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NOTE

From : General Secretariat
To : Political and Security Committee
Subject : Annual Human Rights Report 2002

Delegations will find attached the EU Annual report on Human Rights 2002, as finalised by the Working Group on Human Rights.

The Committee is invited to approve the draft report and submit it to Coreper/Council for final adoption.

European Union
Annual report on human rights
2002

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PREFACE

I am pleased to present this fourth Annual Report on Human Rights of the European Union covering the period from the 1 July 2001 to 30 June 2002. This period has been marked by the terrorist attacks against the United States on 11 September 2001. For obvious reasons the fight against international terrorism stands high on the international agenda. However, this has not, diminished the European Union's endeavours in securing respect for human rights and fundamental freedoms in all parts of the world, as this report illustrates.

The aim of the document is to present a global view of the European Union's human rights policy. It concentrates on the Union's external relations and on its international role, but also contains a section devoted to human rights within the Union itself including such matters as trafficking in human beings, racism and xenophobia, asylum and migration, human rights and business.

The report is the result of teamwork. Human rights experts from the fifteen Member States have contributed to it, with the support of the Commission and of the Council Secretariat.

The European Union's Annual Report is an important reference document, which serves as a basis for thorough discussion on the ways and means to make the Union's human rights policy more consistent and effective. An in-depth discussion will take place at the next Human Rights Forum, which is to take place in Copenhagen in December 2002, at which the European Institutions, academics, representatives of non-governmental organisations and international organisations will participate.

By means of its annual report on human rights, and by restating the values on which the European model is founded, the Union hopes to strengthen its citizens' involvement in promoting human rights within and outside Europe. In a world, which is becoming increasingly globalised, it is important that we stand firm on the foundation of our identity and values. Thus, it is my hope that the annual reports will serve as an injection to the European peoples and Governments in attaining our long-term objective of securing all human rights for all.

Dr. Phil. Per Stig Møller
Minister for Foreign Affairs of the Kingdom of Denmark
President of the Council of the European Union

I. INTRODUCTION

1.1. GENERAL PURPOSES OF THE REPORT

The European Union is based upon and defined by its commitment to the principle of democracy, liberty, the rule of law, and the respect for human rights and fundamental freedoms. Adherence to these principles and common values constitute the foundation and prerequisite for peace, stability and prosperity in any society. The purpose of this Report is to present how this set of common values translate into the practical human rights policies and positions of the EU.

The Report is the fourth of its kind. It covers the period from 1 July 2001 to 30 June 2002. Consequently more recent developments such as the adoption of a range of democratic reforms in Turkey, the impact of which the EU will monitor closely, are not mentioned in the current text. It focuses on the EU policies and implementation within the field of human rights in relation to third countries. The EU firmly believes this to be a legitimate and important concern and responsibility of the international community. The Report also covers a presentation of human rights policies and concerns within the EU.

There have been a number of positive developments in the field of human rights within the reporting period, including the adoption by consensus of the Durban Declaration and Programme of Action Against Racism and Xenophobia, in September 2001, the preliminary adoption of a draft optional protocol to the UN Convention on Torture at the Commission on Human Rights (CHR), in April 2002, and the entry into force of the Rome Statute of the International Criminal Court, on 1 July 2002, upon the ratification of the required 60 states. These examples are but a few of the positive developments, which the EU has actively contributed to achieve. Other examples are presented in the following chapters.

Meanwhile, however, the reporting period has also been marked by negative developments. This trend particularly manifested itself during the 58th session of the CHR, which suffered from a highly confrontational atmosphere. The session saw an increasingly clear North/South divide and no-action motions led to the rejection of a number of EU initiatives.

1.2. OUTLINE OF THE REPORT

The Report is divided into four chapters. The present chapter presents the underlying principles of the EU human rights policy and its legal bases as well as the main players in this field. Chapter Two focuses on human rights within the EU and covers thematic topics such as racism, migration, trafficking, and human rights and business. Chapter Three deals with EU actions and positions on human rights in international affairs. It presents the tools - such as common strategies, joint action and common positions – at the EU’s disposal in the fields of human rights and describes the cooperation between the EU and other international and regional organisations such as the United Nations (UN), the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe (CoE). Furthermore, the chapter outlines thematic issues of particular importance to the EU in the international context. Chapter Three also introduces an element of evaluation as far as EU action in relation to third countries is concerned.

The Report is completed by a chapter with concluding remarks on the EU’s human rights policy and positions. Lastly, the report includes a number of appendices pertaining to EU human rights policies, projects, and statements.

1.3. PRINCIPLES

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

reaffirmed at the 1993 World Conference on Human Rights in Vienna¹.

The importance that the EU attaches to the principle of respect for human rights is reflected in its increased commitment to mainstreaming human rights and democratisation objectives into all aspects of EU external and internal policies. In this way, the EU seeks to contribute to the promotion of the international trend towards integrating the promotion of human rights, democracy and the rule of law into development cooperation, trade policies as well as the promotion of peace and security. It should be noted that the EU is committed to apply a positive and cooperative approach, whenever possible, in relation to third countries as regards human rights issues. This can either be through dialogue, expert assistance or by engaging in a partnership with the third country with a view to promote and protect human rights. At the same time, the EU reserves its right - and duty – to speak out clearly against serious violations of human rights, wherever they take place.

On the basis of the Communication from the Commission on the European Union's role in promoting human rights and democratisation in third countries of 8 May 2001 and the related Council Conclusions of 25 June 2001, the Working Group on Human Rights (COHOM) is deliberating proposals for ways and means to increase effectiveness and transparency in EU human rights policies as well as coherence and consistency between Community action and the Common Foreign and Security Policy (CFSP). It is the hope that these proposals can be presented to the General Affairs Council for approval in the near future.

¹ See Annex 18 for a comprehensive list of the international human rights instruments, and Annex 19 for a list of all the human rights instruments that the EU Member States have signed. Additionally see Annexes 20, 21 and 22 respectively for the Member States' reports to the human rights treaty bodies, financial contributions to the UN human rights mechanisms as well as visits by representatives of human rights mechanisms.

1.4. THE LEGAL BASES OF THE EU HUMAN RIGHTS POLICY

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

With regard to internal policies, Article 2 of the TEU stipulates that the objective of the Union is to *'strengthen the protection of the rights and interests of the nationals of its Member States'* and to *'maintain and develop the Union as an area of freedom, security and justice'*. Additionally Article 6 (2) states that the Union is bound to respect *'fundamental rights as guaranteed by the (...) Convention [of the Council of Europe] for the Protection of Human Rights and Fundamental Freedoms (...), and as they result from the constitutional conditions common to the Member States, as general principles of Community Law'*. The latter article is applied by the European Court of Justice with regard to actions by the institutions of the EU insofar as the Court has jurisdiction over these actions.

On the external policies of the EU, Article 11 of the TEU states that efforts to *'develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms'* are among the objectives of the Common Foreign and Security Policy of the EU.

In 1999, when the Treaty of Amsterdam came into force, the integration of human rights into Community legislation was further strengthened. Besides reaffirming that the EU is founded on the respect for human rights and democratic principles, the Treaty also stated that a Member State that violates these commonly held principles in a serious and persistent manner may suffer repercussions in the form of suspension of rights enshrined in the TEU.

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

1.5. MAIN PLAYERS

The importance attached to the promotion and protection of human rights and fundamental freedoms is reflected in the fact that most bodies and institutions within the EU are involved in human rights issues. The European Council, the Council of Ministers and the European Commission are the main actors in policy-making, decision-making and implementation. It is, therefore, the human rights activities of these actors that are most widely presented in this report. However, also the European Parliament, the European Court of Justice and the European Ombudsman play significant roles in regard to promoting and protecting human rights, both within and outside the EU.

Protection and promotion of human rights within the Member States of the Union is primarily a concern of the states themselves with due regard to their own judicial systems and international obligations. The Member States are parties to a number of international instruments of legally binding as well as political character, and are therefore obliged to account for their actions within the field of human rights to a number of international organisations, including to the Council of Europe (CoE), the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations (UN).

1.5.1. The European Parliament

The European Parliament is an important participant in the formulation and implementation of EU human rights policies. Throughout the years, the European Parliament has taken a lead in keeping human rights high on the EU agenda. This is in large part due to the strong interest traditionally taken in human rights matters by the European Parliament and many of its individual members. The powers of the European Parliament have gradually been increased, notably through the entry into force of the Maastricht Treaty and the Amsterdam Treaty.

The European Parliament has influence on treaty-making processes with third countries. It undertakes human rights missions to countries outside the EU and draws up reports on specific human rights situations as well as thematic issues. In matters related to human rights the European Parliament also adopts resolutions, issues declarations and submits questions to the Council and the Commission. The Council and the Commission ensure close cooperation

with the European Parliament on human rights matters. The European Parliament is kept regularly informed of the Union's foreign and security policy.

In April 2002, the European Parliament adopted its Annual Report on Human Rights. Chapter 3.1.5 briefly presents the report².

Each year the Parliament awards an individual or organisation the Sakharov prize for the freedom of thought. In 2001, the prize was awarded to three individuals closely involved in the peace process in their respective countries. It was awarded to Mr Izzat Ghazzawi, a Palestinian, and Mrs Nurit Peled-Elhanan, an Israeli, for their work in support of the peace process in the Middle East, and to Mr Don Zacarias Kamuenho for his role in the peace process in Angola.

1.5.2. The European Court of Justice

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

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

² The European Parliament's Annual Report on Human Rights for 2001 and general information about the European Parliament can be downloaded from the following web page: www.europarl.eu.int/home/default_en.htm.

respect fundamental rights applies both to EU institutions and to Member States in the area of Community law.

Although the Treaty establishing the European Community originally contained no specific reference to human rights, the Court of Justice has consistently held that fundamental rights form an integral part of the Community legal order, thereby ensuring that human rights are fully taken into account in the administration of justice. Now, the Court's case law is reflected in Article 6 of the Treaty on European Union, which stipulates that liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law are founding principles of the EU³.

1.5.3. The European Ombudsman

The principal task of the European Ombudsman is to examine alleged cases of maladministration in the actions of Community institutions or bodies, with the exception of the Court of Justice and the Tribunal of First Instance when acting in their judicial role. These cases are generally brought to the attention of the Ombudsman through complaints from European citizens. The Ombudsman can also undertake investigations on his own initiative. A number of these complaints and investigations relate to questions of human rights, particularly the freedom of expression and non-discrimination. The European Ombudsman publishes an Annual Report, which also addresses the human rights effort of the institutions of the European Union. The most recent Annual Report by the European Ombudsman is from April 2002⁴.

1.6. TRANSPARENCY AND DIALOGUE WITH CIVIL SOCIETY

The Council Conclusions of 25 June 2001 and the Commission Communication of 8 May 2001 both point to the need for enhancing the level of transparency of EU actions on human rights and democracy in general as well as strengthening the level of dialogue and exchange of information conducted with different players. The wish for greater transparency has also been voiced by the

³ Further information about the European Court of Justice and the Court of First Instance is available at: www.curia.eu.int/en/index.htm.

⁴ The European Ombudsman's Annual Report and other information about the institution can be downloaded from the following web address: www.euro-ombudsman.eu.int.

general public interested in contributing more actively in the development of EU policies on human rights.

The present Report forms part of the general efforts to enhance the transparency of the Union's human rights policies, both vis-à-vis the European Parliament and civil society in general. The Report is but one of a series of initiatives aiming at increasing the openness of Union activities. Thus, in cooperation with the Commission the Council has sought to broaden access to information on human rights policy-making and implementation at Council and Commission websites⁵. Moreover, efforts will continuously be made to render the EU Human Rights Discussion Forum - an important discussion platform for representatives from NGOs, European institutions, Governments and academic circles - more effective and informative⁶.

The Council appreciates the valuable experience and efforts of NGOs within the fields of human rights and democratisation and firmly believes that NGOs and Governments may mutually benefit from increased dialogue and cooperation. Therefore the Council will continue to work on strengthening Union relations with NGOs within as well as outside the Union and to provide extensive support to NGOs in order to enable further strengthening of a vibrant civil society. The Union will also work harder to defend the right of access by NGOs to international organisations.

⁵ The web site addresses of the Council and Commission respectively are: ue.eu.int/en/summ.htm and www.europa.eu.int/comm/index_en.htm.

⁶ See section 3.1.6 entitled Human Right Forums.

2. HUMAN RIGHTS WITHIN THE EUROPEAN UNION

2.1. MAINSTREAMING HUMAN RIGHTS

As indicated in section 3.1.4 of this report the General Affairs Council, on 25 June 2001, endorsed the Commission Communication on the European Union's role in promoting human rights and democratisation in third countries, which aims to bring greater coherence and consistency to the EU's application of human rights in its relations with third countries. This builds on the commitment to respect and promote human rights as set out in Articles 6 and 11 of the Treaty on European Union and Article 177 of the Treaty establishing the European Community.

Mainstreaming is the process of integrating human rights (respect for universal and indivisible human rights, fundamental freedoms and the rule of law) into all aspects of policy decision-making and implementation. Mainstreaming can thus make a significant contribution to the coherence and consistency of the EU's handling of human rights in external relations.

A number of Member States have already made significant progress in mainstreaming human rights in to their foreign policies. The UN has also done so in various ways including the integration of human rights as a cross-cutting theme in UN Country teams and the participation of OHCHR on all four UN Executive Committees (high-level UN Committees involved in co-ordinating decision-making) thereby enabling human rights considerations to be taken into account on UN initiatives on peace and security, humanitarian issues and development and economic and social policy.

There has been recent progress in mainstreaming human rights throughout EU policy and assistance such as:

- including human rights in political dialogue with third countries. The Council adopted *EU Guidelines on Human Rights Dialogues* on 13 December 2001. These guidelines reiterate the commitment of the EU to include human rights' issues in all meetings with third countries at all levels and set out conditions for the initiation and

conduct of specific human rights dialogues⁷,

- since 1995, the inclusion of a human rights "essential element" clause in trade and co-operation agreements with third countries. Such clauses stipulate that respect for fundamental human rights and democratic principles underpins the internal and external policies of the parties and constitutes an "essential element" of the agreement. In the event of a breach, the agreement may be suspended. However, the emphasis lies on promoting dialogue and positive measures rather than punitive action. The Cotonou Agreement with 77 African, Caribbean and Pacific countries includes a new consultation procedure for cases of violation of the essential elements,
- use of human rights and democratisation criteria (the "Copenhagen Criteria") in assessing whether applicant states are ready to begin accession negotiations with the EU,
- the development of a Code of Conduct on arms exports⁸,
- granting of additional preferences or withdrawal of preferences under the Generalised System of Preferences in specified cases of unacceptable labour practices⁹,
- mainstreaming of women's rights and children's rights in the provision of assistance under the European Initiative for Democracy and Human Rights (EIDHR).

This provides the foundation on which to develop full mainstreaming of human rights throughout EU policy and assistance.

Over the past twelve months, the EU has discussed how best to take forward mainstreaming. Within the Commission a key policy tool, which can be developed in order to further the mainstreaming of human rights, is the Country Strategy Paper (CSP). CSPs have been prepared for a wide range of third countries. They contain extensive economic, political and social analyses and provide the framework for the targeting of all European Community assistance. The Commission is currently considering possible improvements to CSPs,

⁷ *The European Union Guidelines on Human Rights Dialogues* are enclosed as Annex 15.

⁸ See section 2.7 on *Human Rights and Business*.

including the strengthening of the analyses of human rights' issues.

However, perhaps the most important task for the coming year is to develop the capacity of staff to address human rights effectively in their daily work through training and the provision of information materials and tools. The need for human rights training is highlighted in the Commission Communication of 8 May 2001.

Human rights training for staff in Commission delegations is particularly important given the current process of deconcentrating the management of Commission assistance programmes to its delegations across the world. Deconcentration is taking place in three waves with the aim of finalising the process by the end of 2003. The first wave has seen deconcentration extended to 21 Commission delegations. The Commission is currently preparing the ground for the deconcentration of thematic budget lines, including those relating to human rights and democratisation.

2.2. CHARTER OF FUNDAMENTAL RIGHTS

Par sa proclamation lors du Conseil européen de Nice en décembre 2000, la Charte a acquis une place importante. C'est un document de référence qui permet aux citoyens de l'Union et des pays candidats à l'adhésion de connaître leurs droits et les valeurs sur lesquelles l'Union se construit.

A ce jour, la question de la portée juridique de la Charte n'a pas encore été tranchée. En effet, la conférence intergouvernementale de Nice n'a pas statué sur son intégration dans les traités. Elle prévoit néanmoins que le débat sur l'avenir de l'Europe ainsi que la nouvelle CIG qui sera convoquée en 2004, portera, entre autres, sur "le statut de la Charte des droit fondamentaux de l'Union européenne, proclamée à Nice, conformément aux conclusions du Conseil européen

⁹ See section 2.7 for further details.

de Cologne". Dans le cadre des travaux de la Convention européenne ¹⁰, un groupe de travail présidé par M. Vitorino, membre de la Commission, est chargé de réfléchir aux différentes modalités ainsi qu'aux conséquences d'une intégration de la Charte dans les traités.

Bien qu'elle n'ait pas de caractère juridique contraignant, les citoyens invoquent de plus en plus souvent la Charte dans leurs différentes démarches auprès des Institutions de l'Union. Ainsi, des plaintes, des pétitions, des lettres faisant référence à la Charte sont adressées en très grand nombre au Parlement européen et à la Commission.

Les juristes l'invoquent aussi de plus en plus souvent devant les instances juridictionnelles de l'Union et les avocats généraux auprès de la Cour de Justice des Communautés y font référence dans leurs conclusions, à un rythme soutenu, tout en soulignant – il est vrai – son absence de caractère juridique contraignant.

Pour la première fois depuis sa proclamation, le Tribunal de Première Instance a fait une référence explicite à la Charte dans des arrêts récents rendus le 30 janvier 2002 et le 3 mai 2002.

Par ailleurs, la Commission considère qu'il est nécessaire de tirer les conséquences concrètes de la proclamation de la Charte et de faire du respect des droits contenus dans celle-ci sa ligne de conduite. Dans cette perspective, toute proposition d'acte législatif ou tout acte réglementaire adopté par le Collège fait désormais l'objet d'un contrôle a priori de compatibilité avec la Charte, contrôle attesté par l'introduction d'un considérant standard dans les propositions présentant un lien avec les droits fondamentaux.

Il convient de rappeler que la Charte *met en exergue les droits existants sur lesquels l'Union est fondée et qu'elle respecte conformément à l'article 6 du TUE*. Elle contient différentes

¹⁰ Convoquée par le Conseil européen réuni à Laeken en décembre 2001, la convention européenne sur l'avenir de l'Union européenne, présidée par M. Valéry Giscard d'Estaing, a pour tâche de préparer d'une manière aussi large et aussi transparente que possible la prochaine Conférence intergouvernementale. Elle rassemble les principales parties prenantes au débat sur l'avenir de l'Union. Outre son Président et ses deux vice-présidents (M. Giuliano Amato et M. Jean Luc Dehaene), la Convention est composée de : - 15 représentants des chefs d'Etat ou de gouvernement des Etats membres, - 13 représentants des pays candidats à l'adhésion, - 30 représentants des Parlements nationaux des Etats membres, - 26 représentants des Parlements nationaux des Etats candidats à l'adhésion, - 16 représentants membres du Parlement européen, - 2 représentants de la Commission européenne. L'implication de la société civile constitue également un élément important du déroulement des travaux de la Convention. Dans ce cadre, il faut souligner la création du Forum qui permet aux organisations représentant la société civile d'apporter leur propre contribution aux débats sur l'avenir de l'Union européenne.

catégories de droits:

- les droits et libertés et les garanties procédurales, tels qu'ils résultent de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, ainsi que des traditions constitutionnelles communes des Etats membres, les droits liés à la,
- citoyenneté européenne, qui se trouvent notamment dans la deuxième partie du traité instituant la Communauté européenne (TCE) intitulée la "citoyenneté de l'Union",
- les droits économiques, sociaux et culturels qui correspondent aux dispositions relevant d'une part du droit du travail et d'autre part, de dispositions de droit social,
- les droits "modernes" qui visent notamment à répondre aux défis liés au développement actuel et futur des technologies de l'information ou du génie génétique.

2.3. RACISM AND XENOPHOBIA

The fight against racism, racial discrimination and xenophobia continues to be a priority of the EU human rights policy. The European institutions have condemned intolerance, racism and xenophobia on numerous occasions since the 1970's. The European Union took a decisive step towards joint action to combat racism in 1997, which was the European Year against Racism. 1997 saw the introduction of Article 13 in the Treaty establishing the European Community, giving the Community new powers to combat discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation. The EU's commitment to combat discrimination was further underlined by the Charter of Fundamental Rights of the European Union, which was jointly proclaimed by the EU institutions on 7 December 2000. Article 21 of the Charter prohibits all discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

In 2000, on the basis of proposals from the European Commission, the Council adopted a package of measures on the basis of Article 13 of the EC Treaty. Council Directive 2000/43/EC concerns the implementation of the principle of equal treatment irrespective of racial or ethnic origin. It prohibits any direct or indirect discrimination based on such grounds, notably in the fields of access to employment, access to vocational guidance and training,

employment and working conditions, membership of organisations, social protection, social advantages, education and access to and supply of goods and services. The Directive applies to both the public and private sectors within the EU. It also requires that, in proceedings concerning alleged cases of discrimination, provided that the defendant can establish facts from which it may be presumed that there has been direct or indirect discrimination, the burden of proof will be shifted, so that it falls upon the respondent to prove that there has been no breach of the principle of equal treatment. This Directive recognises that measures taken to implement it should promote equality between men and women, especially because women are often victims of multiple discrimination. The Directive must be incorporated into the national legislation of all Member States no later than 19 July 2003. Every five years from 2005, the Commission shall elaborate a report on the implementation of this Directive, providing an assessment of the impact of measures taken on women and men. The second directive (Council Directive 2000/78/EC, adopted on 27 November 2000) establishes a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation.

The Community Action Program to Combat Discrimination (2001 to 2006) was adopted on 27 November 2000 and supports activities designed to promote measures to prevent and combat discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation. It pursues three main objectives: analysis of issues related to discrimination and evaluation of the effectiveness of policies and practices adopted in this field; development of the capacity to effectively prevent and address discrimination, in particular by strengthening organisations' means of action and through support for the exchange of information and good practice and networking at European level; and promotion and dissemination of the values and practices underlying the fight against discrimination, including through the use of awareness-raising campaigns. With a budget of EUR 14.15 million in 2001 this program has funded a wide range of activities, including the establishment of independent expert groups to report on the measures existing in the Member States to combat discrimination on various grounds of discrimination (including racial or ethnic origin), evaluation of activities carried out by the European Monitoring Centre on Racism and Xenophobia (EUMC), transnational exchange actions, umbrella networks of NGO's, a European Conference on Discrimination (18 to 19 October 2001) and the launch of a prize for diversity in companies.

The European Monitoring Centre on Racism and Xenophobia, established in 1997 with the purpose to provide the Union and its Member States with objective, reliable and comparable information on the phenomena of racism, xenophobia and anti-Semitism in order to help them when they take measures or formulate courses of action within their respective spheres of competence, has signed a memorandum of understanding with the European Commission and is contributing to, and supporting, the implementation of the package related to Article 13. EUMC is developing a project entitled “Study on the comparison of the adopted Article 13 Council Directives with existing national legislation in the EU Member States” (2001 to 2002), limited to discrimination on the grounds of racial or ethnic origin and religion or belief. In support of wider consultation among interested groups in the EU, the EUMC held a Round Table workshop on developments related to the implementation of article 13 in the Member States (Vienna, 27 to 28 March 2002).

EUMC set up the European Racism and Xenophobia Information Network (RAXEN), composed by 15 National Focal Points (research centres, non-governmental organisations and specialized centres active in the field) – one in each Member State - which are the entrance point of the EUMC at national level as regard the data and information collection. The first meeting of EUMC and National Focal Points took place in June 2001 and efforts are now being made to further develop and increase this network. Informal contacts to some data collection initiatives in the Candidate Countries are being held and initiatives will be undertaken to start preparatory steps to establish national focal points in candidate countries.

On 28 November 2001, the European Commission presented a proposal for a framework decision on combating racism and xenophobia, with two main purposes: to ensure that racism and xenophobia are punishable in all Member States by effective, proportionate and dissuasive criminal penalties, which can give rise to extradition and surrender, and to improve and encourage judicial cooperation by removing potential obstacles. The proposed instrument provides that the same racist and xenophobic conducts would be punishable in all Member States, which would define a common EU criminal approach to this phenomenon. When adopted, this framework decision shall replace the Joint Action of 15 July 1996 concerning action to combat racism and xenophobia, as requested by the European Parliament in its

resolution of 21 September 2000.

One of the objectives of the proposed framework decision is to ensure that racist and xenophobic content on the Internet is criminalized in all Member States. Racist offences perpetrated through the Internet (namely the dissemination of racial hatred) are a growing concern to the EU and, in June 2001, the European Commission declared that the Safer Internet Action Plan (launched in 1999, with a budget of EUR 25 million for the period from 1 January 1999 to 31 December 2002, which in the beginning focused primarily on child pornography) will in the future focus also on racist content.

Great efforts are also made to mainstream the fight against racism into all aspects of the Community policies and actions, at all levels, as provided for by the 1998 Action Plan Against Racism. Areas concerned include, in particular, employment, the European Structural Funds, education, training and youth programmes, public procurement policy, research activities, external relations, information work and cultural and sports initiatives. A working party representing different Commission departments evaluates EU policies and programs and works towards identifying ways to enhance the impact of these policies in the fight against racism.

The Community Initiative EQUAL (2000 to 2006) tests new ways of tackling discrimination and inequality experienced by those in work and those looking for a job. EQUAL focuses on the four pillars of the European Employment Strategy: Employability, Entrepreneurship, Adaptability and Equal opportunities for women and men. In addition EQUAL has a separate theme, which addresses the needs of asylum seekers. Racial violence against women, young people and children can also be tackled through activities funded under the DAPHNE Programme (2000 to 2003) which aims to contribute towards ensuring a high level of protection of physical and mental health by the protection of children, young people and women against violence, by prevention of violence and by the provision of support for the victims of violence, in order, in particular, to prevent future exposure to violence.

2.4. ASYLUM AND MIGRATION

The twelve-month period from July 2001 has been marked by intense activity in the field of asylum and immigration. The European Council in Laeken (14 to 15 December 2001) confirmed that the establishment of common rules was an important component of a genuine common policy on asylum and immigration. The European Council reaffirmed its commitment to the policy guidelines and objectives defined at the Tampere European Council in October 1999 and noted that while some progress had been made, there was a need for new impetus and guidelines to make up for delays in some areas. Progress has been slower and less substantial than expected, compared to some of the deadlines set out in the Scoreboard on the progress towards an area of freedom, security and justice published by the Commission (last version updated on 30 May 2002)¹¹.

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

The Establishment of a Common European Asylum System

The Commission has now made all the necessary proposals for the completion of the first stage of harmonisation planned in the Tampere conclusions. Discussions in the Council are being actively pursued on the following texts:

- a Directive on minimum standards on asylum procedures (a modified proposal adopted by the Commission in June 2002),
- a Regulation on the criteria and mechanisms for determining which Member State is responsible for the examination of an asylum application as successor instrument to the Dublin Convention,
- a Directive on minimum standards on the qualification of nationals of third countries as refugees and for persons who otherwise need international protection. International human rights and standards are critical background to that proposal as its guiding principles are the 1951 Geneva Convention on refugees

¹¹ COM(2002) 261 final of 30 May 2002.

and its 1967 Protocol and other instruments such as the European Convention on Human Rights, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment and the International Covenant on Civil and Political Rights.

The Council has already approved:

- a Directive on minimum standards for reception of asylum seekers,
- Directive on minimum standards for giving protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof¹²,
- a Regulation concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention on the State responsible for examining applications for asylum lodged in one of the EU Member States¹³. The purpose is to facilitate implementation of the Convention and personal data will be protected to the highest standards,
- a Decision to set up a European Refugee Fund to provide finance for the reception, integration or voluntary repatriation¹⁴. The funding available is EUR 216 million between 2000 and 2004.

In all asylum proposals and instruments adopted, special attention has been devoted to children and gender issues. Specific provisions dealing with unaccompanied minors have also been introduced. Access to education, housing and health care is given particular importance. Provisions on specific child or gender based persecution have been introduced as well as on particularly traumatic experiences such as sexual violence.

In November 2001, the Commission published the first annual report on the common asylum policy¹⁵, which proposed the use of an open co-ordination method in the field of asylum to

¹² OJ L 212 of 20 July 2001

¹³ OJ L 316 of 15 December 2000.

¹⁴ OJ L 252 of 6 October 2000.

¹⁵ COM(2001) 710 final of 28 November 2001.

complement and support the legislative process.

Fair Treatment of Third Country Nationals

In the field of legal immigration, the Commission adopted in July 2001 a proposal on the conditions of entry and residence of third country nationals for the purpose of paid employment and self-employed activities¹⁶. Together with this proposal, the Commission also proposed the use of an open co-ordination method in order to increase convergence of information and ideas with a view to working towards a Community immigration policy¹⁷.

The Commission adopted in May 2002 a new amended proposal on the right to family reunification in response to the request addressed by the Laeken European Council to the Commission¹⁸. This proposal incorporates the compromises reached in the Council in order to preserve what has been achieved over the last two years of discussions in the Council. On the points still outstanding, the Commission adopted a new approach, which acknowledges that, to achieve harmonisation of national legislation on family reunification, there is a need for several stages. The amended proposal is only the first of these.

The Commission will also soon present a draft directive on the admission of third country nationals for the purpose of study and vocational training.

As far as long-term residents are concerned, the negotiation process has started on the proposal for a directive issued last year (March 2001)¹⁹.

Management of Migration Flows

With regard to illegal immigration, the Commission published a Communication on a common policy on illegal migration²⁰, which sets out an overall action plan to reinforce the EU's efforts to regulate these flows, which are associated with international crime and traffic in human beings especially for the purposes of prostitution, while respecting international

¹⁶ COM(2001) 386 final of 11 June 2001.

¹⁷ COM(2001) 387 final of 11 June 2001.

¹⁸ COM(2002) 225 final of 2 May 2002.

¹⁹ COM(2001) 127 final of 13 March 2001.

²⁰ COM(2001) 672 final of 15 November 2001.

obligations and human rights. It proposed action in the following areas: visa policy; information exchange, co-operation between and co-ordination of the activities of Member States' enforcement authorities; border management; police cooperation; aliens law and criminal law and return and readmission policy. Following the conclusion of the European Council in Laeken in December 2001, the Council adopted on 28 February 2002 a comprehensive plan to combat illegal immigration and trafficking of human beings in the EU based on the Commission's Communication on illegal immigration.

This plan is now being implemented and contains a section on readmission and return policy. In order to facilitate discussion on this issue, the Commission adopted a Green Paper on a Community Return Policy on Illegal Residents on 10 April 2002²¹. This document raises a number of issues concerning common standards, improving co-operation on return between Member States and suggests the further development of a common readmission policy for the EU.

As part of continuing efforts to combat smuggling and trafficking, in February 2002, the Commission published a proposal for a Council Directive on short-term residence permits for victims of criminal activities (relating to illegal immigration or trafficking in human beings) who cooperate with the authorities²². It aims at preventing and dismantling the networks involved. In particular, as Member States can extend the scope of this directive to minors, special reference is made to the commitments in the International Convention on the Rights of the Child of November 1989, and specific provisions have been added for minors. A safeguard clause indicates that this proposal is without prejudice to international protection and other human rights instruments.

2.5 TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings was addressed in last year's EU Annual Report on Human Rights. During the period of this report trafficking in human beings remained high on the political agenda. A particular emphasis on the situation of women and children continued.

²¹ COM(2002) 175 final of 10 April 2002.

²² COM(2002) 71 final of 11 February 2002.

On the initiative of the Belgian Presidency, the Council adopted, together with the ministers of the Candidate Countries, the so called “12 Commitments” to fight trafficking in human beings, among them active operational co-operation, organisation of information campaigns and providing assistance to victims. On the legal front against traffickers, the Council on 28 September 2001 reached political agreement on the Commission’s proposal for a Framework Decision to combat trafficking in human beings. Essentially, this legal instrument contains a common definition of trafficking for the purposes of labour and sexual exploitation, which will be implemented in all 15 Member States of the Union as well as in the Candidate Countries.

The Framework Decision also stipulates that the penalty for trafficking in any Member State must not be less than eight years by terms of imprisonment if the offence is committed in circumstances endangering the life of the victim, against a victim who was particularly vulnerable, by the use of serious violence or has caused particularly serious harm, or within the context of criminal organisation. On the specific issue of protection of victims, the Commission has put forward on 11 February 2002 a legislative proposal on short-term permits of stay for victims of trafficking that are prepared to co-operate in investigations and proceedings against their exploiters.

Furthermore, as regards financial support, the adoption of the STOP II Programme on 28 June 2001 allows for continued support to projects on trafficking following the first five year period which financially supported 85 projects to combat and prevent trafficking in human beings and the sexual exploitation of children, including child pornography. On 5 November 2001, the STOP II Committee agreed on a set of 18 new projects, out of which 8 projects (with a total co-funding of around EUR 750 000) focus on the victims of trafficking. Other projects put the focus on trafficking in and the sexual exploitation of children, for instance the worrying problem of unaccompanied minors.

The projects include a conference with around 400 participants to be held in the European Parliament in Brussels on 18 to 20 September 2002. This conference is intended to, on the one hand, take stock of the European policy on trafficking developed over the past five to seven years, and, on the other hand, look forward with a particular emphasis put on enlargement. Finally, on 15 March 2002, the call for proposals under STOP II for 2002 was published. The deadline for submissions was set at 30 April and a new set of projects can be expected to be

adopted by the end of July 2002.

Specifically on prevention, the second workshop on trafficking in human beings within the context of the European Forum on Prevention of Organised Crime was convened on 30 October 2001. The first two workshops in 2001 have devoted their efforts to identifying specific and targeted areas where further co-operation can be developed. The second workshop was devoted to discussing the Commission's abovementioned proposal on a Directive for short-term permits of stay for victims, co-operation between law enforcement services and NGOs, the role of the local level in preventing trafficking, and the development of common methodology to analyse and improve the understanding of the phenomenon. The Commission will continue this exercise in 2002.

On law enforcement co-operation, the EU Police Chiefs Operational Task Force is addressing trafficking in human beings and has among other things invited Europol to organise expert meetings and to elaborate threat assessments. A comprehensive threat assessment was also presented on 30 October 2001. The Task Force also encouraged the development of specialised units and joint investigation teams in co-operation with Europol.

Finally, the increase of attention given to trafficking in human beings in the wider international context continued, for instance in Africa, South Eastern Europe and Asia. The first ratifications of the UN Convention on Transnational Organised Crime and its accompanying Protocol on Trafficking in Persons, Especially Women and Children were made. Also, the OSCE has been enhancing its efforts to combat trafficking in human beings²³.

2.6. EUROPEAN PARLIAMENT REPORT ON THE SITUATION AS REGARDS FUNDAMENTAL RIGHTS IN THE EU

La Commission des libertés et des droits des citoyens, de la justice et des affaires intérieures est en train d'établir le rapport du PE sur la situation des droits fondamentaux dans l'UE en 2001. Le rapporteur est Mme Joke Swiebel. Un document de travail esquissant les principes sur base desquels le rapport devrait être établi a été discuté lors de la réunion de cette Commission du mois de février. En plus du suivi de quelques unes des recommandations de l'année précédente, il a été décidé de se concentrer sur certains domaines prioritaires (tels que

les mesures de lutte contre le terrorisme), vu l'impossibilité de traiter tous les droits mentionnés dans la Charte des Droits Fondamentaux de l'UE.

Lors de l'audition de la société civile sur la situation des droits fondamentaux le besoin de traiter des domaines prioritaires a été réitéré, tenant notamment en compte les mesures adoptées par les Etats membres suite aux événements de septembre 2001 aux Etats Unis.

Il est anticipé que le projet du rapport sera présenté à la réunion de la Commission des libertés et des droits des citoyens, de la justice et des affaires intérieures du mois de septembre 2002, en vue de son adoption par le Parlement en plénière avant la fin de l'année.

2.7. HUMAN RIGHTS AND BUSINESS

The EU continues to attach great importance to promoting human rights in the context of business and trade and strives to engage all social partners in efforts to improve respect for human rights, including social rights and labour standards in order to achieve a more sustainable and equitable development. European Community agreements with third countries – such as the Cotonou agreement with ACP (African, Caribbean and Pacific countries) – include provisions for co-operation in the area of trade and internationally agreed core labour standards. Moreover, the Community's own instrument in the "social incentive arrangements" of the Generalised System of Preferences provides for additional preferences to be extended to countries effectively applying certain International Labour Organisations (ILO) standards.

The Commission communication on 'Promoting Core Labour Standards and Improving Social Governance in the Context of Globalisation'²⁴, presented a comprehensive strategy, suggesting action at European and international levels, by public and private actors alike, and in all relevant policies: social, external relations, development and trade. The EU strategy aims to create incentives and build capacity for countries to implement and respect core labour standards. A concrete step has been the adoption by the Council in December 2001 of a revised scheme of GSP. Countries that seriously and systematically violate any standards referred to in the ILO Declaration on Fundamental Principles and Rights at Work can be

²³ See section 3.3.4. on the OSCE and the efforts of the organisation to combat trafficking in human beings.

²⁴ COM(2001) 416 of 18 July 2001.

temporarily suspended, as was the case for Burma/Myanmar. Countries that effectively apply a number of other standards laid down in the ILO Conventions, including those on child labour, will enjoy additional preferences under the so-called 'social incentives arrangements'. Other aspects of autonomous EU action include increased technical assistance for the promotion of core labour standards, integrating social development in country programmes and in bilateral agreements. The communication also highlights the necessary contribution of private, voluntary initiatives, in referring to the green paper on corporate social responsibility and to the OECD Guidelines for Multinational Enterprises (MNEs).

Improving social governance globally is an important element of the strategy, building on the recognition that global governance is currently imbalanced and calling for a strengthening of its social pillar. In concrete terms, the communication suggests strengthening ILO enforcement instruments and technical assistance. The EU therefore welcomes and supports the creation in the ILO of a World Commission on the Social Dimension of Globalisation to address the issue in a comprehensive manner.

As regards the role of the WTO, the EU welcomes the reaffirmation by WTO Members at the 4th WTO Ministerial Conference in Doha of their commitment to core labour standards and their support for continued cooperation between ILO and WTO. Such cooperation and dialogue is a central element in efforts to improve social governance and strengthen respect for core labour standards globally.

The EU played a pro-active role in the revision of OECD Guidelines for MNEs, which were adopted on 27 June 2000 by the 30 OECD members, as well as Argentina, Brazil and Chile, as part of a revised Declaration in International Investment and Multinational Enterprises. The Guidelines represent a useful step towards enhanced investors' responsibilities worldwide, at the same time responding to civil society's concerns in relation to the behaviour of international investors. Since the revision, the EU has taken concrete action in order to implement these Guidelines.

MNEs are recognised as having not only rights, but also obligations towards a corporate citizenship. Although the guidelines are not legally binding for companies and do not alter the implementation of domestic legislation, the reinforced implementation mechanism, which

signing countries are bound to set up, fosters voluntary self-regulation, wherever they operate. It is up to all interested stakeholders to ensure its effective implementation.

The substantive issues covered by the Guidelines have been extended to also cover human rights (in Chapter IV). MNEs are expected to respect human rights of those affected by their activities, consistent with the host government's international obligations and commitments.

For example, MNEs should contribute to the effective abolition of child labour and the elimination of all forms of forced or compulsory labour (§II-1). The Commentary refers explicitly to the Universal Declaration of Human Rights.

As to their geographical scope of application, ambiguity has been removed: adhering governments to expect and invite 'their' MNEs to apply these principles and standards of behaviour wherever they operate. The Guidelines instruct adhering governments to seek dialogue and co-operation with non-adhering governments. National Contact Points (NPCs) are key instruments that adhering governments will use to supervise the implementation of the Guidelines. This includes handling instances where the guidelines are not observed.

For its part, the European Commission intends to contribute to raising awareness of the Guidelines among all interested parties, in order to facilitate the use and dissemination of the new Guidelines as an instrument at the service of all stakeholders. The Commission adopts a coherent and broad approach to CSR issues and has inserted references to the OECD Guidelines in several Communications on related topics, conflict prevention²⁵, human rights and democratisation²⁶, sustainable development²⁷, core labour standards and governance²⁸.

Further to the major conference organised by the Commission on '*Best Business Practices for Corporate Social Responsibility: Management tools for implementing the OECD Guidelines for Multinational Enterprises*', 10 to 11 May 2001²⁹, the Commission initiated another event on 24 to 25 June 2002, aimed at deepening the reflection on these issues. This '*Trade, Global Governance and Sustainable Development*' seminar constituted a follow-up activity to the

²⁵ COM (2001) 211 final of 11 April 2001.

²⁶ COM (2001) 252 final of 8 May 2001.

²⁷ COM (2001) 264 final of 15 May 2001.

²⁸ COM (2001) 416 final of 18 July 2001.

²⁹ All relevant documentation and papers on this conference can be found at the following web site: www.europa.eu.int/comm/trade/miti/invest/oecd.htm

European Commission White Paper on Governance³⁰. One of its three workshops addressed CSR and Development through the OECD Guidelines.

On the external relations' side, the Commission aims to promote the OECD Guidelines whenever and wherever possible. For example, the Association Agreement between the EU and Chile concluded during the second EU-Latin America & Caribbean Summit held in Madrid on 16, 17 and 18 May 2002 refers to the Guidelines. A 'Joint Declaration' indicates that *'The Community and its Member States and Chile jointly remind their multinational enterprises of their recommendation to observe the OECD Guidelines for Multinational Enterprises, wherever they operate.'*

On 18 July 2001, the Commission presented a Green Paper "*Promoting a European Framework for Corporate Social Responsibility*"³¹, in which it stressed the strong human rights dimension of CSR, particularly in relation to international operations and global supply chains.

Recognising that codes of conduct, which cover, working conditions, human rights and environmental aspects, in particular those of their subcontractors and suppliers, are a positive development, the Commission insisted that their effectiveness however depends on proper implementation and verification. Codes of conduct should be based on the ILO fundamental Conventions, as identified in the 1998 ILO Declaration on Fundamental Principles and Rights at Work and the OECD guidelines for multinational enterprises, involving the social partners and those in developing countries covered by them.

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

³⁰ COM (2001) 428 final of 25 June 2001.

³¹ COM (2001) 366 of 18 July 2001.

to subscribe to these human rights-related principles, as well as other principles encompassed by the Code of conduct. To achieve this goal a EU-US Declaration on Responsibility of States and Transparency in the Field of Arms Export was adopted at the Nice summit, which included a commitment on the part of the EU and the US to co-operate in this field. An ongoing dialogue on the issue of arms export controls is taking place with countries that have applied for accession to the Union.

As a separate endeavour, the Council of Ministers has asked the Commission to prepare a proposal for controlling the exports of goods which are not covered by national military lists, nor by common list of dual use items, but which are nevertheless of considerable significance from a human rights perspective. On 3 October 2001, the European Parliament adopted a Resolution on the Council's second Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports, asking for a Community instrument banning the promotion, trade and export of police and security equipment whose use is inherently cruel, inhuman or degrading. The Commission is preparing a proposal concerning trade in equipment, which could be used for the purpose of torture or other cruel, inhuman, or degrading treatment or punishment, including capital punishment. The Commission proposal is expected to be tabled in the near future.

3. ACTION ON HUMAN RIGHTS IN INTERNATIONAL AFFAIRS

3.1. EU INSTRUMENTS AND INITIATIVES IN RELATION WITH THIRD COUNTRIES

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

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

In addition to these legal instruments, the EU has also entered into various regional agreements governing its relations with particular regions, in the context of which human rights and democratisation issues are promoted.

The EU attaches great importance to the contacts and dialogue, which it undertakes with third countries and regions. The EU adopted Guidelines on Human Rights Dialogues on 13 December 2001, which pledge the EU to raising the issue of human rights, democracy and the rule of law in all meetings with third countries and set out conditions for the initiation and conduct of specific human rights dialogues, of which the only current example is the dialogue with China³². The EU also undertakes regular consultations with countries, which have a similar approach to human rights issues.³³

The EU has concluded a wide range of agreements with third countries. The basis for dialogue on human rights is often the 'essential elements' clause in such agreements. Examples of agreements incorporating this provision include the Euro-Mediterranean Association Agreements, which have been concluded with several countries in the context of the Barcelona Process, the Cotonou Agreement, which was signed with 77 African, Caribbean

³² See section 3.1.3. on the EU-China Dialogue.

³³ See section 3.1.3. also in regard the EU's human rights dialogues with like-minded countries.

and Pacific States on 23 June 2000, and the Partnership and Co-operation agreements with the New Independent States.

3.1.1. Common strategies, Joint actions and Common Positions

Common Strategies

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

In the CFSP field, the Common Strategy on **Russia**, adopted in June 1999, has led to a further reinforcement of the political dialogue, in which all questions of common interest have been tackled, including **Chechnya**. In implementing this common strategy during the period covered by the report, the Belgian and Spanish Presidencies continued to act in accordance with the idea that relations between the EU and the Russian Federation must be based on a series of shared values among which paramount importance is given to the respect for the Rule of Law and the defence of democracy and human rights. The available methods of political dialogue and financial resources were applied by the EU to this end.

As regards implementation of the Common Strategy on **Ukraine**, adopted in December 1999 with the consolidation of democracy, the rule of law and civil society as one of its principal objectives, the year 2001 has been marked by continued cooperation and dialogue between the EU and Ukraine in all the defined areas.

In implementing the Common Strategy on the **Mediterranean region**, adopted in June 2000, discussions continued on human rights, democracy, the rule of law and good governance. The EU Charter of Fundamental Rights, the Commission Communication on the European Union's role in promoting human rights and democratisation in third countries, and the fight against racism and xenophobia were the subject of debate at Senior Officials' level, and exchanges of views have afforded an opportunity to improve mutual knowledge and understanding of the partners' reference systems.

Joint Actions

Joint actions address specific situations where operational action by the Union is deemed to be required. In the period covered by this report, the EU has adopted a considerable number of joint actions relevant to human rights. A Joint Action was adopted on support for the establishment of an interim multinational security presence in **Burundi** to further the arrangements for transition to democracy in that country. On the **Western Balkans**, the Joint Action on the European Union Monitoring Mission was extended, and a Joint Action establishing the European Union Police Mission was adopted, to ensure the follow-on to the United Nations International Police Task Force in **Bosnia and Herzegovina**. In addition to the Joint Action regarding a contribution from the EU to the conflict settlement process in South Ossetia, a Joint Action was also adopted on reinforcing the capacity of the Georgian authorities to support and protect the OSCE observer mission on the border of Georgia with the Ingush and Chechen Republics of the Russian Federation.

Common positions

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

In the period covered by this report, the EU drew up the following human rights related common positions:

Federal Republic of Yugoslavia (FRY): in October 2001, the EU further amended its Common Positions concerning arms exports to the FRY, to reflect the progress accomplished by that state towards the strengthening and democratisation of its political structures.

Afghanistan: in November 2001, the EU adopted a Common Position concerning restrictive measures against the Taliban and amending previous common positions on Afghanistan, to make the EU's position fully consistent with United Nations Security Council Resolution 1333(2000). In January 2002, the common position on Afghanistan, which had been adopted in January 2001, was repealed, in light of the developments in that country following the events of 11 September 2001.

Burma/Myanmar: in April 2002, in view of the fact that there had been insufficient progress in the situation of human rights in Burma/Myanmar, the common position of 1996 was extended for a further 6 months.

Africa: in its latest review in June 2002 of the Common Position on human rights, democratic principles, the rule of law and good governance in Africa, which was adopted in May 2001, the Union noted that the situation in certain African countries had continued to be an issue of constant concern, and at the same time, that there were a number of processes tending towards increased openness, pluralism, peace and stability. The review details the action taken by the EU during the period covered by the review, both at multilateral level (e.g. with regard to regional or sub-regional bodies, multilateral fora, etc.) and bilaterally with regard to specific African countries.

The EU also carried out, in January 2002, its first review of the Common Position concerning conflict prevention, management and resolution in Africa adopted in May 2001. The review underscores inter alia the link between conflict prevention and democracy, human rights, the rule of law and good governance and includes examination of the approach to be taken in relation to eight selected countries (Ivory Coast, Eritrea, Ethiopia, Guinea, Mozambique, Nigeria, Somalia and Zimbabwe) especially regarding (i) root causes of conflict, (ii) EU leverage and (iii) policy options.

Rwanda: in November 2001, the EU adopted a Common Position committing itself to pursuing a constructive and critical political dialogue with the Government of Rwanda, including amongst its objectives and priorities the protection and promotion of human rights and fundamental freedoms, and the transition to democracy.

Sierra Leone: in January 2002 the Union adopted a further Common Position concerning prohibition on imports of rough diamonds from Sierra Leone, to reflect the extension of United Nations Security Council Resolution 1306(2000).

