU stressed the need to implement the right to development through increased operationalisation at the national and local level. This means that all human beings, men and women, must participate fully in all aspects of the development process which affect them. This requires that people enjoy, *inter alia*, their right of political participation, their right to freedom of association and their right to education. On the part of the government this further requires respect for the rule of law, effective administration, respect for property rights, the absence of corruption, and other aspects of good governance.

While this task is primarily the responsibility of national governments, the international community should support and supplement these efforts through effective co-operation. The EU continued to affirm its commitment in this respect, while noting that international conditions cannot make up for deficiencies in national governments' policies. At the 55th Commission on Human Rights the EU welcomed the 1998 G8 Summit's initiative for debt relief of poor and heavily indebted countries.

Further, the right to development is an important element of the European Union's Agreements, notably with developing countries. Strengthening of democracy, the rule of law and respect for human rights are explicit objectives of the Union's development co-operation. In the same vein, the EU welcomes the action of the UN High Commissioner for Human Rights to further integrate the right to development into the work of the entire UN system, including her efforts to strengthen ties with the international financial institutions.

## **6. CONCLUDING REMARKS**

The publishing of this first Annual Human Rights Report represents an effort to make the EU's human rights policies more consistent and more transparent. The human rights policy of the EU is in a dynamic phase. In this Report, EU action in various fields of activity and across the different pillars has been collected together. This is intended to serve as a basis for discussion both within the EU institutions and elsewhere on ways and means to make the EU's human rights policies more coherent, more result-oriented and more successful.

The primary responsibility for protecting and promoting human rights lies with governments. However, the role of civil society is crucial. Human rights policies cannot be conducted in a meaningful and sustainable way unless based on the broad support of society at large. The EU is very conscious of the lively interest of NGOs, the media, other actors and private individuals in EU action in this area. The publishing of this Report indicates a wish to intensify dialogue with interested parties in the field of human rights.

As the name suggests, the EU Human Rights Report will be published annually. The time frame from the beginning of June 1998 until the end of June 1999, has been chosen as the basis of the Reports. The emphasis on external relations will in future be complemented by choosing themes with regard to which EU action in the EU area will be considered. Feedback received on the basis of this first edition will be taken into account when developing the structure and the contents of the forthcoming editions.

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## ANNEXES

- 1 Amsterdam Treaty ( a few excerpts, eg. art. 6, 7, 13)
  - 2 Vienna Declaration of the EU of 10 December 1998 (excerpts)
  - 3 Common Position on Human Rights, Democratic Principles, Rule of Law and Good Governance in Africa
  - 4 Common Strategy on Russia
  - 5 Joint Action on Support for the democratic process in Nigeria
  - 6 Human Rights clause in Lomé IV Treaty
  - 7 Guidelines on EU policy against death penalty
  - 8 Guidelines on EU policy on electoral observation
  - 9 Code of Conduct on Arms Exports
  - 10 Statement by FM Fischer at the Commission on Human Rights 55 on behalf of the EU
  - 11 Presidency statement at the Commission on Human Rights 55 on country situations
  - 12 Human Rights Instruments
  - 13 Human Rights Instruments signed by EU Member States
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