Zimbabwe: in February 2002, the EU adopted a Common Position imposing targeted sanctions against those whom the EU judged to be responsible for the violence, for the violations of human rights and for preventing the holding of free and fair elections in Zimbabwe. The sanctions were designed not to harm ordinary citizens of Zimbabwe or her

neighbours and the EU remained committed to provide humanitarian assistance to the people of Zimbabwe.

Democratic Republic of the Congo (DRC): in March 2002, the Union adopted a Common position aimed at supporting the implementation of the Lusaka ceasefire agreement and the peace process in the DRC, repealing its common position of 2001. The EU affirmed that one of the elements for achieving a lasting peace in the DRC is respect for democratic principles and human rights in all states of the region.

Nigeria: in May 2002, the Union repealed its common position of May 2001 and adopted a new one with the objective of strengthening relations between the EU and Nigeria in all areas of common interest. The new Common Position, to be reviewed annually, provides that strengthened relations between the EU and Nigeria shall be based on equality, dialogue and shared values of respect for human rights, democratic principles, the rule of law and good governance, to be achieved through a constructive political dialogue, as well as efficient development cooperation.

Liberia: in June 2002, the Union amended and extended its common position concerning restrictive measures against Liberia (prohibiting the supply of arms to, and imports of diamonds from, that country), in application of United Nations Security Council Resolution 1408(2002).

Angola: In June 2002, the EU adopted a new Common Position on Angola, repealing its Common Position of June 2000. One of the objectives of the new Common Position, updated to take account of the substantial political changes, which have occurred, in the country since 2000, is support for the process of peace, national reconciliation and democracy in Angola through the promotion of good governance and a culture of tolerance among all political parties and all sectors of civil society.

Cuba: In June 2002, the EU extended the Common Position on Cuba maintaining the initial position of 1996, when the Common Position was first adopted, as there has been no major changes in the human rights situation in the country.

Conflict prevention and illicit traffic in diamonds: in October 2001, the Union adopted a

Common Position on combating the illicit traffic in conflict diamonds, as a contribution to prevention and settlement of conflicts. The Union considers that there is a link between conflict prevention and democracy, human rights, the rule of law and good governance.

International Criminal Court: By the end of the period covered by this report, the Statute of the International Criminal Court had been signed by 139, and ratified or acceded to by 74 States, including all Member States of the EU. In view of the impending entry into force of the Statute on 1 July 2002, the Union on 20 June 2002 amended its common position of June 2001 to include measures to promote the early establishment and effective functioning of the Court, and to advance universal support for it by promoting the widest possible participation in the Statute³⁴.

3.1.2. Démarches/Declarations

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

Démarches and declarations are widely used to convey concerns related to human rights. The main subjects tackled by them are illegal detention, forced disappearances, the death penalty, torture, refugees and asylum seekers, free elections, extra-judicial executions, freedom of expression and of association, the right to a fair trial, and human rights defenders. Démarches on the death penalty and on torture are governed by the Guidelines on these issues, which the EU adopted in 1998 and 2001 respectively.

During the period covered by this report, démarches concerning human rights were made inter alia in Andorra, Argentina, Australia, Bolivia, Brazil, Burkina Faso, Burundi, Cameroon, Chile, China, RDC, Cote d'Ivoire, Cuba, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Iran, Iraq, Israel, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Malawi,

Malaysia, Mauritania, Nepal, Nigeria, the Palestinian Authority, Pakistan, Peru, the Philippines, Russia, Rwanda, Senegal, South Korea, Swaziland, Syria, Thailand, Togo, Tunisia, Uganda, Ukraine, USA, Uruguay, Uzbekistan, Vietnam and Zimbabwe.

During the same period, the Union made human rights-related declarations concerning inter alia the following countries: Angola, Bangladesh, Belarus, Bosnia and Herzegovina, Burma, Burundi, Cambodia, Chile, Colombia, Comoros, Republic of Congo, Croatia, Equatorial Guinea, Eritrea, Ethiopia, Fiji, FRY, Georgia, Guatemala, Haiti, India, Indonesia, Israel, Kazakhstan, the Kyrgyz Republic, Latvia, Liberia, Madagascar, Malawi, Mali, Mexico, Nepal, Nigeria, the Palestinian Authority, Peru, Russia, Sri Lanka, Sudan, Togo, Turkmenistan, Ukraine and Zimbabwe.

3.1.3. Political Dialogue

The EU seeks to ensure that the issue of human rights, democracy and the rule of law will be included in all future meetings and discussions with third countries and at all levels. It will further ensure that the issue of human rights, democracy and the rule of law is included in programming discussions and in country strategy papers.

a) EU Dialogue with Associated Countries

As close partners, the EU values the opportunity to have biannual exchanges on human rights' issues with the Associated Countries. Such exchanges assist in preparing for sessions of the UN Commission on Human Rights and the Third Committee of the UN General Assembly where the EU and Associated Countries co-operate actively on questions of common interest. They also provide an opportunity to share information on key human rights' issues.

b) EU-US Dialogue

The EU maintains a special dialogue on human rights with the United States. This takes the form of twice-yearly meetings of experts, with the Troika representing the EU, held prior to the UN's Commission on Human Rights (CHR) and the annual UN General Assembly. The main objective of this dialogue is to consult on questions of common interest and possibilities for cooperation within multilateral human rights bodies. Given the United States' failure to

³⁴ See section 3.3.2. pertaining to the International Criminal Court.

secure re-election as members of the CHR for the 58th session, the preparatory dialogue this year was of particular importance.

Whilst the US and the EU have a great deal in common in their approach to human rights, differences on certain issues inevitably arise in any relationship. This dialogue has also offered the European Union an opportunity to raise with the United States issues relating to the death penalty, as well as the status of detainees held in the Guantanamo Bay 'Camp X-Ray' base. The EU has also raised the issue of the International Criminal Court (ICC).

c) EU-Canada Dialogue

The EU and Canada maintain a special dialogue on the theme of human rights. This takes the form of biannual meetings of experts, with the Troika representing the EU, held prior to the CHR and the annual UN General Assembly. The main objective of this dialogue is to tackle questions of common interest and possibilities for cooperation within multilateral human rights bodies. In particular, the EU has worked closely with Canada, as the only other member of the Western Group represented on the CHR during the period in question, to prepare for meetings of the CHR.

d) EU-China Dialogue

The dedicated human rights' dialogue with China is held twice a year and complemented by human rights' seminars, which bring together academic experts, NGOs and other representatives from the EU and China. The EU's objectives in conducting the dialogue are set out in the General Affairs Council Conclusions of 22nd January 2001. The dialogue is an acceptable option only if progress is achieved on the ground. The EU will evaluate the results of the dialogue at regular intervals to determine how successful it has been.

The human rights situation in China remains of concern and developments overall are not encouraging. But there are some positive signs that could contribute to an improvement of the situation on the ground in the medium to long term (e.g. China joining the international human rights regimes and undertaking institutional and or legal reforms).

Dialogue meetings at senior official level took place in Beijing on 25 - 26 October 2001 and

Madrid on 5 - 6 March 2002. The dialogue included exchanges of views on a wide range of human rights' concerns such as co-operation with UN mechanisms, economic, social and cultural rights, freedom of expression, freedom of association, freedom of religion and belief, torture, death penalty, administrative detention, individual cases, treatment of refugees and minority rights, including in Tibet and Xinjiang. The session in Beijing was complemented by a visit by the EU delegation to a Chinese prison. The session in Madrid was complemented by a visit to the Spanish Ombudsman, Mr. Enrique Mújica.

Seminars were held in Brussels on 6 - 7 December 2001 and in Beijing from 30 - 31 May 2002. The Brussels' seminar dealt with two topics, which were considered in parallel working groups: the prohibition and prevention of torture and the right to education. A broad range of experts attended the event, including Sir Nigel Rodley, the former UN Special Rapporteur on torture. The working group on torture tackled key issues related to the prevention of torture, including the importance of combating impunity and the pivotal role of training of law enforcement officials. The working group on the right to education conducted an overview of educational systems in the EU and China.

The dialogue is only one of the ways that the EU pursues its human rights interests with China. Human Rights are raised in all major political dialogue meetings with China, including at ministerial and Summit level. Public statements of concern are another means of expressing EU views, as are démarches, which are made on specific issues of concern, e.g. the death penalty.

The Beijing seminar was organised for the first time by the new EU-China academic network which has been established to facilitate the ratification and implementation by China of the UN covenants on human rights (with respect to the International Covenant on Economic, Social and Cultural Rights, which China has ratified, this will entail work on implementation and as regards the International Covenant on Civil and Political Rights it will cover progress towards ratification). A discussion on the mechanics and organisation of the network was followed by consideration of two themes: transparency and regulation of the media and institutional mechanisms for facilitating the exercise of economic, social and cultural rights.

The EC has also developed a cooperation programme to provide concrete support for human rights in China. This includes a small project facility managed by the Commission Delegation

in Beijing. A call for proposals was launched in December 2001 resulting in a large number of project proposals from grassroots' organisations across China. The proposals are currently being reviewed. Other projects supporting judicial co-operation, local democracy, the Chinese Federation of Handicapped Persons and economic, social and cultural rights in Yunan are currently being funded or under preparation. The implementation of projects is one way in which the issues discussed during the seminars can be followed up. For example, pilot projects relating to the prevention of torture could be supported under the small project facility.

On 11 to 12 March 2002, the General Affairs Council (GAC) discussed the human rights situation in China within the perspective of preparations for the 58th session of the UN Commission on Human Rights. Whilst welcoming certain positive developments, the GAC urged China to ratify the International Covenant on Civil and Political Rights and to cooperate more closely with UN human rights mechanisms. The GAC determined that, should a draft resolution on China be presented at the UN Commission on Human Rights (CHR), the EU would decline to co-sponsor it but announce its intention to vote in favour should the resolution come to a vote, oppose Chinese no-action motion and actively lobby other members of CHR to oppose any Chinese no-action motion. In the event, no such resolution was tabled.

As regards UN human rights mechanisms, China indicated to the EU at the Madrid dialogue session her readiness to allow a visit without preconditions by the new Special Rapporteur on torture, Theo van Boven. China has also expressed willingness to examine favourably the possibility of visits by the President of the Working Group on arbitrary detention, the Special Rapporteur on Freedom of Religion and Belief and the Special Rapporteur on the Right to Education.

3.1.4. Follow-up to Conclusions of the General Affairs Council of 25 June 2001 on EU's role in promoting human rights and democracy in third countries

On 25 June 2001, the General Affairs Council (GAC) set out detailed conclusions in response to the Commission's Communication on the European Union's role in promoting human rights and democratisation in third countries of 8 May 2001³⁵.

In the conclusions, the Council reaffirms its commitment to:

- coherence and consistency between Community actions and the Common Foreign and Security Policy (CFSP),
- “mainstreaming” of human rights and democratisation into EU policies and actions,
- openness of the EU's human rights and democratisation policy through dialogue with the European Parliament and the civil society, and
- regular identification and review of priority actions in the implementation of its human rights and democratisation policy

in order to achieve a more informed, credible, consistent and effective EU human rights and democratisation policy.

As a follow up to these conclusions, the Council Working Party on human rights (COHOM) has been charged with elaborating recommendations with the aim of achieving these objectives.

3.1.5. European Parliament Annual Report on Human Rights

The European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy appointed Johan Van Hecke as rapporteur for the preparation of the Annual Report on Human Rights. The report was adopted in April 2002 and makes several recommendations for the improvement of the EU's strategy on human rights and democratisation, including in the context of the European Initiative for Democracy and

³⁵ See COM(2001) 252 of 8 May 2001.

Human Rights³⁶, and calls for greater transparency in all EU institutions.

As previous years, the report focuses on selected themes, modern forms of slavery and the fight against terrorism. The report highlights the prevalence of modern slavery and the many forms it takes, including forced prostitution, child labour and child soldiers. It also makes several recommendations for action to tackle the problem. Several sections of this report provide information on current EU efforts to combat such practices³⁷.

The Parliament's report stresses that the fight against terrorism must not imperil respect for human rights and calls upon governments not to use that fight as a pretext for human rights abuses at home. This stance is in line with the position adopted by the EU, which has consistently underlined that the fight against terrorism must take place in full respect for human rights and fundamental freedoms (a point reiterated by the EU at recent sessions of the UN Commission on Human Rights). The report specifically calls for the recognition as prisoners of war of those held by the United States in Guantanamo and calls upon for the United States to ensure respect for the human rights of all persons in custody. Similar concerns have been raised by the EU in the framework of the EU-US dialogue³⁸.

3.1.6. Human Rights Forums

Human Rights Forums have been organised since 1999 in response to the Vienna Declaration of 1998. The 3rd EU Human Rights Discussion Forum took place on 21 and 22 November 2001 in Brussels. The Forum was attended by 120 participants from EU institutions, non-governmental organisations, international organisations, academic bodies, and EU Member States.

The Forum was jointly organised by the Belgian Presidency of the EU and the European Commission, as a platform for broad discussion on the European Union's human rights policy, and on ways of making it more coherent and efficient. The main basis for discussion was the 3rd European Union Annual Report on Human Rights, which was adopted by the Council of the European Union on 8 October 2001.

³⁶ See section 3.2. on the European Initiative for Democracy and Human Rights (EIDHR).

³⁷ See sections 2.5. for example on Trafficking in Human Beings and section 2.7. on Human Rights and Business.

³⁸ See section 3.1.3. on the EU-US dialogue.

The Forum focused on 4 specific themes:

- the roles and responsibilities of States and non-state actors,
- the range of instruments available to the EU Human Rights policies and their implementation,
- the types, conditions, objectives and evaluation of human rights dialogues,
- evaluation of EU Annual Reports and Human Rights Forums held so far.

The Commission is currently undertaking a thorough evaluation of the forums in line with its commitment in the Communication on the European Union's role in promoting human rights and democratisation in third countries of May 2001. This evaluation will form the basis for efforts to improve the content and format of the event, including consideration of ways to broaden participation and to take into account more fully the views of NGOs and others as to the themes, which should be examined.

3.2. ACTIVITIES FUNDED UNDER THE EUROPEAN INITIATIVE FOR DEMOCRACY AND HUMAN RIGHTS (EIDHR)

Le chapitre B7-70 du budget intitulé "Initiative européenne pour la démocratie et les droits de l'homme" (IEDDH) soutient les actions dans les domaines des droits de l'homme, de la démocratisation et de la prévention des conflits qui doivent être exécutées essentiellement en partenariat avec les ONG et les organisations internationales. Les règlements 975/1999 and 976/1999 du Conseil³⁹, du 29 avril 1999, constituent la base légale de ces actions.

L'IEDDH présente une valeur ajoutée par rapport aux autres instruments communautaires dans la mesure où elle est complémentaire des programmes communautaires exécutés avec les gouvernements (FED, Tacis, ALA, MEDA, CARDS, Phare, etc...), en ce qu'elle peut être mise en œuvre avec différents partenaires, en particulier des ONG et des organisations

³⁹ JO L 120 of 8 May 1999.

internationales. Elle représente en outre une forme de "fonds de capital-risque pour les droits de l'homme", permettant le lancement d'initiatives sur une base pilote ou expérimentale, Elle peut également être utilisée sans le consentement du gouvernement du pays d'accueil ou lorsque les principaux programmes communautaires ne sont pas disponibles pour d'autres raisons telles que leur suspension. Dans certaines régions, elle fournit l'unique base juridique de certaines activités dont la promotion des droits politiques et civils, l'observation des élections et les initiatives en matière de résolution des conflits.

2001

Les priorités de l'IEDDH pour 2001 ont été arrêtées par la Commission⁴⁰ en tenant compte de différents facteurs, notamment les positions arrêtées par l'Union européenne dans ses déclarations officielles ainsi que le savoir-faire de ses services par la connaissance directe des pays et des régions et des programmes et des projets de coopération en cours. Les objectifs se sont concentrés sur un nombre limité de secteurs thématiques par région géographique.

En 2001, le budget consacré aux actions spécifiques en faveur des droits de l'homme a été de 110 millions d'euros et a couvert 5 lignes budgétaires:

B7-701: Promotion et défense des droits de l'homme et des libertés fondamentales

B7-702: Soutien aux processus de démocratisation et au renforcement de l'Etat de droit

B7-703: Promotion du respect des droits de l'homme et de la démocratisation et soutien à l'appui de la prévention des conflits ainsi qu'à la restauration de la paix civile

B7-704: Soutien aux activités des tribunaux pénaux internationaux et à la mise en place du Tribunal pénal international

B7-709: Soutien à la transition démocratique et à l'observation de processus électoraux

Comme les années précédentes, trois moyens principaux ont été utilisés pour mettre en oeuvre les stratégies de l'UE dans les domaines concernés :

Les projets identifiés par appel à propositions: suite à un appel général publié le 17 janvier et un appel spécifique concernant le soutien aux centres de réhabilitation pour les victimes de torture lancé le 3 février 2001⁴¹, 93 projets ont pu bénéficier d'une subvention, après information ou consultation du Comité "droits de l'homme" institué par les règlements du

Conseil 975 et 976/1999. Le montant total accordé aux projets sélectionnés s'est élevé à 59.035.500 euros.

Les projets ciblés: ces projets sont exécutés en appui d'objectifs généraux ne pouvant être atteints dans le cadre d'appels à proposition ou de micro-projets et sélections conformément à des orientations transparentes ayant fait l'objet d'une publication. Ils sont systématiquement utilisés pour les projets élaborés avec les organisations internationales et régionales comprenant les agences spécialisées des Nations unies et le Bureau du Haut Commissaire aux droits de l'homme, le Conseil de l'Europe et l'OSCE - ODIHR. Ils sont identifiés par la Commission européenne dans le cadre de la poursuite d'objectifs spécifiques qui ne peuvent être réalisés par le biais de l'appel à propositions. 36 millions ont été réservés à ces projets.

Les micro-projets permettent de financer des activités de démocratisation dont le budget va de 3.000 à 50.000 euros. Ils sont conçus pour approfondir l'appui aux initiatives des sociétés civiles locales. Ils sont gérés directement par les délégations de la Commission et attribués dans le cadre d'appels à propositions locaux. Cet accent sur les projets sur une échelle plus petite permet une meilleure appropriation par les acteurs locaux et évite une trop grande concentration des fonds sur les projets de partenaires étrangers dans le processus démocratique local. La répartition des fonds entre les pays a été soigneusement étudiée pour refléter les priorités et besoins apparus lors de la mise en oeuvre des micro-projets précédents. L'intérêt de ces projets a été confirmé dans un rapport d'évaluation indépendant établi par l'Association Eva-EU intitulé "Evaluation of the Micro-Projects Facility Operating under the EIDHR" (October 2001)⁴².

En 2001, des micro-projets ont été sélectionnés dans les pays de l'Europe sud-est (Albanie, Bosnie-Herzégovine, Croatie, République Fédérale de Yougoslavie, et ARYM), dans les nouveaux Etats indépendants (Arménie, Belarus, Géorgie, Kazakhstan, Kirghizistan, Moldavie, Russie, Tadjikistan et Ukraine), en Amérique latine (Colombie et Mexique), en Asie du sud et du sud-est (Cambodge, Indonésie, Népal et Pakistan), en Afrique de l'Ouest (Nigeria et Côte d'Ivoire), en Afrique Centrale (République Démocratique du Congo), au

⁴⁰ SEC (2001) 891 of 6 June 2001.

⁴¹ JO C 15 and JO C 37/2001.

⁴² The document is available at:

www.europa.eu.int/comm/europeaid/projects/ddh/pdf/evaluation_micro_&_annexes.pdf

Soudan, au Moyen-Orient (Israël, Cisjordanie et bande de Gaza), en Haïti, en Turquie et au Zimbabwe pour un montant total de 12 millions d'euros.

Les grands domaines prioritaires soutenus en 2001

a) 31 millions d'euros ont été consacrés à **la promotion et à la défense des droits de l'homme et des libertés fondamentales** (protection des droits civils, politiques, économiques, sociaux et culturels; minorités, groupes ethniques et populations autochtones; institutions, y compris les organisations non gouvernementales ayant des activités en rapport avec la protection, la promotion et la défense des droits de l'homme; éducation, formation et sensibilisation dans le domaine des droits de l'homme ; égalité des chances et lutte contre le racisme et la xénophobie; liberté d'opinion, d'expression et de conscience). 5.950.000 d'euros ont été consacrés au soutien des centres de réhabilitation pour les victimes de torture dans les pays tiers et 6.000.000 d'euros ont été alloués aux centres de réhabilitation pour les victimes de tortures et leurs familles situés à l'intérieur de l'UE.

Education, formation et sensibilisation dans le domaine des droits de l'homme

L'IEDDH a consacré 2.6 millions d'euros à des programmes universitaires sur les droits de l'homme et la démocratisation. Trois nouvelles maîtrises régionales sur les droits de l'homme ont été ainsi créées: en Europe du sud-est, en Afrique du Sud et à Malte. Ils permettent à des étudiants de chacune de ces régions de se spécialiser dans le domaine des droits de l'homme. Ces maîtrises suivent le modèle de la maîtrise européenne en droits de l'homme et en démocratisation lancé en 1997.

Populations autochtones

L'IEDDH a d'autre part consacré plus de 5 millions d'euros destinés à protéger les droits des populations autochtones en renforçant leur capacité d'organisation autonome et un dialogue constructif avec les Etats et les institutions internationales. Ce soutien permet également d'aider ces populations à s'assurer une présence forte et entière dans les processus internationaux relatifs à la promotion et la défense de leurs droits.

b) 35 millions d'euros ont été consacrés au soutien de la **démocratisation et au renforcement de l'Etat de droit**: indépendance du pouvoir judiciaire, séparation des pouvoirs, pluralisme, amélioration de la gestion des affaires publiques, etc...

Promotion de la participation des populations aux processus de prise de décision, en particulier la participation égale des femmes et des hommes dans la société civile, la vie économique et politique

En vue de promouvoir la participation des populations aux processus de prise de décision, tant aux niveaux national et régional que local, et en particulier la promotion d'une participation équilibrée des hommes et des femmes à la société civile, à la vie économique et à la politique, l'IEDDH a consacré 4.400.000 euros à des projets en Hongrie, Bosnie-Herzégovine, Maroc, Malawi, Jordanie, Syrie, Argentine, Salvador et Kenya.

c) 17 millions ont été consacrés au soutien à l'appui de la **prévention des conflits ainsi qu'à la restauration de la paix civile**.

Promotion du respect des droits de l'homme et de la démocratie en vue de prévenir les conflits ainsi que la restauration de la paix civile

Dix-sept projets en faveur de la prévention des conflits et de la restauration de la paix civile ont fait l'objet d'un appui de près de 17 millions d'euros. Ces projets seront mis en oeuvre en Amérique latine (en Colombie où l'UE a constamment soutenu les initiatives visant à une résolution pacifique du conflit dans ce pays et au Guatemala) ; dans la région du Caucase ; en ex-Yougoslavie, en Slovénie et en Albanie ; en Afrique (Soudan, Kenya, République démocratique du Congo, au Rwanda et en Somalie) ; en Israël et en Palestine ; en Afghanistan et au Pakistan. Ces projets s'inscrivent dans le cadre de la mise en oeuvre de la communication de la Commission sur la prévention des conflits d'avril 2001⁴³.

d) Le soutien aux activités des **tribunaux pénaux internationaux et à la mise en place de la Cour pénale internationale** a bénéficié de 3 millions d'euros.

Pour l'Union européenne, la mise en place de la Cour pénale internationale constitue un moyen essentiel de promouvoir le respect du droit humanitaire international et des droits de

l'homme, et donc de garantir la liberté, la sécurité, la justice et l'Etat de droit, ainsi que de contribuer au maintien de la paix et au renforcement de la sécurité internationale, conformément aux objectifs et aux principes de la charte des Nations Unies. Les actions entreprises au titre de l'IEDDH s'inscrivent dans le cadre de la mise en oeuvre de la position commune du Conseil concernant la Cour pénale internationale 2001/443/PESC du 11 juin 2001⁴⁴. D'autre part, elle considère indispensable l'amélioration du fonctionnement du Tribunal international des Nations unies pour l'ex-Yougoslavie et du Tribunal pour le Rwanda.

Pour répondre à ces priorités de l'Union, l'IEDDH a consacré près de 3 millions d'euros à la mise en place de la Cour pénale internationale (établissement de réseaux régionaux dans le monde entier pour promouvoir la création de la Cour ; mise en oeuvre de la législation et de la coopération technique: diffusion d'exemples d'adaptation de législation, organisation de réunions avec experts, juristes, fourniture de documentation) ainsi qu'au fonctionnement des Tribunaux pour l'ex-Yougoslavie et le Rwanda (notamment le soutien aux dépenses liées à la collecte d'éléments de preuve (missions, enquêtes, déplacements des témoins, exhumations, etc...)).

e) Le soutien à la **transition démocratique et à l'observation de processus électoraux** a bénéficié de 10 millions d'euros.

La tenue d'élections libres et transparentes constitue une étape essentielle du processus de démocratisation parce qu'elle suppose la pleine jouissance de toute une série de droits de l'homme et de libertés fondamentales. La libre expression de la volonté politique de la population par un vote secret et un suffrage égal, dans le cadre d'un processus électoral universel, équitable, transparent et fondé sur la participation de la population, représente la pierre angulaire d'une démocratie viable et ouverte à tous.

L'activité de la Commission dans ce domaine se base sur sa communication sur les missions

d'assistance et d'observation électorales de l'UE d'avril 2000⁴⁵, les conclusions du Conseil du

⁴³ COM(2001)211 final of 11 April 2001.

⁴⁴ JO L 155 du 12 juin 2001

⁴⁵ COM(2000)191 final of 11 April 2002.

31 mai 2001⁴⁶ et la résolution du Parlement européen du 15 mars 2002⁴⁷. Tous ces documents insistent sur le fait qu'une mission d'observation électorale doit être déployée sur le terrain avant, pendant et après le jour des élections. Ce déploiement à long terme permet d'observer l'ensemble du processus, de produire des rapports complets sur la situation électorale et de présenter des recommandations en vue des scrutins futurs. De plus, par sa présence à travers le pays, une mission d'observation peut renforcer la transparence du processus et, donc, la confiance des électeurs, voire réduire les tensions que peuvent susciter les compétitions électorales.

En 2001, l'IEDDH a financé des missions d'observation électorale de l'UE pour près de 10 millions à la demande des gouvernements concernés du Bangladesh, du Cambodge, du Nicaragua, du Timor Oriental, de Zambie et du Zimbabwe. Au Pakistan, où des élections se tiendront en 2002, un projet mené par un consortium d'ONG a été soutenu dans le but de rétablir la confiance de l'opinion publique dans les institutions et dans le processus électoral afin d'augmenter leur prise de conscience politique et d'augmenter la participation lors des élections.

Le projet "Network of European for Electoral and Democracy Support" a bénéficié d'une subvention de plus de 1.600.000 euros pour la consolidation du réseau européen né à la suite du projet EUEOP (European Union Electoral Observation Project). Il permettra la formation d'observateurs et d'experts en matière électorale, européens et locaux, la création de supports pédagogiques et de recherche en matière électorale; la mise en pratique du « EU Election Observation Handbook », le développement d'une « Approche Commune Européenne » en matière électorale et le transfert d'expérience vers les pays tiers.

2002

En 2002, le budget consacré aux actions de l'IEDDH est de 104 millions d'euros et couvre deux lignes budgétaires:

B7-701: Développement et consolidation de la démocratie et de l'Etat de droit - Respect des droits de l'homme et des libertés fondamentales

⁴⁶ Available at www.ue.eu.int/newsroom/newmain.asp?lang=2

⁴⁷ JO C 343 du 5 décembre 2001, p. 270

B7-702: Soutien aux activités des tribunaux pénaux internationaux et à la mise en place du Tribunal pénal international

Appels à propositions

Le 26 avril 2002, la Commission a publié quatre appels à propositions spécifiques concernant:

- le soutien à l'abolition de la peine de mort,
- la lutte contre l'impunité et la promotion de la justice internationale,
- la lutte contre le racisme, la xénophobie et la discrimination à l'égard des minorités et des populations autochtones,
- la prévention de la torture et l'appui à la réhabilitation des victimes de la torture.

Un 5ème appel sur le soutien au renforcement de la démocratisation, de la bonne gestion publique et de l'Etat de droit sera lancé en juillet 2002.

En 2002, l'IEDDH a financé des missions d'observation électorale aux élections présidentielles au Congo Brazzaville et au Timor oriental ainsi qu'aux élections législatives et présidentielles en Sierra Leone.

In the field of external relations, numerous projects on the fight against racism and xenophobia are funded under the European Initiative for Democracy and Human Rights (EIDHR). The fight against racism and xenophobia and the promotion of the rights of minorities and of indigenous peoples⁴⁸ is one of the four funding priorities established under the Initiative for the period 2002 to 2004. A specific call for proposals addressed to NGOs was launched in April 2002 on these issues. The section of the call dealing with racism targets measures aimed at (I) promoting the universal ratification of the UN International Convention on the Elimination of all forms of Racial Discrimination by 2005 (II) elaborating and

⁴⁸ There is no common EU position on the use of term indigenous peoples. Some member states are of the view that indigenous peoples are not to be regarded as having the right of self-determination for the purposes of Article 1 of the ICCPR and the ICESCR, and that use of the term does not imply that indigenous people or peoples are entitled to exercise collective rights.

implementing effective national measures to combat discrimination on the grounds of racial or ethnic origin (III) tackling caste discrimination. In the context of the EU enlargement, great importance is attached to progress in policies designed to combat racism and protect minorities in applicant countries. The PHARE programme funds projects that aim to improve the situation of Roma and other minorities in Central and Eastern European candidate countries.

3.3. EU ACTION IN INTERNATIONAL FORA

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

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

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

3.3.1. United Nations

The EU attaches great importance to the work of the United Nations and to its human rights mechanisms, which include monitoring mechanisms enshrined in the Treaties as well as non-convention mechanisms - Special Rapporteurs and Representatives, both thematic and geographical.

At the General Assembly, as in the Commission on Human Rights, the EU speaks with one voice on the human rights situation in the world⁴⁹. The particular importance, which the EU attaches to the protection of the rights of the child, is reflected in the initiatives for a resolution on this issue in both the UNGA and in the CHR. The universal abolition of the death penalty continues to be an equally significant issue for the EU, as illustrated by the initiatives for a CHR resolution on the subject and for mainstreaming the issue in proposals at the UNGA.

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

- The Third Committee of the General Assembly
- The Commission on Human Rights
- The World Conference against Racism, Racial Discrimination, Xenophobia and related intolerance
- The UNGA Special Session on Children
- The second World Assembly on Ageing
- The International Consultative Conference on School Education in relation to Freedom of Religion or Belief.

a) 56th Session of the UN General Assembly: Work of the Third Committee

The 56th session of the Third Committee took place in a relatively co-operative atmosphere. The events of 11 September 2001 contributed to a feeling of solidarity and a common desire to avoid traditional points of confrontation.

The EU continued to play a very influential role in the deliberations of the Third Committee, participating actively in formal sessions as well as informal negotiations, as well as introducing 5 resolutions. The Belgian Presidency, on behalf of the EU, made great efforts in establishing dialogue with, and ensuring transparency towards, other groups of countries in order to maximise support for EU positions, with marked success. The steadily increasing involvement of the accession countries was noted with satisfaction.

⁴⁹ The statements made by the EU at the Third Commission of the General Assembly and at the Commission on

The resolutions put forward by the EU related to *Iran*, the *Democratic Republic of Congo*, *Iraq*, *Sudan* and *the Rights of the Child*.

Some Member States also introduced national initiatives, all of which were adopted. *Ireland* put forward a resolution on *eliminating all forms of religious intolerance*, whilst *Austria* proposed initiatives on *human rights in the administration of justice*, and on *effective promotion of the Declaration on the rights of persons belonging to ethnic or national, religious and linguistic minorities*. *Sweden* proposed a resolution on *Myanmar* and on *international covenants relating to human rights*. *Denmark* tabled a resolution on *torture*. *Italy* introduced a resolution on the *situation of human rights in Afghanistan*, whilst the *Netherlands* introduced a resolution on *Traditional and Customary Practices affecting the health of women and girls*.

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

Also, upon the initiative of France and Germany, the 6th Committee of the 56th session of the UN General Assembly adopted, without a vote, the resolution *International Convention against the Reproductive Cloning of Human Beings*. The resolution mandated the establishment of an Ad Hoc Committee for the purpose of considering the elaboration of an international convention against reproductive cloning of human beings. The Ad Hoc Committee held its first meeting in February 2002.

As regards initiatives by third countries, the EU co-sponsored resolutions on *national institutions for the promotion and protection of human rights (India)*, *strengthening the role of the UN in enhancing the effectiveness of the principle of periodic and genuine elections and promotion of democracy (USA)*, *declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms (Norway)*, *protection of and assistance to internally displaced persons (Norway)*, *human rights and mass exoduses (Canada)*, *UN Decade for human rights education (Australia)*, *situation of human rights in Cambodia (Japan)*, *situation of human rights in certain parts of South Eastern Europe (USA)* and *the girl child (Namibia)*.

Human Rights are enclosed as Annexes 3 – 8.

The EU formulated an explanation of its vote against the resolutions *on equitable geographical distribution of membership of human rights treaty bodies* (Cuba), *respect for the purposes and principles contained in the Charter of the UN to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character* (Cuba), and *globalisation and its effect on the full enjoyment of all human rights* (Egypt). The EU also formulated explanations for abstaining from the votes on the *right to development* (South Africa), *promotion of a democratic and equitable international order* (Cuba), *human rights and terrorism* (Algeria), as well as making a statement after the adoption without a vote of the resolution on a *comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities* (Mexico).

As in the previous two sessions, the Commission intervened on behalf of the European Community at the Third Committee with a statement on its Communication on human rights and democratisation in third countries as well as Community initiatives offering concrete development assistance across the world⁵⁰.

b) 58th Session of the Commission on Human Rights

The 58th session of the Commission on Human Rights CHR, which counts 53 member countries with widely differing track records as regards respect for human rights, took place in a highly confrontational atmosphere, due in part to its composition. Coinciding with a deepening of the crisis in the Middle East, that issue dominated the proceedings, resulting in three new resolutions, a special sitting and a pending threat of suspension. The new budgetary cuts imposed by the UN Fifth Committee aggravated matters by resulting in the discontinuation of evening and night sessions, and limited the capacity of NGOs, special rapporteurs and national human rights institutions to play their role. The proceedings were also marked by the absence of the USA as a member for the first time since the CHR's inception.

Moreover, the unwelcome trends that had manifested themselves at the 57th session became even more pronounced at the 58th. Some members formed increasingly solid coalitions, reluctant

⁵⁰ The Commission's intervention on behalf of the European Community under item 199(b) at the Third Committee of the UN's 56th General Assembly is enclosed as Annex 4.

to negotiate or compromise, which succeeded in imposing their automatic majority on many occasions without necessarily having regard to human rights considerations. Increasing hostility towards country initiatives placed the EU in a difficult position, given its role as the main promoter of these resolutions. No-action motions were widely used by certain states as a means of avoiding censure in country resolutions, a practice which the High Commissioner herself highlighted with concern in her closing remarks at the end of the session. At this point the High Commissioner did, however, point to the decision to commence negotiations on elaboration of a binding normative instrument on disappearances as one of the important achievements of the session.

Furthermore, the resolution on summary executions introduced by Sweden for the first time raised the question of discrimination on the basis of sexual orientation.

The EU, represented by the Spanish Presidency, undoubtedly remained a major actor in the 58th session of CHR, with 14 statements under agenda items, 11 draft resolutions, 2 chairperson's statements, 10 introductions for resolutions, and 17 explanations of votes, general comments or interventions against no-action motions.

The resolutions put forward by the EU at the 58th session of CHR pertained to the human rights situation in the following countries and geographical areas: *the Israeli settlements in the occupied Arab territories, the republic of Chechnya of the Russian Federation, the democratic Republic of Congo, the Islamic Republic of Iran, Iraq, Myanmar, Sudan, Southeastern Europe and Zimbabwe*. The latter two resolutions were new initiatives by the EU. Additionally, the EU put forward two thematic resolutions on the *question of the death penalty* and on *the rights of the child*.

To give an indication of the co-ordination and lobbying efforts made by the EU during the course of the session, well over 200 co-ordination meetings, immediately before and during the Commission, were held between EU Member States and other delegations and groups.

For the first time, the Commission intervened on behalf of the European Community with a statement covering the mainstreaming of human rights in Community Assistance programmes and support for civil society channelled through the European Initiative for Democracy and

Human Rights⁵¹.

The Spanish Minister for Foreign Affairs, Mr Josep Piqué, spoke on behalf of the EU at the opening of the session, to present the EU's human rights policy and priorities. Among the matters, which he addressed, were the importance of conducting the fight against terrorism in full respect for human rights; the imminent creation of the International Criminal Court; the work which has still to be done to secure the rights of women, children, and the ageing; and the priority given by the EU to the issues of the death penalty and of torture⁵².

The Spanish Presidency, made a statement on behalf of the EU at the opening of the discussion on item 9 of the agenda, "Question of the violation of human rights and fundamental freedoms in any part of the world". The statement referred to the human rights situations in over 60 countries around the globe⁵³.

A welcome development during the 58th session was the adoption of the Draft Optional Protocol to the Convention against Torture, proposed by Costa Rica and co-sponsored by the Union, after the defeat of a no-action motion from Cuba.

However, despite the efforts made by the EU contingent to ensure the success of its involvement in this session, it was defeated for the first time in certain of its initiatives, notably in its country resolutions on *Iran* and on *Chechnya*. In addition, the increasingly marked North/South divide led amongst other negative results to the adoption of a no-action motion on the new resolution on *Zimbabwe*. The very tight margin for the adoption of the Union's resolution on *Sudan*, and the reduction in the margin for adoption of the Union's resolution on *the abolition of the death penalty*, are developments that need to be reflected upon. It was essential for the EU to analyse its experience in the 58th CHR and to adopt forward-looking strategies for enhancing the effectiveness of its input in the 59th CHR, an exercise which the Union had already embarked upon by the end of the period covered by this report.

⁵¹ See section 3.2. in regard to the European Initiative for Democracy and Human Rights (EIDHR).

⁵² The statement of the Spanish Minister for Foreign Affairs delivered on behalf of the EU at the opening of the 58th session of the Commission on Human Rights is enclosed as Annex 5.

⁵³ See Annex 7 for the Country Statement of the European Union, delivered by the Spanish Presidency at the 58th session of the Commission on Human Rights 2002.

c) World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, 31 August to 7 September 2001

The Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa from 31 August to 8 September 2001, as resolved by the 52nd General Assembly of the United Nations in 1997. In its Council Conclusions of 16 July 2001 the European Union welcomed the convening of the conference at the same time as affirming the Union's determination to contribute to the success of it⁵⁴.

The most important aim contained in General Assembly resolution 52/111 was for the Conference to confront contemporary forms of racism and xenophobia in an action and future-oriented way. This orientation of the Conference to specific measures for combating current forms of racism received the strong backing of the European Union right from the start of the preparations. After the first and second World Conferences against racism (in 1978 and 1983) were dominated by Middle East issues and ended in failure owing to insurmountable differences, the European Union saw the third World Conference as the opportunity to discuss racism, racial discrimination and xenophobia as worldwide phenomena appearing in various forms.

The individual regions prepared the World Conference in their own regional conferences. The first of these preparatory conferences was the European Conference against Racism and Intolerance, held for the European region by the Council of Europe in Strasbourg from 11 to 13 October 2000, under Italian chairmanship. This conference and the final document that emerged from it very much took the action-based, future-oriented approach, which, in the view of the European Union, should have been the basic premise of the World Conference.

The route to be taken concerning the legacy of the past and the Middle East conflict were highly controversial subject areas during the World Conference. As a result of the extremely difficult negotiations the Conference ended a day later than planned on 8 September 2001. It was overshadowed by the withdrawal of the United States and Israel on 3 September who wanted thus to protest against the danger of relativising the Holocaust and anti-Semitism as

⁵⁴ See Annexes 10 and 16 respectively, for the Commission Communication (COM(2001) 291 FINAL), of 1 June 2001, entitled *Contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, South Africa, 31 August – 7 September 2001*, and for the General Affairs Council Conclusions, of 16 July 2001, entitled *Council Conclusions on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*.

well as of singling out Israel. It was in this situation that above all the European Union, and notably the tireless personal effort of Mr. Louis Michel in his capacity of the President of the Council, contributed significantly in helping the Conference to reach workable compromises - even on these difficult and controversial topics - which took account of Europe's particular responsibility for combating anti-Semitism.

As a means to express the readiness of the European Union to discuss and to make every effort to achieve consensus and to reaffirm its determination to contribute to the success of the World Conference, the Council adopted – just before the conference – conclusions on the World Conference against Racism, which outlined the EU priorities and expectations for this important event. During the Conference, Minister Michel also made a statement as President of the Council stressing the importance of the Conference as a unique opportunity and an essential mobilising factor in the fight against racism⁵⁵.

A package of compromises was agreed literally at the last minute. Two final documents – a final Declaration and a Programme of Action – were successfully adopted by consensus. After the two failed conferences of 1978 and 1983 these consensus texts represent a success to which the European Union made a vital contribution, on the one hand through its willingness to contribute to a successful outcome and on the other through its determined efforts to achieve a final document heavy on substance⁵⁶.

With the agreement on the passages concerning slavery and colonialism the World Conference against Racism made a substantial contribution to facing up to the legacy of past injustice. The final documents recorded that slavery is a crime against humanity and should always have been recognized as such.

The Durban Declaration acknowledges that these historical injustices have contributed to poverty and underdevelopment and that there is a need for the international community to take appropriate action on a number of fronts such as debt relief, market access, Foreign Direct Investment and Overseas Development Assistance. However, the EU Presidency stated

⁵⁵ The EU's statement at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is enclosed as Annex 1.

⁵⁶ The UN has dedicated the following web page to the coverage of the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban: www.un.org/WCAR/coverage.htm. [The Durban](#) Declaration and the Programme of Action can be downloaded from this web page

formally during the closing plenary session of the WCAR that this should not be understood as the acceptance of any liabilities for these practices, nor did it imply a change in the principles of international development co-operation, partnership and solidarity.

With regard to the conflict in the Middle East and the situation of the Palestinian population in the occupied territories the language achieved at the World Conference remained moderate and balanced overall. Attempts to relativise the Holocaust were successfully prevented. Nevertheless the European Union stands by its view that the World Conference against Racism is not the appropriate forum in which to tackle the conflict in the Middle East.

On the whole the agreement on measures for combating contemporary forms of racism and xenophobia, which in the European Union's opinion represented the most important area of concern of the World Conference against Racism, gives cause for particular satisfaction. Other issues important for the European Union have all been included in the documents such as combating contemporary forms of racism especially through legislative measures, multiple discrimination, trafficking in people (especially women and girls), discrimination in the workplace, and also the emphasis on prevention, particularly by such means as education in human rights and tolerance, as well as the role of media. The situation of Roma and Sinti, a minority concern with particular relevance to Europe, was also been placed on the international agenda.

The use of the term "race" proved problematical in the negotiations as well. Every theory, which asserts the existence of different human races, is scientifically untenable. It successfully introduced this fundamental principle in the preamble of the final declaration, but could not gain full acceptance of this principle during the negotiations of the rest of the final document. It hence recalled this principle in a statement taken into account in the report of the conference.

The following were agreed as follow-up action to the Conference:

- states are called upon to elaborate action plans in consultation with civil society to combat racism, racial discrimination, xenophobia and related intolerance,
- the United Nations High Commissioner for Human Rights will

present an annual progress report to the UN General Assembly and to the UN Commission on Human Rights on the implementation of the provisions agreed in Durban,

- five independent eminent experts to be appointed by the UN Secretary-General will work together with the Office of the High Commissioner in the framework of the follow-up mechanisms of the Conference,
- an anti-discrimination unit will be established within the Office of the High Commissioner.

After months of delay due to differences of opinion about the precise wording of what was agreed in Durban, the final documents were published on 2 February 2002 and endorsed by a resolution of the Third Committee of the UN General Assembly on 26 February 2002. The documents will represent the future yardstick and guiding principle for measures against racism and xenophobia at national, regional and international level. The European Community and its Member States are strongly committed to ensuring the full and effective implementation of the Declaration and Program of Action adopted at the Conference.

The Member States of the European Union have already begun implementing what was agreed in Durban. A first experts' meeting took place on 27 to 28 February 2002 – in line with the preparatory conference at the level of the Council of Europe. Here the governments of the Member States of the Council of Europe exchanged views about measures already taken and yet to be taken at national and regional level.

The European Union contributed EUR 1,5 Million to support the participation of NGOs in the NGO Forum and the conference itself through the Office of the High Commissioner for Human Rights. The Union regrets that the NGO Forum was marred by the obstructive behaviour of certain NGOs, which led to the inclusion of unacceptable language in the NGO Forum Declaration, released on 4 September, notably on the Middle East question. Several reputable international NGOs disassociated themselves from parts of the text and the High Commissioner did not recommend that the text be forwarded to the conference. The Presidency and the Commission, however, organised several positive exchanges of views with NGO representatives from Europe, Africa, Asia and Latin America. The EU considers that the input of the NGOs in

the process was useful on the whole as NGOs are essential partners and play a vital role in the fight against racism.

d) United Nations Special Session on Children, New York, 8 to 10 May 2002

After two years of preparations the UN Special Session on Children drew to a close in the early hours of 11 May 2002 with the unanimous adoption of the final document "A World Fit for Children". Some 180 government delegations, 69 Heads of State and Government, Vice-Presidents and "Royals", 250 parliamentarians and, for the first time in the history of the United Nations, some 400 child delegates had taken part.

During the Special Session a large number of panels were held, from a Security Council Meeting on Children and Armed Conflict and the Religious Leaders Symposium to the meeting of Mayors of Child Friendly Cities.

The participation of children was an all-time first in the history of the United Nations and, along with the close involvement of civil society, a special priority of the EU. At the opening of the Special Session, two child delegates presented the assembled Heads of State and Government with the results of and calls from the Children's Forum, held in New York from 5 to 7 May without the involvement of adults.

The final document is clear and precise in nature. It is the fruit of an exceptionally difficult negotiation process, which only ended after a veritable marathon of negotiations under the chairmanship of the representative of the Western Group in the organization committee, Ambassador Schumacher (Germany), shortly after the scheduled close of the summit. During these negotiations, the EU came down strongly and successfully on the side of the UN Convention on the Rights of the Child. Swedish Ambassador Hammarberg worked from the beginning to reach agreement on the reference to the Convention and the Spanish Presidency undertook lengthy negotiations with the US (the only country not to have ratified the Convention) and others to address the differences with regard to this and other issues. These efforts are reflected in the clear 'rights-based' approach throughout the text. This is the main difference to the concluding document of the 1990 World Summit for Children. Back then, children's well-being was still a guideline for improving children's lives, and while the 1989 UN Convention on the Rights of the Child was mentioned, only a tenuous link was established between the two approaches of well-being and rights.

Admittedly the results of the Special Session were disappointing in some respects, in particular regarding reproductive health, given various endeavours by certain countries. However, there is nothing in the final text to suggest a backward step on standards agreed in previous special conferences (Beijing, Copenhagen, Cairo and follow-on conferences). Indeed, the final document underpins the importance of consistency with these earlier conferences. A further success of the EU is that it was able to include an explicit reference to the death penalty (for minors at the time of perpetration) of a kind not found in any other document of this type.

The key goals in the concluding document "A World Fit for Children":

- reduce the under-five mortality rate by 33% by 2010 and 66% by 2015,
- lower the maternal mortality ratio by 75% by 2015,
- reduce undernourishment and malnutrition,
- improve hygiene and access to safe drinking water,
- increase primary school enrolment to 90% by 2010,
- guarantee gender equality in education for girls and boys by 2015,
- protect children from violence, abuse, neglect and sexual exploitation,
- eliminate child labour,
- reduce the number of children infected with the HIV virus by 50% by 2010.

With these objectives, the international community reaffirmed the aims of the Millennium Declaration. Nevertheless, by expressly including children in industrialized countries (issues such as violence against children, social injustice, lack of equal opportunities, insufficient access to education, environmental pollution), the Action Plan goes beyond the remit of the Millennium Declaration.

The regional Preparatory Conference of European and Central Asian countries for the Special Session was held in Berlin from 16 to 18 May 2001 on the invitation of the governments of the Federal Republic of Germany and Bosnia and Herzegovina (c.f. last year's EU Human

Rights Report).

e) The Second World Assembly on Ageing 2002

The United Nations General Assembly decided, at its 54th session, to convene a Second World Assembly on Ageing, which took place in Madrid (8-12 April) to be devoted to the overall review of the outcome of the first World Assembly⁵⁷. After a week of intense negotiations, it concluded with the adoption of the Political Declaration and the Madrid International Plan of Action on Ageing. Both documents provide the International Community with a long-term strategy on Ageing for the twenty first century, as a response to the challenges and opportunities inherent to current and future population ageing.

The EU, aware of the importance to include ageing as a core item in the international agenda, was actively involved both in the Commission for Social Development that served as the preparatory committee and in the Assembly itself. The Commission contributed to the Second World Assembly on Ageing with the Communication 'Europe's response to World Ageing. Promoting economic and social progress in an ageing world'⁵⁸.

162 Government Delegations took part in the Assembly, together with representatives of intergovernmental organisations, UN specialised agencies, other UN agencies and NGOs, which participated as observers.

After a week of intense negotiations, the Assembly adopted its main outcome documents – a Political Declaration and the Madrid International Plan of Action, 2002 – which commit governments to act to meet the challenge of population ageing and provide the world policy makers with a set of 117 concrete recommendations, covering three main priorities: older persons and development, advancing health and well-being into old age, and ensuring enabling and supportive environments. Both documents set out the blueprint for an international response to the opportunities and challenges of population ageing in the twenty-first century and the promotion of the concept of a 'society for all ages' - the main theme of the event.

In order to implement the Madrid Plan of Action, the European Union underlines the

⁵⁷ The First World Assembly on Ageing was held in Vienna, 26 July - 6 August 1982.

⁵⁸ COM (2002) 143 final of 18 March 2002.

importance of adopting regional strategies, which take into consideration the particularities of each region. To this end, a Ministerial Conference on Ageing, organised by the United Nations Economic Commission for Europe (UNECE), was scheduled to take place in Berlin in September 2002.

f) International Consultative Conference on School Education in relation to Freedom of Religion or Belief, Tolerance and Non-discrimination

The International Consultative Conference on School Education in relation to Freedom of Religion or Belief, Tolerance and Non-discrimination which took place in Madrid from 23 to 25 November 2001 was organised by the UN Special Rapporteur on the question of Freedom of Religion and belief, Mr. Abdelfattah Amor, in cooperation with the Government of Spain and attended by representatives of governments, NGOs, international organizations and religious communities. The conference marked the 20th anniversary of the adoption in 1981 of the Declaration of the Elimination of All Forms of Intolerance Based on Religion or Belief by the General Assembly and was addressed, inter alia, by the UN High Commissioner for Human Rights.

The purpose of the conference was to formulate a strategy of prevention of intolerance, and a document on the question of Freedom of Religion and Belief, Tolerance and Non-discrimination was adopted. Drafting sessions were open to all delegates who attended the conference and the text of the Madrid Declaration was adopted by consensus on 25 November 2001.

The Declaration, inter alia, underlines the need to promote, through education, the respect for freedom of religion or belief, the responsibility of States to promote educational policies aimed at strengthening the promotion and protection of human rights. It also encourages States to improve ways and means of training teachers and to disseminate and exchange information and material in the field of freedom of religion and belief as well as to disseminate best practices, and invites organisations and specialised agencies of the UN to contribute to the promotion and protection of freedom of religion or belief. The Declaration concludes by inviting all States, civil society and the international community to promote the principles, objectives and recommendations of the Madrid Conference.

3.3.2. International Criminal Court

The EU has always been very supportive of the idea of establishing a permanent international criminal court to deal with the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes. Consequently, it has promoted the ratification and implementation of the Rome Statute of 1998 creating such an International Criminal Court (ICC).

During 2001 and 2002 the EU was particularly active in this regard. On 11 June 2001, the Council adopted a Common Position setting out the basic principles of its policy to promote the creation of the ICC. This Common Position was revised on 20 June 2002 in order to update and develop it. Virtually all associated countries have aligned themselves with the Common Position and the subsequent revision⁵⁹.

Furthermore, on 15 May 2002, following a recommendation of the European Parliament, a detailed Action Plan was finalised in order to develop the Common Position regarding the internal coordination of the EU on this matter, the promotion of wider ratification and implementation of the Statute as well as measures for the effective establishment of the ICC.

All EU Member States and most associated countries have now ratified the ICC Statute. Thanks to a large extent to EU activities in this direction, the required number of ratifications for the entry into force of the Statute (60) was reached on 11 April 2002 and the Statute entered into force on 1 July 2002. As of 30 June 2002, a total of (74) States had ratified or acceded to the Statute.

In addition to engaging in diplomatic démarches and political dialogue with third countries or groups of countries for this purpose, the EU has provided financial support under the European Initiative for Democracy and Human Rights to NGOs for the organization of regional or

⁵⁹ The revision of the *Common Position on the International Criminal Court* is enclosed as Annex 17.

subregional conferences or seminars in various parts of the world in order to promote the ratification of the Statute as well as its implementation through the provision of technical assistance. A call for proposals for NGO projects dealing with the fight against impunity and the promotion of international justice was launched at the end of April 2002. It covered grant financing for projects promoting the development of a universal criminal jurisdiction and, in particular, the establishment of the International Criminal Court, and the on-going activities of the ad hoc Criminal Tribunals for the Former Yugoslavia and for Rwanda.

The EU has also been active in furthering the expeditious work of the ICC Preparatory Commission, which has virtually finalized the tasks entrusted to it by the Rome Conference in order to facilitate the smooth establishment of the ICC. The EU has cooperated with the host State, the Netherlands, in preparing the ground for the installation of the ICC organs in The Hague, expected at the beginning of 2003. Funding was provided from the EU budget to support the work of the Advance Team for the establishment of the ICC in the Netherlands. This team is inter alia in charge of setting up the legal support function of the future Court, and of putting forward proposals to set up a human resource system.

In sum, and taking into account the reluctant attitude adopted by the US, the EU has for all practical purposes assumed the leadership role in the process of establishing the ICC, together with other democratic countries from around the world.

3.3.3. Council of Europe

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

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

The EU acknowledges the work of the Council of Europe's Evaluation Group to the

Committee of Ministers on the European Court of Human Rights, which has proposed reforms of the Court. The Group's recommendations and other proposals are currently under discussion in Strasbourg with a view to decisions being adopted at the Ministerial meeting in November 2002.

The EU recognises that the enlarged Council of Europe is an important pan-European political forum, bringing together the EU and other European States and through which the EU projects and promotes its human rights values and policies within Europe. The role of the Council of Europe complements EU common strategies towards a number of key states, in particular the Russian Federation but also Eastern and Central European Countries. The human rights standards and values of the Council of Europe are also a reference framework for countries applying for EU membership. These include the intention to make Europe a “zone free from the death penalty” as well as the effective implementation of criminal justice in the fight against terrorism, while safeguarding individual rights.

In this regard, the EU welcomes the opening for signature of Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances in May 2002 as a further sign of Europe’s commitment to and engagement with common human rights values. The EU also acknowledges the Council of Europe’s call, in the wake of the attacks of 11 September 2001, for Member States to ratify relevant Council of Europe treaties in the field of criminal justice to assist in combating international terrorism.

The EU acknowledges and supports the recent accession to the Council of Europe of new Member States. The EU is committed to using the expertise and mechanisms of the Council of Europe to advance human rights standards across Europe and emphasises the importance of full member state compliance with obligations of Council of Europe membership. The EU expects that all Member States will continue to keeping their institutions, legislation and practice fully in line with Council of Europe standards, and resolve any situation of conflict by peaceful, political means.

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

The Joint Declaration on Cooperation and Partnership between the European Commission and the Council of Europe signed in April 2001, continues to form the basis for mutual cooperation between both organisations in funding and implementing joint programmes for cooperation and assistance in Central and Eastern Europe.

The EU welcomes the role played by the Council of Europe Commissioner for Human Rights in promoting awareness and respect for human rights in all Council of Europe member states.

The EU continues to support the Council of Europe's important role in the efforts to reach a peaceful resolution to the conflict in Chechnya. It welcomes the presence in Chechnya of recognised human rights experts from the Council and the co-operation of the Russian authorities in this field. The EU welcomes the agreement between the Council of Europe and Russian Federation to renew and enlarge the mandate of the Council of Europe experts in Chechnya. The EU continues to expect Russia to provide concrete information on its follow-up action taken in response to human rights violations investigated by the Office of the Special Representative of the President of the Russian Federation on Human Rights in the Chechen Republic.

The EU welcomed the fact that the European preparatory process for the World Conference against Racism took place within the framework of the Council of Europe, especially given its longstanding involvement in combating racism, discrimination and intolerance. The EU will actively participate in the European follow-up process to the World Conference that will also be organised under the auspices of the Council of Europe.

The EU recognises the important role played by the Council of Europe in the field of the protection of national minorities in Europe through the monitoring mechanisms set out by the European Framework Convention on the protection of national minorities.

The EU also welcomes the efforts of the Council of Europe, throughout its activities in the field of social cohesion, human rights and education, to address discrimination of Roma and Sinti and advance their participation in public life.

The EU pays great attention the commitment of the Council of Europe in the field of the gender-equality and in particular its action on combating trafficking in human beings for the

purpose of sexual exploitation and violence against women.

The EU continues to support the process of refocusing the Council's roles and priorities and the reinforcement of its cooperation with other multilateral organisations, in particular the EU and OSCE.

3.3.4. The Organization for Security and Co-operation in Europe (OSCE)

For the European Union, the Human Dimension of the OSCE is particularly important as one of the major components of the OSCE's comprehensive concept of security. Therefore, the Union vigorously supports all activities in the framework of the Human Dimension as well as the need to address Human Dimension issues in individual participating States⁶⁰.

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

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

The EU appreciates the human rights activities of the organs of the OSCE specifically mandated with human rights issues, namely the Office for Democratic Institutions and Human

⁶⁰ Documents pertaining to the Human Dimension of the OSCE and the OSCE in general can be downloaded from the home page of the OSCE: www.osce.org.

Rights (ODIHR)⁶¹, the High Commissioner on National Minorities (HCNM)⁶² and the Representative on Freedom of the Media⁶³.

It is a recurring objective for the EU that Human Dimension aspects be mainstreamed into all activities of the OSCE. Of particular relevance in this respect are the work of the Permanent Council and the work done on the ground by the OSCE field missions. The EU encourages improved feed back mechanism from the missions to the Permanent Council.

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

In this regard, the Union welcomes the efforts of ODIHR and the Chairmanship-in-Office to facilitate the adoption, in May 2002, of the "Decision on modalities for OSCE-meetings on Human Dimension issues". In this document, the Permanent Council attaches particular importance to a revitalized dialogue between States, international organizations and NGOs. The EU is pleased that the new modalities provide for more forward looking, thematic and in-depth debates and hopes that they will enhance the link between the Implementation Meeting and other OSCE activities, including follow-up by the OSCE decision-making structures.

Trafficking in Human Beings

The EU welcomes the steps undertaken by the OSCE to combat trafficking in human beings, which affects women and girl children to a very significant extent.

Based on a decision of the OSCE Ministerial Council of 28 November 2000 the OSCE has been enhancing its efforts to combat trafficking in human beings, focusing on the primary

⁶¹ Information about the work of ODIHR can be downloaded from the following web page: www.osce.org/odihr.

⁶² Information about the work of the HCNM can be downloaded from the following web page: www.osce.org/hcnm.

⁶³ Information about the work of the Representative on Freedom of the Media can be downloaded from the following web page: www.osce.org/fom.

responsibility of participating States, on international co-operation and on involvement of civil society, underlining as most important fields of action the areas of prevention, protection and prosecution.

Since the beginning of 2002, an informal working group on Gender Equality and Protection from Trafficking in Human Beings has been actively dealing with the subject.

In addition, the OSCE Secretariat amended its Code of Conduct for OSCE Mission Members to include provisions on human rights abuses, including trafficking in human beings, in order to avoid their involvement in the problem.

3.3.5. Stability Pact for South Eastern Europe

At the initiative of the European Union, the Stability Pact for South Eastern Europe was adopted in Cologne, on 10 June 1999. The Stability Pact is a political declaration of commitment and a framework agreement on international co-operation to develop a shared strategy among all partners for stability and growth in South Eastern Europe. In the founding document, more than 40 partner countries and organisations undertook to strengthen the countries of South Eastern Europe “in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region”.

The European Union continues to strongly support the Stability Pact, in which it has assumed a leading role. The main added value of the Stability Pact lies in its ability to promote greater regional co-operation and thereby contributes to the prevention of conflicts in the region. The Pact’s ability to foster regional co-operation allows it to play an important role in the underpinning and promoting of the objectives of the Stabilisation and Association Process, which is the central strategy of the EU for integrating the Western Balkan countries into European Structures. In 2002, important steps have been taken to streamline the operations of the Stability Pact and to increase the strategic co-operation between the objectives of the Pact and those of the Stabilisation and Association Process. Out of the three working tables, Working Table I focuses on Human Rights and Democratisation, of which results can be achieved only through long-term processes and a strong involvement of the civil society.

Since June 2001, the six priority areas of the Working Table have been: trade and investment, infrastructure, refugee matters, cross-border co-operation, small arms and light weapons and the fights against organised crime.

The EU emphasises full respect for human rights in respect to the objectives of the Stability Pact. The focus on cross-border co-operation including the rights of minorities in the political and economic development remains a key factor. The aim is to promote multi-ethnic coexistence and the protection of minorities with the help of a comprehensive approach. Human Rights Centres have been established. Legislation reviews, awareness campaigns and promotion of the status of the Roma population are important activities.

The right of refugees and displaced persons to return and repossess property is a pre-condition for lasting peace in the region. The international community has to maintain its support for returnees. The regional authorities are encouraged to take responsibility to resolve the refugee returns. The agreement on regional return, Agenda for Regional Action for Refugees and Displaced Persons, is comprised of a series of bilateral initiatives between the Federal Republic of Yugoslavia, Bosnia-Herzegovina and Croatia.

The Stability Pact also aims at promoting gender equality and the appropriate representation of women in public life as well as enabling women to take part in the political process. Furthermore, the Pact is committed to strengthening its links with the civil society. In October 2000, Working Table I adopted a Charter on NGO-government partnership in the region. Partners will promote the development of NGOs and civic initiatives, adopt respective legislation, and promote state-NGO partnerships on a sustained and systematic basis.

The Working Table I held its meeting in Istanbul in June 2002. The meeting dealt with issues concerning local democracy and cross-border co-operation, history and history teaching, education and youth, refugees, media, gender issues, parliamentary co-operation and national minorities. Local democracy and cross-border co-operation were seen as key features of the democratisation and stabilisation process in South Eastern Europe. It was agreed that a Steering Committee would be established to coordinate efforts in the fields concerned. In respect to history and history teaching new teaching methods and approaches in education were underlined. It was also recognised that regional co-operation in education and youth complements efforts undertaken at national level.

Working Table I also confirmed the importance of developing a free, professional and diverse media landscape and commended the work of the Media Task Force. In respect to gender issues, the most visible effect of the Gender Task Force has been the increased percentage of women's participation in political decision-making. Co-operation will be intensified with Task Forces in all three Working Tables including, inter alia, Task Forces on Gender, Media, Trafficking in human beings, and SPAI/SPOC (anti-corruption and organised crime).

3.4. THEMATIC ISSUES OF PARTICULAR IMPORTANCE TO THE EU

3.4.1. Human Rights and Terrorism

Terrorist acts jeopardise the constitutional order, the territorial integrity and the security of States.—The European Union believes that, whatever consideration may be invoked and wherever the crime is planned or perpetrated, terrorism has no justification; therefore the fight against this scourge crime is a priority objective of the European policy.

This reality has never been as obvious as it is now. The 11th September attacks, the growing number of terrorist acts worldwide in every form, the transnational character of terrorist activities, underline the need for an effective answer. More than ever, it is necessary to strengthen the international co-operation and to design a coherent policy in order to eradicate terrorism, by setting up specific legal, political and diplomatic measures aimed at eliminating the possibilities of terrorists and terrorist organisations to operate, punish terrorist acts and strengthening judicial and police co-operation in this regard.

The European Union has taken decisive steps in that regard: the agreement on the European arrest warrant, the common definition of terrorist acts, the drawing up of lists of terrorists and terrorist organisations groups and bodies, the co-operation between specialist services and the provisions on freezing assets which have been adopted following Resolution 1373 of the United Nations Security Council, all constitute practical responses in the struggle against terrorism.

The Union has decided to take into account the attitude of States towards terrorism in its Common Foreign and Security Policy, assessing its relationships with third countries in the light of co-operation on counter-terrorism.

The reaction of some countries to the September 11th attacks has underlined a particular dimension in the fight against terrorism and the protection of human rights. There is a real danger that States, in pursuing the objective of eradicating terrorism, take excessive and disproportionate steps, and slide towards repression and violation of human rights.

Under this worrisome perspective, the European Union reiterated, at the Extraordinary European Council, held on the 21 September 2001, that in stepping up its actions against terrorism, it will ensure respect for human rights and fundamental freedoms. Also the Laeken, Barcelona and more recently the Seville European Council pointed out that the respect for human rights and the rule of law is a central aspect for all effective strategies to eradicate terrorism.

In combating terrorism States must adhere to international human rights norms, to their obligations under international humanitarian and refugee law. Measures restricting human rights in order to fight terrorism must be in accordance with international law, they must be the exception and not the rule, necessary and proportionate and confined to the extent strictly required by the exigencies of the situation. They must not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. Furthermore, the European Union emphasizes that any action to prevent terrorist acts and to punish terrorists targeting specific ethnic or religious minorities is not only contrary to human rights norms but also can carry the additional risk of an upsurge of undesired racist, nationalist and xenophobic attitudes. The monitoring bodies should be vigilant to ensure that anti-terrorist measures are in compliance with these requirements and strictly limited in time. The European Union stresses that there are rights, in particular the right to life, to freedom of thought, conscience and religion, the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, the right not to be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed, that may not be derogated from under any circumstances.

The principles of legality and rule of law demand that fundamental requirements of fair trial be always respected. The European Union will co-operate to bring the perpetrators to justice and punish those held responsible of terrorism crimes whenever procedural safeguards are respected and guaranteed in accordance with international human rights and humanitarian standards. The European Union, as a main defender of the universal abolition of the death penalty and the eradication of torture, has stated its firm conviction to deny extradition of any suspect terrorist to States where there is a risk of torture or where capital punishment can be applied.

The European Union is strongly convinced that the effectiveness of the fight against terror will improve if it is based on a comprehensive and in-depth dialogue with countries and areas where terrorist safe havens might have their location. One suitable forum for such a dialogue is the Euro-Mediterranean Conference. In its last meeting it passed two framework documents on terrorism: the Valencia action plan and the Regional Co-operation Programme in the field of justice.

a) United Nations

The United Nations plays a central role in the struggle against terrorism as well as it does in the promotion and protection of human rights.

In this context, the Council Common Position on combating terrorism of 27 December 2001 supported UN Security Council resolution 1373, which constitutes the general framework of the international action against terror and sets up measures aimed at combating it, in particular the fight against the financing of terrorism and the prohibition to provide safe havens for terrorists. In order to better guarantee the legal rights of individuals, the European Union is working to improve the functioning of the UNSC Sanctions Committees, including the provision of certain exemptions to sanctions regimes as well as the introduction of criteria for the identification and inclusion of individuals and entities in sanctions lists.

The European Union firmly supports the legislative action of this Organization, and calls upon those States, which have not done, so to sign and ratify as soon as possible the twelve

international conventions on combating terrorism adopted under the auspices of the United Nations, and to adapt accordingly their States' domestic legislation.

Lastly, the European Union is actively involved in negotiations to adopt a Comprehensive Convention on International Terrorism in the framework provided by the respect to human rights. The work by Special Rapporteur to the Sub-Commission on the Promotion and Protection of Human Rights on terrorism and human rights, Ms. Kalliopi Koufa, has highlighted the complexity and diversity of this issue, and the difficulties to reach a definition of terrorism generally accepted.

b) 56th Session of the UN General Assembly

As on previous years, Algeria introduced at the Third Committee of the General Assembly a resolution entitled *Human rights and terrorism*. The European Union regrets the fact that, in spite of the efforts displayed by the authors of this draft to reflect its views, it was not possible to reach a final agreement, primarily due to the characterization of terrorist acts as violations of human rights. For the European Union such acts have to be treated primarily as criminal acts.

c) 58th Session of the Commission on Human Rights

At the 58th session of the Commission on Human Rights (CHR), the European Union reaffirmed the same objections as in the General Assembly to the Algerian draft on human rights and terrorism. The European Union actively participated in the negotiation of this text, proposing a number of amendments that improved it considerably. The fact that some of its paragraphs kept on being unacceptable, made the European Union take the decision to abstain in the voting of this resolution.

On the other hand, the European Union as a whole committed itself in the negotiation of another draft resolution introduced by Mexico under the title *Protection of human rights in countering terrorism*, which requested the High Commissioner on Human Rights to submit a full analytical report on this issue.

The European Union co-sponsored this draft. The draft was, however, withdrawn and its consideration postponed until next year's session due to the risk of amendments that would have adversely changed the nature of the text.

3.4.2. Civil and Political Rights

Civil and political rights including freedom of thought, conscience and religion, freedom of expression, and freedom from discrimination underpin the strength and diversity of democratic societies. They are guaranteed by Articles 18, 19, 20 and 21 of the Universal Declaration of Human Rights as part of the "foundation of freedom, justice and peace in the world" and are set out in more detail in the International Covenant on Civil and Political Rights (ICCPR).

As of July 2002, 148 states had ratified the ICCPR. The European Union welcomes the growing number of states that have become party to the ICCPR and urges others to do so as soon as possible. The EU supports the appeal made to all governments by Secretary-General Kofi Annan during the Millennium Assembly in 2000 to sign and ratify the six core UN human rights treaties. However, ratification is only the first step. Treaties in themselves will not end human rights violations. Implementation is the key. All governments are urged to cooperate with UN mechanisms and to allow visits to their countries by Special Rapporteurs and the other special procedures. EU member states always agree to such requests and encourage third countries to do likewise.

The EU played an important role in promoting civil and political rights during the Third Committee of the UN General Assembly, which met in autumn 2001. The EU supported, for example, the successful resolutions on Human Rights in the Administration of Justice and the Elimination of all forms of Religious Intolerance. At the 58th session of the Commission on Human Rights (CHR), in the face of challenges from a number of countries, the EU worked hard to secure robust resolutions upholding civil and political rights, such as those on torture, democracy, impunity and independence of the judiciary. Many were adopted by consensus, in some cases with stronger language than in recent years. Details on these particular issues and other Third Committee and CHR resolutions are covered elsewhere in the report. But an illustrative example of EU commitment was the CHR resolution on extrajudicial, summary or

arbitrary executions. Several countries, notably Pakistan, expressed strong opposition to the inclusion of the phrase ‘sexual orientation’ in the context of discrimination against minority groups in this resolution. When, for the first time, a vote was called on the inclusion of these words, a comfortable majority voted to retain the language and the resolution was adopted.

Freedom of thought, conscience and religion is enshrined in core UN human rights conventions. The EU condemns persecution of people because of their faith or belief, in all circumstances. The EU takes every opportunity to urge states to pursue laws and practices, which foster tolerance and mutual respect, and to protect religious minorities against discrimination, intimidation and attacks. Specific cases of religious persecution are raised regularly with the governments concerned. At CHR 58 the EU supported the Irish-tabled resolution on the “Elimination of all Forms of Religious Intolerance” which urged states to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief.

The EU’s commitment to promoting civil and political rights is translated into action on the ground through projects funded by the European Initiative for Democracy and Human Rights (EIDHR). During the course of 2001, several Calls for Proposals were launched focusing on a number of priority areas. Following the Commission’s Communication on the European Union’s role in promoting human rights and democratisation in third countries, EIDHR support has been focused on a limited number of priorities. In April 2002 the Commission published four Calls for Proposals on the following themes: support for the abolition of the death penalty; fighting impunity and promoting international justice; combating racism and xenophobia and discrimination against ethnic minorities and indigenous peoples, the prevention of torture and support for the rehabilitation of torture victims. A more detailed analysis of EIDHR project work can be found in Section 3.2.

The EU is committed to dealing with civil and political rights in every human rights dialogue held with third countries. The EU also ensures that human rights are discussed at all meetings and discussions with third countries, at every level, including political dialogue. During the EU-Russia Summit at Head of State level on 29 May 2002, concerns regarding the rule of law and media freedom were raised, and emphasis placed on the EU’s willingness to support the development of democratic institutions through the European Commission’s assistance programme to 12 countries of the Former Soviet Union and Mongolia (Tacis). A further

example was the visit of Chris Patten, Commissioner for External Relations, to Pakistan on 22 to 23 May 2002, during which the issue of restoration of democracy was raised at the highest level⁶⁴.

Building on its robust promotion of civil and political rights in international fora during 2001 to 2002, the EU will continue to support actions and initiatives to implement the rights set out in the International Covenant on Civil and Political Rights, through the use of political and human rights dialogues, the UN General Assembly and Commission on Human Rights and EIDHR project funds. The mainstreaming of human rights throughout all levels of policy decision-making will further strengthen the implementation of this commitment.

a) Abolition of the Death Penalty

There is a growing international trend towards worldwide abolition of the death penalty. To date, 111 countries have abolished or are moving towards abolition of the death penalty: 74 countries are fully abolitionist, 15 have abolished it for ordinary crimes, 22 are de facto abolitionist, two are committed to abolition as members of the Council of Europe. 84 countries retain the death penalty⁶⁵. UN Secretary-General Kofi Annan made his views known on the death penalty in December 2000, when he was presented with the “Moratorium 2000” petition bearing 3 million signatures. He said: “The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process”. The resolution on the question of the death penalty, which was adopted at the 58th session of the UN Commission, mentions for the first time that death penalty cannot be imposed for non-violent acts, including sexual relations between consenting adults.

Despite an overall trend towards abolition, a large number of executions took place in 2001. Amnesty International estimates that, during that year, at least 3,048 people were executed in 31 countries; and 5,265 people were sentenced to death in 69 countries. Amnesty attributes the dramatic increase over the previous year to the intensified use of the death penalty as part of China’s “strike hard” campaign against crime and corruption. In 2001, 90 per cent of all known executions were carried out in China, Iran, Saudi Arabia and the USA. These figures

⁶⁴ For more detail on political dialogue see Section 3.1.3.

⁶⁵ Amnesty International (2002). ‘Facts and Figures on the Death Penalty’. Available at: <http://web.amnesty.org/rmp/dplibrary.nsf>

were the highest annual figures since 1996. Iran and the US executed child offenders in 2001.

In December 2001, General Musharraf announced the communication of death sentences of juveniles imposed before the death penalty for children was abolished in July 2000⁶⁶. Concerns also exist regarding the death penalty in Singapore, where it is mandatory for drug trafficking, murder, treason and some fire-arms offences. Consequently Singapore has proportionately one of the highest execution rates in the world.

There were also a number of positive developments in 2001, which the EU welcomes: Turkey reduced the scope of the death penalty by adopting amendments to the constitution which stipulate that it “cannot be imposed except in times of war, imminent threat of war and for terrorist crimes”; the Kyrgyz Republic extended a moratorium on the death penalty until the end of 2002. In September, the Federal Republic of Yugoslavia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) without reservations, which bans capital punishment in all circumstances. The Republic of Serbia abolished the death penalty for all crimes in November. Although Montenegro is still retentionist, the Minister of Justice announced in the autumn that the penal code would soon be amended to annul the death penalty. In Ukraine, a new criminal code came into effect, which stipulates the maximum punishment as being life imprisonment. This followed the country’s abolition of the death penalty in 2000. In April 2002, Fiji’s Parliament voted to abolish the death penalty⁶⁷.

b) EU Action in International and Regional Fora

The EU is opposed to the death penalty in all circumstances. That stance is rooted in a belief in the inherent dignity of all human beings. The EU uses all relevant international and regional fora to advocate the universal abolition of the death penalty.

In countries that retain the death penalty, the EU aims at the progressive restriction of its scope and urges respect for the minimum standards set out in international human rights instruments and other documents, notably the “EU Guidelines towards third countries on the death penalty”, adopted by the European Council in June 1998.

⁶⁶ See Amnesty International’s Annual Report 2002 page 190.

⁶⁷ *The European Union Guidelines on the Death Penalty* are enclosed as Annex 13.

At the 58th session of the UN Commission on Human Rights in March to April 2002, the EU tabled a resolution on the question of the death penalty, for the sixth consecutive year. The text was broadly similar to the one from the previous year, although it included a new emphasis on the need for a right to fair trial. The resolution was adopted by a smaller margin of votes than in previous years. This was due to a change in the membership of the Commission, rather than an expression of reduced commitment by UN Member States to this important resolution. In the resolution on human rights in the administration of justice, in particular juvenile justice, a paragraph was added, urging states to ensure that under their legislation and practice neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below 18 years of age.

The Council of Europe remains determined in its efforts to eradicate the death penalty. The Committee of Ministers adopted a new Protocol to the European Convention on Human Rights (ECHR) in Strasbourg in February 2002. EU member states all signed Protocol 13 in Vilnius in May 2002 as soon as it was opened for signature. This explicitly bans the death penalty in all circumstances, including in war-time.

In June 2001, the Council's Parliamentary Assembly adopted Recommendation 1522 (2001) which stated that the USA and Japan's observer status might be withdrawn unless they made significant progress by January 2003 towards abolishing the death penalty. The Committee of Ministers adopted a reply to the recommendation in June 2002. This reiterated the Committee's unconditional rejection of the death penalty and shared the Parliamentary Assembly's regret that both Japan and the USA still have recourse to the death penalty. The reply noted the growing public debate on the issue of the death penalty in both these countries and stressed that the Council of Europe remained open to dialogue with Japan and the USA.

The EU also reiterated its commitment to the abolition of the death penalty at the annual OSCE meeting on the implementation of the commitments in the field of the Human Dimension, held in Warsaw in September 2001. At that meeting, the overwhelming majority of participants expressed their rejection of capital punishment. Member states were urged to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and Protocol 6 of the European Convention on Human Rights. It was agreed that the OSCE and its institutions should make the death penalty a special subject of

discussion in its dialogue with the authorities in participating States.

c) Action in Specific Countries

In 2001 and 2002, the EU carried out démarches on the issue of the death penalty, in accordance with the EU Guidelines on the Death Penalty in many countries, including the US - at both state and federal level, the Palestinian Authority, Lebanon, Malaysia, Japan, Guinea, Sri Lanka, Botswana, China, Bangladesh, Pakistan, Iran, Saudi Arabia, Indonesia, India, Nigeria, Senegal, Democratic Republic of Congo, Burkina Faso, Swaziland and Niger. The démarches were made in individual cases, which did not meet minimum standards (e.g. execution of juveniles, mentally retarded persons, pregnant women, public and/or cruel executions) or where a country's death penalty policy was in flux (e.g. where a moratorium or de facto moratorium on executions was under threat).

d) Action in the USA

In 2001 and the first half of 2002, démarches were made in the United States, according to the EU Guidelines on the Death Penalty, at both Federal and State level (including Georgia, New Mexico, Texas, Oklahoma, Tennessee, Arizona and Missouri) on behalf of a number of individuals.

The EU decided for the first time to submit "Amicus Curiae" briefs to the US Supreme Court in two separate cases: one involving someone who had been under the age of 18 when he committed his offence and suffering from mental retardation (Alexander Williams, in the State of Georgia) and one involving a mentally retarded person (Ernest McCarver in North Carolina). In June 2002, the Court dismissed the latter case because North Carolina passed a law prohibiting the use of the death penalty against people with mental retardation. In its decision the Court made reference to the amicus curiae submitted by the EU. The EU decided to submit the same brief on behalf of a similar case: Atkins in Virginia. The EU strongly welcomed the decision of the Georgia Board of Pardons and Parole, in February 2002, to grant Alexander Williams clemency: his death sentence was commuted to life imprisonment.

There have been a number of positive developments in the US, which will contribute to an increased observance of minimum standards by US states. Firstly, the US Supreme Court

ruled 6 –3 in June 2002 in *Atkins vs. Virginia*, where EU had submitted an Amicus Curiae brief in support of the defendant, that execution of mentally retarded persons constitutes “cruel and unusual punishment” and is therefore unconstitutional. The EU welcomes this ruling. (The US Supreme Court had previously ruled 5 – 4 in 1989 that execution of mentally retarded persons was not unconstitutional).

Secondly, in late June, the US Supreme Court ruled 7 –2 that a sentence passed by a judge violates a defendant’s constitutional right to a trial by jury, and that all death sentences should be passed by a jury in future. Following this ruling, five states (Arizona, Colorado, Idaho, Montana and Nebraska) will have to review their sentencing laws and other states will also be affected. The cases of up to 800 people on death row could be affected.

In addition, the Governor of the US state of Maryland declared a moratorium on executions in May 2002 until a state-funded study on capital punishment is completed in September. The two-year study aims to examine whether there is a racial bias in the application of the death penalty. The Maryland moratorium followed the declaration of a moratorium by Governor Ryan in Illinois in January 2000 following evidence that at least a dozen prisoners on death row had been wrongfully convicted. In April 2002, a study commissioned by Governor Ryan was published. It produced 85 recommendations. All Commission members agreed that the death penalty had been applied too often in Illinois since it was re-introduced in 1977, and that reforms were necessary. The EU hopes that the moratorium in Illinois will be extended with a view to the ultimate abolition of the death penalty.

Despite positive developments, the US continues to execute large numbers of people, including some who were under 18 at the time of their offence. Napoleon Beazley, aged 17 when he committed murder, was executed in May 2002, despite a protest by the EU in advance. Tracy Housel, a dual US/UK citizen, was executed in February 2002, despite an EU demarche issued in advance to the relevant authorities. The EU will continue to speak out against the death penalty in the US, especially in cases where minimum standards have not been observed.

The abolition of the death penalty is a political priority for the EU. The EU will continue to work tirelessly in promotion of worldwide abolition of the death penalty.

e) Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The right not to be subjected to torture is universally recognized and simple to implement. Yet torture remains widespread. The eradication of torture wherever it occurs is a priority concern of the European Union. The European Union calls upon all states to take decisive steps to prevent torture. A culture of impunity and indifference must not prevail.

In its action against torture the European Union is basing itself upon the Guidelines for a EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment adopted by the Council on 9 April 2001⁶⁸. During the period under review the CFSP Working Group on Human Rights, COHOM, has initiated the elaboration of an outline for the implementation of these guidelines.

At the 56th session of the UN General Assembly all EU Member States cosponsored the draft resolution on torture tabled by Denmark. The resolution, which was adopted by consensus, consolidated the main contents of the more comprehensive res. 2001/62 adopted by the UN Commission on Human Rights in 2001⁶⁹.

In the UN Commission on Human Rights the EU reaffirmed its most firm commitment in the fight against torture and stressed the obligation of all states to prevent acts of torture in all circumstances. The rights of victims of torture must be protected and promoted, and States must implement safeguards and procedures relating to places of detention in order to prevent torture. The EU urged all States to become parties to the UN Convention against Torture and to recognize the competence of the Committee against Torture to receive individual communications. Furthermore the EU fully supported the adoption of the proposal for an optional protocol to the convention providing for a preventive system of regular visits to places of detention proposed by the chairperson of the working group on the draft optional protocol at this session of the Commission on Human Rights.

All EU Member States co-sponsored the draft resolution on torture tabled by Denmark. The resolution was shorter and more focused than in previous years. The section underlining that torture is prohibited regardless of circumstances was strengthened and it was stated that

⁶⁸ *The Guidelines to EU Policy towards third Countries on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* are enclosed as Annex 14.

⁶⁹ See the European Union's Annual Report on Human Rights 2001 page 79.

threats of torture may as such amount to torture. Governments were called upon to take effective measures to prevent and prohibit the production, trade, export and use of equipment, which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment. After a series of open consultations the resolution was adopted by consensus.

The adoption of a draft optional protocol to the UN Convention on Torture was a particularly positive development at the 58th session of the Human Rights Commission. The EU has consistently supported the proposal to strengthen the prevention of torture by an international visiting mechanism under the convention the Convention against Torture. The protocol establishes a system of international and national visits by experts to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The draft protocol has been negotiated for 10 years in a working group under the commission, and it had become clear that consensus on the text was not within reach. The chairperson of the working group therefore presented a compromise text, which was presented in a draft resolution presented by Costa Rica. The resolution was met by a proposal for a no action motion by Cuba, which was defeated by 21 votes in favour, 28 against and 4 abstentions. The resolution, to which the draft optional protocol was annexed, was then adopted by 29 votes in favour, 10 against and 14 abstentions. The adoption needs to be endorsed before it can be opened for signature.

The EU lobbied actively for the adoption of the Protocol at the 58th session of the Human Rights Commission and at ECOSOC, including by means of démarches which were made in a number of countries. The EU will continue its efforts to mobilise support for adoption of the Protocol and hopes that this will take place at the 57th UN General Assembly.

The European Community provides substantial funding for rehabilitation centres for torture victims across the world. For the period 2002 and 2003, EUR 25 Million has been allocated to torture rehabilitation centres and the prevention of torture. A Call for Proposals to disburse these funds was launched in April 2002.

f) Election Observation and Assistance

Election support is an important element of the EU's overall contribution to democratisation and sustainable development in third countries, as pursued both through long-term

development assistance and the EU's political dialogue.

Support for election organisation and electoral observation has taken several different forms:

- deployment of EU Election Observation Missions (EUEOMs),
- provision of electoral material and other financial support to national electoral commissions and election administration bodies,
- provision of technical assistance to national electoral commissions and election administration bodies,
- support for electoral jurisdiction bodies,
- financing of training for electoral administration officers,
- financing of civic education either through the country's authorities or via civil society organisations,
- support for civil society organisations promoting democratic values, acting as “watchdog” during electoral processes and observing elections,
- supporting training courses for electoral observation and media monitoring,
- financing seminars and research on electoral issues,
- supporting actions aimed at promoting a common European approach to electoral observation,
- contributions to UN-managed trust funds in election support.

In 2000 and the first half of 2001, the Commission, the Council and the Parliament focussed their activities on drafting and adopting the basic documents defining EU policy in this field. During the following 12 months, the emphasis has been placed on programming, the deployment of EU Election Observation Missions (EUEOMs), election assistance projects, “horizontal” projects and co-operation with other organisations active in the election field.

In line with the Commission Communication on Election Assistance and Observation of April 2000, the 2002 Programming Document made a fundamental distinction between projects financed through development co-operation instruments and those financed through the

EIDHR. Election observation can only be funded through the EIDHR, while assistance to election administration and civil society should be financed through co-operation instruments and programmes, such as EDF, ALA, CARDS and TACIS. In terms of technical assistance, the EIDHR can support small projects implemented by NGOs.

g) Horizontal Projects

The Commission currently supports one horizontal project that aims at strengthening the election observation capacity both of EU and non-EU observers.

EU Election Observation Project

The period covered by this Annual Report saw the continuation of the EU Election Observation Project (EUEOP), with support from the Commission and SIDA (cf. www.eueop.org). Between September 2001 and March 2002, three training seminars for Short-Term Observers (STOs), Long-Term Observers (LTOs), LTO Co-ordinators and Logistics Advisers took place in Dublin, Pisa and Lisbon. Since the beginning of the programme in February 2001, altogether 225 election observers participated in these seminars. The production of a comprehensive observation handbook also forms part of the ongoing EUEOP. The handbook covers the entire election process and is intended not only for STOs and LTOs but also for logistics experts, legal experts, Heads of Missions and policy-makers. On 17 June 2002, a “Lessons Learnt” seminar for Chief Observers and their Deputies was held in Brussels.

Network of Europeans for Electoral and Democracy Support (NEEDS)

Building on these foundations, the Commission is planning to fund together with Finland the more ambitious Network of Europeans for Electoral and Democracy Support (NEEDS), which involves non-profit organisations throughout the EU, with election expertise and a demonstrated commitment to EU observation methodology. The project activities are to be conducted throughout EU Member States and other countries throughout the world. A pilot network of five initial project partners will later be expanded to other relevant institutions from EU Member States. The project partners will design modules and organise training courses for STOs, LTOs and Core Team Members in order to create a reserve of skilled personnel ready for deployment at short notice. The Core Team course module will include media monitoring, legislative analysis, monitoring election administration and systems,

logistics and LTO co-ordination, human rights standards, as well as monitoring access to the ballot for minorities and women. It is intended to extend the training programme to domestic observer groups and regional organisations in non-EU countries.

h) Election Observation Missions

Between 1 July 2001 and 30 June 2002, the Commission deployed ten Election Observation Missions, four of these to Africa, five to Asia and one to Latin America. A total of EUR 8,703,000 under the EIDHR was allocated to these projects.

In East Timor, the Constituent Assembly Election on 30 August 2001 was universally recognised as an important step on the nation's path to independent statehood. An EUEOM with a core team of six, 26 Short-Term Observers (STOs) and a total budget of EUR 640,000 was deployed. Leaving aside delays in opening many polling stations, the Chief Observer, Mr. Wolfgang Kreissl-Doerfler MEP, noted no serious shortcomings in his preliminary statement in relation to the conduct of the elections. He commended the high turnout, the exceptional patience of the voters and the generally calm atmosphere of the poll.

For the observation of the Nicaraguan Parliamentary election 4 November 2001, the Commission allocated EUR 1 million for a 140-strong EOM. In his Final Report, the Chief Observer, Jannis Sakellariou MEP, concluded that the elections "took place timely and peacefully, and that candidates without major complaints accepted the results". On a more critical note, he noted "incidents of polarization" in the pre-election phase, as well as "external interference, and destabilization by the President of the Republic". The latter charge referred to an attempt to pass a bill of law against freedom of the press and threats to declare a state of emergency in the aftermath of the elections - which would have resulted in a constitutional crisis.

A 48-strong mission that included 12 LTOs and 30 STOs observed the Sri Lankan Parliamentary Elections on 5 December 2001. EUR 552,000 had been allocated to this observation. In his Preliminary Report, Chief Observer John Cushnahan MEP, concluded that the "overall result reasonably reflected the political intentions of the Sri Lankan people who demonstrated their own commitment to the democratic process by turning out in such high numbers". Mr. Cushnahan called on the Sri Lankan Police to investigate thoroughly and

impartially the incidents of violence that had led to 43 casualties, including 17 on polling day.

In Bangladesh, the Commission deployed 62 observers for the General Elections on 1 October 2001, at a total cost of EUR 876,000. The mission comprised 24 LTOs, 18 STOs and 20 additional LTOs supported directly by EU Member States. In his preliminary statement, the Chief Observer, Joaquim Miranda MEP noted that the election authorities were “generally carrying out their task in a fair way”, that the freedom of movement and speech was guaranteed in most monitored districts and voter/civic education had taken place. Mr. Miranda criticised political violence during an election campaign that saw several candidates being smeared. He also noted flaws in the electoral regulations and a lack of information about the postal ballot system.

In Zambia, the Presidential, Parliamentary and Local elections on 27 December 2001 had been observed by an EOM that comprised four Core Team members, 16 LTOs and 86 STOs. The Commission allocated EUR 571,000 from the EIDHR and EUR 800,000 from the 8th EDF. (The total commitment under the 8th EDF amounted to 6.6 million, *cf. infra*). In his Final Statement, the Chief Observer, Michael Meadowcroft, noted serious flaws in the counting and tabulation procedures, which cast doubts over the close outcome of the poll. Mr. Meadowcroft urged the Zambian Electoral Commission to publish the voting figures from each polling station as an important contribution to transparency.

For the observation of the Cambodian Commune Elections on 3 February 2002, the Commission earmarked EUR 1,250,000. 30 LTOs and 60 STOs were deployed. In his Preliminary Statement, the Chief Observer, Carlos Costa Neves MEP concluded that the elections “mark progress for democracy in Cambodia but also raise concerns”. On the positive side, he praised the transparency of a well-administered polling process. Mr Costa Neves deplored, however, the deaths of some candidates and party activists during the pre-election period, intimidation of candidates and voters, inadequate enforcement of the rule of the law, restrictive interpretations of campaign regulations and inadequate and biased media coverage.

The EU decided to observe the Presidential Elections in Zimbabwe on 9 and 10 March 2002 with eight Core Team Members, 70 LTOs and 120 STOs from all 15 Member States. The planned operation also included support to SADC and ACP observers and was estimated to

cost two million Euro, of which EUR 1,306,000 had been earmarked for the EUEOM, EUR 418,000 for the SADC Parliamentary Forum and the rest for election assistance – *cf. infra*.

After 30 LTOs had arrived in Harare, the Chief Observer, Pierre Schori, was refused accreditation and was eventually expelled from the country. In the wake of his expulsion and increasing obstructions to the observation activities, the mission was withdrawn and after inconclusive discussions under Article 96 of the Cotonou Agreement, targeted sanctions were imposed on the Government of Zimbabwe. A Norwegian contingent, 35 SADC MPs, observers from the Commonwealth, South Africa and other countries as well as the Zimbabwean Election Support Network (ZESN) continued to observe the elections. (Eventually, the Commission spent EUR 400,000 on the EUEOM and EUR 725,000 on the SADC and ACP observer groups.)

The Presidential Elections in Congo Brazzaville 2002 saw 44 EU observers (six Core Team, 20 LTOs, 18 STOs) in the first round on 10 March 2002. This mission represented a commitment of EUR 996,000. The Chief Observer, Joaquim Miranda MEP, noted as positive the calm atmosphere during the election campaign and the poll. He regretted the withdrawal of two candidates and criticised inaccuracies in the voters' lists, delays in their publication, difficult access to legal texts and late changes to the polling procedures.

To the first Presidential Election in East Timor on 14 April 2002, the Commission sent 34 observers (four Core Team Members, four LTOs and 26 STOs). For this mission EUR 510,000 were committed. In his Preliminary Statement, the Chief Observer, John Bowis MEO, declared his "full confidence in the result" and praised the overall election process. For future elections, he recommended the use of an electoral register, more polling stations and a greater emphasis on developing domestic observer capacities.

For the Presidential and Parliamentary Elections in Sierra Leone on 14 May 2002, a Core Team of seven, 20 LTOs and 64 STOs were deployed, at the cost of EUR 1,558,000. The Chief Observer, Johann van Hecke MEP, concluded in his Preliminary Statement that the "peaceful 2002 elections mark a first step to return to democracy in Sierra Leone, but the peace and the democratic process remain fragile". The poll had been free of violence and had met with a high turnout. Tribal chiefs, on the other hand, had curtailed the election campaign, in remote areas. Mr. van Hecke also criticised inadequate voter education, a bias of public media in favour of the Government, as well as the disqualification of one vice-presidential

candidate and changes to the polling procedure on Election Day.

Over the period covered by this report, the Commission also undertook Exploratory Missions (ExMs) to Colombia, Papua New Guinea, Togo, Guinea Conakry, Pakistan and Ecuador. In the case of Colombia and Papua New Guinea, these did not result in Election Observation Missions, primarily due to security concerns. The Togolese Government postponed the elections. The ExM to Guinea Conakry concluded that the overall electoral context was not conducive to genuine elections. The Commission is currently planning to observe the forthcoming elections in Ecuador and Pakistan.

i) Election Assistance Projects

Election Assistance Projects funded through the EIDHR

Some of the above observation projects have been complemented by country-specific election assistance funded through the EIDHR, with a total amount of EUR 2,037,000.

In the run-up to the Constituent Assembly Elections in East Timor, the Commission allocated EUR 360,000 on civic and voter education in 2001.

In order to support the election process in Colombia, the Commission decided to fund an education and democratic awareness-raising project entitled “100 experiences of civic participation and follow-up of elections”. The aim of this project is to increase public involvement in the electoral process and to encourage the public to exercise democratic control over elected official in 100 municipalities located in 24 of the 32 provinces of Colombia. The project budget amounts to EUR 350,000.

The financial decision for the EUEOM to Zimbabwe allocated EUR 250,000 to the Zimbabwean Election Support Network (ZESN) for domestic observation.

In East Timor EUR 407,000 of observation and assistance funds from 2001, were re-allocated to support a multinational civic and voter education programme surrounding the Presidential elections on 14 April 2002.

The Commission is in the process of approving EUR 198,000 for a domestic election

observation project in Jamaica in autumn 2002.

A project for voter education as well as financial and media monitoring through domestic NGOs has been approved for the 2002 Parliamentary Elections in Pakistan. The project is worth EUR 472,000 and will be implemented by the South Asian Partnership Pakistan in co-operation with three other NGOs.

Election Assistance Projects funded through Geographical Co-operation Instruments:

For the assistance projects covered by geographic co-operation instruments, the Commission issued financial decisions worth EUR 15,674,000 in total. Two projects with an aggregate value of EUR 3,619,000 were subsequently suspended (*cf. infra*).

Under the second tranche of 2001 Kosovo programme, EUR 2.5 million in EC funds have been committed to election assistance in Kosovo. The Commission signed a grant agreement for this amount with the OSCE to support the general election for the Kosovo Assembly in November 2001. Activities included civic awareness and media capacity-building initiatives. The grant agreement will also include support for the forthcoming local municipal elections scheduled for October 2002. The OSCE supported activities have a strong focus on the participation of minorities and physically disabled persons.

In connection with the EOM to Bangladesh in October 2001, the Commission supported a well-established domestic monitoring organisation, the "Fair Election Monitoring Alliance" (FEMA). Over a period of two months, one media expert and one election expert advised this NGO on methodological aspects of its work.

For the General Elections in Zambia on 27 December 2001, the Commission allocated EUR 5.8 million from the 8th EDF to election assistance projects. Of this sum, EUR 292,000 was spent on civil society projects, implemented by NGOs, and the rest on the election administration as well as on support to the Election Commission.

In Cambodia, the Commission spent EUR 3,316,000 supporting in providing technical expertise and material assistance to the election authorities.

In Congo Brazzaville, the Commission spent EUR 555,000 on legal, electoral and

demographic expertise to assist with the democratic process in the run-up to the Referendum as well as the Presidential and Parliamentary Elections.

The Commission had planned to support the work of the Independent National Election Commission in Togo with EUR 1,620,000 in 2001. The programme was suspended, when unilateral changes to the electoral framework put into question the political agreement that the opposition be represented on election management bodies.

In the Solomon Islands, the Commission supported the preparations of the 2001 General Elections with EUR 1,278,000 from the National Indicate Programme of the 8th EDF.

In Lesotho, the Commission allocated EUR 2,039,000 from the EDF to the development of an independent electoral commission and the establishment of a national election result centre.

The election authorities in Sierra Leone received financial assistance amounting to \$ 1,999,000 in 2001.

Plans to support the preparation of the 2002 Parliamentary Elections and a democratic governance project in Chad with EUR 1,990,000 were suspended, as the authorities had not shown sufficient willingness to create the necessary conditions for EC support to the election process.

The 2002 EDF budget allocates EUR 75,000 in electoral support to Vanuatu.

j) Co-operation with Other Organisations Active in the Election Field:

On 22 and 23 November, the Commission took part in the conference on “Election Observation and the Commonwealth” organised by the Institute of the Commonwealth Studies in London. The participants identified a need for greater co-ordination between international observation bodies, training of international observers, support to domestic observer groups, uniform regional election standards and benchmarks for the allocation of election assistance. The conference also discussed the 2002 Presidential Elections in Zimbabwe.

The Commission also participated in a round table meeting on “Ensuring the Integrity of International Election Monitoring through Mutually Recognised Standards and Methodologies”. The meeting had been convened by the UN Election Assistance Division (EAD) in Washington on 25 February 2002, with the support of the National Democratic Institute. The participants of the meeting agreed that they would benefit from guidelines for common methodological standards in order to standardise the international approach to election observation.

From 4 to 8 March 2002, the Spanish Ministry of the Interior hosted the first Conference of EU Electoral Management Bodies in Majorca. Alongside several national election management bodies, as well as NGOs and IGOs active in elections, the Commission attended and gave two presentations, one on elections to the European Parliament, the other on EU election observation and assistance in third countries. While this first conference did not reach a consensus on the creation of a European Association of Election Management Bodies, it recommended that a small task force prepare a follow-up conference, propose statutes for this association and work on other election-related projects.

3.4.3. Economic, Social and Cultural Rights

Economic, social and cultural rights and civil and political rights are universal, indivisible, interrelated and interdependent, as confirmed by the Vienna World Conference on Human Rights. The realisation of economic, social and cultural rights contributes to the effective enjoyment of civil and political rights. In the same way, respect for civil and political rights is instrumental in the implementation of economic, social and cultural rights. Both categories of

rights stem from the inherent dignity of human beings. This equal dignity of all human beings is attached to the principle of non-discrimination, in the acknowledgement and realisation of their inherent rights. As states are parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Right, they have the legal obligation to respect and promote all human rights. The EU encourages States that have not yet signed or ratified said instruments to do so without delay.

The States Parties to both International Covenants have committed themselves to adopt the necessary measures to eliminate all forms of discrimination with regard to the full enjoyment of human rights. However, the EU must take note of the unequal realisation of economic, social and cultural rights in the world, which more particularly affects persons belonging to certain sectors and disadvantaged groups of the population. Indigenous communities and other minority groups, women and children continue to be insufficiently protected. Women continue to suffer discrimination in the enjoyment of most if not all human rights. Furthermore, discrimination against children is still prevalent around the world and affects their enjoyment of all rights, including economic, social and cultural rights.

As established in the United Nations Millennium Declaration, and in accordance with the goals set for the first Decade of the United Nations for the Eradication of Poverty (1997 to 2006), the EU expresses its willingness to contribute, for the year 2015, towards eradicating the situations of extreme poverty in which an excessive number of persons still live.

The Union appreciates proposals that have been made to elaborate an Optional Protocol to the Covenant providing for a complaint mechanism allowing for individual complaints. The EU is of the opinion that if such a mechanism is to be established, it must be provided with a legal framework, including ‘progressive implementation’ of these rights, and adequate procedures set up in advance to best ensure efficiency and to avoid overlap with existing complaint mechanisms. The EU believes that it is important to continue the discussion and to explore all possible ways of progress. In this regard, the EU notes the work carried out by the Independent Expert, Mr. Hatem Kotrane, entrusted with studying the issue of a draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The European Union welcomes the resolutions adopted in the Commission on Human Rights related to economic, social and cultural rights, several of which originated from initiatives of

Member States. On Portugal's initiative, the Commission decided to renew the mandate of the Independent Expert, Mr. Hatem Kotrane. On France's initiative, the Commission decided also to renew the mandate of the Independent Expert on extreme poverty for two years. Likewise, resolutions on the right to education (Portugal), and on adequate housing as a component to the right to an adequate standard of living (Germany) were adopted by consensus. The EU welcomes that a new resolution was initiated by Brasil on 'The right of everyone to the enjoyment of the highest attainable standard of physical and mental health', which established a mandate for a Special Rapporteur.

The Committee on Economic, Social and Cultural Rights has played an important role in assisting Governments in the implementation of their obligations under the Covenant. In order to achieve this goal, the EU sees the need to closely link the internationally recognised norms on economic, social and cultural rights and the work of UN specialised agencies, international financial institutions and UN Funds and Programmes in this field. Accordingly, it fully supports the Secretary General's efforts to integrate human rights, and particularly economic, social and cultural rights, within the system of the United Nations.

The EU underlines the relevance of the recent International Conference on Financing for Development, held in Monterrey 18 – 22 March 2002. In this sense, the EU welcomes the "World Food Summit: Five Years Later", held in Rome between the 10 and 13 June 2002. Furthermore, the EU is confident that the revision of the World Summit on Sustainable Development, ten years after Rio, in Johannesburg between 26 August and 4 September 2002, will supply the necessary framework to further the consideration of and action on these rights, which are an essential component for any determined programme for sustainable development.

3.4.4. The Right to Development

The EU continues to attach great importance to the concept of the right to development and actively participates in the process of elaborating a consensus around this right and its content. It is the primary responsibility of states to create national conditions conducive to the fulfilment of this right. The right to development is inextricably linked to civil and political rights and economic, social and cultural rights.

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

Despite efforts from the EU and other Western states such as Japan, United States, Canada, Australia and New Zealand to reach a consensual agreement, the resolution on the right to development in the 56th session of the General Assembly was voted upon. The EU abstained as a whole.

The EU has been seriously engaged and has actively participated in the deliberations of the open-ended Working Group on the Right to Development, which met for a two-weeks-session in March 2002. For the first time it was possible to reach a consensus in the working group on its findings and recommendations to the Commission on Human Rights. The EU therefore regrets that the sponsors of the resolution in the 58th session of the Commission on Human Rights chose to disregard this consensus, the spirit and the letter of the working group's conclusions, which should have paved the way for the concrete implementation of the right to development. The disrespect for the delicate balance that was struck in the Working Group resulted in the EU calling for a vote in the Commission and the Union as a whole, as well as associated countries, abstained when the resolution was adopted.

The EU welcomes the continued efforts by the Office of the High Commissioner for Human Rights to integrate human rights into the development process by developing a conceptual as well as an operational framework to bridge the gap between human rights and development within the United Nations Development Group. The Office is actively engaged in promoting the inclusion of human rights into the Common Country Assessment, the UN Development Assistance Framework I. The EU also welcomes the deepening dialogue between the High Commissioner for Human Rights and the World Bank on Human Rights and poverty reduction strategies at the country level and in the Comprehensive development framework.

3.4.5. Rights of the Child

a) 56th Session of the UN General Assembly

The EU, as before, presented a draft resolution on the Rights of the Child for the Third Committee of the General Assembly in co-operation with the Latin American and Caribbean Group (GRULAC). In view of the fact that UNGA Special Session on Children was postponed due to the tragic events of 11 September, the main sponsors of the resolution chose to present a short procedural text rather than the traditional resolution. The resolution which was adopted by consensus, welcomes that several states had ratified the two Optional Protocols to the Convention on the Rights of the Child (the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflicts) which enabled the subsequent entry into force of these instruments (the Optional Protocol on the sale of children, child prostitution and child pornography entered into force on 18 January 2002; the Optional Protocol on the involvement of children in armed conflicts entered into force on 12 February 2002). The latter required ratifications were deposited during the deliberations on the resolution in the Third Committee.

The resolution also requests the Secretary-General of the UN to conduct a study on the issue of violence against children. This request initially met with strong opposition from states that wished to await the outcome of the UNGA Special Session on Children before agreeing to the any new initiatives with regard to the rights of the child. The request was finally approved by all states after an amendment, which stated that the outcome of the Special Session would be taken into account in preparation of the study.

b) 58th Session of the Commission on Human Rights

At the 58th session of the CHR, it was GRULAC's turn to present, together with the EU, the resolution on the Rights of the Child. The EU had originally suggested a short procedural text along the lines of the resolution on the subject adopted by the General Assembly in the autumn of 2001. The reason for this request was the upcoming UNGA Special Session on Children. This request did not meet with the approval of GRULAC, which insisted on a traditional resolution covering all aspects of the rights of the child.

After agreeing to negotiate a full-fledged resolution on the rights of the child, the primary objective of the EU was to avoid undermining the negotiating positions at the Special Session. As in previous years the negotiations at the CHR were strongly influenced by the political views and goals of the different states. The bulk of the negotiations focused on the role of the Convention on the Rights of the Child, health issues and the imposition of capital punishment for crimes committed by persons below the age of eighteen. Also the issues of violence against children and the impact of sanctions required a substantial amount of time and negotiating efforts before consensus could be reached.

Progress was made on the issue of death penalty imposed for crimes committed by children. For the first time the resolution calls upon states to abolish by law, as soon as possible, the death penalty for those aged under eighteen at the time of the commission of the offence. The resolution follows up on the request to the UN Secretary-General to conduct a study on the issue of violence against children contained in the latest GA resolution on the rights of the child by suggesting that the UN Secretary-General appoint an independent expert to direct the study.

The resolution does not contain references to certain health related issues such as sexual and reproductive health care services. These issues were omitted only because negotiations on them were conducted before the Special Session. The omission does not imply any change in the EU's position. These issues remain of the utmost importance to the EU. This was made very clear in EU's general comment before the adoption of the resolution by the CHR.

3.4.6. Human Rights and Women

The recognition of the human rights of women and of the principles of non-discrimination and equality have made strident progress since the UN Charter and the Universal Declaration of Human Rights established these principles more than half a century ago. With the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 and ratified by 169 states as of mid-2002, the international community has given itself a binding legal instrument, which explicitly aims at the recognition and protection of the human

rights of women. The Beijing Platform for Action (1995) together with the documents adopted at the 23rd UN Special Session of the General Assembly on "Women 2000: Gender Equality, Development and Peace for the 21st Century" (June 2000) formulated concrete goals and obligations for states to consolidate and guarantee the fulfilment of these rights. The Optional Protocol to CEDAW has been in force since 22 December 2000 and ratified by 38 states as of mid-2002. The Optional Protocol envisages increased protection of the human rights of women by establishing an individual complaints procedure and an inquiry procedure analogous to other international and regional human rights instruments.

In relation to negotiations of resolutions on human rights of women, especially those elaborated within the framework of the Commission on the Status of Women, a tendency of reticence has developed with regard to mentioning of CEDAW.

However, despite the progress achieved in the legal field, there are still many women and girls who do not benefit of this development and who do not enjoy their human rights and fundamental freedoms on an equal basis with men and boys. To counter this, the relevant periodical UN fora serve to reaffirm these rights, calling upon all relevant actors to combat discrimination and all forms of violence against women and to ensure full and equal participation of women in all areas of society. In line with international human rights standards and based on the ethical and constitutional principles common to all EU member states, the EU has called on governments to commit themselves to the resolutions and decisions of these UN fora and to apply legislation, measures and programmes aiming at the full enjoyment of the human rights and fundamental freedoms of women on an equal footing with men. With a view to the universality of the human rights of women, the EU has persistently called on states that have not yet done so to ratify the relevant human rights instruments and to withdraw reservations to these instruments whenever possible.

a) 56th Session of the UN General Assembly

The third Committee of the UN General Assembly (UNGA), at its 56th session, dealt with nine resolutions on women's rights and women's issues under agenda items 112 and 113, all of which were adopted by consensus⁷⁰. Two of these resolutions were sponsored by EU

⁷⁰ Resolutions under agenda items 112, Advancement of Women, and item 113, Implementation of the Outcome of the 4th World Conference on Women can be downloaded from the home page of the United Nations: www.un.org.

Member States: the resolution on Traditional or customary practices affecting the health of women and girls, initiated by the Netherlands and co-sponsored by 126 states; and the resolution on CEDAW, initiated by Finland. These as well as two other resolutions under agenda item 112 were co-sponsored by all EU member states.

Relevant progress could be made in several areas. The resolution under agenda item 113, "Implementation of the outcome of the 4th World Conference on Women and of the 23rd Special Session of the General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the 21st Century" contains a reference to the seminal Security Council resolution 1325 on the role of women in conflict and conflict prevention. The concept of gender mainstreaming could be reinforced in several resolutions, and the resolution on CEDAW improved the working conditions of the CEDAW Committee by allowing an extra working period to deal with the increasing workload of the Committee. Also, the biannual resolution on "Traditional or Customary Practices Affecting the Health of Women and Girls" contains stronger human rights language by, inter alia, insertion of a paragraph connecting the vulnerability of women and girls to HIV/AIDS with harmful customary and traditional practices.

b) 46th Session of the Commission on the Status of Women

The 46th Commission on the Status of Women (CSW) dealt with two agreed conclusions, which included, among others, human rights aspects. In the agreed conclusion on "Environmental management and the mitigation of natural disasters: a gender perspective" some paragraphs on human rights that the EU had propagated were integrated in the text, such as the equal access to resources, in particular to land and property. On the other hand, the EU proposal to mention property rights as indicators for political and social empowerment of women in the agreed conclusion on "Eradicating poverty, including through the empowerment of women throughout their life cycle in a globalising world" was not accepted by some other UN member states.

The EU particularly defended the current communication procedure between the Commission on Human Rights and the CSW concerning communications on discrimination against women⁷¹. For the EU, the mandate of the CSW to determine trends or patterns of discrimination against women is a crucial instrument to face discrimination. The CSW

adopted a decision, which takes into consideration the EU objective to make the procedure more transparent.

In this first session of the commission after the end of the Taliban regime in Afghanistan, all EU partners co-sponsored a resolution proposed by the US on the situation of women and girls in Afghanistan. By this resolution, the Afghan Interim Authority as well as the Afghan Transitory Authority were urged to fully respect human rights of women and girls. Donors were invited to support the new Afghan authorities in their efforts to strengthen the status of women.

c) 58th Session of the Commission on Human Rights

The 58th session of the Commission on Human Rights (CHR), held in Geneva 18 March - 26 April 2002, dealt with three resolutions on women's rights under agenda item 12, "Integration of the Human Rights of Women and the Gender Perspective":

- "Integrating the human rights of women throughout the United Nations system", sponsored by Chile (2002/50) and co-sponsored by all EU member states⁷²,
- "Traffic in Women and Girls", sponsored by the Philippines (2002/51) and co-sponsored by more than 90 states,
- "Elimination of Violence against Women", sponsored by Canada (2002/52) and co-sponsored by all EU member states.

In addition to these resolutions under item 12, the 58th CHR adopted two other resolutions dealing explicitly with women's rights: under agenda item 10, "Economic, Social and Cultural Rights", Mexico initiated a resolution entitled "Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing" (2002/49); and under agenda item 14, "Vulnerable groups and individuals", the Philippines sponsored a resolution entitled "Violence against women migrant workers" (2002/58).

Of these resolutions, all of which were adopted by consensus, the Canadian resolution on

⁷¹ See the section below in regard to the 58th session of the Commission on Human Rights and the 1503 procedure.

⁷² All resolutions are available at www.unhchr.ch.

violence against women in particular demonstrated deep divisions between CHR members on issues such as sexual orientation, cultural practices such as early marriages, practices restricting women's mobility and domestic violence. While the consensus that was eventually achieved reflects the compromises negotiated between CHR members, the EU succeeded in making substantial additions over last year's text. However, the negotiations showed that significant efforts will be necessary to broaden the consensus on these issues and strengthen the protection of the rights of women that are vulnerable to the practices and manifestations of violence mentioned above.

In a development regretted by the EU, the Commission decided to discontinue the practice to forward selected communications according to the "1503 procedure" established by the ECOSOC to the Commission on the Status of Women, following a resolution sponsored by Saudi Arabia. The resolution was adopted with 28 votes in favour against 25 no-votes. ECOSOC, however, in its substantive session in July 2002, overruled this decision after an EU Member State had called for a vote on the CHR decision. As a result of this vote, communications concerning widespread and systematic violations of women's rights will continue to be forwarded to the Division for the Advancement of Women for consideration by the Commission on the Status of Women at the ECOSOC functional commission for women's issues.

In a speech delivered by the Presidency under agenda item 12 on behalf of the EU and a number of associated countries, the EU highlighted the issues that it considers of particular importance: discrimination against women, violence against women and girls including domestic violence, harmful traditional or customary practices, trafficking in women and girls, the situation of women in armed conflicts, women and poverty, education and health care for girls and women and full participation and representation of women in decision making processes both in public and private life. In this context, the EU reiterated its full commitment to the Declaration and Platform of Action of the 4th World Conference on Women held in Beijing in 1995 and the 23rd Special Session of the General Assembly "Women 2000" held in New York in June 2000⁷³.

While no new resolutions on women's rights were initiated in 2002, the process of mainstreaming women's issues throughout the resolutions and decisions of the Commission

continued. As a result, the observance of women's issues and rights is now firmly established in the overall work and output of the Commission.

3.4.7. Racism, Xenophobia, Non-Discrimination and Respect for Diversity

L'UE est convaincue que, comme le stipule la Déclaration universelle des droits de l'homme, les êtres humains, qui forment une seule famille, naissent libres et égaux en dignité et en droit. La lutte contre le racisme et la discrimination représente par conséquent une des priorités de l'UE dans le cadre de sa Politique extérieure et de sécurité commune. En effet, l'UE s'efforçant d'intégrer la lutte contre le racisme dans toutes ses politiques, cela s'applique également à la PESC. Cela concerne notamment le processus d'élargissement où l'accent est mis sur l'importance de mener des politiques luttant contre le racisme et protégeant les minorités dans les pays candidats. Cela concerne également l'aide au développement ou encore des questions relatives à la coopération policière et judiciaire dans le domaine criminel. Car l'UE est persuadée que la lutte contre le racisme et la discrimination raciale est de la responsabilité et du devoir de tous les membres de la Communauté internationale.

Dans le cadre de l'Initiative européenne pour la démocratie et les droits de l'homme, l'UE finance de nombreux projets pour lesquels des priorités thématiques ont été établies. Le programme pour 2002-2004 en a identifié quatre parmi lesquelles figure la lutte contre le racisme, la xénophobie et la discrimination à l'égard des minorités et des populations autochtones. De nombreux projets sont financés par cette initiative.

In the conclusions and plan of action adopted by the Extraordinary European Council meeting held on 21 September 2001 to analyse the international situation following the terrorist attacks of 11 September, the EU appealed to the international community to pursue, in all multilateral fora, dialogue and negotiation with a view to building, at home and elsewhere, a world of peace, the rule of law and tolerance, and emphasised the need to combat any nationalist, racist and xenophobic drift.

⁷³ See the European Unions Annual Report on Human Rights of 2001.

a) Nations Unies

La Conférence mondiale contre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée qui a eu lieu en Afrique du Sud en septembre 2001 constitue un événement international majeur en matière de lutte contre le racisme. Lors de cette Conférence, l'UE s'est exprimée d'une seule voix sur la scène internationale sur un thème difficile mais essentiel pour le respect de la dignité humaine. Cette Conférence fait l'objet d'un chapitre séparé (voir 3.3.1.C).

De manière ferme et constante, l'UE soutient le rôle central que jouent les Nations Unies dans la lutte contre le racisme. A cet égard, la Convention internationale sur l'élimination de toutes les formes de discrimination raciale occupe une place importante dans l'édifice des Nations Unies. Dans ses discours devant les instances des Nations Unies, que ce soit à l'Assemblée générale ou à la Commission des droits de l'homme, l'UE a à nouveau plaidé pour la ratification universelle de cet instrument. Elle s'est d'ailleurs félicitée du fait que la Conférence contre le racisme ait fixé la date de 2005 pour cette ratification universelle. En outre, l'UE a appelé tous les Etats à coopérer avec le Comité chargé de surveiller la mise en oeuvre de cette Convention.

L'UE soutient également les efforts entrepris par le Haut Commissariat des Nations Unies aux droits de l'homme dans la lutte contre le racisme et la discrimination. Cette année, cela s'est particulièrement traduit par un soutien à l'établissement de l'unité anti-discrimination au sein du Haut Commissariat. Cette unité aura pour tâche de combattre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée et de promouvoir l'égalité et la non-discrimination. Ce développement s'inscrit dans le suivi de la Conférence mondiale. Dans les débats budgétaires sur le financement du suivi de la Conférence mondiale contre le racisme qui ont eu lieu en mars/avril 2002, l'UE a soutenu les projets mettant en oeuvre les dispositions de Durban, dont la création de cette unité.

Lors de la reprise de la 56ème session de l'Assemblée générale des Nations Unies qui a eu lieu en février 2002, l'UE a prononcé un discours sur l'élimination du racisme et de la discrimination raciale dans lequel elle s'est félicitée du résultat de la Conférence mondiale. Les textes adoptés sont l'expression d'une forte et véritable volonté politique de mettre fin au racisme. Elle a également rappelé qu'il est de la responsabilité des Etats de prendre toutes les mesures appropriées en vue de prévenir et d'éliminer le racisme. Elle s'est dite convaincue

que le respect du principe de non-discrimination est essentiel à la dignité humaine.

Durant cette session, trois résolutions ont été adoptées: Troisième Décennie pour combattre le racisme et la discrimination raciale, Mesures pour combattre les formes contemporaines de racisme, de discrimination raciale, de xénophobie et d'intolérance qui y est associée, Mise en oeuvre complète et suivi de la Conférence mondiale contre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée. Ces textes ont été introduits par le G77 et ont été co-parrainés par l'UE. Les Etats membres de l'UE ont souhaité s'associer aux auteurs de ces textes afin de démontrer leur engagement dans la lutte contre le racisme et leur soutien au suivi de la Conférence mondiale tel qu'il a été agréé à Durban.

Lors de la 58ème session de la CDH, une résolution sur le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée a été adoptée. Malheureusement, pour l'UE, ce texte ne respecte ni le consensus de Durban, ni l'accord général de l'Assemblée générale obtenu quelques semaines plus tôt. Or pour l'UE, il est de la plus grande importance de développer une approche consensuelle dans la mise en oeuvre des engagements souscrits à Durban.

L'Union est d'avis qu'à Durban, un compromis a été trouvé sur un nombre important de sujets dont elle attend la mise en oeuvre. Elle continuera à soutenir cette mise en oeuvre telle qu'elle a été agréée en Afrique du Sud. L'UE s'est déclarée prête à traduire Durban en réalité et à coopérer avec toutes les délégations en ce sens ainsi que pour combattre le racisme. Elle espère des discussions constructives sur le sujet dans le futur.

L'UE a également regretté que ce texte n'aborde pas en substance la lutte contre le racisme et a rappelé son engagement à éliminer ce fléau.

b) Organisations Regionales

Consciente du rôle primordial des organisations régionales dans la lutte contre le racisme, rôle que la Conférence mondiale a d'ailleurs mis en exergue et encouragé, l'UE s'est considérablement investie dans la promotion et le soutien des travaux réalisés au sein du Conseil de l'Europe et de l'Organisation pour la Sécurité et la Coopération en Europe (OSCE). Ils constituent un complément indispensable aux actions entreprises sur le plan

international par les Nations Unies.

c) Dans le cadre du Conseil de l'Europe

Le Conseil de l'Europe a mis sur pied tout un éventail de moyens pour lutter contre le racisme. Parmi ceux-ci, la Commission européenne contre le racisme et l'intolérance (ECRI) tient une place prépondérante. Ce mécanisme a pour tâche de combattre le racisme et la xénophobie, l'antisémitisme et l'intolérance au niveau de la grande Europe et sous l'angle de la protection des droits de l'homme. Afin de renforcer l'indépendance de ce mécanisme et de renforcer son champ d'investigation, le Conseil des Ministres a adopté le 13 juin 2002 une résolution sur l'ECRI, à la rédaction de laquelle les pays membres de l'UE ont pris une part active. Dans le cadre de son approche pays-par-pays, l'ECRI examine de près la situation dans chacun des Etats membres du Conseil de l'Europe et formule, suite à ses analyses, des suggestions et propositions pour le traitement des problèmes identifiés en ce qui concerne le racisme et l'intolérance existant dans les pays en question. Le deuxième volet du programme de l'ECRI est consacré à ses travaux sur des thèmes généraux revêtant une importance particulière pour la lutte contre le racisme, la xénophobie, l'antisémitisme et l'intolérance ainsi que des activités spécifiques axées sur ces sujets.

Dans le cadre du suivi de la Conférence mondiale contre le racisme et de la Conférence européenne qui l'a précédée, le Conseil de l'Europe a organisé en février 2002 une réunion ad hoc réunissant des experts dans un but d'échanges de vues sur la mise en oeuvre des conclusions de ces deux Conférences. L'accent a été mis sur la nécessité d'une mise en oeuvre concrète des dispositions de la Conférence de Durban. Des échanges de vues ont permis de faire un état des lieux des divers plans d'actions nationaux mis ou à mettre en place. Une compilation de ces plans sera élaborée par le Secrétariat. Le Conseil de l'Europe veillera également à intégrer les résultats des deux Conférences dans tous les secteurs de l'organisation.

d) Dans le cadre de l'OSCE

L'OSCE, et plus particulièrement le Bureau pour les institutions démocratiques et les droits de l'homme (BIDDH) organise plusieurs activités dans le domaine de la lutte contre le racisme, la non-discrimination et le respect de la diversité que l'UE soutient. Elle est particulièrement engagée dans les efforts de l'OSCE pour prévenir des conflits violents par la promotion des

relations inter-ethniques et de la tolérance, notamment par la mise en oeuvre de projets en faveur des populations Roma et Sinti dont certaines reçoivent un soutien financier de l'UE. L'UE appuie la décision prise par le Conseil ministériel de Bucarest (décembre 2001) d'élaborer un plan d'action détaillé à l'égard des Roms et des Sintis. L'UE a également participé activement à la Conférence sur l'égalité des chances pour les Roms et les Sintis qui a été organisée du 10 au 13 septembre 2001.

Dans le cadre de la prévention et de la lutte contre le terrorisme, une partie importante a été réservée à la promotion des droits humains, de la tolérance et du multiculturalisme. Dans ce cadre, le BIDDH a élaboré une série de projets portant sur la promotion de la tolérance, dont une conférence régionale sur la religion et la liberté de religion en Asie centrale en janvier 2002 que l'UE a saluée.

3.4.8. Persons Belonging to Minorities

The EU is committed to respecting the rights of persons belonging to minorities as part of universally recognised human rights, as laid down in the Universal Declaration on Human Rights and its complementary International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. The Union's activities are also based on the main international and regional instruments for the protection of human rights, including the European Convention on Human Rights. It should be recalled that the EC treaty now provides for appropriate action to be taken to combat discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation. Furthermore, the EU Charter on Fundamental Rights lays down the equality before the law of all people (Article 20), prohibits discrimination on any ground (article 21), and requests the Union to protect cultural, religious and linguistic diversity.

The EU's actions in the field of external relations are guided by the rights and principles contained in the Charter. The Copenhagen Criteria designed in 1993 for countries wishing to join the EU specifically highlighted the protection of minorities. They state that 'membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities'. Considerable support is extended to the improvement of the situation of the Roma population in candidate

countries of Central and Eastern Europe through the EC Phare programme. Furthermore, combating racism and xenophobia, as well as discrimination against ethnic minorities and indigenous peoples, is one of the key thematic priorities for the European Initiative for Democracy and Human Rights (EIDHR) in the period 2002 to 2004.

The EU continues to support the work of the **OSCE** and ODIHR to prevent violent conflicts by promoting inter-ethnic relations and tolerance. It commends the efforts undertaken by the OSCE High Commissioner on National Minorities (HCNM) to promote dialogue, confidence-building and co-operation on national minorities issues within the OSCE region.

The **Council of Europe** also plays an important role in promoting and protecting the rights of persons belonging to minorities. Ratification of the ECHR is a condition of membership of the Council of Europe. Under the Convention, States Parties guarantee basic civil and political rights in a State governed by the rule of law. These guarantees extend not only to their own citizens but also to persons “within their jurisdiction”. Besides the European Convention for the Protection of Human Rights and Fundamental Freedoms, other relevant instruments in this field include the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

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

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

At the Third Committee of the 56th session of the UN General Assembly, Austria introduced a resolution on the “Effective promotion of the Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities” which was co-sponsored by all EU Member States. The resolution, which was adopted by consensus, urges States “to take all

necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration”, and “to co-operate bilaterally and multilaterally to promote and protect the rights of persons belonging to national, ethnic, religious and linguistic minorities.” The resolution called for special attention to be paid to the rights of children belonging to minorities.

The Austrian sponsored resolution at the 58th session of the Commission on Human Rights entitled “Rights of persons belonging to national or ethnic, religious and linguistic minorities” was adopted by consensus. The resolution urged States and the international community to promote and protect the rights of persons belonging to minorities, including through adequate education, and to facilitate their participation in all aspects of the political, economic, social, religious and cultural life of society. As a new element the UN High Commissioner for Human Rights (UNHCHR) was requested to submit to the Commission at its fifty-ninth session a report containing an analysis of the information already provided in the reports of existing special procedures, human rights treaty monitoring bodies and the Working Group on Minorities on situations involving national or ethnic, religious and linguistic minorities, in particular with regards to conflict prevention.

3.4.9. Refugees and Internally Displaced Persons

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

In 2001, there were an estimated 12 million refugees worldwide who had fled their countries.

The number of those displaced within their own homeland (IDPs) has been estimated to be even twice as many. While the total number of displaced persons barely changed during 2001, the first half of 2002 saw a remarkable return of more than 1 million Afghans to their homes. The 1951 Geneva Refugee Convention and its 1967 Protocol provide a strong legal framework for those who fled abroad and cannot return due to well-founded fear of persecution. All EU Member States are among the over 140 countries, which have ratified these important instruments. For internally displaced persons, no comparable regime exists and the primary responsibility for their protection and assistance rests with their own governments. When these governments are unable or unwilling to adequately fulfil this duty, however, the international community should provide the necessary support.

A fundamental role for the protection of and assistance to refugees falls upon the UN High Commissioner for Refugees (UNHCR). In addition to refugees under the Geneva Convention, asylum seekers, returnees, and some internally displaced persons are also of UNHCR's concern. The EU has, in recent years, been collectively the largest donor to UNHCR, and supportive of the efforts initiated by the High Commissioner to review the optimum profile of the organisation based on its mandate and its funding base. While this prioritisation has helped sharpen the operational focus of UNHCR, the funding situation has remained precarious and the demands on UNHCR have continued to grow. In order to broaden support for the international framework of protection, and to explore the scope for enhancing protection through new approaches, the European Union was instrumental in launching the Global Consultations on International Protection in 2000.

The convergence of views deriving from this process will form the basis for an "Agenda for Protection", a framework and modus operandi for States, the UNHCR and NGOs in the coming years. The first step of this process was the Ministerial Meeting of State Parties to the 1951 Convention in December 2001. The European Union used this opportunity to reaffirm its commitment to this instrument and the 1967 Protocol as the cornerstone of any policy on refugees, and encouraged further accessions to these instruments and the withdrawal of reservations. This event was significant, not least in light of the recurring cycles of violence and systematic human rights violations in many parts of the world. The continuing relevance of this international regime of rights and principles was acknowledged, including at its core the principle of non-refoulement (i.e. people should not be forced to return to countries where they face persecution) whose applicability is embedded in customary international law.

Numerous international and non-governmental organisations undertake efforts to provide assistance and protection to the 20 to 25 million internally displaced persons worldwide. However, they do not, in all cases, have the necessary access to these populations. A central role of advocacy for this often neglected group is played by the Representative of the UN Secretary-General (RSG) for Internally Displaced Persons, Dr. Francis Deng. His mandate was established by the UN Commission on Human Rights in 1992 and since then, he has significantly contributed to the establishment of institutional and normative frameworks for IDPs.

In 1998, upon request of the Commission on Human Rights and the UN General Assembly, the Guiding Principles on Internal Displacement were compiled under his mandate, which describe the specific rights and needs of IDPs. These principles provide the major standard for governments, the UN system and regional organizations in dealing with situations involving IDPs. In 2000, an inter-agency Network was set up among relevant UN agencies. This was followed in 2002 by the establishment of an inter-agency Unit on Internal Displacement, which will focus on the coordination of assistance and protection activities in the field. The European Union and her Member States have from the very outset played a leading role in supporting the work of the RSG, the Guiding Principles and the new Unit.

During the 56th session of the United Nations General Assembly, the European Union contributed actively to the deliberations relating to refugees, returnees and displaced persons. The Belgian Presidency, on behalf of the Union, emphasized the particular importance the EU attaches to the provision of aid to persons displaced within their own countries. The EU, therefore, welcomed the fact that a unit was established within the Secretariat to cater to their specific needs. The EU Member States actively participated in and co-sponsored resolutions on the Office of the UN High Commissioner for Refugees, introduced by Finland, on Internally Displaced Persons and on the Assistance to refugees, returnees and displaced persons in Africa.

At the 58th session of the UN Commission on Human Rights, all EU Member States co-sponsored a resolution on Internally Displaced Persons, presented by Austria, which welcomed the normative and institutional developments since this Commission began addressing the issue 10 years before. In particular, it expressed appreciation of the Guiding Principles on Internal Displacement and the fact that an increasing number of States are

making use of them. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in South Africa in September 2001, the EU strongly advocated the inclusion of the particular protection needs of refugees and IDPs from racism and discrimination in the final document (Durban Declaration and Programme of Action).”

3.4.10. Human Rights Defenders

The EU attaches the utmost importance to the work performed all over the world by Human Rights Defenders, be they acting as individuals or as members of NGO's, democratic parties or trade unions. These courageous individuals, often at great personal risk, defend human rights, and provide information on human rights situations in their home countries or worldwide. They seek remedies for the victims and fight against impunity.

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

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

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

To this end, the Commission on Human Rights last year created the mandate of the Special Representative of the Secretary General, who shall report on the situation of Human Rights

Defenders all over the world and on possible means to enhance their protection. The mandate affords scope for a comprehensive approach towards the implementation of the rights recognised in the Human Rights Defenders Declaration.

At the 58th session of the CHR the EU welcomed the reports prepared by Ms Hina Jilani, the Special Representative of the Secretary General on human rights defenders, which reflect her concern about continuous violations of the human rights of these persons. The EU is particularly concerned about the situation of women human rights defenders and defenders exposed to particular risks. The EU pays special attention to the problems faced by defenders of individuals who are subject to discrimination due to their sexual orientation. The EU considers that the Special Representative should put emphasis on the follow-up to her recommendations/observations concerning particular cases/situations, as their implementation would be the best indication of progress towards the full realisation of the Declaration on Human Rights Defenders.

At the CHR, the EU called upon the Office of the High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all necessary means to enable her to discharge her mandate effectively.

Moreover the same all EU Member-States cosponsored a resolution, tabled by Norway and adopted without a vote, requesting all governments to take all necessary measures to ensure the protection of human rights defenders and urging them to assist, together with UN agencies and organisations, the Special Representative in the performance of her tasks and to provide upon request all information necessary for the fulfilment of her mandate. For their part, the “15” stand ready to do so.

Outside the UN System, the EU has supported Human Rights Defenders issues when dealt with in the framework of the Organisation for Security and Cooperation in Europe (OSCE). The Union participated actively in the Supplementary Human Dimension Meeting of the Organisation, held in Vienna on 22 – 23 October 2001 on the topic “Human Rights: Advocacy and Defenders”, in particular in the discussions on the protection of human rights advocates and defenders, which focussed on ways to ensure security for human rights defenders in times of war and armed conflict.

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

3.5. SITUATION OF HUMAN RIGHTS IN THE WORLD

EU Statements on the Situation of Human Rights in the World at UN General Assembly and the UN Commission on Human Rights

In the Third Committee of the 56th session of the UN General Assembly, the Belgian Presidency, presented a statement on the situation of human rights in the world under item 114 c) of the agenda. It focused on the assessment of the evolution of the situation of human rights in many countries of the world, noting progress achieved, setbacks or unchanged situations.

At the 58th session of the Commission on Human Rights, the Spanish Presidency, on behalf of the EU, presented a somewhat differently structured statement under agenda item 9, which outlined the main aspects of the EU's human rights policy and addressed situations where violations of human rights remain a cause of deep concern for the EU.

Africa

Both at the Third Committee of the 56th session of the UN General Assembly and at the 58th session of the Commission on Human Rights, the EU introduced country resolutions on the human rights situation in the Democratic Republic of Congo and in Sudan, taking into account the reports submitted by special procedures.

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

the conditions for the deployment of the Mission of the UN and to promote the necessary reforms in order to implement fully its commitment to democratisation.

At the CHR, the resolution was adopted without a vote following a constructive dialogue with the DRC and other African Group countries. The resolution renewed the mandate of the Special Rapporteur, welcomed the positive developments in the country, and addressed areas of continued human rights concerns throughout the territory, including the adverse impact of the conflict on the civilian population and the situation of IDPs and refugees. It also expressed support for the activities of the OHCHR in the country and requested the Government of DRC to continue to ensure the safety and freedom of movements of the UN Mission's personnel and associated. Following the commitments made by the parties to the conflict in Lusaka, namely the articles concerning the Inter-Congolese dialogue, it called on the Government to promote judicial reforms and democratisation.

At the Third Committee of UNGA 56, the resolution on the situation of human rights in **Sudan** was adopted by vote. At the 58th CHR, the resolution was adopted by a margin of one vote, in spite of extensive efforts to engage the Sudanese. It renewed the mandate of the Special Rapporteur.

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

This year's CHR resolution also welcomes some positive developments both by the Government of Sudan and by the SPLM. It encourages both parties to build up on the agreements that have been achieved and to seek a comprehensive and lasting peace solution.

At the 58th CHR the EU introduced a draft resolution on the situation of human rights in **Zimbabwe** as a new initiative.

The resolution addressed a number of factors that have had an adverse impact on the situation of human rights in Zimbabwe, namely actions taken by the Government of Zimbabwe, agents and supporters of the Zimbabwean ruling party. It also addressed the importance of land reform and recognised the threat of HIV/AIDS to the economic and social development of Zimbabwe.

Nigeria, on behalf of the African Group, introduced a non-action motion that was approved by the Commission. Consequently, the resolution was not considered.

America

At the 58th session of the CHR, the EU delivered a statement on **Colombia**, in which it expressed its strong support for the work of the OHCHR and reiterated its support and readiness to take an active part in the Peace Process in Colombia. The EU negotiated a consensus Chairperson's statement on the situation of human rights in Colombia, following close and constructive consultations with the Colombian delegation. The Chairperson's statement reiterated the support of the Commission for the determined efforts of the Government of Colombia to seek an end to the internal conflict through dialogue and negotiation, and highlighted the strong willingness of Colombia to achieve peace, in the framework of the rule of law and respect for human rights. The Commission expressed its deep concerns regarding the grave and persistent breaches of international humanitarian law committed by all parties to the conflict, mainly paramilitary and guerrilla groups. It furthermore strongly condemned the persistence of impunity in Colombia.

Asia

At the 56th session of the General Assembly the Belgian Presidency took the floor on behalf of the European Union to address the situation of human rights in the world. In the EU's statement various countries and regions in Asia were mentioned, including Afghanistan,

Bangladesh, China, North Korea, Kashmir, Indonesia, East-Timor, Laos, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand, Vietnam, Cambodia and Malaysia. The EU stated that in most of the Asian countries the situation of human rights had remained unchanged.

At the 58th session of the Commission on Human Rights, the EU took initiative on the resolution on the human rights situation in Burma/Myanmar and on the Chairperson's statement on East Timor. In its statement on the question of the violation of human rights and fundamental freedoms in any part of the world, the EU addressed the situation in several Asian countries, particularly in Afghanistan, China and North Korea.

The European Union stated that the citizens in **Afghanistan** were subjected to the most serious violations of human rights by the Taliban regime. The Afghan society suffered from extra-judicial executions and killings, systemic use of torture, widespread and systematic discrimination against women, elimination of all civil and political rights and the lack of respect for economic, social and cultural rights of the population. The EU welcomed the prospects opened to Afghans in the new political period and called for ensuring respect for human rights without discrimination and in accordance with the international standards, in particular with regard to the status of women and girls. The fate of refugees and displaced persons as well as continued human rights violations should be thoroughly investigated and the perpetrators brought to justice.

While welcoming the electoral process in October 2001 in **Bangladesh**, the EU has noted with growing concern the continuing deterioration of law and order, increased reports of corruption, and an apparent increase in reports of violence against minorities and mob justice. The European Union welcomed the commencement of the legislative process for the creation of a National Commission on Human Rights.

In a statement made at the Development Forum in Paris, 13 to 15 March 2002, the EU underlined the strong link between respect for the rule of law and human rights and sustained economic growth. The statement also called on the Bangladesh Government to implement the Chittagong Hill Tracts Peace Accord.

The European Union welcomed the positive developments in the situation of human rights in

Cambodia in spite of some serious difficulties, such as a weak rule of law, corruption and the persistence of a climate of violence in some areas. While encouraging the Cambodian authorities to enact judicial reforms, the EU also remained deeply attached to the establishment of the Tribunal to judge the human rights violations committed under the Khmer Rouges regime in conformity with international standards.

While recognizing significant improvement in the situation of **China** due to the transformation of economy and the ongoing reform of the judicial and legal system, the EU remained concerned about the continuing violations of human rights in the country. The EU expressed its deep concern at the widespread use of death penalty in the framework of the “strike hard” campaign and torture, at the lack of reform in the system of administrative detention, the restrictions on the freedom of expression, assembly, association and religion as well as the freedom of speech and press, the ongoing violations of human rights of pro-democracy activists, proponents of free trade unions and followers of the Falun Gong, and in the repression against persons belonging to ethnic minorities in Tibet and Xingjiang. The EU appreciates the cooperation of China in the EU-China human rights dialogue process, but expects the dialogue to produce progress on the ground and measurable results in the future.

The European Union took initiative for a Chairperson’s statement on **East Timor**. In addition to welcoming the new Constitution of East Timor, which gives primacy to the protection of human rights and incorporates fundamental rights in line with the Universal Declaration of Human Rights, the Commission welcomed the steps taken by the judicial system in East Timor. Also the establishment and the commencement of the work of the Ad Hoc Human Rights Tribunal in bringing to justice the perpetrators of cases of gross human rights violations in East Timor in 1999 with the assistance of Indonesia was welcomed.

The European Union welcomed positive developments in **Indonesia**, such as the approval of the autonomy laws for Aceh and Papua, the legislation on the establishment of the human rights tribunals and the Malino peace agreement on the Moluccas. However, the EU reiterated its concern regarding violence and human rights violations in various parts of the country, particularly in Aceh, in Papua and in the Moluccas. The EU also noted with concern continuing intimidation of human rights activists.

The European Union expressed concern in the **Kyrgyz Republic** about the arrest and trial of leaders of the opposition. The EU regretted the death of five participants in the protests and hoped that no further violence would occur. The EU also viewed negatively new regulations that hinder the freedom of press representing an adverse change in the otherwise positive evolution.

Concern over the lack of progress in the human rights situation in **Laos** was expressed by the European Union. The exercise of political opposition is not tolerated and the EU was particularly concerned at the lack of information about the persons arrested in October 1999 for demonstrating against the Government. The EU also urged Laos to abolish the existing restrictions regarding the freedom of association, expression, assembly and religion.

With reference to **Malaysia**, the EU stated that the situation of human rights in the country had improved. In particular, the EU welcomed the establishment of a national Commission on Human Rights. However, the EU expressed its grave concern over the continuing use of death penalty.

The European Union took initiative on the resolution on **Myanmar**, which was adopted by consensus. In the resolution the continuing pattern of gross and systematic violations of human rights in Myanmar, including arbitrary executions, torture and forced labour, the lack of independence of the judiciary from the executive and the wide disrespect for the rule of law, widespread discriminatory practices against persons belonging to ethnic and religious minorities and the continuing violations of the human rights of women and children were deplored. However, the resolution reflects also some positive developments, including the assistance and collaboration of the Government of Myanmar extended to the Special Rapporteur during his mission to the country.

The European Union expressed its concern about the situation of human rights in **Nepal**, regarding the deterioration that was taken place due to growing terrorist activity, including indiscriminate attacks against the civil population by Maoists. The EU urged the authorities of Nepal to ensure that actions taken by law enforcement bodies would not result in human rights violations in the framework of the state of emergency proclaimed on the 26 November 2001.

The EU is deeply concerned by the serious state of the human rights situation in **North Korea**, which entails a risk of destabilization beyond the borders of the country. The EU was also deeply concerned by persistent rumours about the very extensive, continued and serious violations of civil and political rights and the lack of respect for the economic, social and cultural rights. The Union will continue to follow the evolution of the situation of human rights in the Democratic People's Republic of Korea very closely with a view to considering appropriate action in the relevant for a, including the next Commission of Human Rights. The EU urges the authorities to further improve access and working conditions for humanitarian international organisations to carry out their work in the country.

The European Union regretted the prevalence of major restrictions to political freedoms in **Pakistan**, emphasizing that democratic rule must be fully restored in that country. The EU expressed grave concern over the resurgence of sectarian violence and intolerance. The EU also called on the Pakistani authorities to ensure that members of minorities enjoy full and equal rights as citizens and urged the authorities to completely abolish the death penalty as well as to suppress the practice of "honour killings". As positive aspects the EU took note of the restoration of joint electorates and efforts to increase the political role of women in Pakistan.

Concerned over the tensions between **Pakistan and India**, the European Union urged both countries to seek ways to return to a dialogue on the issues between them, including **Kashmir**. The condemnation of the terrorists attacks in Kashmir and elsewhere was reiterated by the EU. The European Union urged Pakistan to continue taking measures to clamp down on terrorist activity and India to work to improve the human rights situation in Kashmir.

In a demarche with the Indian authorities the EU expressed its serious concern after more than 800 people had fallen victim to communal violence in the Indian State of Gujarat in March 2002. The carnage was the worst occurrence of communal hatred in **India** since 1992.

The European union expressed its concern regarding the state of public safety in **Papua New Guinea** with reference to the national elections in June 2002.

Regarding **Solomon Islands**, the European Union observed with concern the increase in security and the breakdown of the Rule of Law in the islands, stating that considerable

improvement of the situation is a pre-condition for development.

The European Union welcomed the cease-fire agreement reached in February 2002 in **Sri Lanka** and urged all parties to respect it in its integrity and to participate in the peace process. The EU also underlined the need to take into account the aspirations of all communities in the solution to the conflict. The EU welcomed efforts to renounce practices such as censorship, election violence and other politically motivated violence, torture and impunity. It also called on the Liberation Tigers of Tamil Eelam (LTTE) to renounce terrorism and all forms of violence and urged all parties to respect the principles of pluralism and human rights.

While welcoming the reforms of the legal system in **Thailand** and the country's acceptance of new international obligations regarding the regulation of child labour, as well as the establishment of the National Commission on Human Rights, the European Union expressed grave concern over the increase in the use of the death penalty. The EU was also concerned over infringements on freedom of press.

Regarding the situation of human rights in **Turkmenistan**, particular concern was stated over violations of freedoms of expression, association and religion.

The European Union expressed its concern about the freedom of expression and association in **Uzbekistan**, stating that restrictions on these rights must be eliminated. In addition, the attacks on the peaceful exercise of the freedom of religion were deplored. However, the EU welcomed decisions allowing the non-governmental human rights organizations to register in the country.

While welcoming the reforms of the legal framework in **Vietnam**, the EU was concerned over the Vietnamese authorities disregard for the civil and political rights of the citizens and the violation of the freedoms of expression, assembly and religion. The EU was also concerned over the actions of the authorities due to the withdrawal of UNHCR from the Tripartite Agreement for the voluntary return of Vietnamese citizens from the Central Highlands.

Europe

At the 56th session of the General Assembly the Belgian Presidency gave a statement, on behalf of the European Union, on the situation of human rights worldwide, including the following European countries and regions: Belarus, Russia, Chechnya, Ukraine, Turkey, Cyprus, Albania, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and the Former Republic of Yugoslavia. The EU stated that the situation of human rights had deteriorated in Belarus, while in other European countries mentioned, it had remained unchanged or improved.

At the 58th session of the Commission on Human Rights, the EU took initiatives on resolutions on the Republic of Chechnya of the Russian Federation and on parts of South Eastern Europe. The EU also stated its position on the situation of human rights in a number of European countries in the speech held by the Spanish Presidency.

While welcoming the commitment undertaken by the authorities of **Albania** to respect all human rights, including the rights of persons belonging to national minorities and the legislative reforms in public administration and police, the EU encouraged Albania to implement the reforms speedily. Fight against corruption, crime and trafficking of human beings, especially women, requires further efforts as well as steps towards enhancement of border control and surveillance.

Although the European Union acknowledges the tangible progress **Azerbaijan** has made in implementing the international human rights standards since its adhesion to the Council of Europe, the EU is of the opinion that the existence of political prisoners in that country is contravention with the Azerbaijani provisions on human rights and Azerbaijan's international obligations.

The European Union reiterated its concern at the situation of human rights in **Belarus** by deeply regretting that the elections held in September 2001 were not conducted in full conformity with relevant OSCE rules. Especially, the EU deplored the adversities, which political opponents, election observers, independent media and non-governmental organizations were subjected to. The EU stressed the need to allow the OSCE advisory and monitoring group to operate without restrictions in the country. The EU expressed its hope that the intention of the Belarussian authorities to issue a law-establishing Ombudsman would represent a move towards implementing a democratic institutional system.

The EU took the initiative to table a resolution on the situation of human rights in the Republic of **Chechnya** of the Russian Federation. The EU engaged in intensive discussions with the Russian Federation to achieve a resolution, which could be adopted by consensus. However, this effort failed, and the alternative text presented by the EU was put to a vote. For the first time, the resolution was defeated by a narrow margin after a roll-call vote with 15 votes in favour, 16 against and 22 abstentions. When introducing the draft resolution, the EU stated that the key aspect of the resolution was to call upon the Government of the Russian Federation to take action in order to prevent violations of human rights and international humanitarian law in the Republic of Chechnya. Concern of the humanitarian situation of internally displaced persons, the situation in the detention centres and the slow pace of investigations of alleged violations was also expressed.

In the statement on the question of the violation of human rights and fundamental freedoms in any part of the world, the European Union welcomed the resumption of the direct talks between the leaders of the two communities in **Cyprus** in order to reach a comprehensive settlement consistent with the relevant UNSC resolutions. The EU stated that Cyprus has given a new impetus to the negotiations. The agreement should provide, as an essential part, for the restoration and full respect for human rights and fundamental freedoms in Cyprus. The EU also acknowledged the importance of the work carried out by UNFICYP.

Regarding **the former Yugoslav Republic of Macedonia (FYROM)**, the EU stated in the General Assembly, that the human rights situation in FYROM had improved. However, concerns remain about the common availability and frequent use of firearms in FYROM; efforts must continue to restore the rule of law and implement the laws adopted under the Framework Agreement. The EU continues to emphasise that political dialogue remains the key to building and preserving a stable, prosperous and secure future for FYROM. The EU has urged FYROM to respect both the primacy of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Amnesty law.

The European Union expressed its concern about several negative developments in **Moldova**, including the temporary suspension of a political party and attacks on the freedom of expression. The EU was also worried about condition in the prisons and unfair trials.

The EU assumed this year the initiative of tabling the resolution on **South Eastern Europe**, which was adopted by consensus. The resolution noted a number of positive developments in the region such as the adoption of the Election Law in Bosnia Herzegovina, and the Federal Law on National and Ethnic Minorities in the Federal Republic of Yugoslavia. However, there remain a number of causes for concern. These include continuing ethnically motivated violence, intolerance and discrimination against returning refugees and IDPs; slow progress towards creating fair and equitable judicial systems, where the rights of all are equally defended and patchy co-operation with the ICTY. The EU calls upon all states of South Eastern Europe to co-operate fully with ICTY. The mandate of the Special Representative of Commission was extended for one further year.

The European Union welcomed the process of constitutional and legal reform at present underway in **Turkey**, in particular the amendments to the Constitution adopted in October 2001. Although considering this as a significant step in strengthening the human rights and fundamental freedoms, the EU underlined the importance of effective implementation and enforcement of the legislation. In addition, the European Union viewed positively the developments in the field of gender equality and concerning limitations of the pre-trial detention periods and expressed the hope for the development of a positive approach in respect of the rights of persons belonging to minorities. The EU encourages Turkey to make every effort to eradicate the use of torture.

Concerning **Ukraine**, the EU followed with great attention the preparations for the parliamentary elections held in March 2002. The willingness shown by the Ukrainian authorities to co-operate with the OSCE in observation tasks was welcomed. Furthermore the European Union welcomed the signs of development of the Ukrainian judiciary towards an independent and stable role in the Ukrainian society. However, freedom of expression and the independence of the media are still a matter of concern.

Middle East

At the 56th session of the General Assembly the Belgian Presidency gave a statement, on behalf of the European Union, on the situation of human rights in the world. Regarding the Middle East, the EU stated that the situation of human rights had deteriorated in the occupied Palestinian territories, in Lebanon and in Syria as well as under the Palestinian authority while

the situation had remained unchanged in Saudi-Arabia. In addition, the situation of human rights in **Egypt** was addressed. While stating that the situation had remained unchanged in Egypt, the European Union expressed its grave concern, particularly, over the use of emergency powers such as laws and tribunals, when concerning civilian cases. The EU also expressed its preoccupation with the increase in administrative obligations of non-governmental organizations, impeding the development of an active civil society.

Throughout the 58th session of the Commission on Human Rights, the situation in the Middle East was omnipresent. The worsening situation in the area prompted the High Commissioner for Human Rights to evoke the possibility of a visiting mission to the region. As a result of a special sitting devoted to the Middle East a resolution was adopted, endorsing the idea of a visiting mission. Due to the subsequent inability of the mission to travel to the area, a new initiative was adopted, requesting the High Commissioner to report to the Commission on the basis of reports from all concerned organizations present in the occupied territories. A resolution followed the report, deploring the denial of Israel to cooperate and condemning the violations of human rights of the Palestinian people undertaken by Israel.

At the 58th session of the Commission on Human Rights, the EU introduced resolutions on the Israeli settlements in the occupied Arab territories, on Iran and on Iraq. Moreover, the situation in Algeria, Lebanon, Saudi-Arabia and Syria was addressed in the EU's statement on the question of the violation of human rights and fundamental freedoms in any part of the world.

The Union urges the authorities in Algeria to combat extra-judicial executions, disappearances, torture, arbitrary detention, impunity and to increase the safety of its citizens. It called for the immediate release of all prisoners of war and on all concerned to support international efforts towards this end.

The European resolution on **Israeli settlements in the occupied Arab territories** was adopted with 52 votes in favour and 1 against. Grave concern was expressed in the resolution at the dramatic escalation of the Israeli-Palestinian conflict and at the continuing Israeli settlement activities, including the expansion of settlements, the installation of settlers in the occupied territories and the expropriation of land. The settlement activities are considered

illegal and a major obstacle to peace.

For the first time the European Union co-sponsored the resolution on the **Situation in the Occupied Palestine**, which deals with self-determination. On the resolutions on **Lebanese detainees in Israel** and on **Human rights in the occupied Syrian Golan**, the EU abstained at the vote. The resolution on the **Question of the violation of human rights in the occupied Arab territories, including Palestine** divided the votes of the European Union member countries in the Commission. The majority of the EU-countries supported the text, while one abstained and two voted against. Every member country gave its own explanation of vote.

The EU took the initiative of tabling resolutions on the situation of human rights in the **Islamic Republic of Iran**, at both CHR and UNGA. While the UNGA Resolution was approved in December 2001 by a margin of 18 votes, the CHR Resolution was defeated by a narrow margin in the roll-call with 19 votes in favour, 20 against and 14 abstentions. As a consequence of this vote the mandate of the Special Representative was ended. The intention of the EU with the draft resolution was to express concern, inter alia, at the deterioration of the situation with regard to freedom of opinion and expression, at the continued executions and at the use of torture. The resolution also deeply regretted that no invitation had been extended by the Government of the Islamic Republic of Iran to visit the country.

The EU took an initiative concerning the resolution of the situation on human rights in **Iraq**, which was adopted by a good margin of votes. The resolution noted with dismay that there had been no improvement in the human rights situation in Iraq and condemned the systemic, widespread, and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, including summary and arbitrary executions, torture and the use of rape as a political tool. It welcomed the visit of the Special Rapporteur to the country and extended the mandate of the Special Rapporteur for a further year.

Regarding **Lebanon**, the European Union took note in its statement of the positive predisposition of the Lebanese authorities to implement a moratorium on the use of the death penalty. Concern about the massive arrests that took place in Lebanon in August 2001, violating the freedom of expression and information, was reiterated by the European Union.

Despite of certain improvements in the situation of human rights in **Saudi-Arabia**, the EU

deplored the continued restrictions on freedom of expression, assembly, association and religion as well as the inhuman punishments, the lack of transparency in trials and of respect for the rights of detainees for legal and consular assistance. The situation of women, subjected to systematic discrimination, has not improved. However, the EU welcomed Saudi Arabia's commitment to setting up committees on human rights within three Saudi ministries and the cooperation with the relevant UN mechanisms and rapporteurs shown by the Saudi authorities. Additionally, the EU welcomed the recently adopted Code of Criminal Procedure and looks forward to its rigorous implementation.

Despite of the release of several hundreds of political prisoners, the restrictions on civil rights have been maintained in **Syria**, in particular on the freedoms of expression, assembly and association. Ill-treatment and torture also continue and the European Union expressed its concern about the arrest of the Syrian MPs in September 2001. The EU encouraged the Syrian authorities to take initiatives aimed at making progress in political reforms and in the improvement of human rights.

4. CONCLUDING REMARKS

Democracy, rule of law and the promotion and protection of human rights and fundamental freedoms are defining principles of the European Union. History, not least that of the Union itself, has shown that the adherence to these principles constitutes a fundamental prerequisite for prosperity, justice, peace and stability for all.

The primary responsibility for applying these principles in practice lies with governments. In shouldering their responsibility, governments rely on the contributions from international organisations, civil society, the business community as well as dedicated individuals, including professionals such as doctors, lawyers, teachers and the media.

As highlighted throughout this report, the EU attaches the utmost importance to the promotion and protection of human rights – this not only in its internal policies, but also in its external relations.

One of the aims of the Annual Report is to serve as input and hopefully as an inspiration to broaden discussions of ways and means to render the EU's human rights policy more consistent,

transparent and effective and to ensure that human rights are mainstreamed in relevant EU policies and actions. In this context, the regular EU Human Rights Discussion Forums have played a particularly valuable role. The EU, therefore, looks forward to the next EU Human Rights Forum to be held in Copenhagen on 20 – 21 December 2002 with the participation of EU institutions, government officials and representatives from civil society and academia.

ANNEXES

ANNEX 1

**DISCOURS DE LOUIS MICHEL, VICE-PREMIER MINISTRE ET MINISTRE DES
AFFAIRES ÉTRANGÈRES DE LA BELGIQUE, PRÉSIDENT DU CONSEIL DE
L'UNION EUROPÉENNE, AU NOM DE L'UNION EUROPÉENNE, À LA
CONFÉRENCE MONDIALE CONTRE LE RACISME, LA DISCRIMINATION
RACIALE, LA XÉNOPHOBIE ET L'INTOLÉRANCE QUI Y EST ASSOCIÉE,
DURBAN – AFRIQUE DU SUD, 30 AOÛT 2001**

Madame la Présidente,

J'ai l'honneur de m'exprimer au nom de l'Union européenne. Les pays d'Europe centrale et orientale associés à l'Union européenne - Bulgarie, Estonie, Hongrie, Lettonie, Lituanie, Pologne, République tchèque, Roumanie, Slovaquie, Slovénie - et les pays associés Chypre, Malte et Turquie - se rallient à cette déclaration.

Avec tous ses partenaires dans le monde, l'Union européenne est venue à Durban pour proclamer solennellement le renouveau de l'alliance universelle contre le racisme, une alliance contre toute forme de rejet de l'autre, une alliance pour la dignité de chacun et pour la paix dans le monde.

Concevoir la réponse mondiale contre le racisme et offrir les engagements solennels justement en Afrique du Sud est certainement un symbole fort. Tant de citoyens du pays de Nelson Mandela ont en effet payé un tribut si lourd aux dérives racistes. Le refus de l'apartheid, la lutte courageuse menée par un petit groupe d'hommes et de femmes épris de liberté, imprégnés de la dignité de chaque être humain et rejoints par tout un peuple avec une mobilisation croissante de la communauté internationale font désormais partie du patrimoine de l'humanité.

Madame la Présidente, dire notre gratitude à l'adresse de votre pays et de la ville de Durban n'est pas seulement une expression de reconnaissance pour votre grande hospitalité. C'est aussi vous dire combien l'exemple de l'Afrique du Sud est important pour le monde car elle a eu le courage d'engager les générations du présent et du futur dans la voie de la réconciliation entre les victimes et ceux qui en sont les auteurs.

L'Union européenne est à vos côtés et aux côtés de ceux des membres du Comité général pour assurer le succès de la Conférence. En son nom, je voudrais aussi remercier tous les titulaires de postes de présidents pendant les Comités préparatoires pour leurs efforts visant à faciliter aujourd'hui notre travail et à progresser dans la voie du consensus. Permettez-moi aussi d'associer surtout à cet hommage la Secrétaire générale de notre Conférence, Madame Mary Robinson, Haut Commissaire des Nations Unies aux Droits de l'Homme. Son inébranlable volonté d'aboutir, sa force de compréhension et de persuasion constituent le guide indispensable de nos travaux.

A l'aube de ce millénaire, la mobilisation des consciences qui est voulue par notre Conférence constitue une occasion privilégiée dans notre entreprise de progrès pour l'humanité. Nous

voulons croire que le progrès humain est inscrit dans la nature humaine. Nous voulons croire que le bien et le bon vont finir par l'emporter.

La Conférence est à la fois évidente, complexe et nécessaire.

L'ALLIANCE UNIVERSELLE CONTRE LE RACISME

Elle est évidente dans son objectif : lutter contre toutes les formes contemporaines de racisme, de discrimination raciale, de xénophobie et d'intolérance qui y est associée. Notre message doit être fort : le racisme et la discrimination raciale représentent des violations graves des droits de l'homme et constituent une menace pour les sociétés démocratiques et les valeurs fondamentales. Ils sont souvent à l'origine de conflits, et doivent être combattus par tous les moyens légaux et démocratiques.

La Convention internationale sur l'Élimination de toutes les Formes de Discrimination raciale constitue la base universelle de cette détermination.

Les résultats de la Conférence doivent donc être axés fondamentalement sur un plan d'action concret visant le présent et l'avenir et résultant d'une écoute mutuelle afin de mieux mettre en œuvre des mesures précises de lutte contre les discriminations.

Face à cet objectif fondamental, l'expression d'un consensus devrait également être évidente. Les fléaux dont traite la Conférence sont des phénomènes globaux qui n'épargnent aucun continent, aucune région, aucun pays. Personne n'est à l'abri d'un regard haineux, de comportements hostiles ou menaçants, de violences morales ou corporelles. Chaque jour des êtres humains souffrent et s'effondrent, victimes innocentes de ces fléaux rampants. Chaque jour on brise des consciences, on blesse des esprits, on attente à l'intégrité d'hommes et de femmes. La lutte contre ces fléaux doit donc naturellement nous unir tous, nous rassembler, nous mobiliser pour dire non à la fatalité. Le racisme est un redoutable chasseur qui peut fondre à tout moment sur sa proie. A nous de prouver que nous sommes capables, par notre action et par notre mobilisation collectives, de renverser les rôles. Que le chasseur devienne le chassé afin qu'il se terre et disparaisse.

PLUS JAMAIS !

La Conférence est toutefois également complexe ainsi que l'ont démontré les travaux préparatoires. Elle touche en effet aux éléments vitaux des êtres humains qui ont droit à la vie dans le respect de leur dignité et de celle des autres, qui ont soif d'être considérés de façon non discriminatoire dans leur diversité de culture, d'origine - nationale et ethnique -, de religion et de convictions et qui aspirent à l'égalité des chances pour l'accès aux biens et aux services. Il ne faut donc pas s'étonner que, face à ces cris et appels pour un plus grand bonheur et un meilleur bien être, cette Conférence, qui est aussi une "caisse de résonance" des souffrances vécues, des martyrs subis et des oppressions imposées, soit chargée d'émotions légitimes multiples.

Ces émotions ont trait à la fois à la mémoire du passé, à des analyses différenciées sur les causes profondes du racisme et à un sentiment d'amertume et de révolte face aux tragédies qui ont ensanglanté et ensanglantent encore diverses régions du globe. Notre tâche collective aura été de nous écouter mutuellement pour mieux nous comprendre et d'échanger nos expériences pour en tirer les enseignements. Le retour sur le passé, avec les pratiques odieuses et déshonorantes de la traite et de l'esclavage, et avec le rappel des souffrances immenses

causées à l'époque du colonialisme a été un point de passage salubre. Nous reconnaissons que les pratiques de l'esclavage et de la traite des esclaves ont contribué à l'existence des formes contemporaines de racisme et de discrimination raciale. Elles ont aussi contribué à la pauvreté, au sous-développement, à la marginalisation, à l'exclusion sociale, aux disparités économiques, à l'instabilité et à l'insécurité qui affectent de nombreuses personnes dans le monde.

Ignorer le passé reviendrait à se priver de l'impérieuse nécessité d'affirmer avec force que de telles pratiques sont intolérables et ne doivent jamais réapparaître. Souvenons-nous de toutes les souffrances infligées par des faits intervenus à différents moments de l'Histoire.

Inclinons-nous respectueusement devant toutes les victimes. Ne les oublions jamais. Engageons-nous à ce que ces méfaits ne soient plus jamais répétés.

PLUS JAMAIS ! NEVER AGAIN !

En jetant les bases du "devoir de mémoire" et de la transmission de la connaissance des souffrances passées - le "devoir de connaissance" -, la Conférence redonne une identité à toutes les victimes anonymes des pratiques du passé. Cette identité retrouvée doit être un aiguillon constant pour nous inciter à accroître nos efforts collectifs pour construire le futur.

La Conférence est enfin nécessaire. L'hydre du racisme, de la discrimination raciale, de la xénophobie et de l'intolérance qui y est associée renaît constamment, se diversifie dans ses méthodes et dans ses techniques, y compris avec l'utilisation perverse des nouvelles technologies et se renouvelle en s'appuyant sur des idéologies et des prétextes aussi répugnants que dans le passé. Il est grand temps de renforcer et de développer notre action à tous les niveaux : local, national, régional et mondial. Le devoir de vigilance permanente, de prévention par l'éducation et la formation, de protection des groupes les plus touchés et les plus vulnérables et d'intégration de l'égalité des sexes dans les politiques s'impose plus que jamais.

Cela doit se traduire par un renforcement du cadre légal et responsable de son application effective et par une interaction dynamique entre gouvernements - gardiens de l'intérêt général -, organisations non gouvernementales et autres acteurs de la société civile.

LA MAIN TENDUE

L'Union européenne est déterminée à mettre tout en œuvre pour assurer le succès de cette Conférence. Celui-ci sera mesuré par son impact réel sur la vie quotidienne. Nos messages doivent être forts et clairs, appuyés par des mesures visibles et pratiques dans le cadre d'un plan d'action qui soit vraiment opérationnel.

Les Ministres des Affaires étrangères de l'Union européenne ont défini le 16 juillet dernier nos objectifs et nos attentes pour le présent et pour l'avenir ainsi que nos réponses aux préoccupations du passé. Les conclusions du Conseil de l'Union sont publiques et elles ont été diffusées au sein de cette Conférence. Je n'y reviendrai donc pas. Sur la base de ce cadre de référence, l'Union européenne a formulé des propositions qui sont l'expression d'une main tendue à tous les participants pour parvenir ensemble à des décisions et à des orientations concrètes et pour développer un partenariat solidaire entre tous.

Mais je me permettrai seulement de faire quelques remarques, sur la base de l'expérience européenne, région que je connais le mieux !

L'Histoire nous donne tout d'abord une leçon d'humilité. Au cours des siècles, l'histoire européenne a été, comme dans d'autres régions du monde, fortement contrastée. Le meilleur a côtoyé le pire. L'Europe aura été tout à tour conquérante et soumise, dominatrice et martyrisée, fraternelle et fratricide, porteuse d'idées généreuses mais aussi véhiculantes de conceptions abjectes, expansionniste et repliée sur elle-même, égocentrique et altruiste, créatrice de progrès immenses mais aussi de destructions épouvantables. Elle aura été visionnaire en développant les libertés fondamentales et en créant des Etats modernes de droit. Mais elle aura été aussi le théâtre d'idéologies en totale opposition avec les valeurs fondamentales de l'Humanité. Elle aura connu l'horreur absolue avec la tragédie unique de l'Holocauste où de façon planifiée, méthodique et quasi scientifique des millions d'hommes, de femmes et d'enfants ont été exterminés.

Ce passé avec ses ombres et ses lumières, fait partie de la "conscience collective" de l'Union européenne qui a cherché à consolider les aspects positifs de son patrimoine et à tirer les enseignements de ce qu'il ne fallait plus faire.

CETTE EUROPE, C'EST LA PAIX

Je souhaiterais mettre en exergue trois éléments qui présentent un intérêt pour notre Conférence.

Premièrement, la construction européenne a d'abord été fondée sur la réconciliation des Etats qui s'étaient entre-déchirés. L'exercice progressif de la souveraineté partagée, librement consentie entre les Membres de l'Union est un témoignage éclatant d'une réconciliation réussie, conduisant à la création d'une zone de paix, de stabilité et de solidarité politique, économique, sociale et humaine. Avec les pays associés, candidats à l'Union européenne, c'est l'unité retrouvée.

Cette Europe, c'est la paix. D'autres expériences ont été engagées dans diverses régions du monde selon une démarche similaire. L'Union européenne ne peut que s'en féliciter, car la réconciliation est un instrument fondamental de lutte contre le racisme et la xénophobie.

Deuxièmement, l'Union européenne est fondée sur des principes, communs à ses membres, de liberté, de démocratie, de respect des Droits de l'Homme et de ses libertés fondamentales et de l'État de droit. La proclamation de la Charte des Droits fondamentaux au Conseil européen de Nice a constitué une avancée additionnelle. Ces fondements donnent des garanties aux citoyens se trouvant sur le territoire de l'Union. Tout un arsenal législatif est en place. L'éducation, la formation, la prévention, le développement de l'information et une plus grande sensibilisation aux phénomènes racistes et d'exclusion sont aussi au cœur des politiques de l'Union et de chacun de ses membres. Je tiens ici à souligner la contribution importante de la Commission européenne dont la représentante se fera l'écho à cette tribune.

Bien entendu, l'Union européenne est loin d'être à l'abri de faiblesses et de déficiences en matière de comportement d'individus ou de groupes d'individus. Ces comportements sont inadmissibles et condamnables et rendent encore plus nécessaire une vigilance sans faiblesse pour les prévenir ou pour les réprimer. La Conférence de Durban est là pour nous rappeler à

tous nos devoirs et pour stimuler une action toujours plus efficace de lutte contre le racisme, partout dans le monde, y inclus en Europe.

Troisièmement, l'Union européenne a depuis longtemps ouvert un nouveau chapitre dans ses relations extérieures en tissant des accords de partenariat et donc de co-développement aussi bien en Afrique, en Amérique latine et en Asie que sur le pourtour méditerranéen. Sa politique de coopération au développement, de caractère multidisciplinaire, a comme axe central le développement durable afin d'éradiquer la pauvreté. Cette politique couplée avec le développement de la politique étrangère commune et de sécurité, notamment en matière de gestion et de prévention des conflits, contribue à sa manière à réduire les inégalités et à prévenir les crises, sources et conséquences de racisme, de discrimination raciale et de xénophobie.

C'est également dans cette perspective que l'Union européenne appuie la Nouvelle Initiative pour l'Afrique, décidée par le Sommet des Chefs d'Etats africains de Lusaka.

D'autres pays et le système des Nations Unies sont également des acteurs clés dans le développement de tels partenariats. Il serait toutefois indécent de faire preuve d'une béate autosatisfaction. Les tragédies récentes, aux portes de l'Union européenne et dans d'autres régions du monde, continuent à nous interpeller afin d'agir mieux et plus vite pour éviter de nouveaux foyers de haine et de discrimination raciale. La longue tragédie qui perdure au Moyen Orient est une préoccupation majeure. Il s'agit là avant tout d'un conflit territorial, d'un conflit de deux souffrances avec de trop nombreuses victimes innocentes de part et d'autre. La population israélienne n'est pas épargnée et la population palestinienne paie un tribut encore plus lourd. Les positions des parties en cause et l'œuvre de paix, notamment de l'Union européenne, sont bien connues mais cette Conférence n'est pas le lieu pour en débattre. Chacun sait que les efforts pour mettre fin aux violences et pour relancer le processus de paix se déroulent d'autre part. Ici à Durban, notre tâche est d'abord de réaffirmer avec force que les incitations à la haine ainsi que tous actes de racisme et de discrimination raciale commis par des individus et des groupes d'individus sont injustifiables et condamnables, quel que soit le lieu où ils se produisent.

Madame la Présidente,

Les travaux préparatoires de la Conférence ont été intenses et difficiles. Ils ont permis de mieux se comprendre, de bénéficier des expériences des uns et des autres, de clarifier les concepts, d'identifier les préoccupations et les limites de chacun.

Cette étape est maintenant dépassée. Voici venu le temps de trancher et de décider dans un esprit de coopération et de volonté farouche d'aboutir.

En tant que responsables politiques, il nous faut savoir aller à l'essentiel car l'Histoire et nos opinions publiques ne comprendraient pas que nous ne saisissons pas l'opportunité unique offerte par cette Conférence de contribuer à façonner la nouvelle Humanité du XXIème siècle. Pour une si noble cause, ayons le courage de réussir pour le bénéfice des générations actuelles et futures.

**Discours de S.E. M Michel, Ministre des Affaires étrangères de la Belgique,
Président du Conseil de l'Union européenne à la 56ème session de l'Assemblée
Générale des Nations Unies (New York, 24 septembre, 2001)**

Monsieur le Président,
Monsieur le Secrétaire général,
Mesdames et Messieurs les Chefs d'Etat et de Gouvernement,
Mesdames et Messieurs les Ministres,
Mesdames et Messieurs les Délégués,

Monsieur le Président,

J'ai l'honneur aujourd'hui de m'exprimer au nom de l'Union européenne qui tient à vous féliciter pour votre élection, témoin de l'estime portée par la communauté internationale à votre pays et à votre personne. Je voudrais saluer également la rapidité d'action et l'efficacité dont vous avez fait preuve face aux événements tragiques du 11 septembre pour adapter l'agenda des travaux de notre Assemblée.

Je voudrais aussi associer à cet hommage le Secrétaire général de l'ONU, Monsieur Kofi Annan.

Monsieur le Secrétaire général, votre réélection avait déjà mis en évidence l'appréciation unanime des Etats membres pour vos qualités exceptionnelles de gestionnaire, d'homme politique et d'humaniste. Le Comité Nobel a donné un écho plus large encore à cet hommage en vous offrant le prix Nobel de la Paix. Les Nations Unies elles-mêmes, à vos côtés, ont été les destinataires de ce message d'espoir, de cet appel d'un monde en état de choc pour que notre Organisation reste au centre de l'action de la communauté internationale en faveur de la paix et du développement.

Lutte contre le terrorisme

Monsieur le Président,

Ce sont les valeurs fondamentales sur lesquelles les Nations Unies ont été fondées qui ont été lâchement frappées, ici même, à New York, le 11 septembre dernier, lorsque notre pays hôte, plusieurs milliers de ses citoyens et des ressortissants de plus de soixante pays, ont été les victimes d'un acte d'agression barbare pour lequel aucune justification directe ni indirecte n'est acceptable.

Cet attentat, par sa démesure, nous a ouvert les yeux sur la menace globale qu'est devenu le terrorisme. Ce sont en effet nos sociétés ouvertes, démocratiques, tolérantes et multiculturelles qui ont été frappées au travers des Etats-Unis. La menace terroriste devra être traquée au niveau de chacun de nos Etats, dans nos différentes organisations régionales et, au niveau mondial, à travers les Nations Unies.

L'Union européenne a condamné les attentats du 11 septembre avec la plus grande fermeté et la lutte contre le terrorisme est plus que jamais un de nos objectifs prioritaires. L'Union s'est déclarée totalement solidaire avec les Etats-Unis. Elle a confirmé son soutien sans réserve à

l'action militaire entreprise dans le cadre de la légitime défense et en conformité avec la Charte des Nations Unies et la résolution 1368 du Conseil de Sécurité des Nations Unies.

Un Conseil européen extraordinaire a adopté, le 21 septembre dernier, un plan d'action de lutte contre le terrorisme sans précédent. Ce plan comprend un certain nombre de mesures spécifiques qui visent à renforcer la coopération judiciaire ou policière, avec notamment l'instauration d'un mandat d'arrêt européen. Il comporte également des mesures destinées à mettre fin au financement du terrorisme et à renforcer la sécurité aérienne. Le Conseil européen a également reconnu que la lutte contre le terrorisme exige de l'Union qu'elle participe davantage aux efforts de la Communauté internationale pour prévenir et stabiliser les conflits régionaux. C'est en développant la Politique étrangère et de Sécurité commune et en rendant la Politique européenne de Sécurité et de Défense opérationnelle au plus vite que l'Union sera la plus efficace.

Au niveau mondial également, une nouvelle dynamique doit être apportée à la lutte contre le terrorisme et les Nations Unies ont tout naturellement un rôle central à jouer dans l'élaboration d'une stratégie coordonnée et diversifiée. Nous nous réjouissons vivement de ce que des pas importants aient déjà été faits dans ce sens.

Le plus remarquable a été l'adoption de la résolution 1373, le 28 septembre, par le Conseil de Sécurité. L'Union européenne et ses Etats Membres se sont déjà engagés à prendre rapidement les mesures nécessaires à sa mise en œuvre. Nous appelons tous les Etats à coopérer activement avec le mécanisme de suivi mis en place par le Conseil de Sécurité et nous réitérons notre disponibilité à fournir une aide à cette fin aux Etats qui auraient des difficultés techniques à se conformer à ses prescriptions.

Il est indispensable aussi que tous les Etats ratifient sans tarder les douze Conventions touchant à la lutte contre le terrorisme et en appliquent toutes les dispositions. La Convention des Nations Unies sur la répression du financement du terrorisme constitue un volet décisif de l'action internationale et devrait être rapidement signée et ratifiée.

Enfin, l'Union européenne se réjouit des progrès enregistrés tout récemment dans la négociation d'une Convention générale sur le terrorisme international, sur base du projet présenté par l'Inde. Il faut maintenant que les difficultés qui subsistent soient appréhendées à bref délai afin que cet instrument puisse être soumis à signature dès le début de l'année prochaine.

Promotion et protection des droits de l'homme et de la démocratie

Monsieur le Président,

Les efforts que nous déployons pour lutter contre le terrorisme doivent s'inscrire dans le cadre d'ensemble des efforts visant à construire un monde meilleur, c'est à dire un monde où la dignité humaine est sacrée, où les droits de l'homme et les libertés fondamentales sont pleinement respectés.

La promotion et la protection des droits de l'homme ainsi que l'attachement aux principes de la démocratie et de l'état de droit sont des éléments essentiels de la Politique étrangère et de Sécurité commune de l'Union européenne ainsi que de sa coopération au développement et de ses relations extérieures. L'Union européenne poursuivra activement son œuvre de

renforcement des droits de l'homme et des libertés fondamentales, en insistant notamment sur le caractère universel, indivisible et interdépendant de l'ensemble des droits de l'homme. Elle continuera d'appuyer les efforts déployés par le Secrétaire général en vue d'intégrer les droits de l'homme dans les activités des Nations Unies, à tous les niveaux et dans toutes les enceintes, et de coopérer avec tous les mécanismes des Nations Unies dans le domaine des droits de l'homme.

Mise en place de la Cour pénale internationale

L'Union européenne se réjouit de voir se concrétiser à brève échéance la mise en place tant attendue de la Cour pénale internationale. Elle y attache une importance primordiale et exhorte tous les Etats qui ne l'ont pas encore fait à adhérer le plus tôt possible au Statut de Rome. Plus que jamais, nous avons besoin d'une juridiction universelle et permanente, capable de sanctionner les violations les plus graves du droit international humanitaire et des droits de l'homme et de contribuer ainsi à la paix et la sécurité dans le monde. Il importe que les Nations Unies appuient d'une manière effective la mise en place de la Cour.

Protection et promotion des droits de l'enfant

A la suite de la tragédie du 11 septembre, la Session extraordinaire de l'Assemblée générale consacrée au bilan décennal du Sommet des Enfants a dû être reportée. Mais en attendant qu'elle ait lieu, il nous appartient de maintenir la dynamique qui s'était développée au cours des travaux préparatoires. Nous devons continuer à intégrer la dimension spécifique de l'enfant dans nos actions et œuvrer pour que chaque enfant puisse vivre à l'abri de la terreur, des horreurs de la guerre, des abus et de l'exploitation, de la faim et de la pauvreté.

Pleine réalisation par la femme de ses droits humains

L'Union européenne est résolue à poursuivre la lutte contre toutes les formes de discrimination et de violence contre les femmes et assurer que tous les pays prennent des mesures fortes pour la mise en application de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes. Les femmes doivent pouvoir jouir pleinement de leurs droits humains, sur un pied d'égalité avec les hommes. Les filles doivent avoir les mêmes chances que les garçons, notamment en matière d'éducation et d'accès aux services sociaux. L'Union européenne insiste sur l'égalité d'accès à la propriété, au crédit et aux services sociaux y compris les services de santé reproductive. Il est de l'intérêt de tous que les femmes puissent pleinement participer à tous les niveaux à la vie économique et politique.

L'Union souligne l'importance de mettre en œuvre la résolution 1325 du Conseil de Sécurité et l'attention spéciale qui doit être accordée à la participation des femmes et à leur pleine association sur un pied d'égalité à tous les efforts visant à maintenir et à promouvoir la paix et la sécurité.

Lutte contre le racisme

Nous devons également poursuivre avec vigueur notre combat essentiel contre les dérives racistes, les tendances à la discrimination et à l'intolérance qui sont des réalités quotidiennes dans le monde entier. La Conférence mondiale contre le racisme, la discrimination raciale, la xénophobie et l'intolérance nous a montré le chemin. Elle a aussi permis de faire avancer la réflexion sur les causes et les origines du racisme et d'avoir un nouveau regard sur notre

passé. Ce qui importe maintenant, c'est la volonté de clore les chapitres les plus sombres de notre histoire afin de pouvoir bâtir une relation nouvelle basée sur le respect mutuel, la solidarité et le partenariat.

Action humanitaire

Monsieur le Président,

La terrible crise humanitaire en Afghanistan retient autant l'attention de la communauté internationale que les aspects politiques, diplomatiques, militaires et économiques de la situation dans ce pays. C'est la première fois que la communauté internationale adopte une telle approche globale en cas de conflit armé. Nous sommes convaincus que c'est le meilleur moyen, sinon le seul, de préparer efficacement la sortie de crise. La coordination des secours, principalement sur le terrain, demeure essentielle, et ce dans l'ensemble des actions des Nations Unies.

L'aide humanitaire d'urgence en Afghanistan constitue une priorité absolue de l'Union qui s'est engagée à mobiliser sans délai une aide de plus de 320 millions d'euros. L'Union exprime sa préoccupation par rapport aux difficultés d'accès et d'acheminement de l'aide humanitaire en Afghanistan. Elle soutient les efforts des agences spécialisées des Nations Unies, du CICR ainsi que de l'ensemble des organisations humanitaires dans la recherche de solutions pratiques et flexibles. Elle en appelle également aux pays de la région afin de faciliter par tous les moyens possibles les opérations humanitaires d'accueil des nouveaux flux de réfugiés afghans.

L'Union européenne reconnaît le rôle essentiel de l'ONU dans la recherche d'un plan de paix pour l'Afghanistan. Elle entend soutenir les initiatives du Secrétaire général et de son Représentant spécial et y contribuer de manière constructive. Ceci concerne tant la recherche d'une solution politique interne qu'un plan de reconstruction du pays. L'Union souligne également l'importance de la dimension régionale de la stabilisation de l'Afghanistan.

Nous devons apporter des contributions suffisantes pour assurer le bon fonctionnement du Bureau de Coordination des Affaires humanitaires. L'Union européenne attache une importance particulière à l'aide aux personnes déplacées à l'intérieur de leur pays. Nous nous félicitons donc qu'une unité ait été mise en place au sein du Secrétariat en vue de veiller à leurs besoins spécifiques. Suite aux attaques récentes contre le personnel humanitaire, l'Union européenne ne peut que réclamer à nouveau que soient renforcées les dispositions, notamment juridiques et financières, qui visent à assurer la sûreté et la sécurité du personnel humanitaire et des Nations Unies en général.

Promotion du désarmement et de la non-prolifération

Monsieur le Président,

Plus que jamais, le désarmement et la non-prolifération constituent les pièces maîtresses de tout dispositif de paix et de sécurité, et doivent par conséquent être soumis à des normes multilatérales contraignantes. C'est dans cet esprit que nous voulons renforcer les régimes de non-prolifération, promouvoir une entrée en vigueur rapide du Traité d'interdiction complète des essais nucléaires, renforcer la Convention sur l'interdiction des armes biologiques et à toxines. Il nous faut aussi lutter contre la prolifération des missiles balistiques, lutter contre le

commerce illicite des armes légères et continuer à œuvrer en faveur de l'élimination totale des mines antipersonnel.

Maintien de la paix et de la sécurité

En ce qui concerne le maintien de la paix, les Nations Unies ont démontré lors de l'année écoulée qu'elles étaient mieux équipées et mieux organisées que dans un passé récent. Je voudrais citer à titre d'exemple les opérations au Timor oriental, en Erythrée et en Sierra Leone. Ainsi, un bout de chemin a déjà été parcouru, sur le terrain, dans la mise en œuvre des recommandations du rapport Brahimi. Mais beaucoup reste encore à faire et l'Union européenne continuera à soutenir activement l'amélioration des capacités du département de maintien de la paix et à plaider pour que l'Organisation reçoive les moyens nécessaires pour répondre efficacement à ses responsabilités de plus en plus complexes.

Pour résoudre les différends, consolider la paix et éviter la résurgence des conflits, une approche globale et à long terme s'impose. L'Union européenne, qui met actuellement en place sa propre capacité militaire et civile de gestion des crises, s'emploie activement à renforcer sa coopération avec les Nations Unies et d'autres organisations internationales en matière de prévention des conflits, de gestion des crises, d'aide humanitaire, de reconstruction après les conflits et de développement à long terme.

La région des Balkans, si proche de nos pays, reste au cœur de l'action extérieure de l'Union européenne. Nous maintenons résolument notre engagement à y contribuer à l'édification d'un espace de sécurité, de prospérité et de démocratie où s'épanouissent librement des sociétés multiethniques. Des progrès remarquables et encourageants ont été effectués, mais, dans bien des cas, la situation reste fragile. La communauté internationale doit rester vigilante et ne pas laisser les extrémistes, quels qu'ils soient, détruire par la violence les efforts de stabilisation accomplis.

Au Proche-Orient, la situation ne cesse de se dégrader. L'absence de perspective politique encourage la poursuite de la confrontation et fait le jeu des extrémistes. La défiance, la peur et le ressentiment poussent à la radicalisation des esprits.

L'Union européenne appelle Israéliens et Palestiniens à reprendre immédiatement, sans préalables ni conditions, pendant qu'il en est encore temps, le chemin de la négociation sur la base des recommandations du rapport Mitchell. Elle demande aux autorités israéliennes d'achever le retrait immédiat de leurs forces de la zone sous seule administration palestinienne (dite zone A). Elle demande à l'Autorité palestinienne de tout mettre en œuvre pour appréhender les responsables d'actes de violence à l'encontre d'Israël.

Dans le cadre du processus de paix, il est nécessaire de préserver les acquis atteints jusqu'ici, comme :

- les principes de la Conférence de Madrid, notamment celui de la terre contre la paix;
- les résolutions du Conseil de Sécurité des Nations Unies 242 et 338;
- les accords signés par les parties, qui ont engendré des résultats réels sur le terrain, et les progrès faits dans les négociations précédentes.

L'Union européenne demande aux deux parties de tout faire, dans les domaines politique, sécuritaire, économique et social, pour retourner dans la voie de négociations sans conditions préalables et, avec comme objectif, l'accomplissement des attentes légitimes des peuples de la

région lors de la Conférence de Madrid de 1991 :

- pour les Palestiniens, la constitution d'un Etat viable et démocratique ainsi que la fin de l'occupation de leurs territoires;
- pour les Israéliens, le droit de vivre en paix et en sécurité à l'intérieur de frontières internationalement reconnues.

L'Union européenne rappelle aussi que la recherche d'une paix globale et durable dans la région nécessite que soient dûment pris en compte les volets israélo-syrien et israélo-libanais du conflit, dont la résolution doit s'inspirer des mêmes principes.

La recherche de la paix incombe en priorité aux parties elles-mêmes à travers la négociation de tous les éléments qui intègrent le Statut Permanent. Cela comporte aussi la perspective d'une solution juste et viable des questions particulièrement complexes de Jérusalem et des réfugiés, ainsi que celle d'un soutien économique aux populations palestiniennes. L'Union européenne, en étroite collaboration avec les Etats-Unis d'Amérique et les autres partenaires concernés, réitère sa disposition à œuvrer en faveur d'un règlement définitif du conflit.

Nous pensons que maintenant il est urgent qu'une initiative soit prise pour presser les parties à réengager le dialogue politique.

Le statu quo à Chypre est inacceptable pour l'Union européenne. Nous exprimons notre déception à l'égard de la décision injustifiée de la partie turque de décliner l'invitation du Secrétaire général à poursuivre les pourparlers. Nous continuons d'appuyer les efforts déployés par le Secrétaire général, en vue de parvenir à un règlement global et durable de la question chypriote conformément aux résolutions pertinentes du Conseil de Sécurité.

L'ampleur des drames que vit le continent africain nous invite à une action résolue, à tous les niveaux, en vue de s'attaquer aux causes directes et structurelles des conflits. Les conflits en Afrique sont devenus de plus en plus complexes et leurs effets transfrontaliers de plus en plus destructeurs. Les crises dans la région des Grands Lacs en Afrique de l'Ouest, ainsi qu'au Zimbabwe et dans la Corne de l'Afrique, appellent à une vigilance accrue de la part de notre organisation.

Elles démontrent aussi la nécessité d'une approche internationale qui soit intégrée et globale. Nous avons salué avec enthousiasme le lancement de la nouvelle initiative africaine au sommet de Lusaka. L'Union européenne s'est déclarée prête à y répondre et a déjà entamé un dialogue au plus haut niveau avec l'Union africaine à ce propos.

Lutte contre la pauvreté et promotion du développement durable

Monsieur le Président,

Ensemble, nous nous sommes engagés lors du Sommet du Millénaire à atteindre une série d'objectifs de développement. C'est un projet ambitieux, qui suppose, entre autres, une bonne gouvernance dans chaque pays, ainsi que sur le plan international.

L'Union souligne la nécessité d'un partenariat renforcé entre pays riches et pays pauvres pour atteindre les objectifs de développement de la Déclaration du Millénaire. Ce partenariat implique des obligations et des efforts communs mais différenciés de la part de tous les pays.

En premier lieu, nous devons mettre tout en œuvre pour éradiquer la pauvreté. De nouveaux engagements concrets ont été pris en mai dernier à Bruxelles lors de la 3e Conférence sur les pays les moins avancés. L'Union européenne s'est engagée en matière de déliement de l'aide, de l'ouverture de ses marchés au travers de l'initiative "Everything but arms" et de financement complet de l'initiative HIPC. Il s'agit maintenant de finaliser les mécanismes de suivi du Programme d'action. L'Union européenne continuera également à donner la priorité au développement de l'Afrique.

Deux grandes conférences internationales nous présenteront l'occasion de relever les défis et de réaliser les objectifs majeurs de la Déclaration du Millénaire.

Au mois de mars prochain, à la Conférence sur le Financement du Développement à Monterrey au Mexique, nous nous attacherons à améliorer la coopération entre tous les acteurs du développement, à utiliser plus efficacement les ressources et à mieux les mobiliser.

Lors du Sommet de Johannesburg sur le Développement durable en octobre 2002, nous souhaitons promouvoir l'utilisation et la gestion durables ainsi que la protection des ressources naturelles qui sont la base du développement économique et social. Nous souhaitons également intégrer les actions en faveur de l'environnement et de la pauvreté, mettre la mondialisation au service du développement durable, et promouvoir de meilleures modalités de gestion des affaires publiques et de participation. L'Union européenne souhaiterait explorer avec ses partenaires les possibilités de réaliser un Pacte mondial sur le développement durable lors du Sommet. Ce Pacte devrait contenir des engagements des gouvernements ainsi que des autres acteurs. Un Pacte global devrait déboucher sur des actions concrètes pour améliorer la mise en œuvre des politiques de développement durable.

Nous espérons que les Etats membres des Nations Unies s'engageront sans tarder à être représentés à Monterrey et à Johannesburg au plus haut niveau politique.

La Convention sur les changements climatiques était l'un des résultats majeurs du Sommet de la Terre de 1992. Nous saluons les progrès intervenus à Bonn et à Marrakech et nous nous engageons à ratifier rapidement le Protocole de Kyoto.

Nous venons aussi de dégager un consensus intergouvernemental au plus haut niveau sur la stratégie qui s'impose pour enrayer l'effroyable pandémie du SIDA. C'est un grand pas en avant, mais l'urgence et le drame nous obligent à plus d'ambition. Nous contribuerons activement à la mise en place d'un nouveau Fonds global pour la lutte contre le VIH/SIDA, la malaria et la tuberculose, et nous jouerons un rôle actif dans tous les autres processus émanant de la session spéciale de juin dernier afin de mettre en œuvre par des mesures concrètes la Déclaration d'engagement sur le VIH/SIDA.

Parmi les autres défis, celui des transformations démographiques qui nous attendent intéresse particulièrement l'Union européenne. La deuxième Assemblée mondiale sur le vieillissement qui se tiendra à Madrid en avril 2002 nous permettra d'œuvrer ensemble à la réalisation d'une société pour tous les âges.

Monsieur le Président,

Le Sommet du Millénaire, dont l'objectif premier est de renforcer les Nations Unies et de leur imprimer un nouvel élan, a permis d'aborder au plus haut niveau les grands défis auxquels se

trouve confrontée la communauté mondiale. Nous devons à présent nous attacher au processus de suivi de la Déclaration des Chefs d'Etat et de Gouvernement, tout en respectant l'ambition et l'équilibre de ce texte capital. Nous devons pour ce faire nous baser sur des données fiables, nous appuyer sur les mécanismes et processus de suivi existants, et faire jouer de concert les différents acteurs de la communauté internationale qui peuvent nous aider à réaliser les objectifs fixés.

Nous devons aussi poursuivre la réforme du système des Nations Unies dans son ensemble, y compris les institutions spécialisées et les Fonds et programmes opérationnels. Le renforcement et la réforme globale sous tous ses aspects du Conseil de Sécurité doivent être poursuivis avec détermination. Si nous voulons un Conseil de Sécurité à même de répondre encore mieux aux grands défis du moment, nous devons intensifier nos efforts.

Monsieur le Président,
Monsieur le Secrétaire Général,
Mesdames et Messieurs les Chefs d'Etat et de Gouvernement,
Mesdames et Messieurs les Ministres,
Mesdames et Messieurs les Délégués,

Derrière la formidable et croissante complexité de nos actions au niveau mondial, notre débat devrait rappeler cette vérité première : si nous voulons construire un monde dans lequel la paix sera davantage assurée par le respect du droit, la solidarité et la tolérance, il nous faudra renforcer notre cohésion face aux nouveaux défis qui nous sont lancés, mais aussi intensifier nos efforts visant la promotion de la personne humaine, l'éradication de la pauvreté et le développement durable.

Aux messagers de la destruction, nous opposons dans cette enceinte des Nations Unies notre idéal commun, qui sera plus fort que la haine et la division entre les êtres humains. Cet édifice, qui trouve ses fondements dans les esprits et les cœurs, sera inattaquable.

Je vous remercie de votre attention.

**DISCOURS DE L'UNION EUROPÉENNE À L'ASSEMBLÉE GÉNÉRALE DES
NATIONS UNIES (TROISIÈME COMMISSION) SUR LA SITUATION DES DROITS
DE L'HOMME DANS LE MONDE (NEW YORK, 10 SEPTEMBER, 2001)**

Monsieur le Président,

1. J'ai l'honneur de m'exprimer au nom de l'Union européenne sous le point 119c de l'ordre du jour. Les pays d'Europe centrale et orientale associés à l'Union européenne (XXX) et les pays associés XXX se rallient à cette déclaration.

Monsieur le Président,

2. L'Union européenne est fondée sur les principes de liberté, de démocratie et de respect des droits de l'homme et des libertés fondamentales, ainsi que de l'Etat de droit. Elle est attachée aux principes de l'universalité, de l'interdépendance et de l'indivisibilité de tous les droits humains - civils et politiques, économiques, sociaux et culturels. L'Union européenne s'est engagée à intensifier le processus d'intégration des objectifs en matière de droits de l'homme et de démocratisation dans tous les aspects de sa politique interne et de sa politique extérieure. Avec la proclamation de la Charte des Droits fondamentaux de l'Union européenne lors du sommet de Nice des 7 et 8 décembre 2000, les Quinze ont franchi une étape importante dans la définition d'un socle de valeurs communes qui sous-tendent l'action de l'UE, au plan interne comme au plan externe. L'UE est consciente de ses insuffisances dans ce domaine et s'attache elle-même à parfaire son bilan. Malgré tous ses efforts, l'UE doit faire encore un certain nombre de progrès.

3. Depuis 1999, le Conseil de l'Union européenne publie un rapport annuel sur les droits de l'homme. Celui-ci se concentre sur les relations extérieures de l'Union et développe les positions des Quinze sur la scène internationale, mais il présente également un aperçu des politiques et activités au sein même de l'Union, en indiquant les développements récents, ainsi que les défis auxquels l'UE est confrontée, comme par exemple le racisme et la xénophobie, l'asile et l'immigration, la traite des humains, les droits de l'homme et les affaires etc. Le Parlement européen publie également tous les ans un rapport sur les droits de l'homme, ainsi qu'un rapport sur la situation en matière de droits fondamentaux au sein de l'Union. Tous ces documents peuvent être consultés sur Internet.

4. L'Union européenne est opposée à la peine de mort où qu'elle soit appliquée et œuvre pour son abolition universelle. L'abolition de la peine capitale contribue au renforcement du respect de la dignité humaine et au développement progressif des droits de l'homme. L'UE se félicite du fait que de nombreux pays appliquent un moratoire sur les exécutions et invite tous les Etats qui ne l'ont pas encore fait à le faire, dans le but final d'abolir la peine capitale complètement. Elle exhorte tous les Etats qui n'ont pas encore aboli la peine de mort à limiter progressivement le nombre d'infractions qui emportent cette peine et à veiller à ce qu'elle ne soit imposée que pour les crimes les plus graves.

Monsieur le Président,

5. La Conférence mondiale des Nations Unies sur les Droits de l'Homme, qui s'est tenue à Vienne en 1993, a réaffirmé que la protection et la promotion des droits de l'homme est une préoccupation légitime de la communauté internationale. L'Union européenne promeut le respect des droits de l'homme et de la démocratie dans le monde entier, sur la base des normes et instruments internationaux, en particulier ceux des Nations Unies, y compris les normes fondamentales établies dans le cadre des institutions spécialisées comme l'OIT. Elle le fait à travers le dialogue et la coopération ainsi qu'en dénonçant des violations des droits de l'homme, où qu'elles se produisent. Car le silence a trop souvent cautionné de graves violations de droits de l'homme de par le monde. Comme l'année dernière, l'Union européenne a choisi d'attirer l'attention de cette Assemblée sur certaines évolutions, aussi bien positives que négatives, qui méritent selon elle d'être évoquées. L'UE souhaite par ailleurs réserver l'expression de sa préoccupation quant à la situation des droits de l'homme en **République démocratique du Congo**, au **Soudan**, en **Irak** et en **République islamique d'Iran** à la présentation des résolutions qu'elle a décidé de déposer sur ces situations.

Monsieur le Président,

6. L'Union européenne est au regret de constater que la situation des droits de l'homme s'est détériorée dans un certain nombre de pays pendant l'année écoulée.

15. L'Union européenne continue d'être préoccupée au plus haut point par les graves violations des droits de l'homme en **Afghanistan**. Elle condamne le mépris du régime des Talibans pour les droits de l'homme et pour les principes du droit humanitaire. En particulier, l'UE est profondément préoccupée par l'application de la peine de mort, notamment les exécutions publiques, le recours fréquent à la torture ainsi que par l'application d'une justice sommaire et arbitraire. L'Union européenne est gravement préoccupée par les développements récents, tels les arrestations et procès pour prosélytisme religieux. L'UE condamne avec fermeté tous les traitements discriminatoires et inadmissibles en Afghanistan à l'égard des femmes dont les droits les plus élémentaires sont systématiquement et méthodiquement bafoués. L'Union appelle les parties qui s'affrontent sur le terrain à ne pas recourir à l'utilisation d'enfants dans les combats. Alors que l'hiver approche, l'UE continue de s'inquiéter de la situation des populations civiles, particulièrement vulnérables, à l'intérieur du pays. L'UE voudrait également souligner que tout arrangement de transition en Afghanistan devra inclure une dimension importante de droits de l'homme.

16. Tout en ayant à l'esprit la situation difficile dans laquelle se trouvent placés les pays d'Asie Centrale en raison de la crise afghane, l'UE appelle ces pays à assurer le plein respect des droits de l'homme et des libertés civiles, gages de stabilité. Elle est décidée à poursuivre sa coopération avec ces états dans ce sens.

7. Malgré les avancées notables dans le processus d'Arusha qui se sont concrétisées le 1er novembre 2001 par la mise en place d'un gouvernement de transition à Bujumbura, la situation en matière de respect des droits de l'homme au **Burundi** a continué d'être très préoccupante durant l'année écoulée. Cette situation est la conséquence d'une intensification des violences liées au conflit armé. L'Union européenne condamne cette intensification des combats et estime qu'il ne peut y avoir de solution militaire à la crise burundaise. La mise en place du gouvernement de transition est un pas important pour la solution du conflit. Il reflète un nouveau consensus entre les principales factions politiques et répond à la très forte attente de paix des populations. Dans ces conditions et afin de ne pas compromettre le processus de

paix d'Arusha en cours, l'UE lance à nouveau un appel aux mouvements rebelles qui n'ont pas encore cessé les combats à s'engager pleinement dans les négociations de paix. L'Union européenne espère que les nouvelles autorités burundaises s'impliqueront dans la mise en œuvre des réformes fondamentales de la société dans le système politique, judiciaire, militaire et socio-économique et qu'elles prendront les décisions qui s'imposent pour améliorer la situation des droits de l'homme dans le pays.

8. L'UE est très préoccupée par l'évolution de la situation en **Erythrée**. Elle regrette l'arrestation d'une série de hauts responsables politiques et militaires et d'étudiants, ainsi que l'interdiction de la presse indépendante. L'UE appelle l'Erythrée et **l'Ethiopie** à reprendre au plus tôt la libération des prisonniers de guerre, qui a été interrompue par les deux pays. Elle regrette les arrestations arbitraires et les harcèlements dont sont victimes les leaders et les sympathisants des partis d'opposition légaux et des syndicats en Ethiopie. A cet égard, l'UE condamne les incidents d'avril dernier durant lesquels plus de quarante étudiants ont été tués et plusieurs membres de la société civile arrêtés.

9. Malgré le déroulement calme des récentes élections en **Gambie**, l'Union européenne tient à exprimer sa profonde préoccupation ainsi que son étonnement suite aux arrestations de membres de l'opposition, de défenseurs des droits de l'homme et de journalistes indépendants intervenues récemment. Elle demande au Gouvernement de clarifier cette situation, notamment les charges retenues contre ces personnes et de mettre fin à ces actes d'intimidation.

10. L'Union européenne déplore l'abandon par la **Guinée** du moratoire sur l'application de la peine de mort qui était en vigueur depuis 1984. L'UE a également pris acte avec préoccupation des récents événements en Guinée où, à l'initiative du gouvernement, un référendum visant à amender la constitution risque de compromettre le développement démocratique et la stabilité du pays. L'UE appelle la Guinée au respect des règles constitutionnelles et des principes démocratiques, à la préservation de l'équilibre des pouvoirs, à la libéralisation des médias et à la mise en place d'un cadre permettant une consultation électorale juste et transparente.

11. L'Union européenne a pris acte avec préoccupation des affrontements survenus en août dernier à Mogadiscio, dans le Bas-Chébéli, le Puntland et dans d'autres parties de la **Somalie**. Elle demande à toutes les parties de créer un climat propice à la réconciliation nationale. Elle tient à attirer l'attention de toutes les parties concernées sur la nécessité et l'obligation d'assurer la sécurité de toutes les organisations humanitaires, et de leur personnel, qui opèrent en Somalie.

12. L'Union européenne est gravement préoccupée par la détérioration du climat politique au **Togo**, qui pourrait entraver la tenue d'élections législatives démocratiques prévue par les dispositions de l'Accord cadre de Lomé. L'UE voudrait souligner qu'elle attache une grande importance au caractère libre, ouvert et transparent du processus électoral. La participation aux élections de tous les chefs de partis est également importante pour l'UE. L'Union européenne appelle également le Gouvernement à garantir un libre accès aux médias à tous les partis politiques ainsi que la liberté de circulation dans la totalité du pays aux membres de tous les partis politiques.

13. L'Union européenne déplore la dégradation générale de la situation au **Zimbabwe** depuis un an. Les violences politiques et les intimidations, principalement en provenance de partisans du parti au pouvoir, n'ont pas cessé de se manifester, notamment lors des élections partielles

qui ont eu lieu depuis lors. L'UE s'inquiète des menaces qui pèsent sur l'indépendance du pouvoir judiciaire et des atteintes à la liberté de la presse. Seul l'Accord d'Abuja conclu par le Zimbabwe et d'autres Etats membres du Commonwealth ainsi que la formation d'un groupe de contact au sein de la SADC suscite des perspectives d'amélioration de la situation sur le terrain, qui tardent à se concrétiser. L'Union européenne regrette le refus du gouvernement zimbabwéen de donner son accord à une mission exploratoire d'observation électorale de l'UE, mais espère malgré tout recevoir rapidement une invitation officielle à observer les prochaines élections présidentielles au Zimbabwe.

14. L'UE déplore vivement que les élections présidentielles qui ont eu lieu au **Bélarus** le 9 septembre dernier, n'aient pas été menées dans le respect des règles de l'OSCE pour la conduite d'élections démocratiques. L'Union européenne déplore notamment les nombreuses entraves et pressions dont ont fait l'objet les représentants de l'opposition, d'observateurs nationaux, de media indépendants et d'organisations non-gouvernementales. Cependant, l'UE se réjouit de l'émergence au Bélarus d'un certain pluralisme et d'une société civile avertie des enjeux de la démocratie. L'Union espère que le Bélarus choisira de s'engager désormais dans la voie de la libéralisation politique, du respect des droits de l'homme et de l'instauration d'un Etat de droit.

17. Au cours de l'année écoulée, la **présence israélienne** dans les Territoires palestiniens occupés, y compris la présence illégale de colons juifs dans ces territoires, s'est traduite par des violations répétées des droits de l'homme. L'Union européenne condamne l'usage excessif de la force, et demande à Israël de faire preuve de la plus grande retenue dans l'usage de la force militaire. La politique d'exécutions extra-judiciaires inacceptables constitue une violation du droit à la vie et à un procès équitable. L'UE dénonce les limitations de la liberté de mouvement des Palestiniens, les destructions de maisons palestiniennes, les mauvais traitements infligés aux détenus palestiniens ainsi que les atteintes aux dispositions du droit international humanitaire. L'Union européenne appelle également l'**Autorité palestinienne** à respecter, de son côté, les droits de l'homme et les principes démocratiques envers la population dont elle a la responsabilité. Les procès expéditifs inquiètent particulièrement l'Union européenne. elle encourage l'autorité palestinienne à maintenir le moratoire de fait sur les exécutions en tant que premier pas vers l'abolition de la peine capitale. L'Union européenne appelle l'Autorité palestinienne à mettre tout en œuvre pour arrêter et traduire en justice les auteurs, instigateurs et commanditaires des actes de terreur, en particulier ceux qui ont pour cibles les civils. L'Union européenne renouvelle sa condamnation vigoureuse de toutes les formes de terrorisme, quels qu'en soient leurs motifs.

18. L'UE exprime son inquiétude face à la situation au **Liban**. Les arrestations massives du mois d'août dernier constituent un motif particulier de préoccupation. Elle réaffirme à cet égard l'importance qu'elle attache au respect des libertés d'expression et d'information, et rappelle le droit de toute personne à être détenue et jugée dans le cadre d'une procédure judiciaire équitable et transparente. L'Union européenne regrette de devoir constater des défaillances au niveau du traitement des prisonniers, et du sort des réfugiés et demandeurs d'asile.

19. L'UE exprime son inquiétude face à la situation actuelle en **Syrie**. Bien que des pas positifs aient été enregistrés au cours de l'an 2000, l'UE se doit de constater cependant un raidissement des autorités syriennes notamment illustré par une série d'arrestations à connotation politique et de procès contre des défenseurs des droits de l'homme. Elle rappelle à cet égard son souhait de voir les personnes arrêtées récemment, jugées dans le cadre de

procédures juridictionnelles équitables et transparentes. Pour l'Union européenne, la protection des droits de l'homme et les libertés fondamentales sont primordiales pour le renforcement de la démocratie et de l'état de droit. Elle insiste pour que la Syrie mette en œuvre des mesures afin d'assurer un climat ouvert et tolérant dans le pays.

20. L'Union européenne regrette les difficultés des autorités colombiennes à mettre en œuvre les législations et les structures sensées promouvoir et protéger les droits de l'homme. Elle tient également à exprimer ses plus vives préoccupations concernant la violence constante et grandissante qui se manifeste à tous les niveaux de la société en **Colombie**, notamment celle dirigée vers les personnes impliquées dans la défense des droits de l'homme. A cet égard, l'UE apprécie l'invitation faite par le gouvernement à la Représentante spéciale du Secrétaire général sur les défenseurs des droits de l'homme qui a effectué sa visite du 23 au 31 octobre derniers.

21. L'Union européenne désapprouve le fait que le **Guatemala** continue à appliquer la peine de mort, et que récemment, il ait même élargi le champ d'application de la peine capitale. L'UE s'attend à ce que le calendrier qui a été établi pour la mise en œuvre des accords de paix soit suivi et que les lois et les mesures approuvées respectent la lettre et l'esprit de ces accords. Les signaux de ces derniers mois sont mitigés. En ce qui concerne le meurtre de l'évêque Mgr. Gerardi, l'Union européenne espère que le jugement en première instance constituera un pas important dans la lutte contre l'impunité.

22. L'Union s'inquiète de la détérioration de la situation des droits de l'homme en **Haïti**, depuis la crise politique liée aux élections sénatoriales contestées du mois de mai 2000. Par ses répercussions économiques et sociales, cette crise accroît la misère et le désarroi du peuple haïtien. En outre, l'UE déplore les défaillances de la police, l'incapacité de la justice à garantir l'état de droit, et l'accroissement de l'insécurité, notamment pour les militants politiques et les journalistes. Elle souhaite que le gouvernement haïtien prenne les dispositions propres à offrir de réelles garanties de sécurité et de liberté d'opinion et de réunion.

Monsieur le Président,

23. Dans un certain nombre de pays, l'Union européenne est au regret de devoir constater une **stagnation** en matière de respect des droits de l'homme. Elle appelle les Etats en question à mettre tout en œuvre pour améliorer la situation des droits de l'homme et des libertés fondamentales sur leur territoire.

24. L'Union européenne se réjouit de constater que le processus électoral au **Bangladesh** se soit déroulé dans des conditions satisfaisantes et que la liberté et l'impartialité aient pu être respectées. Elle déplore cependant les actes de violence qui ont eu lieu à l'occasion de et suite à la campagne électorale, y compris à l'égard des minorités religieuses. L'UE se félicite de la priorité accordée par le gouvernement à l'état de droit et à l'ordre public et exprime l'espoir qu'il y ait une amélioration rapide en particulier en ce qui concerne les minorités religieuses. L'Union lance un appel aux autorités en place et à tous les acteurs de la vie politique pour qu'elles œuvrent à la consolidation de la démocratie encore fragile dans un esprit de coopération. L'UE appelle le gouvernement à prendre toutes les mesures politiques et économiques nécessaires pour alléger la pauvreté et ses conséquences. Enfin, l'Union européenne déplore que les deux exécutions intervenues depuis le début de l'année 2001 aient mis fin à un moratoire de fait sur la peine capitale. L'UE exhorte le nouveau gouvernement à

améliorer le climat général en faveur des droits de l'homme au Bangladesh, en établissant rapidement une Commission nationale des Droits de l'Homme indépendante, en promouvant la séparation des pouvoirs judiciaire et exécutif, et en prenant des mesures afin de protéger les droits des femmes, des enfants et de tous les citoyens désavantagés.

25. L'Union européenne se félicite de la volonté de coopération accrue entre la **Chine** et les mécanismes des Nations Unies en matière de droits de l'homme. Elle attend la concrétisation de ce rapprochement. Mais elle constate également qu'aucun progrès réel n'a été réalisé en matière de respect des droits civils et politiques. La Chine continue à faire un usage extensif et accru de la peine de mort, notamment dans le cadre d'une campagne intitulée "Frapper Fort", qui a été lancée en avril dernier. Malgré l'annonce d'une réforme de la détention administrative et d'une révision des dispositions légales contre la torture, aucune évolution n'est notée. L'Union européenne déplore les atteintes à la liberté de culte et aux droits des personnes appartenant à des minorités nationales, en particulier au Tibet et au Xinjiang. Le traitement des adhérents du Falun Gong, dont un nombre important seraient décédés en prison, est très préoccupant. Les autorités chinoises ont annoncé de nouvelles restrictions à l'usage de l'Internet. L'Union européenne est gravement préoccupée par le traitement réservé aux réfugiés nord-coréens, qui expose ceux-ci à un traitement brutal dans leur pays, voire à un risque d'exécution. L'UE reste attachée au dialogue euro-chinois sur les droits de l'homme. Elle rappelle toutefois qu'il ne constitue une option acceptable que s'il débouche sur des progrès sur le terrain.

26. La situation des droits de l'homme en **Corée du Nord** reste malheureusement tout aussi déplorable que l'année dernière. L'Union européenne regrette vivement que le Gouvernement de la RPDC refuse l'accès à toute organisation active dans le domaine des droits de l'homme et qu'il ne coopère guère avec les mécanismes des Nations Unies. D'après les informations dont nous disposons, l'application de la peine de mort continue à être courante dans ce pays, les libertés politiques y sont inexistantes, tout comme la liberté de presse et la liberté d'association. La liberté de mouvement est limitée et toute activité religieuse est découragée. Des cas de traite de femmes et de jeunes filles dans les régions frontalières avec la Chine ont été signalés, suite à la détérioration de la situation économique. Des ressortissants nord-coréens tentent de passer la frontière avec la Chine. L'Union européenne est gravement préoccupée par la façon dont sont traitées les personnes arrêtées à la frontière ou rapatriées de force par la Chine. L'UE encourage les autorités nord-coréennes à autoriser à nouveau des réunions de familles nord et sud-coréennes.

27. En Inde, la population locale au **Cachemire** continue de pâtir des attaques terroristes et des réactions des forces de sécurité que celles-ci entraînent. L'UE est gravement préoccupée par la recrudescence de la violence au Cachemire, notamment par la violente attaque contre le Parlement à Srinagar le 1er octobre. L'UE saisit à nouveau cette occasion pour condamner fermement de telles atrocités.

28. L'Union européenne constate avec satisfaction que le transfert de pouvoir qui est intervenu en **Indonésie** s'est déroulé de manière pacifique et démocratique. Elle espère que les autorités indonésiennes poursuivront les réformes politiques et économiques engagées. A cet égard, elle se félicite des déclarations du nouveau Gouvernement concernant l'importance que représentent à ses yeux le respect des droits de l'homme et la poursuite des personnes qui se sont rendues responsables de violations dans le passé. L'Union européenne encourage l'Indonésie à accélérer son travail de mise en application des lois instituant les tribunaux spéciaux ad hoc en matière de droits de l'homme, notamment en ce qui concerne

l'investigation et la poursuite des violations des droits de l'homme au **Timor oriental** et à Aceh. Tout en se réjouissant du décret n°96 comme un premier pas en vue de rendre les tribunaux opérationnels, l'UE exhorte le gouvernement indonésien à élargir dans le temps, ainsi que géographiquement, la juridiction du tribunal pour le Timor oriental et à assurer une coopération effective avec le Bureau du Haut Commissaire aux Droits de l'Homme. L'UE est déçue du déroulement du procès relatif aux meurtres des trois collaborateurs internationaux du UNHCR au **Timor occidental** ainsi qu'aux activités des responsables des milices. En reconnaissant l'évolution positive du processus de retour des réfugiés du Timor occidentale, elle est néanmoins convaincue qu'un traitement impartial des actes de violence qui ont eu lieu au Timor oriental en 1999 contribuerait de manière substantielle à la normalisation des relations entre l'Indonésie et le Timor oriental. Finalement, L'UE réitère également son inquiétude face à la situation des enfants orphelins qui ont été transférés en Indonésie et qui se trouvent séparés de leurs familles. En ce qui concerne **Aceh**, le règlement équitable de violations commises par le passé est une composante essentielle de la pacification de cette province. L'UE appelle le gouvernement indonésien à mettre fin à toute violation des droits de l'homme à Aceh. Enfin, l'Union encourage le Gouvernement indonésien à mettre en œuvre des mesures afin de garantir le respect des droits de l'homme dans toutes les provinces, en particulier aux **Moluques, à Kalimantan et en Irian Jaya**.

29. Les droits civils et politiques sont toujours violés au **Laos**. L'Union européenne regrette que la signature des deux Pactes des Nations Unies en matière de droits de l'homme ne se soit toujours pas traduite par un renforcement du respect des droits de l'homme, dont notamment la liberté d'expression, de réunion, d'association et de religion. Elle exprime également sa préoccupation face aux pratiques d'arrestations arbitraires et politiques existant dans le pays. Elle appelle le Gouvernement à ratifier ces deux instruments essentiels en matière de protection des droits de l'homme.

30. La situation des droits de l'homme au **Myanmar** reste très préoccupante. Même si les récents développements au Myanmar ont montré des signes encourageants, l'Union européenne continue de déplorer les violations persistantes des droits de l'homme dans ce pays, dont les exécutions extrajudiciaires, sommaires ou arbitraires, les disparitions forcées, le viol, la torture, les traitements inhumains, les arrestations massives et le déni des libertés de réunion, d'association, d'expression et de mouvement. Elle se félicite cependant des discussions entre les dirigeants militaires du Myanmar et Aung San Suu Kyi, la libération d'environ 180 prisonniers politiques et la réouverture de certains bureaux du NLD. Mais elle tient également à rappeler que ces éléments font partie d'un processus plus large et plus profond qui doit mener à la démocratie. L'UE insiste sur l'importance de mettre véritablement fin à la pratique du travail forcé. Le rapport de la visite de l'Equipe de haut niveau de l'OIT n'indique qu'une évolution positive très modérée à cet égard. Dès lors, l'Union européenne souscrit à la recommandation d'établir une représentation à long terme de l'OIT dans le pays. Elle réitère également son soutien pour l'installation d'un ombudsman. L'Union européenne exprime sa satisfaction pour la coopération sans entraves et l'assistance dont ont bénéficié le Rapporteur spécial et la mission du BIT durant leur visite.

31. L'Union se réjouit des négociations entreprises entre le gouvernement du **Népal** et le Parti communiste népalais maoïste (CPN-M). Elle demande aux deux parties de rechercher un règlement pacifique du conflit dans le cadre de l'Etat de droit, du respect des droits de l'homme et du pluralisme démocratique. En particulier, elle appelle les responsables à faire cesser toute violence vis-à-vis de la population, afin d'instaurer une atmosphère constructive et propice au dialogue.

32. Au **Pakistan**, l'Union européenne se félicite de l'annonce par le Président Musharraf d'un calendrier pour les élections générales en octobre 2002. Toutefois, l'UE regrette que les libertés politiques demeurent limitées, malgré la tenue d'élections locales et la mise en place de conseils locaux élus. Elle exhorte les autorités pakistanaises à faire des efforts pour faire face aux problèmes d'intolérance ethnique et sectaire, tels que le récent massacre de chrétiens, le traitement des minorités religieuses ainsi que des Shias et des Ahmadis. L'UE est fort préoccupée par le traitement discriminatoire dont sont victimes les femmes au Pakistan. L'Union continue de rappeler aux autorités pakistanaises leur engagement à poursuivre les auteurs de "crimes d'honneur" qui, en conformité avec la loi pénale, sont considérés comme des meurtres. L'Union européenne condamne l'application de la peine de mort, en particulier dans des cas de blasphème, et fait appel au gouvernement à faire preuve de plus de détermination dans la nécessaire réforme de la loi sur le blasphème ou son abolition.

33. Au **Sri Lanka**, la situation politique reste très problématique. A cet égard, l'Union européenne condamne l'attentat terroriste du LTTE à l'aéroport de Colombo et la tentative d'assassinat à l'encontre du Premier Ministre et Président faisant fonction, et réitère son appel au LTTE à renoncer à toute activité terroriste et à s'engager dans un processus de négociations avec le gouvernement. Elle encourage toutes les parties à concentrer leurs efforts sur un règlement durable de la guerre civile répondant aux aspirations de toutes les communautés. Elle les exhorte également à prendre toutes les mesures nécessaires pour mettre fin aux fréquentes violations des droits de l'homme. L'UE apporte son soutien au Commissaire du Sri Lanka aux Elections et exhorte vivement le gouvernement du Sri Lanka et tous les partis politiques à créer un environnement favorable à la tenue prochaine d'élections parlementaires libres et transparentes dans un climat de non-violence et de respect des règles démocratiques.

34. La situation des droits de l'homme en **Thaïlande** est restée inchangée au cours de l'année écoulée. L'UE se félicite du progrès qu'a fait ce pays en matière de réforme pénale et d'assurance médicale nationale. La Thaïlande a ratifié la Convention 182 de l'OIT relative à l'Élimination des formes les plus graves du travail des enfants, et a établi une Commission nationale des Droits de l'Homme. Néanmoins, l'Union européenne demeure très préoccupée par la recrudescence de l'application de la peine capitale (neuf exécutions au cours des 6 derniers mois). Même si les médias sont relativement indépendants, l'usage accru de pressions informelles suscite l'inquiétude de l'UE.

35. La situation des droits de l'homme au **Viêt-nam** reste préoccupante. L'UE ne constate pas d'évolution significative dans ce domaine, notamment en matière de respect des libertés publiques. Elle est particulièrement préoccupée par la répression à l'encontre des groupes religieux dissidents, qui s'est accrue ces derniers mois. Elle encourage le Gouvernement vietnamien à collaborer activement avec la Communauté internationale et les mécanismes internationaux de protection des droits de l'homme.

36. La situation des droits de l'homme en **Arabie saoudite** est également inchangée, et continue donc à être une source de profonde préoccupation pour l'Union européenne. L'UE déplore les restrictions apportées à la liberté d'expression, d'assemblée, d'association et à la liberté de religion, ainsi que le recours à des peines inhumaines, l'absence de transparence dans les procès, de graves restrictions à l'accès aux détenus et la difficulté pour ceux-ci de bénéficier d'une assistance juridique. L'Union européenne demeure profondément préoccupée par le non-respect des droits de la femme en Arabie saoudite. L'UE appelle le Gouvernement saoudien à ratifier les deux Pactes des Nations Unies en matière de droits de l'homme et à

mettre en application les Conventions qu'il a ratifiées, tout en regrettant qu'il n'ait ratifié la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes qu'avec réserve. L'UE encourage le gouvernement à continuer à coopérer avec les mécanismes des droits de l'homme des Nations Unies et espère notamment que la visite prévue du Rapporteur spécial pour l'indépendance de la justice pourra avoir lieu dans les meilleures délais.

37. L'Union européenne est très préoccupée par certains développements récents en **Egypte**, en particulier l'usage de lois et de tribunaux d'urgence dans des cas concernant des civils. L'accroissement des obligations administratives pour les ONG constitue une autre source de préoccupation pour l'UE, car de telles obligations empêchent le développement d'une société civile active. Toutefois, l'Union se félicite de l'amélioration de la situation des Coptes.

38. En **Tunisie**, bien qu'une évolution positive en matière économique et sociale ait constitué un facteur de stabilité, force est de constater que la situation des droits de l'homme n'a pas connu d'amélioration significative. L'Union tient en particulier à souligner sa préoccupation face aux entraves à la liberté d'action et d'expression des associations actives dans le domaine des droits de l'homme. L'Union européenne encourage la Tunisie à poursuivre les efforts de démocratisation afin de permettre à toutes les composantes de la société de participer effectivement à la vie publique.

39. La situation des droits de l'homme en **Angola** continue d'être une source de préoccupation profonde pour l'UE. La population continue de subir les conséquences néfastes de la guerre civile. L'UE est très préoccupée par les atteintes continues à la sécurité de la population civile, et en particulier par les attaques récentes de l'UNITA contre des objectifs civils, tels que des autobus et des trains utilisés par la population. L'Union européenne déplore aussi les souffrances de la population civile causées par la crise humanitaire, notamment dans les zones inaccessibles aux organismes humanitaires. L'UE appelle le gouvernement et l'UNITA à permettre l'accès de l'aide humanitaire à tout le territoire angolais. L'Union estime que la situation des droits de l'homme ne s'améliorera substantiellement que si la paix est restaurée. Elle souligne que pour atteindre cet objectif, un dialogue impliquant toutes les parties au conflit, et la représentation la plus large possible du peuple angolais sont d'une importance capitale. L'Union européenne encourage le gouvernement à poursuivre ses efforts et à prendre des mesures nouvelles visant la promotion des droits de l'homme. Dans ce contexte, l'UE tient à souligner le rôle des églises et de la société civile dans la recherche de la paix et de la réconciliation nationale.

40. L'UE demeure préoccupée par la situation des droits de l'homme au **Cameroun**. Les exactions commises par le commandement opérationnel, dont notamment la pratique d'exécutions extrajudiciaires sont inquiétantes. A cet égard, l'affaire des "disparus de Bépanda" est suivie de près par l'UE qui demande au Gouvernement d'assurer la tenue d'un procès public et juste et de publier les résultats de l'enquête gouvernementale. La corruption généralisée hypothèque gravement le respect des droits de l'homme et le fonctionnement d'une justice équitable et efficace sanctionnant les violations des droits de l'homme et en laquelle les populations ont confiance. A cet égard, l'UE espère du Gouvernement une réalisation concrète du programme d'amélioration de la détention préventive. Elle reste également concernée par la pratique de la torture relevée par le Rapporteur spécial des Nations Unies sur la Torture et appelle le Gouvernement à mettre en application les recommandations de celui-ci. Elle encourage le Gouvernement à mettre en œuvre son engagement dans le processus de réforme.

41. Au **Kenya**, l'Union déplore les atteintes sérieuses aux droits d'association, ainsi qu'à l'indépendance du pouvoir judiciaire, et les exécutions extra-judiciaires commises par les forces de sécurité, l'utilisation continue de la torture et l'usage abusif de la force. Elle appelle les autorités kenyanes à mettre fin aux actions répressives, en particulier dans la perspective des élections générales prévues avant la fin de 2002.

42. Tout en notant l'amnistie déclarée envers les leaders politiques en exil, L'UE regrette que le gouvernement du **Liberia** n'entreprenne pas d'actions concrètes et durables pour reconstruire le pays, pour améliorer la situation de la population et pour faire respecter les droits humains les plus fondamentaux. Les forces de sécurité continuent à être responsables de graves abus des droits de l'homme et ce généralement en toute impunité.

43. L'UE constate avec satisfaction que des améliorations sont intervenues dans un certain nombre de domaines relatifs aux droits de l'homme en **Ouganda**. Malheureusement, d'autres éléments présentent une stagnation, voire un bilan négatif, tels que la situation dans le nord du pays, les conditions d'existence dans les prisons et le fait que la peine de mort soit toujours appliquée pour un certain nombre de crimes. L'UE est également préoccupée par la situation des libertés politiques et notamment par le fait que les partis politiques n'aient pas la possibilité de fonctionner.

44. Le sort réservé aux libertés individuelles, notamment politiques, à **Cuba** inquiète toujours l'Union européenne. L'Union européenne attend de Cuba qu'elle donne des signaux positifs en matière de droits de l'homme, entre autres par la ratification des deux Pactes des Nations Unies en matière de droits de l'homme, par la libération des prisonniers politiques ou par l'abolition de la peine de mort ou l'introduction d'un moratoire sur les condamnations à la peine capitale.

45. L'UE exprime son appréciation pour les efforts des autorités de la **Fédération de Russie** en matière de réformes judiciaires et d'harmonisation de la législation et de sa mise en œuvre à travers tout le pays. Ceci contribuera à l'amélioration de la sécurité légale et à l'égalité de tous et de toutes devant la loi. L'Union européenne se réjouit également des propos tenus par le Président Poutine contre le rétablissement de la peine de mort en Fédération de Russie. Elle appelle la Fédération de Russie à abolir la peine de mort de facto et de jure. Néanmoins, l'Union européenne reste préoccupée par un certain nombre de problèmes en matière de respect des droits de l'homme et de l'état de droit en Fédération de Russie. Ces problèmes sont, entre autres, la liberté des médias, les difficultés de l'Armée du Salut à Moscou, les attaques contre des personnes d'origine caucasienne ou africaine, et le cas du journaliste Grigory Pasko.

L'Union européenne reste également préoccupée par la situation en **République de Tchétchénie de la Fédération de Russie**. Elle tire satisfaction d'une certaine amélioration du climat de coopération qui s'est instauré entre les autorités russes d'une part, le Conseil de l'Europe et l'OSCE d'autre part. La restructuration du pouvoir judiciaire en Tchétchénie et la présence accrue de celui-ci lors des opérations militaires représentent des conditions nécessaires pour une amélioration réelle de la situation. Néanmoins, l'Union européenne reste préoccupée par la subsistance d'un large sentiment d'impunité dans les rangs des forces de sécurité russes et de l'absence continue de poursuites judiciaires systématiques et effectives des violations des droits de l'homme commises par elles. De surcroît, l'UE est sérieusement préoccupée par des déficits persistants dans le domaine du respect des droits de l'homme. Elle exhorte donc les autorités russes à intensifier leurs efforts pour améliorer de façon

substantielle la situation des droits de l'homme dans cette région. L'UE demande à la Russie de prendre toutes les mesures nécessaires pour améliorer les conditions de travail des organisations humanitaires en Tchétchénie et dans les zones avoisinantes. Elle lui demande également d'autoriser la visite des mécanismes de la Commission des Droits de l'Homme des Nations Unies. Elle veut répéter que seule une solution politique peut mettre un terme aux violences.

46. La liberté d'expression, dont notamment celle de la presse, continue de faire l'objet de réelles entraves en **Ukraine**. A cet égard, les disparitions de journalistes dans des circonstances non élucidées ainsi que les persécutions et les assassinats dont ils sont les victimes préoccupent au plus haut point l'Union européenne. Elle encourage les autorités à traduire concrètement la volonté exprimée de garantir et de renforcer le fonctionnement démocratique des institutions et de l'Etat de droit et à assurer de façon générale l'indépendance du système judiciaire.

47. L'Union européenne se réjouit de l'engagement de la **Turquie**, pays candidat à l'adhésion à l'Union, sur la voie des réformes constitutionnelles, notamment dans le domaine des droits et libertés civiles et des droits de l'homme, dont les droits des personnes appartenant à des minorités et la liberté d'expression. L'Union européenne attache une importance particulière à une mise en œuvre rapide et efficace de ces réformes. A cet égard, elle estime que le changement constitutionnel faisant état de l'abolition de la peine de mort en temps de paix est un signal encourageant. Elle demeure cependant préoccupée par le fait que la peine de mort resterait applicable en temps de guerre, en cas de menace de guerre imminente et pour les crimes de terrorisme. Elle exprime sa satisfaction face au rejet, par une Cour de première instance, de la demande du Parquet de fermer l'Association turque des Droits de l'Homme. Néanmoins, l'UE tient à exprimer sa déception face au nombre de plaintes en matière de violations des droits de l'homme, qui ne diminue pas. Elle exprime sa profonde préoccupation face au harcèlement, voire la menace de fermeture, dont est victime la "Human Rights Foundation" à Dyarbakir.

48. La situation des droits de l'homme à **Chypre** reste malheureusement inchangée, et les problèmes subsistent dans la partie nord de l'île. L'Union européenne est fortement déçue du refus de la partie chypriote turque de participer à la réunion du 12 septembre et tient à rappeler son soutien sans réserve au Secrétaire général des Nations Unies pour reprendre la recherche d'un règlement global, juste et durable en conformité avec les résolutions pertinentes du Conseil de Sécurité. L'UE lance un appel à toutes les parties impliquées pour qu'elles coopèrent au processus en vue d'un règlement politique au conflit.

Monsieur le Président,

49. L'Union européenne se réjouit du fait que dans certains pays la situation des droits de l'homme se soit **améliorée** par rapport à l'an dernier.

50. L'UE se réjouit de ce que le pouvoir fédéral au **Mexique** ne pose plus d'entraves au travail des ONG nationales ou étrangères, surtout au Chiapas. Elle condamne fermement l'assassinat de Mme Digna Ochoa y Placido et espère que la lumière pourra rapidement être faite sur cet assassinat et que les coupables seront identifiés et traduits en justice.

51. Au **Pérou**, le Président Toledo est arrivé au pouvoir suite à des élections démocratiques libres, régulières et transparentes. Le nouveau Président a exprimé sa volonté politique de

renforcer la démocratie, de promouvoir le dialogue politique et la réconciliation nationale, ainsi que le respect des droits de l'homme et des libertés fondamentales, de stimuler la recherche de la vérité, de renforcer le système judiciaire, d'encourager la lutte contre les drogues et de consolider le redressement de l'économie péruvienne. L'Union européenne marque son appréciation pour ces engagements et ne doute pas que le Président Toledo souhaitera les mettre en œuvre. Elle se réjouit de coopérer avec lui pour l'aider à faire face à ces importants défis.

52. A l'occasion des élections locales d'octobre 2000 et des élections législatives de juin dernier, l'Union européenne a pu constater une amélioration du respect des droits démocratiques en **Albanie**. Elle se félicite de ce que le nouveau gouvernement se soit résolument engagé à combattre la corruption, la criminalité et la traite des êtres humains, en particulier la traite des femmes. Elle exprime sa satisfaction face à la réforme de la police et de l'administration.

53. L'Union européenne exprime son appréciation pour les efforts entrepris par **l'Ancienne République yougoslave de Macédoine** pour surmonter la crise dans le pays par la voie du dialogue et non par les armes. Les réformes politiques ouvrent la voie vers un meilleur équilibre dans les relations entre toutes les communautés, crucial pour la stabilité du pays. La mise en œuvre complète et loyale de ces engagements par les autorités de l'ARYM est le seul garant d'un retour à la paix et d'une réconciliation nationale. L'Union européenne pour sa part reste fermement engagée, en étroite collaboration avec l'OSCE, l'OTAN et les Etats-Unis, à jouer un rôle actif dans ce processus, entre autres par l'envoi d'observateurs. L'UE salue à cet égard le fort soutien du Conseil de Sécurité au déploiement d'une force internationale devant entre autres veiller à la sécurité de ces moniteurs.

54. Bien que la situation y reste précaire, l'UE constate une amélioration lente mais certaine de la situation des droits de l'homme en **Bosnie-Herzégovine**. Si le sujet des droits de l'homme lui-même était jusqu'il y a peu le terrain de travail exclusif d'organisations internationales, il reçoit maintenant de la part des autorités - aux différents niveaux - une attention accrue. Les progrès réels accomplis par le pays, avec l'appui de la communauté internationale, en matière de retour de réfugiés et personnes déplacées doivent être poursuivis dans l'intérêt de la stabilité et de la réconciliation intérieure et régionale. L'Union appelle tous les partis politiques à soutenir les accords de paix et les autorités bosniaques à œuvrer à leur pleine et immédiate mise en œuvre.

55. L'Union européenne se félicite des progrès réalisés en **Croatie** depuis le début de l'an 2000 et de l'engagement ferme de la part des autorités croates à continuer à avancer dans des domaines tels que le retour des réfugiés et les droits des minorités. Elle se félicite de la tenue de la récente Conférence internationale sur les Droits de l'Homme et la Démocratisation à Dubrovnik, preuve concrète de l'intérêt des autorités croates à la question des droits de l'homme. Après la signature de l'Accord de Stabilisation et d'Association avec l'UE, l'Union européenne s'attend à ce que la Croatie prenne les mesures nécessaires pour mettre en œuvre les lois et les réformes qui faciliteront un retour durable des réfugiés.

56. L'Union européenne félicite le peuple et les dirigeants politiques de la **République fédérale de Yougoslavie** pour les progrès significatifs accomplis sur la voie de l'instauration de la démocratie. L'année qui s'est écoulée depuis le 5 octobre 2000 a été marquée par des élections et la mise en place d'un gouvernement démocratique, par des réformes économiques et par la suspension de lois répressives. Au cours de cette année, une loi d'amnistie a en outre

été adoptée. Depuis l'avènement d'un nouveau régime à l'automne 2000, la situation en matière de droits de l'homme s'est considérablement améliorée. L'UE appelle les autorités yougoslaves à intensifier leur coopération avec le TPIY et à libérer tous les prisonniers politiques qui ont été injustement condamnés par le régime de M. Milosevic et qui sont aujourd'hui toujours détenus en Serbie. L'Union européenne exprime son inquiétude face à la situation des Serbes et des autres minorités au Kosovo. Toutefois, elle se félicite de la voie ouverte par le cadre constitutionnel de l'autonomie provisoire à un Kosovo pluraliste, démocratique et multi-ethnique, conformément aux dispositions de la résolution 1244 du Conseil de Sécurité. Elle salue également l'adoption d'un document conjoint entre la MINUK et la RFY qui jette les bases d'une relation de coopération confiante entre, d'une part, la MINUK et les futures autorités élues du Kosovo et, d'autre part, les autorités de Belgrade. Elle appelle l'ensemble des communautés ethniques - en particulier les Serbes du Kosovo - à saisir cette chance en participant pleinement, dans un climat de tolérance mutuelle, aux élections générales du 17 novembre prochain et aux autres institutions de l'autonomie provisoire. Ces élections sont le début d'une nouvelle ère pour toutes les communautés au Kosovo, avec l'établissement d'institutions nouvelles, élues de façon démocratique.

57. L'Union européenne suit avec intérêt les projets de réformes politiques, économiques et sociales en **Algérie** qui devraient permettre le rétablissement de la paix, de la stabilité et de la prospérité dans une harmonie retrouvée. Elle entend soutenir la mise en œuvre des réformes tant dans le domaine économique et social, que dans celui de la nécessaire consolidation de l'Etat de droit et de la bonne gouvernance. Elle est décidée à apporter son appui au programme de réforme de la justice. L'Union européenne s'inquiète par ailleurs vivement de la persistance de la violence de groupes armés islamistes et souligne la nécessité du respect des droits de l'homme par les forces de l'ordre. L'Union européenne, attentive aux événements qui ont secoué récemment le pays, encourage la voie des réformes et du dialogue entre tous les Algériens pour surmonter la crise qui traverse le pays.

58. L'UE est heureuse de voir qu'en **Côte d'Ivoire**, le lent apaisement des tensions politiques s'est poursuivi. Depuis le début de l'année, la Côte d'Ivoire n'a plus connu de troubles et incidents violents tels ceux ayant marqué la fin des années 1999 et 2000 et ayant entraîné de graves violations des droits de l'homme. L'Union européenne appelle le gouvernement à ne pas relâcher ses efforts pour améliorer la situation des droits de l'homme, notamment en ce qui concerne la cohabitation entre les différentes composantes de la société ivoirienne, y compris les minorités étrangères, et en ce qui concerne la lutte contre l'impunité. Elle souhaite en particulier que les suites judiciaires appropriées soient données aux exactions ayant entouré les consultations électorales d'octobre et décembre 2000. Dans ce contexte, l'UE se félicite de la récente ouverture du Forum de Réconciliation nationale.

59. Les incidents au **Mozambique**, ayant entraîné la mort de plus de 120 personnes dans la province de Cabo Delgado en novembre 2000 avaient incité l'UE à exprimer sa profonde préoccupation. L'Union européenne se félicite aujourd'hui que les enquêtes pour établir les responsabilités aient été dûment menées et que l'on ait pu constater depuis lors un retour à la normale. Dans ce contexte, l'UE encourage le gouvernement mozambicain à poursuivre le processus de dialogue national.

60. Tout en regrettant le non-renouvellement du mandat du Représentant spécial de la CDH pour le **Rwanda**, l'Union européenne se félicite de la poursuite de la coopération entre le gouvernement rwandais et la Haut Commissaire des Nations Unies pour les Droits de

l'Homme. L'UE constate quelques progrès en matière de respect des droits de l'homme au Rwanda. Elle insiste cependant pour que le pouvoir en place multiplie les initiatives d'ouverture, de reconstruction nationale et de protection des minorités, afin de garantir à tous les Rwandais les mêmes droits et prérogatives démocratiques. Elle réitère ses préoccupations quant au nombre très élevé de personnes détenues sans jugement et aux conditions de détention. Elle invite le gouvernement rwandais à poursuivre la mise en œuvre des juridictions "gaçaça", dite justice participative, dont les objectifs contribueront également au processus de réconciliation et d'unité nationale actuellement en cours. L'Union européenne invite le Rwanda à poursuivre ses efforts en vue d'établir une Constitution garantissant les droits de chacun, y compris le droit de créer d'autres partis politiques que ceux existant pour l'instant.

61. L'UE demande par ailleurs instamment au **Rwanda**, ainsi qu'à l'**Ouganda**, conformément aux obligations qui découlent entre autres des quatre Conventions de Genève, de prévenir, dans les zones de RDC occupées par leurs armées respectives, les violations du droit humanitaire et des droits de l'homme et de sanctionner les personnes ou les groupes d'individus coupables de telles violations.

62. En **Sierra Leone**, l'Union européenne salue le rôle positif que joue la MINUSIL dans le processus de paix. Elle souligne l'importance que revêtent notamment l'extension progressive de l'autorité de l'Etat à l'ensemble du pays, le dialogue politique et la réconciliation nationale, la tenue par le gouvernement sierra-léonais d'élections libres, le plein respect des droits de l'homme pour tous et de la primauté du droit, l'adoption de mesures efficaces en ce qui concerne les questions d'impunité et de responsabilité, le retour sans entrave des réfugiés et des personnes déplacées. L'Union européenne exprime le vif espoir qu'il puisse être mis fin aux violations graves et systématiques des droits de l'homme par ceux qui ont terrorisé les populations durant des années.

63. L'Union européenne constate une évolution positive de la situation des droits de l'homme au **Cambodge**, malgré les nombreuses difficultés qui demeurent, telles que la faiblesse de l'Etat de droit, la corruption et la persistance d'un climat de violence dans de nombreuses localités. Elle exprime l'espoir que les élections communales de février 2002 ainsi que leur processus préparatoire se dérouleront sans violence. L'Union européenne salue la promulgation de la loi créant un tribunal chargé de juger les responsables du génocide Khmer rouge, qui constitue une étape capitale dans la consolidation de la paix au Cambodge. L'UE espère que les discussions entre le Cambodge et les Nations Unies en vue de mettre au point les conditions de leur coopération pour la tenue du procès aboutiront rapidement. Enfin, l'UE espère que le gouvernement du Cambodge signera sans tarder le Mémorandum d'entente avec le Bureau de la Haut Commissaire aux Droits de l'Homme en conformité avec la Convention sur les privilèges et immunités de l'ONU et les usages et pratiques établis en ce domaine.

64. L'UE salue les signes d'amélioration de la situation des droits de l'homme en **Malaisie**, notamment la mise en place d'une Commission nationale des Droits de l'homme. Dans son premier rapport, cette Commission a identifié tous les secteurs à améliorer. La nomination d'un nouveau Procureur général semble contribuer à une plus grande indépendance de la part de nombreux juges, et l'Union européenne s'en réjouit. L'UE demeure néanmoins préoccupée par la détention d'activistes en faveur de la réforme du fait de l'Internal Security Act. L'UE reste très préoccupée par le recours persistant à la peine capitale dans le pays et en particulier condamne les exécutions capitales récentes. Elle exhorte la Malaisie à prendre les mesures nécessaires pour abolir définitivement la peine capitale. L'UE souhaite également que la

Malaisie poursuive ses efforts en vue de rétablir l'indépendance et l'impartialité du système judiciaire.

Je vous remercie, Monsieur le Président.

INTERVENTION ON BEHALF OF THE EUROPEAN COMMUNITY AT THE 56TH UNGA - THIRD COMMITTEE (NEW YORK, 12 NOVEMBER, 2001)

Further to the intervention by Belgium on behalf of the European Union under item 119, I should like to take the opportunity to share with the Committee some of the reforms which have been advanced recently by the European Commission in order to ensure the effective implementation of European Union policy in the field of human rights.

Coherency and Consistency of HR policy

Last June the EU General Affairs Council endorsed the European Commission Communication on the role of the European Union in promoting human rights and democratisation in third countries. In this Communication the human rights policy of the EU for the short-to-medium term is set out in a clear and comprehensive way. Lines of contact between the EU institutions are being strengthened in order to improve the consistency and coherency of EU policy on human rights. For example, the European Parliament, which has long been a vocal advocate of human rights, will henceforth be consulted on the human rights funding priorities which it selects. Greater efforts will be made to ensure that funding channelled through EU budget lines complements assistance offered on a national basis by EU Member States.

Civil society has a vital role to play in holding governments to account. The European Union has acknowledged the need to draw on the knowledge and experience of non-governmental organizations more enthusiastically. To that end the EU Presidency and the European Commission arrange regular Human Rights Fora, which bring together a broad cross-section of representatives of civil society. The next event will take place on 21st-22nd November and will focus on the role of civil society and the instruments which are at the international community's disposal for the advancement of human rights. Such contacts are an important means of cementing the relationship of the EU with civil society but informal contacts at local and headquarters level provide equally valuable input which can ultimately be reflected in EU policy and priority setting for external assistance. For example, a round of informal consultations with civil society took place this month in Brussels regarding the programming exercise for the use of resources under the European Initiative for Democracy and Human Rights, the EU budgetary instrument dedicated to support for human rights and democracy initiatives in third countries.

Dialogue with Third Countries

Human rights do not exist in a vacuum within institutions: it is through dialogue and agreement that the cause of human rights is advanced. The EU has made a clear commitment to improve existing dialogues on human rights with third countries. The EU will continue its efforts to reinvigorate discussions on human rights with partners at the regional level.

Dialogue coalesces into concrete undertakings in the form of the human rights clause which is included systematically in all Community agreements since 1995. The clause is a mutual recognition that respect for human rights is an essential element of these agreements and is intended to provide both a positive means of encouragement and, in the event of a serious breach, restrictive measures. For example, the Cotonou agreement which was concluded with

African, Caribbean and Pacific States in June 2000, includes a refined consultation process to be invoked in the event that the human rights element of the agreement is violated.

Assistance

Human rights considerations are being mainstreamed throughout EU assistance programmes to third countries, backed up by comprehensive Country Strategy Papers. The European Community maintains a diplomatic presence in over 120 countries and responsibility for managing many such assistance programmes is being devolved to these Delegations in an effort to ensure that support is rooted in local needs and knowledge and is delivered in an efficient manner.

NGOs are principal recipients of Community human rights funding under the European Initiative for Democracy and Human Rights. It goes without saying that the resources available for such assistance are limited and should, therefore, be focused as effectively as possible. To that end the European Initiative for Democracy and Human Rights has been targeted on four key themes: support to strengthen democratisation, good governance and the rule of law; activities to support the abolition of the death penalty; support for the fight against torture and impunity and for international tribunals and criminal courts and finally funding to combat racism, xenophobia and discrimination against minorities and indigenous peoples.

In addition, funding under these priorities will be concentrated on a smaller number of countries which are selected after extensive consultations with EU Member States and with a view to maintaining geographical balance. Focusing the thematic and geographic scope of the specific budget chapter in this way does not imply that other human rights issues or countries no longer concern the EU, but rather acknowledges that action must bring a tangible contribution to efforts to advance a coherent EU human rights policy. It should be understood that limiting the number of thematic priorities and focus countries in this fashion applies only to the budget lines of the European Initiative for Democracy and Human Rights, and in no way diminishes the importance of activities with human rights or democracy elements funded through other EU instruments. Moreover, whilst funding will be focused in the four main areas I have mentioned, certain key themes such as gender equality and children's rights will be mainstreamed as "cross-cutting" issues in projects supported under this initiative.

Any mention of EU human rights policy would not be complete without a reference to the efforts to support the work of the Office of the UN High Commissioner for Human Rights. Last year, over €5 million was provided for different OHCHR projects under the European Initiative. Substantial funds were channelled through Ms. Robinson's office for regional events related to the World Conference Against Racism and for the participation of NGOs at that event. We are currently discussing future avenues for human rights co-operation with the OHCHR.

Conclusion

I have sought to give a flavour of recent developments with respect to the Commission's contribution in wider EU cooperation in the field of human rights. The aim of the changes has been to reinvigorate the EU's performance in this field and to reinforce its relationship with third countries, regional and international organisations and civil society. By refining its

approach, the EU shall make an enhanced contribution to international efforts to advance human rights and democratic values.

**DISCOURS DE M PIQUÉ I CAMPS, MINISTRE ESPAGNOL DES AFFAIRES
ÉTRANGÈRES ET PRÉSIDENT DU CONSEIL DE L'UNION EUROPÉENNE A LA
COMMISSION DES DROITS DE L'HOMME (GENÈVE, LE 19 MARS 2002)**

M. le Président,

J'ai l'honneur de m'adresser, aujourd'hui, à la Commission des Droits de l'Homme, au nom de l'Union européenne. Les pays associés d'Europe Centrale et Orientale, ainsi que les autres pays associés, Chypre, Malte et la Turquie, ont exprimé leur souhait de se joindre à cette intervention.

Tout d'abord, je tiens à féliciter l'ambassadeur Jakubowski pour son élection comme président de la Commission et lui souhaiter le plus grand succès dans cette tâche. Je voudrais également remercier l'ambassadeur Despouy pour le magnifique travail déroulé au cours de cette dernière année.

M. le Président,

L'Union européenne est consciente de l'importance et du prestige de ce forum, qui devient chaque année un rendez-vous essentiel pour tous ceux qui veillent au respect international des Droits de l'Homme, parmi lesquels se trouvent aussi bien les pays membres et les pays observateurs, que les ONG et le Secrétariat lui-même, sous la direction du Bureau du Haut Commissaire, et dont le dévouement ne saurait échapper à mon hommage. Ces réunions qui commencent maintenant permettent d'effectuer, grâce à l'effort de tous ceux qui y participons, une réflexion fructueuse sur les divers problèmes qui se posent dans le domaine des Droits de l'Homme, ce qui facilite l'adoption de décisions orientées vers l'action et vers le remède de maintes carences. Dans ce sens, l'Union européenne travaillera pour que le rôle de la Commission soit renforcé au maximum et pour que sa capacité d'initiative et d'action s'intensifie. Nous invitons les Etats membres à approfondir leur engagement et leur coopération avec les mécanismes existants, notamment avec le propre Bureau du Haut Commissaire et avec les comités d'experts, et très spécialement avec les rapporteurs et les représentants spéciaux. De notre part, cette année encore, nous entamons les tâches de la Commission avec un esprit de coopération, et avec la volonté sincère de collaborer à l'amélioration de la situation des Droits de l'Homme dans le monde, conscients du lien existant entre la paix et la stabilité internationales, d'une part, et le ferme respect des Droits de l'Homme sur le plan interne, d'autre part.

M. le Président,

Nous pouvons tous nous sentir fiers de la formidable évolution historique subie par la codification internationale de ces droits depuis la proclamation de la Déclaration Universelle des Droits de l'Homme, en 1948, jusqu'à nos jours. Cette évolution a permis la naissance d'un système complet de conventions sur les aspects les plus variés, avec leurs comités d'experts correspondants qui examinent régulièrement le degré d'observance auquel les Etats parties nous sommes soumis. Néanmoins, malgré le chemin parcouru, de nombreuses carences réclament encore notre attention et notre action. Ce scrutin renforcé, que nous souhaitons toujours plus exigeant et ponctuel, correspond de fait avec un monde de plus en

plus globalisé et transparent, où il n'est pas seulement plus facile de communiquer, d'échanger des opinions ou des flux commerciaux, mais aussi d'aborder la défense des droits auxquels l'être humain ne peut pas renoncer ainsi que de réclamer leur respect.

L'Union européenne est pleinement consciente qu'elle ne peut pas se borner à réclamer l'observance universelle des droits civils et politiques considérés classiques par la plupart de la communauté internationale, tels que la liberté d'expression ou la liberté de religion et de croyances. Il est nécessaire également de répondre à toute une série de droits économiques et sociaux qui constituent la base même de l'évolution et du progrès de nos sociétés. Il en est ainsi dans le domaine de la santé, de l'éducation, du droit au travail ou à la jouissance et au développement de la culture propre. La conquête de ces droits est fondamentale, et nous devons tous nous sentir engagés dans ce but, puisqu'ils sont indissociables de la dignité humaine et des libertés qui constituent la pierre angulaire de l'Etat de Droit. Ces deux genres de droits sont, en définitive, non seulement universels, mais aussi indivisibles, étant donné que le progrès matériel du monde serait inutile en présence de populations entières soumises par la tyrannie, de milliers de réfugiés et de déplacés, de femmes discriminées dans leurs droits, ou de citoyens persécutés en raison de leurs idéaux et de leur défense de la démocratie.

J'ai fait allusion, M. le Président, à la nature universelle de ces droits, et je voudrais à présent souligner, précisément dans ce forum, que l'Union européenne ne prétend pas imposer ses propres règles de conduite à d'autres pays. Quand nous nous référons aux droits qui constituent à l'heure actuelle un acquis universel accepté par tous, dans les grandes lignes, nous ne pouvons pas oublier, d'une part, que ces droits constituent une exigence de la propre dignité humaine, et, d'autre part, qu'ils sont inaliénables pour tout Etat ayant décidé librement de faire partie des instruments conventionnels auxquels je faisais allusion auparavant et d'assumer les obligations spécifiques que ceux-ci contiennent.

Par ailleurs, l'Union européenne, qui a fait un effort énorme d'institutionnalisation et de mise en œuvre effective de ces droits, ne prétend pas se soustraire aux exigences dans cette matière. L'articulation d'une politique de solidarité internationale à l'égard des plus démunis, les difficultés pour intégrer la population immigrante, l'élimination effective de l'intolérance et de la xénophobie, constituent quelques uns des défis auxquels nous, les Européens, devons faire face.

M. le Président,

Le moment venu, et plus concrètement au point 9 de notre ordre du jour, l'Union européenne fera une analyse détaillée des situations spécifiques de violations et de manquements dans le monde, avec la clarté et la transparence exigible à nous tous dans ce domaine.

Néanmoins, je ne voudrais pas manquer de faire allusion à une question qui préoccupe aussi bien l'Union européenne que le reste de la communauté internationale : le terrorisme.

Tous les droits de l'homme sont axés, en quelque sorte, sur un droit fondamental, le droit à la vie. Cependant, il n'est pas rare dans nos sociétés que le phénomène terroriste opère avec un mépris absolu envers cette prémisse élémentaire.

Le fléau du terrorisme n'est ni nouveau, ni spécifique à une région ou à un pays ; cependant, les attaques exécrables du mois de septembre dernier, en raison de leur cruauté inhumaine et extrême, ont attisé la conscience universelle à l'égard de la nécessité de mettre terme à ce

fléau, au moyen de l'effort concerté et ferme de tous les membres de la communauté internationale. La lutte contre cette menace à la liberté de nous tous doit être prise en charge, sans réserves, par tous, pour éradiquer de nos sociétés ce terrible phénomène. Par ailleurs, ce combat doit être conduit à l'intérieur d'un cadre de plein respect aux droits et aux libertés fondamentales sur lesquels l'Etat de Droit se fonde. Ce n'est qu'ainsi qu'il sera possible de faire prévaloir les valeurs démocratiques qui doivent fonder la cohabitation pacifique dans nos sociétés. Nous ne pouvons pas octroyer au terrorisme la victoire de nous faire abdiquer de nos principes et valeurs en assumant sa propre et perverse logique.

M. le Président,

J'ai fait allusion auparavant à un monde plus relié et globalisé, ce qui implique aussi un monde où l'impunité face aux violations des droits de l'homme ne peut pas prévaloir. Les régimes autoritaires commencent à douter de leurs propres politiques de répression sans discrimination et de leurs pratiques cruelles pour vaincre ceux qui luttent pour la liberté et la dignité de leurs citoyens. La création de tribunaux spéciaux pour les cas du Rwanda et de l'ancienne Yougoslavie, ainsi que l'accusation judiciaire d'anciens dictateurs, constituent des avancées extrêmement importantes en faveur de la défense et de la protection des droits de l'homme, qui ne doivent pas être considérés une affaire interne, à l'abri de frontières protégées par le principe de la souveraineté nationale. La création et la mise en marche définitive, que nous souhaitons effective dans un bref délai, de la Cour Pénale Internationale, qui a constitué une des priorités de l'action extérieure de l'Union européenne, représentera, sans aucun doute, un pas décisif dans ce sens, qui permettra de franchir le seuil dans cette institutionnalisation et réaffirmation des droits universels de l'homme que nous avons défendues.

M. le Président,

Il existe de nombreux secteurs défavorisés dans le monde, qui continuent à subir des discriminations, d'autant plus douloureuses qu'il s'agit de collectifs démunis de protection. Il y a quelques jours nous avons célébré la Journée Internationale de la Femme, et nous devons être conscients qu'il y a encore beaucoup à faire dans ce domaine, aussi bien en ce qui concerne la non discrimination effective, un objectif pour lequel l'Union européenne travaille quotidiennement, qu'en ce qui concerne le respect fondamental de sa dignité et de sa liberté. Nous pourrions en dire autant quant au manque de protection et à la fragilité de l'enfance. L'Union européenne espère que l'Assemblée Générale Extraordinaire sur l'Enfance qui aura lieu à New York, au mois de mai prochain, constituera une avancée décisive dans ce domaine, de la même façon que nous espérons que l'Assemblée Mondiale sur le Vieillessement, qui se tiendra à Madrid le mois prochain, supposera un progrès dans la consolidation des droits et du bien-être d'un groupe de population de plus en plus nombreux, souvent déprotégé et soumis à des conditions précaires.

M. le Président,

Il y a deux questions déjà classiques dans le répertoire des thèmes analysés et discutés annuellement par cette Commission, auxquelles l'Union européenne accorde une priorité absolue. Il s'agit de la peine de mort et de la torture.

Nous considérons l'imposition de la peine de mort comme un châtement qui est en contradiction fondamentale avec la dignité humaine, et nous continuerons donc à nous

efforcer, ici et dans d'autres fora, pour parvenir à son abolition universelle. Nous continuerons également à lutter, là où l'abolition ne s'avère pas encore possible, au moins pour obtenir l'imposition de moratoires, ainsi que pour éviter son application dans des cas extrêmes, tels que dans le cas des mineurs ou des personnes handicapées.

Quant à la torture, nous devons rappeler, aussi souvent qu'il soit nécessaire, sa prohibition sans conditions et le fait que cette pratique constitue une de violations de droits de l'homme les plus odieuses et indignes, destinée à détruire la personne, physiquement et moralement. Dans ce domaine, la prévention s'avère nécessaire. Dans ce sens, nous avons cette année une occasion historique pour avancer, puisqu'après plusieurs années d'étude et de préparation, le Protocole Facultatif à la Convention contre la Torture, qui contemple un mécanisme de visites préventives, conformément à la recommandation de la Conférence Mondiale de Vienne, sera soumis à la considération de la Commission. L'Union européenne considère que le projet élaboré sous la direction du Président-rapporteur du Groupe de travail, Mme Odio-Benito, que nous félicitons par sa tâche, constitue un texte équilibré que nous devons préserver.

M. le Président,

La Commission vient d'entamer encore une fois ses travaux. L'Union européenne souhaite qu'ils soient fructueux et qu'ils permettent, dans un climat de coopération et d'entente, d'améliorer la situation des droits de l'homme dans le monde. C'est à quoi nous aspirons, et non pas à la dénonciation gratuite. Nous ne devons donc pas cacher les problèmes, mais les résoudre entre tous, et nous offrons à nouveau notre effort et notre volonté de dialogue, à cet effet, convaincus que le travail conjoint nous permettra de nous rapprocher à la réalisation de nos objectifs.

Merci beaucoup.

**Statement by Mr. Javier Solana, Secretary General of the European Council,
EU High Representative CFSP at the 58th session of the Commission on Human Rights
(Geneva, 19 March, 2002)**

Mr Chairman,

Ladies and Gentlemen,

1. It is a great honour for me, as the High Representative for the European Union's Common Foreign and Security Policy, to speak to the Commission today.

First of all Mr Chairman, let me congratulate you on your appointment and wish you every success.

Let me also express, Madam High Commissioner, my warmest appreciation for your continuous advocacy of human rights and for the achievements and quality of work of this Commission.

I fully support the intervention made this morning by Minister Piqué on behalf of the European Union. I will not duplicate that intervention, but will speak more generally about the place of human rights in foreign policy.

A Union of responsibility and values

2. Mr Chairman, the European Union is determined fully to assume its international responsibilities. These are responsibilities that we have on account of our size, our wealth, our history and our geography. In due course we can expect the EU to include nearly thirty countries, with a combined population of over 500 million. Our Union is set to play a prominent international role in the century to come.

3. Human rights will remain at the heart of that role because human rights are at the core of European integration. We are much more than a free trade area or an alliance of convenience. Ours is a Union of values. These values are essential conditions for membership, and a compass that helps guide our external relations. We are committed to the principles of liberty, democracy, respect for universal and indivisible human rights, fundamental freedoms and the rule of law.

4. Our attachment to human rights is not an abstract one: it was forged in the bitter experiences of the last century. Europeans need only look back on their own history to understand why the Universal Declaration on Human Rights referred to : "... disregard and contempt for human rights" that "have resulted in barbarous acts which have outraged the conscience of mankind (...)". That sense of outrage has been used positively in the past half century to construct a Europe that has learned from, but not forgotten, its history.

5. We are proud of our achievements over the last 50 years, but not complacent. We are reminded every day that human rights are not "for export only". Acts of racism, xenophobia

and intolerance have not disappeared in our own societies and our continued vigilance is required. Believing in human rights means being ready to accept criticisms and working every day to strengthen respect for the freedoms that we all hold dear.

The intrinsic value of rights

6. Human rights are of fundamental, intrinsic value. Nothing excuses or justifies their denial or compromise anywhere. And yet, already this new century has already seen its share of ethnic abuses, religious and gender discrimination, and denial of democratic rights. This Commission is and must remain an uncompromising watchdog against abuses of this kind. Human rights are threatened from many directions, but it seems to me that three recurring threats demand particular attention: conflict, poverty and isolation. These three factors, often inter-related, are both the parents and the offspring of human rights violations.

7. Conflict, poverty and isolation all erode basic rights. At the same time, there can be no enduring peace, no sustainable development without democracy and due respect for fundamental freedoms. The EU places great emphasis on conflict prevention and crisis management, on poverty alleviation, and on a policy of engagement and dialogue. Through concrete action in each of these three areas the EU is helping to consolidate human rights.

Defending rights by ending conflict

8. Mr Chairman, across the world conflict and the threat of conflict put human rights in danger, and the denial of human rights in turn increases the risk of conflict. That is why the European Union is working hard to improve its capacities for crisis management and conflict prevention and why the defence and promotion of human rights are important elements in these efforts. In keeping with the primary role of the UN in conflict prevention, the EU has stated that its actions will be undertaken in accordance with the principles and purposes of the UN Charter.

9. I make no apology for the amount of time, energy and resources that the EU - and I personally - have devoted to efforts to manage crises and avoid or end conflicts whether it be in the Balkans, the Middle East, or in Africa. These efforts are the concrete expression of our determination to protect and promote human rights. Tackling the root causes of conflict means defending the legitimate rights of all those involved in conflict, regardless of their religion or ethnicity. That is why the European Union placed such emphasis on citizens' rights when facilitating peace in the former Yugoslav Republic of Macedonia and in supporting the actions of the international community in Bosnia and in Kosovo.

10. Along with many others, the EU is working tirelessly to bring peace to the Middle East. But we want more than peace. We want more than just an end to violence. We want to see democracy, security and freedom. A peace without democracy, security and freedom will never be a lasting peace. But democracy, security and freedom for all in the region require that peace is established, that violence ends. No one's freedom is served by the slaughter of innocent teenagers and children on the streets of Tel Aviv, or Ramallah. No one's security is served by the demolition of houses and the occupation of refugee camps. Everyone's democracy is debased by daily contempt of and disregard for human rights and humanitarian conventions. So I welcome, in all respects, Resolution 1397 of the UN Security Council adopted last week. But let me make one special plea : that the Resolution's call to respect universally accepted norms of international humanitarian law is heeded by all, immediately

and unconditionally.

11. Legitimate interventions to defend human rights, undertaken in the framework of the UN, must be followed by enduring commitment. Rights defended must be nurtured. Earlier this month I had the opportunity to present to the UN Security Council in New York the details of the EU Police Mission in Bosnia that will provide the follow-on from the current UN police mission. Similarly, the Member States of the EU are playing the lead role in the International Security Assistance Force in Afghanistan. Both actions are proof of European efforts to strengthen the rule of law and thus to better guarantee peace, stability and human rights.

Democracy, development and freedom

12. If crises and conflict are the most visible and acute threats to human rights, then poverty is surely the most widespread. How can one enjoy what we agree are fundamental rights if one finds oneself in the half of the world's population that has to survive on less than three euro per day? What chance is there to exercise rights when all one's efforts must be devoted to a grim daily struggle for survival? What value do we place on the rights of the 36,000 children who die through disease and hunger every day in the third world? If we are serious about the universality of human rights, and I believe that we are, then we must face up to these questions.

13. The point is not that development is an alternative to rights, or that the promotion of rights is a luxury of richer countries. The point is that we must make a sustained global effort to lift the poorest out of their misery into a position where their rights begin to be meaningful. "Democracy, development and respect for fundamental freedoms are interdependent and mutually reinforcing", as the 1993 Vienna Declaration on Human Rights states. But let us be realistic, outside help is vital if this virtuous cycle is to be begun.

14. The European Union contributes to human rights through its actions to promote development. The EU and its Member States account for more than half of all official development assistance. We have offered duty-free access to goods from the poorest countries. We have reaffirmed our commitment to the development goals and targets set out in the UN Millennium Declaration. We are determined to make a major contribution to the success of the UN Development Financing Conference that opened yesterday in Monterrey, and also to the Johannesburg World Summit later this year.

15. The conviction that democracy, development and freedom are tied together is widely shared. I recently met several African leaders to discuss the New Partnership for Africa's Development (NEPAD) and was impressed by their strong personal commitment and by their candour in recognising the challenges ahead. All of that conviction, all of that commitment and all of that candour are called upon now if the full potential of this important initiative is to be realised. In recent days we have witnessed once again the truly inspiring enthusiasm for democracy among ordinary Africans. The calm, dignified enthusiasm of thousands queuing to vote should inspire us all to ensure that each and every one of their voices is heard, that each and every one of their votes is counted.

Progress through dialogue

16. Mr Chairman, in trying to promote human rights our starting point should be cooperation and dialogue. With our many international partners and in international fora the European

Union shows an instinct for engagement and a commitment to dialogue, as we did for example in the Durban Conference where, despite the difficulties, we contributed to a positive outcome. Contact yields influence. Dialogue allows observation of progress. Our commitment to dialogue will not however prevent the EU from firmly stating its positions, as we do in this Commission. And while we much prefer to make progress through consensus, if need be, we will not hesitate to put resolutions to a vote and act to protect human rights.

17. Cooperation and engagement go beyond state to state contacts. The EU places great value on the dialogue it has at many levels with the human rights NGOs. NGOs cannot substitute the state, but they can and do act as our eyes and ears and often our conscience too. They are an essential part of civil society, and a flourishing civil society is a key feature of a healthy democracy.

A global approach to global problems

18. Mr Chairman, Madam High Commissioner, we live in a global age, an age characterised by the degree of our inter-dependence, and our consciousness of this fact. This inter-dependence has many facets: economic, environmental, political. As Kofi Annan noted in his recent Nobel Lecture: "Today, no walls can separate humanitarian or human rights crises in one part of the world from national security crises in another." A global age demands that we make full use of those global institutions available to promote respect for international humanitarian law, not least this one and also the International Criminal Court. Commitment to genuine multilateralism is the surest way of convincing even the weakest and poorest that their voice will be heard, that their rights will be protected.

19. Through global institutions we can tackle global problems, not least that of international terrorism. The terrorist attacks against the people and the institutions of the United States were indeed an attack against all of us. Terrorism is a real challenge for the world and for Europe. All countries must combine their efforts to make impunity for terrorists impossible. Actions taken against those responsible for the barbaric acts of September 11th are not targeted against any people or religion: and we must make sure that they never will. They aim instead at the reinforcement of international security and the rule of law as well as at the security of the countries affected by the scourge of terrorism. Collectively we are strong enough to prevail against terrorism, and to do so in full respect of human rights and the rule of law.

20. Let me conclude by saying that more than ever before the countries of the European Union are pursuing a common foreign policy through a Union founded on respect for fundamental human rights. More than ever before, the EU places human rights at the core of its international relations. And more than ever before, we are developing the operational capabilities to defend those human rights when they are under threat. This Commission represents the key UN instrument by which the European Union seeks to advance the values upon which it itself is founded. That is why we place such importance on the Commission's work, and why we are determined to contribute to its success.

Thank you.

COUNTRY STATEMENT BY AMBASSADOR JOAQUÍN PÉREZ VILLANUEVA Y TOVAR, HEAD OF THE DELEGATION OF SPAIN, ON THE BEHALF OF THE EUROPEAN UNION, AT THE 58TH SESSION OF THE COMMISSION ON HUMAN RIGHTS (GENEVA, 2 APRIL, 2002).

April 2, 2002: Statement by Ambassador Joaquín Pérez-Villanueva Y Tovar, Head of the Delegation of Spain, on behalf of the European Union at the 58th Session of the Commission on Human Rights. Agenda Item 9: Question of the violation of human rights and fundamental freedoms in any part of the world (Geneva, 18 March – 26 April 2002)

On behalf of the European Union, I have the honour to speak on agenda Item 9 of this Commission, concerning the question of the violation of human rights and fundamental freedoms in any part of the world. The Central and Eastern European countries associated with the European Union – Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Slovakia, Slovenia – and the associated countries – Cyprus and Malta – have expressed their wish to align themselves with this statement.

The commitment of the European Union to human rights lies at the very origin of its existence. The principles of freedom and democracy, the respect for human rights and fundamental freedoms and the Rule of Law are incorporated in the EU treaties and were solemnly reiterated on the occasion of the proclamation, in December 2000, of the Charter of Fundamental Rights of the European Union. These principles apply not only to the internal framework of the EU, but also guide the Common Foreign and Security Policy, which has as a priority their defence and promotion.

The European Union takes action in favour of human rights through initiatives at all levels. This priority has been incorporated in strategies and common positions, declarations and demarches and guides political contacts undertaken with all countries and regions. It is a key consideration in the provision of development aid and respect for human rights is included as an essential element in co-operation and other agreements.

In this approach, the European Union gives special attention to the multilateral dimension of the implementation of human rights. In this framework, we attach great importance to the task of the United Nations Commission on Human Rights. We hope that the work carried out by this Commission will contribute to improving the situation of human rights in all countries, through the promotion of the fulfilment of obligations taken on by all countries when adhering to legal instruments, as well as the full operational capacity of mechanisms that have been created for this purpose within the United Nations system. Therefore, we once again call upon all Governments to comply fully with their obligations and to co-operate fully with the treaty bodies as well as with the special procedures such as special rapporteurs, special representatives and independent experts of the UN. European Union Member States reaffirm their commitment to co-operate fully with all UN human rights mechanisms.

The European Union is faced with gender inequality, racism, xenophobia and trafficking of persons associated with migratory flows. The Union has a long track record of taking action

to promote gender equality. More recently, it has adopted legislation prohibiting discrimination on the grounds of race, ethnic origin, religion or belief, age disability and sexual orientation. However, further action is clearly needed both at national and European Union level to combat discrimination and to promote equality. The Report on Human Rights which is published annually by the European Union outlines our efforts in this regard and stresses that much remains to be done because, unfortunately, human rights violations still occur in our countries.

The priority that the European Union gives to the promotion and protection of human rights is at the core of its process of enlargement. The thirteen Associated States that take part in this dynamic, positive and already irreversible process are aware that the accession to the Union entails the assumption of a broad *acquis*, of which the full respect for human rights forms an essential element. The Union looks forward to candidate countries continuing to make efforts in order to increase their administrative and judicial capabilities in this field to attain the high level required of them as future members.

Beyond its geographical scope and that of its Associated States, the European Union is still particularly concerned at the situation of human rights in Burma/Myanmar, Colombia, the Democratic Republic of Congo, East Timor, Iran, Iraq, the Occupied Palestinian Territories, the Republic of Chechnya of the Russian Federation, parts of South Eastern Europe, Sudan and Zimbabwe. These situations are addressed in the respective initiatives under this and other agenda items that the European Union proposes to the Commission for consideration and adoption.

Mr Chairman,

Over the last few months, events in Afghanistan have claimed the world's attention. What has happened in this country shows again that totalitarian regimes in which human dignity is systematically ignored give rise not only to suffering for their citizens, but also constitute a threat to international peace and stability. The Afghans were subjected by the Taliban regime to the most serious violations of human rights. Extra-judicial executions and killings, systematic use of torture, widespread and systematic discrimination against women, elimination of all civil and political rights and the lack of respect for economic, social and cultural rights of the population brought about deep wounds to Afghan society. The serious violations of human rights perpetrated under this hideous regime must not remain unpunished.

The Union calls upon the establishment of mechanisms which will ensure nation wide respect for human rights without discrimination, as provided for in the Bonn Agreements. In this regard, the European Union welcomes the will expressed by the Interim Authority and looks forward to the speedy establishment of the National Human Rights Commission foreseen in those Agreements.

The European Union welcomes the prospects opened to Afghans in this new political period. The European Union will continue to support substantially the tasks of reconciliation and reconstruction of the country. We hope that the actions of the Interim Authority will succeed in creating a framework of stability and prosperity that will help to alleviate the suffering of the population. The Union calls on the Interim Authority and the Emergency Loya Jirga, as provided for in the Bonn Agreements, to ensure respect for human rights, without discrimination and in accordance with international standards, in particular with regard to the status of women and girls. The European Union is again prepared to help in that process. The

European Union reiterates its concern with the fate of refugees and displaced persons. The Union is also concerned about recent reports of continued human rights violations such as ethnic persecution in the North and restrictions on the freedom of the media. These should be thoroughly investigated, acted upon and the perpetrators brought to justice by the appropriate Afghan authorities.

The European Union is deeply alarmed by the grave deterioration of the situation in the Middle East and has called for the immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction, and for respect for human rights and the Rule of Law; all these concerns and the appeal of the European Union to all parties to the conflict have been expressed in our statement under Item 8 of the Agenda.

Mr. Chairman,

The European Union is deeply concerned about the deterioration of the human rights situation in some countries during the last year. We believe that such negative development frequently entails a risk of destabilisation beyond the borders of the countries concerned.

This risk is particularly present in the case of North Korea, where very extensive, continued and serious violations of human rights take place. We have made these concerns known in our political dialogue with North Korea. We would welcome further discussions on the human rights situation in the country. At the same time we believe that North Korea needs to show a constructive attitude in these discussions which has so far not produced concrete results. In this context, we are deeply concerned about violations of civil and political rights and the lack of respect for the economic, social and cultural rights in North Korea.

In this sense, we urge the authorities to further improve access and working conditions for humanitarian international organisations, including the ICRC, to carry out their work in the country. We urge the North Korean authorities to promptly resolve humanitarian issues, such as exchange visits of separated family members and relatives in accordance with the 15th June 2000 Summit South-North Joint Declaration. We urge the North Korean Government to fulfil the commitments resulting from its accession to the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination Against Women, and to sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to ratify the Convention on the Elimination of All Forms of Racial Discrimination. We urge the North Korean authorities to co-operate with the UN mechanisms that monitor human rights and to provide the required information in this respect.

It is also important that North Korea engages in a dialogue with the Office of the High Commissioner for Human Rights. The Union will continue to follow the evolution of the situation of human rights in the Democratic People's Republic of Korea very closely with a view to considering appropriate action in the relevant forums, including the next Commission on Human Rights.

Mr. Chairman,

The European Union expresses its worries about the situation of human rights to the authorities at all levels of the countries concerned, and it always does so, as a first resort, by means of dialogue. This dialogue, which on many occasions does not bear the expected fruits,

does not exempt us from the obligation to denounce human rights violations wherever they occur.

The transformation of China's economy and the ongoing reform of the judicial and legal system during the last two decades have led to significant improvement in the country. However, through its dialogue with the Government of China, the European Union has continued to convey its concern about the continuing violations of human rights in the country. Whilst the EU welcomes some positive developments, such as China's willingness to continue its co-operation with the UNHCHR and the European Union in the field of legal reform, no significant progress has been made in the overall situation, and the European Union remains deeply concerned about the lack of significant progress in other areas. Widespread use of the death penalty has increased in the framework of the “strike hard” campaign, which has also resulted in further serious infringements of the right of due process of law of detained and accused persons. The Chinese authorities continue to withhold information about the impact of the campaign. Furthermore, capital punishment is used without respect for minimal legal standards.

The use of torture is still widespread. The deaths of detainees in police custody as a result of ill treatment inflicted are frequent. No progress has been made in reforming the system of administrative detention, including “re-education through labour”, which lacks proper judicial process and often entails forced labour. There are still long sentences for the exercise of the freedom of speech, as well as restrictions on the freedom of press, including barriers to access to Internet. Restrictions on the freedom of expression, assembly, association and religion are still in force. Worship is subject to serious limitations. Particularly worrisome is the treatment given to Christian groups. The persecution of democracy activists, religious practitioners and Falun Gong practitioners is particularly harsh and has led to a great number of cases of torture and deaths in custody.

The European Union remains extremely concerned about intensified repression against persons belonging to ethnic minorities in Tibet and Xingjiang. The fight against terrorism should be pursued with full respect for human rights and fundamental freedoms. It should not be used as an excuse to curb the rights of persons belonging to ethnic minorities. Also of concern is the refusal to give the UNHCR and NGOs access to North Korean refugees. The Union calls upon China to ratify the International Covenant on Civil and Political Rights. The statements made by the Chinese authorities on their willingness to co-operate with UN special procedures and the ICRC have not yet been translated into any concrete action.

The European Union places great importance on the EU-China human rights dialogue. It appreciates the co-operation of China in this dialogue process. This dialogue is not an end in itself. The European Union expects that this dialogue will produce progress on the ground and measurable results.

Mr. Chairman,

The European Union is addressing the situation of human rights in a number of countries in the world. The European Union wants to underline that in some of the cases we have noted improvements with regard to the situation of human rights. In others, unfortunately, this was not the case.

Mr. Chairman,

The European Union welcomes the resumption of the direct talks between the leaders of the two communities in Cyprus that has given a new impetus to the negotiations aiming at reaching a definitive political agreement in Cyprus. The said agreement should provide, as an essential part, for the restoration and full respect for human rights and fundamental freedoms on the whole island. To this end, the Union reiterates its support to the Secretary General in his efforts to reach a comprehensive solution, just, lasting, functional and consistent with relevant UNSC resolutions. The Union also acknowledges the importance of the work carried by UNFICYP.

The European Union welcomes the process of constitutional and legal reform at present underway in Turkey. It welcomes particularly the amendments to the Constitution adopted by the Turkish National Assembly on the 3rd of October 2001, which it considers a significant step towards strengthening guarantees in the field of human rights and fundamental freedoms. However the Union underlines the importance of effective implementation and enforcement. The Union also welcomes the developments in the fields of gender equality and limitations of the pre-trial detention periods. Specific restrictions on the use of the death penalty, which in the Union's opinion must be abolished, are also envisaged. Likewise, the Union has also taken note of the coming into force, on January 1st, of the provisions of the Civil Code that aim to put the legal status of men and women on the same level in the family sphere and that eliminate some conditioning factors to the right of association.

The Union stresses the importance of subsequent reforms in order to translate these constitutional provisions into ordinary legislation and changes in the administrative practice. The Union looks forward to the prompt implementation and enforcement, in the spirit of the constitutional amendments, of the recently adopted legislative packages. The European Union also hopes that positive developments in the sphere of respect for rights of persons belonging to minorities will follow soon.

The European Union welcomes the commitment undertaken by Albania's authorities to respect all human rights including the rights of persons belonging to minorities. Welcoming the legislative reforms in public administration and police, it encourages the Albanian Government to speed up implementation of these reforms. The police should be better acquainted with their human rights obligations, the judiciary should be able to address human rights cases properly, property rights should be duly implemented and women's rights should be better protected. Further efforts are needed, especially to strengthen the fight against corruption, crime and trafficking of human beings, particularly women, as well as to take appropriate steps towards enhancing border control and surveillance.

The European Union acknowledges that tangible progress with regard to the implementation of international human rights standards has been made in Azerbaijan since its adhesion to the Council of Europe. Nevertheless, the European Union believes that the existence of political prisoners is in conflict with Azerbaijan's constitutional provisions on human rights and its international obligations.

The European Union reiterates its concern at the situation of human rights in Belarus. The EU deeply regrets that the elections held in September of last year were not conducted in full conformity with relevant OSCE rules. It particularly deplores the obstacles and pressures to

which representatives of the opposition, election observers, independent media and non-governmental organisations were subjected. It further regrets the continued harassment against political opponents after the presidential elections. The Union underlines the need to allow the OSCE advisory and monitoring group to operate without restrictions in the country. It takes note of the statements made by President Lukashenko expressing the willingness of his country to make all efforts to become a member of the Council of Europe and hopes that these political statements will be followed by specific steps. It insists on the critical importance of respecting the independence of the media.

It points out the urgency of repealing decree n° 8 on foreign assistance. It takes note of the intention of the Belarussian authorities to issue a law establishing the Ombudsman. It hopes that this will represent the first step towards the implementation of a democratic institutional system in which the independence of the judiciary, the autonomy of the legislative power and the Rule of Law will be respected. It urges the Belarussian authorities to implement forthwith the recommendations of the Committee against Torture formulated in 2000. It hopes that the plans for an eventual moratorium on the use of the death penalty will be immediately put into effect.

The European Union expresses its concern about some recent events in Kyrgyzstan. The EU has deplored the arrest and trial of outstanding leaders of the opposition. The EU welcomes the decision by the Kyrgyz courts to release - at least temporarily - the detained Member of Parliament Beknazarov on 19 March 2002. We hope that this step will contribute to calming the situation in the city of Kerben and the district of Aksy, where violent unrest had been going on recently. The EU regrets the death of five participants in the protests and hopes that no further violence will occur. The new regulations that hinder the freedom of the press have represented a step back in an evolution that was positive and that we hope will be resumed. The Union urges Kyrgyzstan's authorities to adopt as soon as possible the measures recommended by the Committee against Torture in 1999, by the Committee for Human Rights in 2000 and by the Special Representative for the Defenders of Human Rights in 2001.

The European Union is concerned over several negative developments in recent months in Moldova, including the recent suspension of a political party, the lifting of immunity of parliamentarians to be prosecuted for organising demonstrations, attacks on the freedom of expression and harassment of politicians in the autonomous Republic of Gagauzia. Prison conditions and unfair trials are worrying.

The European Union maintains its concern about the violations of human rights in Turkmenistan, especially with regard to freedoms of expression, association and religion. It urges its authorities to undertake the essential reforms towards democracy.

The European Union follows with great attention the preparations for the next parliamentary elections in Ukraine. It welcomes the willingness shown by the authorities of the country to co-operate with the OSCE in observation tasks. It expresses its hope that the electoral process will be conducted with full transparency and within the framework of the essential respect for pluralism. On the other hand, freedom of expression and the independence of the media are still a matter of concern, especially with regard to the harassment of some journalists and the impunity of the crimes committed against them. Furthermore the European Union welcomes the steps taken in the development of the Ukrainian judiciary towards an independent and stable role in the Ukrainian society. In this context, the EU also looks forward to the adoption of a civil code in Ukraine, together with much awaited procedural codes, to make already

adopted legislation operative.

The European Union has followed with special attention the evolution of the situation of human rights in Uzbekistan. It must express its concern about the attacks on the peaceful exercise of the freedom of religion of its citizens. The restrictions imposed on freedoms of expression and association must be eliminated. The Union urges Uzbekistan's authorities to invite the relevant UN mechanisms and rapporteurs in the fields of freedom of religion, torture, arbitrary detentions and defenders of human rights, with a view to establishing a process of mutual co-operation leading to the necessary improvement of the situation. The Union welcomes recent decisions allowing for the registration of human rights NGOs.

The European Union maintains its concern about the situation of human rights in Algeria. Although aware of the fact that for many years the country has been facing violent and cruel terrorist actions, claiming more than 100.000 casualties, the Union must reiterate its demand that the legitimate fight against terrorism be developed in the framework of strict respect for human rights and fundamental freedoms. It urges the Algerian authorities to take the necessary measures to this end, taking concrete measures to combat extra-judicial executions, disappearances, torture, arbitrary detention, impunity and to increase the safety of citizens. It also urges them to increase their collaboration with the UN mechanisms, in particular with its Special Rapporteurs. The Union encourages the path towards political, economic and social reforms, and the dialogue between all the Algerians in order to overcome the crisis affecting the country. The Union calls for the immediate release of all prisoners of war and calls on all concerned to support international efforts towards this end.

The European Union welcomes the latest developments in Angola and, in particular, the announcement of the cessation of hostilities and ongoing discussions in order to reach a global and durable cease-fire that can lead to a political solution of the conflict. The Union believes that this new opportunity for reaching peace and stability in Angola should be seized by all to bring about a solution to a conflict that for decades has caused impoverishment to its people. The Union deplores the recruitment of child-soldiers and the suffering inflicted on the civil population.

The European Union notes that the consolidation of peace, democracy and human rights in Angola is imperative and can only be achieved with the participation of all in an effort of national reconciliation, and by holding democratic elections in due course, when conditions for this will be met. In this regard, the Union expresses its satisfaction with the commitments made by the Government to work with UNITA and with the churches, political parties and civil society. The Union, on the other hand, is still very concerned about the humanitarian situation in the country and urges the Government to remedy the suffering of the displaced population, which is one of the largest in the world. The European Union encourages the Government to respect its commitments and mobilise additional resources for the well being of its most needed citizens, in particular by fully implementing the new National Programme of Emergency. The Union will continue to provide its assistance and is looking forward to working together with the Government in addressing this problem.

The European Union reiterates its support to the Arusha peace process, aimed at achieving reconciliation and normalisation in Burundi. The establishment, on the 1st of November 2001, of the interim Government, as well as an interim Parliament and Senate, marks an important stage to implement this peace process. Nevertheless, violations of human rights are still a matter of grave concern, in the context of the flare-up of violence in the country. Once again,

the Union calls upon the confronted factions to put an end to the use of violence and to join, by means of dialogue and negotiation, the efforts to implement definitive peace. It urges them to remedy the suffering of the displaced population. The Union calls upon the Burundian authorities to adopt the necessary measures to provide the country with a legal and political framework that allows the respect for human rights and the fundamental freedoms of their citizen

The EU insists on the need to clarify the most severe cases of human rights violations that have taken place in Cameroon and, particularly, the disappearance of a group of citizens in Bepanda. It expresses its concern regarding the functioning of the legal system and trusts that the announced improvements will be carried out regarding preventive detention. Finally, it expresses its concern regarding the practice of torture, as was denounced by the United Nations Special Rapporteur, and urges the authorities of Cameroon to implement the recommended measures.

The European Union deeply regrets the deterioration of the political climate in the Central African Republic. The Union reiterates the UN Security Council's call for political dialogue, national reconciliation and respect for human rights. The Union also notes with concern reports of cases of extrajudicial executions and arbitrary detention.

The European Union has already shown its regret for the many imperfections evidenced in the conduct of the presidential elections held in Chad in May 2001. Likewise, it has taken note of the reports on serious violations of human rights perpetrated in the framework of the confrontations taking place in the north of the country. However, the process of national reconciliation, pursued between opposition parties and the Chadian Government since last January, gives hope for an improvement in the respect for human rights in the southern region. It reiterates its concern for the functioning of the judicial system, as well as for the restrictions imposed on the free press and the freedoms of expression, association and assembly. It urges the Chadian authorities to redouble their efforts for the parliamentary elections scheduled for this spring to be conducted in a satisfactory manner. In this regard, the European Union welcomes the signature of the agreement of 7th January 2002 between the Government of Chad and the Movement for Democracy and Justice in Chad. A cease-fire and a general amnesty were declared and the two parties committed themselves to work towards the achievement of peace and security.

While noting some irregularities in the process, the European Union considers that the elections in the Republic of the Congo on the 10th of March indicated the people's clear desire to make a break from a violent past. However, the European Union regrets the deficiencies during the electoral process, particularly the technical problems observed in the registration of electors and the drawing up of the electoral rolls, and hopes they will be redressed in the run up to the upcoming elections. The European Union hopes that the upcoming local and legislative elections will represent a legitimate expression of the Congolese population's will. On the other hand, the Union expresses its concern about the impunity of some cases of serious violations of human rights perpetrated in the country during its recent past.

Once again, the European Union notes with concern the de facto persistence in Equatorial Guinea of a single-party regime. It regrets that the detention conditions have not improved in prisons, and that reports of ill treatment, torture and arbitrary detention continue. While noting the co-operation extended by the authorities of Equatorial Guinea to the Special Representative of the Commission on Human Rights during his recent visit to the country, the

European Union calls upon them to continue to lend him full support and to implement his recommendations fully.

The situation of human rights in Eritrea seriously concerns the European Union. The arbitrary detention of political opponents and journalists, the closure of the independent press and other violations of civil and political rights are evidence of a deteriorating human rights situation. The Union urgently calls upon the Eritrean authorities to reverse this policy and to set as soon as possible a new date and to put in place the conditions necessary for free and fair, multiparty elections.

The European Union urges the Government of Ethiopia to fulfil its pledges on multi-party democracy and freedom of information, and notes with regret that the recent elections in the Southern Region were not democratic. The Union also calls on the Government of Ethiopia to take recent comments made by the ILO on trade unions and freedom of association into account during discussion of the new Labour Law.

Likewise, the European Union urges the Governments of Eritrea and Ethiopia to continue with their dialogue and to implement the Algiers peace agreements in full, including the immediate release of all remaining prisoners of war. Further, the EU encourages both parties to recognise and implement the decision of the Boundary Commission expected in mid-April of this year.

The European Union closely follows the evolution of the human rights situation in the Gambia. The arrest of members of the opposition parties, human rights defenders and independent journalists carried out during the last months are a source of concern. The Union urges the Gambian authorities to unconditionally respect the integrity of the human rights of the population.

As regards the situation in the Republic of Guinea, the European Union has expressed its concern regarding the conditions in which the constitutional referendum was carried out last November. It urges the Government of Guinea to announce soon a date for the legislative elections in sufficient time for them to be credible, and to create an environment in which free and democratic elections can take place, in particular by establishing an independent electoral commission and inviting electoral observers. The European Union has expressed its willingness to support the Guinean authorities in the electoral process and would consider favourably a request from Guinea for international observers to monitor the elections.

The European Union closely follows the evolution of the human rights situation in Guinea-Bissau. In this context, the Union appealed to the authorities and institutions of Guinea-Bissau to co-operate and to strengthen their dialogue in order to consolidate peace, national reconciliation and economic development. The new Government and other institutions must be strongly encouraged to act in a spirit of tolerance, in order to promote democracy, the Rule of Law and the protection of human rights, in accordance with the constitutional dispositions, for the benefit and prosperity of the people of Guinea-Bissau.

The European Union regrets that the situation of human rights in Kenya has not undergone substantive improvements during last year. The attacks on the freedom of association, including opposition meetings and the independence of the judiciary as well as the responsibility of the security forces in cases of ill treatments, are matters of grave concern. The Union welcomes the willingness of Kenyan authorities to tackle in its political dialogue

the cases of human rights violations, and urges them to act firmly, especially controlling and directing police action, in order to guarantee a safe and free environment for the next general elections.

The European Union is gravely concerned about the persistence of military conflict in Liberia and the human rights violations they bring about. Although the Union welcomes the frank dialogue with the Liberian Government in the framework of consultations according to articles 96 and 97 of the Cotonou Agreement on these issues, no real improvements are noticeable on the ground. The civilian population continues to suffer attacks and all types of abuses perpetrated by the combating forces of all sides, including governmental troops. The European Union urges the authorities of the country to protect the civilian population and the refugees and to adopt all pertinent measures to put an end to the impunity of those who violated and still violate the human rights of the population. The European Union recalls that UN sanctions were imposed upon Liberia in an effort to end its military and financial support for rebel groups in Sierra Leone and the region.

The EU regrets the violence in the aftermath of the presidential elections in Madagascar. The Union welcomes the mediation efforts undertaken by different international organisations since the beginning of the crisis, in order to find solutions to the political crisis in Madagascar. The Union calls for the renewal of dialogue between Mr. Ravalomanana and Mr. Ratsiraka, in order to reach a political solution on the basis of proposals put forward by the latest OAU mission. It calls upon all political parties and social and religious groups to give notice of moderation and willingness to enter into democratic dialogue, and also appeals to the authorities to respect the will of the country's electorate.

After a period of political and social instability that followed the 1999 general elections, the Union encourages the Government of Mozambique to pursue its contacts with the opposition in the process of national dialogue, with a view to guaranteeing a harmonious climate that allows for the pacific and transparent development of the coming electoral process, both at the local and national level, thus contributing to the consolidation of democracy and the Rule of Law in the country.

Whilst expressing its satisfaction regarding the progress in the democratisation process in Nigeria, the European Union urges the Government of Nigeria to abolish the death penalty, or, as a first step, establish a moratorium. Furthermore, it expresses its concern at inhuman punishments inflicted in some states in Nigeria. The Union expresses also its concern over the impunity of vigilante groups operating in some states which are responsible for operating kangaroo courts and carrying out summary executions. The European Union, alarmed at rising communal violence, encourages the Nigerian Government to take appropriate measures to calm ethnic and religious tensions which have resulted in thousands of deaths since the last elections.

The European Union supports the putting in place in Rwanda of policies relating to democratisation, decentralisation and the introduction of a new constitution, leading to the end of the period of transition in mid-2003 with free elections and full democracy. The EU urges the Government to bring to justice the authors of crimes perpetrated against political opponents. It has taken note with satisfaction of the activities carried out by the National Human Rights Commission, the Legal and Constitutional Commission, the Commission for National Unity and Reconciliation and the Electoral National Commission. It urges the Government of the country to guarantee and respect the independence of these bodies. The

Union also took note of the development of the local electoral process during 2001, as well as the elections that allowed the designation of the gacaca judges.

The European Union remains concerned about the number of people detained in prisons, many who have been held for several years without files or apparent investigation of their alleged crimes. The mobilisation of gacaca represents a positive development in this regard. In this context, it urges the Rwandan Government to sign and ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The European Union is concerned by some restrictions on civil and political rights and in this respect calls on the Rwandan authorities to allow the right of association and freedom of expression. Finally, the Union satisfactorily notes that the death penalty has not been applied since 1998, and urges the Rwandan Government to extend such a “de facto” moratorium its commitment to the definitive abolishment of this kind of punishment. The Union urges the Rwandan Government to fully respect human rights and International Humanitarian Law in the territories under their control in the Democratic Republic of the Congo and to fully comply with its commitments under the Lusaka cease-fire Agreement, the Kampala and Harare disengagement plans and relevant UNSC resolutions.

The European Union notes with satisfaction the progress made during the last year in the Sierra Leone peace process. It reiterates its support for UNAMSIL's action and encourages it to continue to fulfil its mandated tasks, in particular the protection of the civilian population and its election-related tasks. It underlines the importance of the restoration of Government authority over the entire country and the provision of essential services, especially security, to facilitate the unhindered return of displaced persons and refugees. It urges the Government of Sierra Leone to strengthen the political dialogue both within Sierra Leone and in the Mano River Union, and promote efforts aimed at national reconciliation. The European Union welcomes the commitment of all parties to abandon violence. It condemns the use of child soldiers through forced recruitment or any other means, and the abduction of innocent civilians, especially women and children. It welcomes the release during the past year of large numbers of child soldiers and abducted persons, and calls upon the Government of Sierra Leone to pay special attention to their needs and those of displaced persons and refugees. It also welcomes recent progress on the Special Court for Sierra Leone and the Truth and Reconciliation Commission and calls upon the United Nations and the Government of Sierra Leone to ensure their effectiveness in bringing to justice those most responsible for crimes against humanity and in promoting reconciliation. It calls upon the stakeholders to grasp the opportunities brought about by the ending of the conflict and urges their full and effective participation in the political process leading to free and fair elections next May.

The European Union has continued to note with concern the events in Somalia. It exhorts all parties concerned to intensify their reconciliation efforts to end violence and to commit themselves to fight against all forms of terrorism, with full respect for human rights and individual freedoms. The Union welcomes the decision to co-ordinate IGAD's efforts to assist Somalia in national reconciliation efforts, urging it to resume dialogue and negotiation and to take a constructive part in the Reconciliation Conference to be held soon in Nairobi. The Union shows its concern for the chaos present in large parts of the country, which provides fertile ground for extremists of all kinds, attacks on civilians and international humanitarian workers. The violations of the rights of women and girls, including the continuity of the practice of female genital mutilation, remains a matter of the most serious concern.

The European Union is still concerned at the restrictions held in Swaziland with regard to the

activities deployed by political parties, freedom of association and freedom of the press. The Union encourages Swaziland to address these issues as it begins the process of drafting its new constitution. Likewise, it expresses its concern at recent attacks on the independence of the judiciary and urges the authorities of the country to ratify as soon as possible the Convention on the Elimination of All Forms of Discrimination against Women.

While welcoming the recent release of the political opposition leader Yawovi Agboyibo, the EU deeply regrets the deterioration of the political climate in Togo. The attitude of the Togolese authorities puts the process of democratisation as laid out in the Lomé Framework Agreement at risk and continues to undermine the prospects for holding elections. Attacks on the exercise of the freedom of the press and defamatory campaigns against the opposition, carried out by the official media, are alarming. The European Union urges the Government of Togo to guarantee and arrange for the prompt holding of democratic elections.

The European Union has taken note of some recent developments in Tunisia that have resulted in improvements in the field of human rights, in particular, prison reform. Even though the developments with regard to economic and social rights of the population represent a factor for the stability of the country, obstacles to the freedoms of association and expression still exist. The Union is deeply concerned with the harassment to which members of non-governmental organisations are exposed. Likewise, the conditions in which several trials have been recently held against political opponents for peacefully expressing their opinions constitute a violation of their human rights and question the independence of the Tunisian judiciary.

During the last months, the European Union has continued to examine the evolution of the situation in Uganda. Taking note of the legislative elections last June, the Union encourages the authorities to proceed with good governance reforms, and to support the work of the Constitutional Review Commission. The Union notes its concern over the continued restrictions on the activities of political parties and over the worsening poverty levels in northern Uganda. The European Union reiterates its position on the responsibility of Uganda and Rwandan troops occupying parts of eastern Democratic Republic of Congo, expresses concern at the violations of human rights and international humanitarian law perpetrated in these areas and stresses that occupying forces should be held responsible for human rights violations in the territory under their control.

The European Union closely follows the situation of human rights in Zambia with concern, especially following an electoral process whose regularity has been questioned before the courts. It hopes the latter will be allowed to act with independence and in accordance with the law, and that the political behaviour of the new authorities will be adjusted to criteria of good governance. On the other hand, it regrets that the recommendations included in the Report on Torture drawn up last year have not been yet put into practice.

The European Union welcomed the electoral process held last October in Bangladesh. The Union has noted with growing concern the continuing deterioration of law and order that has visibly expanded over the last year and an apparent increase in reports on violence against minorities and mob justice recently. It trusts that the Government's efforts to end the violence that occurred during and after the electoral referendum and to bring their perpetrators to justice will allow for the stabilisation of the situation. The Union urges the implementation of effective measures to remedy a situation that negatively impacts the development efforts of Bangladesh. The European Union welcomes the commencement of the legislative process for

the creation of a National Commission on Human Rights and urges the Government not to postpone this important step. The Union urges the Government to give priority to the implementation of the 1997 Peace Agreement regarding the Chittagong Hill Tracts. The European Union strongly condemns the barbarious acts of acid throwing and urges the Government to provide effective protection from this abhorrent crime.

The European Union welcomes the positive developments in the situation of human rights in Cambodia in spite of some serious difficulties, such as a weak Rule of Law, corruption and persistence of a climate of violence in some areas. It encourages the authorities to set up judicial reforms. The Union considers that the Commune elections held on the 3rd of February have marked progress for democracy but that several violent incidents that have tarnished the pre-electoral period also raised some deep concerns. The European Union remains deeply attached to the setting-up of the Tribunal to judge the human rights violations committed under the Khmer Rouges regime, in conditions that would guarantee its full independence, impartiality and objectivity, so that international standards of justice, fairness and due process are met during the process. The European Union stands ready to assist in this direction and we recognize the need for the UN and the Government of Cambodia to continue to cooperate on this question.

The European Union has continued to examine the situation of human rights in Indonesia closely. The Union hopes that the country will continue the process of political and economic reform. It welcomes positive developments such as the approval of the autonomy laws for Aceh and Papua, the legislation on the establishment of the human rights tribunals and the Malino peace agreement on the Moluccas. The Union underlines the importance that those tribunals will function according to international standards. As regards the ad hoc Tribunal on East Timor the Union also hopes that its mandate will be defined to include all human rights violations committed in 1999. The Union would also like to recall the understanding reached between the Indonesian authorities and the former Chairman of this Commission on Human Rights, during his visit to Indonesia, that those responsible for the killing of the Dutch journalist Sander Thoenes will be brought to justice before the said ad hoc Tribunal. The European Union reiterates its concern regarding violence and human rights violations in various parts of the country, specifically Aceh, Papua and the Moluccas. It notes with concern the increasing intimidation of human rights activists and strongly calls upon the Government of Indonesia to take the necessary action to prevent such intimidation. In this respect the Union urges the Indonesian authorities to clarify the circumstances of the murder of Mr. Theys Eluay and to bring its perpetrators to justice as soon as possible.

The European Union expresses its concern over the lack of progress in the human rights situation in Laos. The European Union reiterates its concern over the fact that the exercise of political opposition is not tolerated, over the arbitrary nature of some of the arrests and the prolonged detention of several persons for their non-violent exercise of their rights. The Union is particularly concerned at the lack of information about the persons arrested in October 1999 for demonstrating against the Government. The Union regrets that the signature in 2000 of the two United Nations Covenants on Human Rights have not led to a noticeable improvement in the situation. The Union urges authorities to ratify these instruments and, most of all, to implement them, putting an end to the existing restrictions regarding the freedom of association, expression, assembly and religion.

The European Union takes note of the positive predisposition of the authorities of Lebanon to implement a moratorium on the use of the death penalty, hoping that this form of punishment will be definitively abolished in the near future. The European Union reiterates its concern

about the massive arrests that took place in Lebanon in August last year, violating the freedom of expression and information.

The European Union expresses its concern regarding the deterioration of the respect of human rights that is taking place in Nepal due to the growing terrorist activity, including indiscriminate attacks against the civil population by Maoists. The Union urges the end of this terrorist violence and reiterates its condemnation of these types of actions, whatever the pretext. It urges also the Communist Party of Nepal (Maoist) to resume negotiations with the Government and set out its demands in the framework of the democratic system established in the country's Constitution. It urges the Nepalese authorities to ensure that actions taken by the law enforcement bodies do not result in human rights violations, in the framework of the state of emergency proclaimed on the 26th of November 2001.

The European Union attentively follows the evolution of the human rights situation in Pakistan. It encourages President Musharraf to persevere in his intention to strengthen democratic institutions in the country, including through the implementation of the "roadmap to democracy", and having already implemented elected local bodies, to facilitate national elections next October. However, it regrets the prevalence of major restrictions to political freedoms, which should be lifted, and would like to emphasise that democratic rule must be fully restored to Pakistan. The European Union expresses its grave concern regarding the resurgence of sectarian violence and intolerance. Encouraged by President Musharraf's speech on the 12th of January, it calls upon the authorities to take the appropriate and effective measures in order to ensure that members of ethnic and religious minorities enjoy full and equal rights as citizens. It also urges them to suppress the practice of "honour killings", and to put an end to discrimination against women, thus actively promoting the role of Pakistani women in society. The European Union welcomes President Musharraf's recent decision to commute the death penalty of a hundred youths, and it urges the Pakistani authorities to completely abolish the death penalty. The Union also takes positive note of the restoration of joint electorates and efforts to increase the political role of women in Pakistan. Finally, it urges the Pakistani authorities to embark on the reform or abolition of the blasphemy laws.

The European Union reiterates its concern about the current tensions between India and Pakistan. We urge both countries to seek ways to return to dialogue on the issues between them, including Kashmir, in the spirit of the Lahore Declaration and the Simla Agreement. The European Union reiterates its condemnation of the terrorist attacks that have taken place in Kashmir and elsewhere, including the 1st of October 2001 attack against the state assembly in Srinagar and the 13th of December 2001 attack on the Parliament building in Delhi. The Union welcomes steps taken by Pakistan against terrorism in the aftermath of President Musharraf's speech of 12 January and urges Pakistan to continue taking measures to clamp down on terrorist activity emanating from territory under Pakistani control. The European Union also urges India to work to improve the human rights situation in Kashmir, to allow access for international human rights observers to Kashmir and to extend an invitation to the Special Rapporteur on Torture.

Given the proximity of the national elections that will be held in Papua New Guinea next June, the European Union expresses its concern regarding the state of public safety in the country and trusts that the authorities will be able to create the appropriate conditions in order to hold the elections without violence and that the civil and political rights of the citizens will be protected.

Even if the European Union has taken note of certain improvements in the situation of human rights in Saudi Arabia, there are still reasons for deep concern. The Union welcomes the setting-up of committees on human rights within the framework of three Saudi ministries and hopes that their action will be efficient. It has taken note of the recently adopted law on modernization of criminal procedures. Likewise, it hopes that the spirit of co-operation with the relevant UN mechanisms and rapporteurs shown by the authorities will materialise in fruitful visits and actions.

Nevertheless, the Union deplores the maintenance of restrictions that limit the freedom of expression, assembly, association and religion, as well as inhuman punishments, including the unacceptable modalities in the use of the death penalty, the lack of transparency in trials and the lack of respect for the human rights of detainees to legal and consular assistance. After the accession of the country to the Convention on the Elimination of all Forms of Discrimination against Women the European Union has called for the withdrawal of the reservations entered into and the Union now reiterates its call to that effect. The situation of women, who remain subject to systematic discrimination, has not improved. The Union encourages the Saudi Government to ratify the two UN Covenants on Human Rights and to thoroughly implement the obligations it accepted when acceding to those other instruments to which it is a party, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The European Union observes with concern the increase in insecurity and the breakdown of the Rule of Law in the Solomon Islands and calls upon the Government to take decisive remedial action, also bearing in mind that a considerable improvement of the situation is a pre-condition for development.

The European Union welcomes the cease-fire agreement reached in February in Sri Lanka and urges the parties to respect it in its integrity. We encourage the parties, through dialogue, to find a peaceful and lasting solution to the conflict that will satisfy the expectations of all communities. The Union trusts that the cease-fire will create the conditions for a normalisation of the situation in Sri Lanka. The European Union welcomes the efforts to renounce to practices such as censorship, election violence and other politically motivated violence, torture and impunity, and stresses the need for a sustained effort to respect human rights, putting an end to the serious violations that occurred during the conflict. In this respect, the European Union expects the LTTE to live up to its promises and end its engagement in the forced recruitment of minors. The EU urges all parties to participate in the peace process and to respect democratic principles.

The European Union continues to closely follow the evolution of the situation of human rights in Syria. Despite the release of several hundreds of political prisoners, the closing of two jails for this category of detainees and a certain opening of the media, over the last few months restrictions on civil rights have been maintained, in particular on the freedoms of expression, assembly and association. Ill-treatment and torture continue. The Union expressed its concern about the arrest, last September, of two Syrian MPs, and the recent conviction of one of them, as well as the arrest of a group of intellectual opponents for an alleged crime of opinion. The Union will continue to encourage all initiatives of the authorities aimed at making progress in political reforms and in the improvement of human rights. In this sense, it urges the Syrian government to ratify the UN Conventions to which it is not yet a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

and the Convention on the Elimination of all Forms of Discrimination against Women.

The European Union has welcomed the reforms of the legal system in Thailand and the country's acceptance of new international obligations regarding the regulation of child labour, as well as the recent establishment of the National Commission on Human Rights. However, it regrets the increase in the application of the death penalty. It notes recent concerns about infringements, formal and informal, on press freedom and urges the Thai authorities to maintain their good record on media freedom in line with the 1997 Constitution. While understanding the difficulties Thai authorities face, the Union expresses its concern regarding the forced repatriation of some Burmese refugees and encourages these authorities to increase their co-operation with the UNHCR.

The European Union welcomes the reforms of the legal framework being carried out by Vietnam as a step towards the Rule of Law. It maintains its concern, however, about the authorities' disregard for the civil and political rights of the citizens and the violation of the freedoms of expression, assembly and religion. The Union urges the Vietnamese authorities to open their country to co-operation with international humanitarian organisations and with the United Nations human rights monitoring mechanisms.

The European Union shares the UNHCR concerns over recent actions by the Vietnamese and Cambodian authorities, which have led UNHCR to withdraw from the Tripartite Agreement for the voluntary return of Vietnamese citizens from the Central Highlands. It urges the two Governments to comply with their international obligations and to resume co-operation with UNHCR.

The European Union is still concerned about the serious deficiencies that characterise the situation of human rights in Cuba. However, the Union notes a few signs of positive movement, such as greater religious freedom and the fact that the death penalty has not been applied for two years. Although the Union notes some progress, we continue to regret that there are still prisoners of conscience on the island. The Union also regrets the fact that the civil and political rights of the population, particularly the freedoms of expression, association, assembly, information and movement are still ignored by the authorities, and that the authorities refuse to undertake adequate reforms to redress this situation. The European Union urges the authorities to end the harassment against those persons who oppose the regime and to release all persons who are currently imprisoned for the exercise of freedom of speech. It urges the Cuban Government to ratify the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Human Rights and to formalise a moratorium on the application of the death penalty, prior to its complete abolition.

The European Union acknowledges that some progress has been made regarding the implementation of the Peace Agreements in Guatemala. However, it remains seriously concerned about the slow pace of implementation of those Agreements and about the human rights situation in the country. The continuing threats, intimidation, aggressions and kidnappings as well as lynching, suffered by among other victims, human rights activists, field workers engaged in the research of mass graves, members of the judiciary and some journalists must be more actively investigated and prosecuted. The impunity of those who violate the human rights of the Guatemalans must be combated. Furthermore, the European Union regrets the widening of the scope for the application of the capital punishment. Likewise, the Union considers it essential to implement in full the recommendations contained in the report of the Commission for Historical Clarification. The Union pays

particular attention to the transformation of the armed forces, where significant reforms are still pending. The European Union also expresses deep concern at the re-emergence of paramilitary groups.

The EU expresses its deep concern about the deterioration of the human rights situation in Haiti, in the context of the political crisis existing in the country since the elections of May 2000. The EU strongly condemns the violence and intimidation which some members of the opposition parties, journalists, media and human rights organisations have been subjected to. It urges the Haitian government to act with the greatest diligence to implement paragraph 4 of OAS Permanent Council Resolution 806 with a view to re-establishing a security climate which will create the necessary conditions to allow the resumption of the negotiations led by the OAS, aimed at reaching a political settlement with Democratic Convergence.

Mr. Chairman,

The ongoing struggle against the retention of the death penalty in many countries is one of the fundamental objectives of the European Union in the field of human rights. The Union strongly advocates the universal abolition of this kind of punishment, which we consider cruel, inhuman and degrading. We are pleased that an important number of States are complying with a de facto moratorium on its use, and encourage that this example spreads so that capital punishment may be definitely abolished. We invite those States that maintain this form of punishment to limit it to the most serious crimes, and to apply it always pursuant to international standards, so that capital punishment may not be imposed on persons below 18 years of age at the time of the commission of the crime, to pregnant women or new mothers or persons suffering from mental disorder.

Thank you, Mr. Chairman.

**INTERVENTION ON BEHALF OF THE EUROPEAN COMMUNITY AT THE 58TH
SESSION OF THE UN COMMISSION ON HUMAN RIGHTS (GENEVA, 18 MARCH
- 26 APRIL, 2002)**

Introduction

Further to the intervention by Spain on behalf of the European Union under item 19, I should like to provide a brief insight into how the European Union supports the promotion and protection of human rights through European Commission programmes.

Mainstreaming Human Rights

The European Commission is seeking to mainstream human rights' considerations throughout its funding programmes and policy activities. To this end, we are establishing Country Strategy Papers which include human rights as a key element. We are also looking hard at the issue of training: officials on the ground must be instilled with a thorough knowledge of human rights in order to ensure that programmes and policies are properly implemented.

The European Initiative for Democracy and Human Rights

Since its inception in 1994, the European Initiative for Democracy and Human Rights has been the core funding mechanism for human rights' projects and it now channels over €100 million each year to NGOs and international organisations across the globe. Such assistance complements the larger-scale funding which is delivered through our country programmes.

The European Initiative has tackled many human rights' issues. As an example, the prevention of torture and the rehabilitation of torture victims has been one key goal. Rehabilitation centres deliver much-needed medical, legal and social assistance to victims of torture and the EU remains the largest supporter of such centres in the World with €12 million devoted last year to projects both inside and outside the EU. We have also funded a wide range of preventive activities such as the training of police and prison officials and the tracking of technology used in the perpetration of torture.

For the period 2002-2004, we have moved to focus European Initiative funds on four key priorities: support to strengthen democratisation, good governance and the rule of law; the abolition of the death penalty; support for the fight against torture and impunity and for international tribunals and funds to combat racism, xenophobia and discrimination against minorities and indigenous peoples. Part of the funding will be allocated to 29 "focus" countries. The choice of countries took into account many factors, including the capacity of NGOs on the ground..

Civil society will be the main beneficiary of assistance under the European Initiative and projects will be selected under several Calls for Proposals which will be launched this month. NGOs are key interlocutors, not only as recipients of aid but also as essential contributors to the formulation of EU policy. This takes place through regular contacts, including the EU annual human rights forum, drawing together NGO's, academics, EU and Member State officials to tackle specific human rights' questions. Last year the forum looked at the role of human rights and democracy in conflict prevention and resolution.

We also address specific issues of concern through targeted projects with international

organisations such as the UN and the OSCE. For example, we have recently funded an extensive programme with UNICEF to reintegrate child soldiers in Sierra Leone and we are currently supporting 16 ongoing projects with the Office of the High Commissioner for Human Rights for a total of almost 9 million euros.

The European Initiative in the Future

The new strategy for EU funding does not mean that our selection criteria have been set in stone. There is plenty of room for innovation and priorities will be reviewed annually. One developing area which we are looking at is Corporate Social Responsibility. The issue extends into many domains, including labour standards to the protection of health and the environment. The European Commission has sought to stimulate debate with the publication of a Green Paper last year examining the concept. That debate – including the question of how to support and encourage enterprises to observe core standards and human rights' values - will undoubtedly develop further.

Conclusion

At a time when human rights principles are under a great deal of strain, it is important that the international community targets its assistance as effectively as possible. That is the goal towards which the European Commission will aim with determination.

**PRESIDENCY STATEMENT BY H.E MR. PÍO CABANILLAS
MINISTER/SPOKESMAN OF THE GOVERNMENT OF SPAIN ON BEHALF OF
THE EUROPEAN UNION, AT THE 27TH UN SPECIAL SESSION OF THE
GENERAL ASSEMBLY ON CHILDREN (NEW YORK 8 -10 MAY, 2002)**

Mr Chairman,

I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and the associated country Cyprus, align themselves with this statement.

First, I would like to thank the United Nations Secretary General for the excellent report "We, the Children" that constitutes a solid base from which to draw up futures agendas on children and adolescents, Ambassador Ms. Patricia Durrant, Chairperson of the Preparatory Committee of this Special Session and the rest of the members of the Committee, for the efforts devoted to this process.

Likewise, we could like to express our most sincere acknowledgement to UNICEF and to its Executive Director Ms. Carol Bellamy, for its dedication and professionalism in improving the situation of children worldwide, and to the Fund's National Committees for their excellent work of support and preparation.

The almost universal ratification of the Convention of the Rights of the Child and the impact it has had on the daily lives of our children is, without comparison, the greatest achievement for children of the past decade. The CRC is the standard for all our work for and with children. In all our countries the implementation of the CRC is high on the national agendas and part of policy and decision making in all areas. In this respect, the EU is guided in all its actions on behalf of children by the Convention's four general principles: the best interest of the child, non-discrimination, survival and development and participation.

Since the adoption of the CRC and the World Summit for Children in 1990, we have made concrete progress in all areas of human rights and in in forging a global framework for poverty reduction. We have achieved this through the major UN conference and conventions and their follow up, culminating in the Millennium Declaration which sets a clear agenda for the 21st century.

Our countries are promoting the Convention at the national level. The EU's Charter of Fundamental Rights reaffirmed the obligations to act in the best interest of children and to take their views into account. Furthermore mechanisms for monitoring compliance with the CRC have been put in place. The creation of ombudspersons for children or other similar institutions exists in a great number of countries in all regions. The Committee on the Rights of the Child accomplishes a fundamental function in reviewing progress and making recommendations for the full implementation of the Convention. At the international level, we have consistently promoted the integration of a rights based approach in the work of regional and global organisations such as UNICEF and we welcome the fact that this is now firmly

entrenched in their mandates and programmes. The great increase in the number of NGOs and other grass-roots organisations, which work to promote and protect the rights of the child around the world, has led to a global acceptance of the values and principles enshrined in the Convention.

Mr. Chairman,

We re-commit ourselves today to the adoption of public policies for the realisation of the rights of the child in order to create a "world fit for children".

In this context, our priorities are:

First and foremost our action for children should be firmly rooted in the Convention on the Rights of the Child as the legal basis, the necessary and essential reference in the realisation, which are incompatible with the Convention, and to regularly review other reservations in view of withdrawing them.

The Convention has created a powerful force for realising the rights of children everywhere. We celebrate the recent entry into force of the two Optional Protocols to the CRC on armed conflicts and the sale of children, child prostitution and child pornography and, given their importance, we urge all States to sign and ratify and those who are parties to them to fully implement them,

A key priority of the EU is to work towards the abolition of the death penalty. In the context of this Special Session, we make an urgent call to end this practice and life imprisonment, for those who were under eighteen years of age at the time the offence was committed.

The European Union is concerned that the sexual and reproductive health of young people has been a neglected area. In many countries HIV/AIDS is spreading fastest among 15-24 year olds, every year adolescents give birth to 30 million infants, and girls under 20 are twice as likely to die from child birth as women in their twenties. Moreover, being a teenage mother also limits a girl's prospects for the future, including with respect to income and education. We need to address these problems urgently. Young people should be empowered to make appropriate and safe choices about their sexual behaviour. They must be able to access high quality sexual and reproductive health information and services to achieve this, as we all agreed in Cairo and Beijing.

The Millennium Development Goals commit us to reduce child mortality by two thirds and maternal mortality by three-quarters by 2015. To achieve these goals, we must develop fair, accessible and effective preventative and curative health and social services.

Child labour has been a prominent issue on the international agenda in the nineties, culminating in the adoption of ILO Convention 182 on the Worst Forms of Child Labour. The EU welcomes the growing number of states that have ratified ILO Convention 138 on Minimum Age for Admission to Employment and underlines its importance for the effective abolition of child labour and reining in the minimum age for admission to employment.

All states have agreed to provide free primary education of good quality to boys and girls alike. This must be made available equally to children with physical or mental health disabilities. We need to ensure that children also learn values such as tolerance and respect to

for diversity and how to protect the environment. This underlines and reinforces our belief that children must have the right to live free of racism, xenophobia, intolerance and all forms of discrimination.

We take our obligations to listening to boys and girls seriously when considering issues that affect them. We recognise children as active participants in the construction of our societies and perceive the importance of their vision in the formulation of a common future strategy. This Special Session formally recognises this importance, and a sign of it is their presence among us. We are listening to their recommendations with great interest.

Mr. Chairman,

These goals, which I have outlined, are ambitious, but I believe, achievable. We are convinced that the fulfilment of the rights of the child is a task and responsibility of everyone. International co-operation and collaboration can contribute to fully achieving the obligations and principles of the Convention throughout the world. To this end we will build on the Monterrey Consensus and its agreement to forge a new partnership between all our countries in accordance with our repeated commitment to achieve the goal of channelling 0.7% of our Gross National Product to Official Development Assistance, the Member States of the EU have decided to do what they must, to collectively reach an average of 0.39% in the European Union by 2006.

We must ensure that the Plan of Action we shall agree on here does not remain words alone. We recognise that we will be accountable to all our children if we do not deliver on this.

Therefore, Mr. Chairman, while we have made much progress, there is still much to be done in facing the challenges at hand. The tragic events of September 11 made clear how fragile peace is, and strengthened our conviction of the need to put in place a plan of action which is both clear and demanding, in view of ensuring a comprehensive human rights framework on behalf of children.

We hope that this Special Session will offer an opportunity to reaffirm our commitment to the Rights of the Child worldwide. We believe that this is the only way for humanity to progress and develop.

Thank you, Mr. Chairman

**COMMUNICATION FROM THE COMMISSION (COM (2001) 291 FINAL) TO THE
WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE
(DURBAN, SOUTH AFRICA, 31 AUGUST - 7 SEPTEMBER 2001)**

1. Introduction

One of the guiding principles of the United Nations is the principle of non-discrimination on the grounds of race. The 1948 Universal Declaration of Human Rights and other international rights instruments specifically refer to this principle. Despite continuing efforts by the international community since then, racial discrimination persists around the world. In 1997, the United Nations General Assembly decided to convene a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance no later than 2001. This decision reflects growing international concern for the rise of these scourges and recognition of the challenges and opportunities in combating them. The Conference is organised by the office of the High Commissioner for Human Rights and takes place in South Africa in September 2001.

The World Conference against Racism will focus on action-oriented and practical steps to eradicate racism, including measures of prevention, education, protection and the provision of effective remedies. Its main objectives are:

- to review progress made against racial discrimination, to reappraise obstacles to further progress and to devise ways to overcome them;
- to consider ways and means to better ensure the application of existing standards and the implementation of existing instruments to combat racial discrimination;
- to increase the level of awareness about the scourges of racism and its consequences;
- to formulate concrete recommendations on ways to increase the effectiveness of United Nations activities and mechanisms through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;
- to review the political, historical, economic, social, cultural and other factors leading to racism;
- to formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia, and related intolerance;
- and, to draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance.

The purpose of this Communication from the Commission is to contribute to the debate taking place at the World Conference. It summarises the measures which have already been taken in the European Union to combat racism, and demonstrates what can be achieved by a group of states acting together at a regional level. The Member States and institutions of the European Union have shown their commitment to the fight against racism by co-ordinating their policies and activities in a number of areas at a European level. The Member States have even adopted binding legislation at the European level to prohibit racial discrimination, and which they are required to implement in their national laws. It is hoped that the examples of work in the European Union set out in this Communication can not only contribute to debate at the World Conference, but can also inspire efforts to combat racism at a regional level throughout

the world, in the years that follow the Conference.

The World Conference will also provide an opportunity for the European Union to learn from the experiences of the rest of the world. This should help devise future strategies and measures to combat racism.

This communication draws on the document from the Commission services⁷⁴ prepared as an input to the European Contribution to the World Conference against Racism, Racial Discrimination and Related Intolerance. The European Conference '*All Different – All Equal: From Principle to Practice*' was co-ordinated by the Council in Europe and held in Strasbourg, on 11-13 October 2000.

The Commission contributed to the preparation of the political declaration and the general conclusions that were adopted at the conference and provided funds to support the NGO Forum that took place on 10-11 October 2000.

The Community has also been actively involved in the preparatory process of the conference in the Americas, in Africa and in Asia and has contributed € 3.6 million to the Office of the High Commissioner for Human rights to support the participation of NGOs in the preparatory process (Santiago de Chile (5-7 December 2000) – Dakar (21-24 January 2001), Teheran (19-21 February 2001) and the World Conference itself. NGOs are essential partners in the fight against racism and play a vital role in combating that scourge on the ground.

II. 2. Background: Development of EU policy on Fundamental Rights and combating racism

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. The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies.

The European Community is a supranational organisation, founded in the treaties concluded by the Member States over the last 50 years. The EC may only act where it has been granted the power to do so by the treaties. Since the EC was originally conceived with purely economic aims, it had no powers to act in relation to fundamental rights and combating racism. However, the EU has evolved to the situation evident today, where the protection of fundamental rights and the fight against racism are firmly fixed in its foundations and in its on-going activities.

Since 1977⁷⁵, the European institutions have on numerous occasions reaffirmed their determination to defend human rights and basic freedoms and have condemned all forms of intolerance, racism and xenophobia. The European Commission, the European Parliament and civil society had called for European anti-discrimination legislation for a number of years.

On 23 July 1996, the first major step to combating racism at the European Union level was

⁷⁴ Contribution from the Commission Services to the Regional European Conference "All different-All equal: from principle to practice", of 17 April 2000.

⁷⁵ Joint Declaration by the Parliament, the Council and the Commission concerning the protection of fundamental rights and the European Convention for the protection of human rights and fundamental freedoms, 5.4.1977 (OJ C 103 of 27.4.1977, p.1).

taken, when the Council and the Representatives of the Member States adopted a Resolution proclaiming 1997 as the European Year against Racism⁷⁶. A wide range of events took place throughout 1997 which raised awareness of the fight against racism, and which increased the momentum for legislative action in the European Union. Building on this, in 1997, the Council adopted a Regulation setting up a European Monitoring Centre on Racism and Xenophobia in Vienna. The Centre's main objective is to provide the Community and the Member States with objective, reliable and comparable information at European level on racism and xenophobia.

Moreover, the Amsterdam Treaty which entered into force in May 1999, reinforced the provisions governing human rights and fundamental freedoms at the heart of the EU (Article 6 and Article 7 of the Treaty on the European Union), and introduced a new Article 13 into the EC Treaty. Article 6 recalls the commitments of the EU to defend human rights and basic freedoms. Article 7 introduces possibility for the EU to take sanctions against one of its Member State which would violate gravely and constantly fundamental rights and basic freedoms. This possibility has even been reinforced under the draft Treaty of Nice concluded in February 2001. Under Article 13, the Community acquired for the first time, the power to take legislative action to combat racial discrimination.

In the Beijing process (follow-up to the 1995 UN World Conference on Women) it was recognised that gender discrimination and racism effect each other and that gender discrimination and all other forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance continue to cause a threat to women's enjoyment of their human rights and fundamental freedom. The Commission has incorporated this consideration into the European level efforts to combat racism.

The Commission proposed its package of measures to implement Article 13 in November 1999, including legislation prohibiting racial discrimination throughout the EU. The legislation was accepted as a top priority, and was speedily adopted by the Council in June 2000.

In parallel to the work implementing Article 13, the EC has made the 'mainstreaming' of anti-racism into all policies a priority. So far this has proved particularly effective in the EU's external relations with other states, and internally in relation to police and judicial co-operation on criminal matters.

The most recent reinforcement of fundamental rights and non-discrimination in the EU came with the proclamation of the Charter of fundamental rights at the Nice European Council on 7 December 2000. The aim of the Charter is to strengthen the protection of fundamental rights in the light of change in society and social progress, by making those rights more visible. The Charter reaffirms the rights as they result, in particular, from the Constitutional traditions and international obligations common to Member States of the Union, from the European Convention for the Protection of Human Rights and Fundamental Freedoms, from the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers or from the Treaty on European Union itself and in particular its Article 6. In respect for the principle of universalism, the rights set forth in the Charter (except those directly linked with citizenship of the Union) are generally given to all persons, irrespective of their nationality or residence. Among Articles of particular relevance, Article 1 guarantees the respect and protection of human dignity and Article 21 of the Charter prohibits discrimination based on any ground such as sex, colour, ethnic or social origin, language and religion and

⁷⁶ OJ C 237, 15.8.1996, p. 1.

belief.

In all of this the Commission has paid great attention to the contribution which civil society can make. Much of what has to be done can only be achieved with the contribution of civil society organisations and concerted actions between public authorities and civil society. It is generally recognised that the organisations of civil society can help promote a more participatory democracy, chiefly because they can reach out to the poorest and most disadvantaged population groups and give a voice to those who are debarred from using other channels. Their specific skills and their connections at local, regional, national and international level may also prove useful and contribute to policy design and to the management, follow-up and assessment of actions.

III. 3. Legislation

A. 3.1. Prohibiting racial discrimination

Discrimination on grounds of race or ethnic origin is banned in all Member States but its scope, content and enforcement differ considerably. All Member States have passed legislation outlawing racist violence and incitement to racial hatred, in particular following the Joint Action on racism and xenophobia of 15 July 1996 (see point 3.2.2). Certain Member States have also enshrined non-discrimination in their constitutions, which may or may not vest individuals with a right of redress. A number of Member States have also adopted specific legislation, backed by the right of access to justice, with a view to banning discrimination in certain spheres of employment, whereas others have legislated in respect of other aspects of daily life such as access to goods and services and to education.

On 25 November 1999, two months after its nomination, the Commission adopted a package of anti-discrimination proposals⁷⁷ implementing the new Article 13 of the EC Treaty. These included the draft directive on equal treatment irrespective of racial or ethnic origin, which was subsequently adopted by the Council on 29 June 2000. The directive sets out a binding framework for prohibiting racial discrimination throughout the EU. Moreover, it states that the Community is a strong defender of the human rights of women recognising that discrimination on the grounds of ethnic origin may affect women and men differently. The directive must be implemented in the national laws of the Member States by 19 July 2003.

The directive defines the concepts of direct and indirect discrimination and outlaws discrimination in the fields of employment, social protection and social security, social benefits, education and access to the supply of goods and services. It gives persons who believe themselves to be victims of discrimination access to an administrative or judicial procedure so that they can assert their rights, associated with appropriate sanctions for those who discriminate. In order to strengthen the position of victims, the directive shifts the burden of proof on to respondents and empowers victims to seek the help of associations. The

⁷⁷ Specifically, a directive concerning employment and outlawing the grounds for discrimination mentioned in Article 13 with the exception of sex (Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (27/11/00)); a directive designed to combat discrimination based on race or ethnic origin in employment, social protection, education and access to and supply of goods and services Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (29/06/00); and an action programme to combat discrimination Council Decision 2000/750/EC establishing a Community action programme to combat discrimination (2001 to 2006) (27/11/00).

proposal also outlaws racial harassment in the fields covered by the directive and prohibits retaliation against persons who have made use of rights flowing from the directive. In addition, the directive requires that all Member States set up a body or bodies which may act independently to promote the principle of equal treatment irrespective of racial or ethnic origin. This proposal builds on the recommendations contained in the UN Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination. The main function of these bodies should be to support victims of discrimination, to conduct surveys or studies on discrimination, and to publish reports and deliver recommendations in the field of racial and ethnic discrimination.

The directive contains a set of minimum requirements: Member States may adopt or maintain provisions which are more favourable to the protection of the principle of equal treatment. Member States may also take 'positive action' to compensate disadvantages suffered by a particular racial or ethnic group.

B. 3.2. Co-operation in combating racist crimes

A Joint Action⁷⁸ on the basis of Article K.3 of the Treaty on European Union was adopted by the Council on 15 July 1996 concerning action to combat racism and xenophobia. The main objective is to ensure effective legal co-operation between Member States in combating racism and xenophobia. The Joint Action stresses the need to prevent the perpetrators of such infringements from benefiting from the fact that these infringements are treated differently in the Member States by moving from one country to another to avoid prosecution. To achieve this, it sets out a list of racist activities which the Member States agree to punish as criminal offences.

A report on the evaluation of the Joint Action published in April 1998 shows that the activities listed in the Joint Action are either already treated as criminal offences by the Member States or that Member States are examining their legislation with a view to criminalising such actions. However, it was noted that additional steps could be taken. A further review of the implementation of the joint action of 1996 is under preparation. The Commission's working programme for 2001 foresees the presentation of a proposal transforming the joint action into a framework decision and including possible improvements to this instrument.

C. 3.3. Immigration and asylum issues

In December 1999 the Commission put forward a proposal for a directive on the right to family reunification,⁷⁹ considering that family reunification is a necessary way of making a success of the integration of nationals of non-EU countries residing lawfully in the Member States. The right to family reunification flows from the need to protect the family as the natural and fundamental unit of society, as recognised by the Universal Declaration of Human Rights and the International Covenants of 1966 on Civil and Political Rights and on Economic and Social Rights. This right flows as well from the right to respect for family life secured in particular by the European Convention for the protection of human rights and fundamental freedoms of 1950 and proclaimed in the EU Charter. The draft directive is

⁷⁸ 96/443/JHA: Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning action to combat racism and xenophobia, OJ L 185, 24.7.96, page 5.

⁷⁹ COM 1999 683 final, 1.12 1999

currently being discussed by the Council.

In May 2000, September 2000, March 2001, April 2001, the Commission put forward respectively proposals for directives on temporary protection in case of mass influx displaced persons⁸⁰, asylum procedures for granting and withdrawing refugee status⁸¹, the status of third-country nationals who are long term residents⁸², reception conditions for asylum-seekers⁸³.

They all contain a specific provision on non-discrimination for the implementation of the directives provisions, in particular on the basis of race, ethnic origin or religion. In November 2000, the Commission issued two important policy documents⁸⁴ on the one hand on a common asylum procedure and a uniform status for persons granted asylum and on another hand on a Community Immigration policy, where it is recalled that policies in that field must contain strong components of anti-racism, anti-xenophobia and anti-discrimination legislation and actions.

IV. 4. Mainstreaming

A. 4.1. Background

Following the impetus of the European Year against Racism in 1997 and the adoption of an action plan in 1998⁸⁵, the Commission has endeavoured to pursue a coherent strategy of integrating anti-racism into EU policies, known as mainstreaming.

A working party representing different Commission departments evaluates EU policies and programmes, and works on identifying ways of enhancing the impact of these policies in the fight against racism. This has proved successful across a number of Community policies and programmes.

B. 4.2. Employment policy

Promoting employment is essential for economic and social cohesion in every society and hence in combating conditions conducive to racism and racial tension. The employment strategy pursued by the EU since 1997, whose objective is to achieve a high level of employment for all categories of workers, is therefore an important weapon in the fight against racism. The *employment guidelines* constitute the input provided at European Union level.

Since 1999, the employment guidelines include the principle of non-discrimination on the labour market. To this end Member States are required to pay particular attention to the needs of ethnic minorities and other groups or persons liable to be disadvantaged, and to prepare appropriate proactive and preventive policies to encourage their integration in the labour

⁸⁰ COM 2000 303 final, 24.5.2000

⁸¹ COM 2000 578 final, 20.9.2000

⁸² COM 2001 127 final, 13.3.2001

⁸³ COM 2001 181 final, 3.4.2001

⁸⁴ COM 2000 755 and 757 final, 22.11.2000

⁸⁵ COM(1998) 183 final, 25.3.1998.

market.

C. 4.3. External relations policy

The protection and promotion of human rights – including the fight against racism – is an essential component of the European Union's external relations. The Commission's Communication on 'The European Union's Role in promoting Human Rights and Democratisation in Third Countries,'⁸⁶ which was recently adopted, concentrates on developing a coherent strategy in this field for EU external assistance and specifically addresses the fight against racism and xenophobia.

In the context of the enlargement of the European Union, great importance is attached to progress in policies designed to combat racism and to protect minorities in the applicant countries. In fact, the Copenhagen European Council in 1993 defined political criteria which countries applying to be members of the European Union must satisfy: '*stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities*'. Each year, the Commission reviews the progress of each candidate country in view of the Copenhagen criteria, including the rate at which it is adopting Community laws. Indeed, by the time they join the Union, candidate countries will have to implement the relevant laws, including the directive on equal treatment irrespective of racial and ethnic origin. For Central European candidate countries, the main issue underlined in the progress reports has been the situation of the Roma population.

In the context of the Partnership and Co-operation Agreements negotiated with all the independent states of the former Soviet Union except Tajikistan, support for democracy and the rule of law implies action against racism. Through the *Common Strategy on Russia*, approved by the European Union in 1999 with a view to consolidating democracy and the rule of law in Russia, the Commission will support Russia's efforts to honour its human rights commitments, particularly vis-à-vis international bodies such as the Council of Europe, the United Nations and the OSCE. It will also promote joint EU/Council of Europe actions on Russia in terms of human rights and the rule of law.

The EU's development policy supports the promotion and protection of human rights. The 1998 Communication on "*Democratisation, the rule of law, respect for human rights and good governance*"⁸⁷ underlines that the mechanisms, which need to be put in place to guarantee a dynamic process leading to democracy, respond to criteria of non-discrimination and ensure the participation of and equality for all sectors of society. The European Union has also taken measures in favour of certain particularly vulnerable populations. These are taken up in a 1998 Council Resolution⁸⁸ on indigenous peoples in development co-operation, which shows a political will to take action, and the working document adopted by the Commission in May 1998⁸⁹ which gives guidelines on a programme of activities. A Progress Report on the implementation of the Council Resolution is currently under preparation and will be adopted at the end of 2001.

D. 4.4. Programmes providing financial support

⁸⁶ COM (01) 252 of 8 May 2001

⁸⁷ COM (98) 146 final of 12 March 1998.

⁸⁸ Council Resolution of 30 November 1998.

⁸⁹ COM (98) 773 final

The European Union has a broad range of programmes which provide financial support for activities in a number of fields. The anti-racism element has been integrated into a considerable number of these programmes, ranging from those specifically targeted at discrimination, to those with more general aims related to education and research.

Community Action Programme to combat discrimination

The Action Programme to combat discrimination runs from 2001 to 2006, and supports projects aimed at preventing and combating discrimination on a number of grounds, including racial or ethnic origin and religion or belief. It has a budget of approximately €100 million and concentrates on three areas. The first is the analysis and evaluation of discrimination, with the aim of building a clear picture of the causes of discrimination and the best methods combating them. The second is developing the capacity to fight discrimination, by encouraging organisations in different countries to exchange information and best practice, and by supporting European networks of anti-discrimination NGOs. The third area is raising the awareness of the fight against discrimination.

Community Initiative EQUAL

In the context of the European employment strategy, the mission of the Community Initiative EQUAL₂ which runs from 2000 to 2006, is to combat discrimination and inequality of all kinds connected with the labour market in the context of transnational co-operation. EQUAL will also take into account the specific needs of asylum-seekers. Some 2 847 million Euro have been earmarked for the 2000-2006 period to fund numerous strategic projects at transnational level and to endeavour to draw conclusions and deliver recommendations at European level so as to fight discrimination and inequality in employment more effectively.

Programme relating to the Community framework strategy on gender equality (2001-2005)

The Community Framework Strategy on Gender Equality and the programme related to it, covers the enforcement of the human rights of women. The programme has gender equality in civil life related to the human rights and fundamental freedoms by both women and men, regardless of race or ethnic origin, religion or belief as one of its five inter-related areas of intervention.

The Commission will pay attention to and support awareness raising actions aimed at empowering in particular women facing multiple discrimination, such as migrant women and women from ethnic minorities. The programme will fund actions promoting the recognition of human rights of women, enforcing equal opportunity rights and strengthen the fight against gender related violence and trafficking in women.

Support for refugees

The Council has established, on a proposal from the Commission a *European Fund for Refugees*, the aim of which is to provide financial support for the reception, integration and voluntary repatriation of persons in need of international protection. In supporting the efforts made by Member States for receiving refugees and displaced persons and coping with the consequences of their efforts, the European Refugee Fund will facilitate the implementation of the 1951 Geneva Convention relating to the status of refugees and contribute to securing the right to seek and enjoy asylum enshrined in Article 14 of the Universal Declaration of Human Rights.

Co-operation in the field of police and judicial matters

Grotius, a joint action establishing a programme of incentives and exchanges for legal practitioners has funded over the period 1996-2000 different training sessions for judges and prosecutors on the subject of racism and xenophobia. Examples include the Judicial colloquium on the fight against racism in the administration of Justice, in 1999, or the seminar held in Stockholm on 11-15 February 2001 on how to increase the possibilities to combat racist and xenophobic crimes in the Member States.

External programmes

A number of projects related to the fight against racism and xenophobia are funded under the *European Initiative for Democracy and Human Rights (EIDHR)*. Council Regulations 975/99 and 976/99 on human rights, which are the legal basis for this Initiative, clearly refer to people who are subject to discrimination, as well as to support for '*minorities, ethnic groups and indigenous peoples*'. These Regulations also aim to support '*the promotion of equal opportunities and non-discriminatory practices, including measures to combat racism and xenophobia*'. In 1999 and 2000, the fight against racism and xenophobia was one of the funding priorities identified. It is in this framework that funding for the World Conference process was provided. . The recently adopted Communication on Human Rights identifies combating racism and xenophobia and discrimination against minorities and indigenous peoples as one of the priorities for the implementation of the EIDHR for 2002 and the medium-term.

In the context of the pre-accession strategy, the *Phare* programme brings financial support to help candidate countries in their preparation to join the European Union, according to the priorities resulting from the regular progress reports. In order to ensure fulfilment of the Copenhagen political criteria, substantial funding has been provided to a number of projects to improve the situation of the Roma population in Central European candidate countries, in the fields of anti-discrimination, awareness raising, education and training, income-generating activities. In the Baltic countries, the *Phare* programme has supported actions aiming at the integration of non-citizens.

The *Tacis* programme, which is aimed at the New Independent States and Mongolia, encourages the development of harmonious and prosperous economic and political links between the European Union and these partner countries. It aims to support their initiatives to develop societies based on the respect of political freedom and on economic prosperity. Projects aiming to promote and protect the rights of minorities and to fight discrimination are supported under the *Tacis-Democracy* programme.

Initiatives to fight racism have been supported through continuing actions in favour of the reconstruction of the Republics of Former Yugoslavia. More widely, the Commission is a major donor to projects organised under the Stability Pact for South Eastern Europe, one of whose working groups is specifically devoted to human rights, minorities and inter-ethnic relations in the Balkans region.

Education and youth programmes

In the fields of education, vocational training and youth, the Community programmes *Socrates*, *Leonardo da Vinci* and *Youth* are instruments of the greatest importance for transmitting the democratic principles and respect for others which are fundamental values of Europe. By funding projects proposed by the players themselves, these programmes enable universities, teachers, educators and associations to organise trans-European actions against racism and xenophobia. On the basis of this experience, the fight against racism and

xenophobia has also been selected as one of the priorities of the new generation of programmes, for the period 2000-2006. These Community programmes are also open to the participation of candidate countries.

Research

The *Fifth research and technological development framework programme (1998/2001)* includes, notably under the key action “Improving the socio-economic knowledge base”, an analysis of the phenomena of xenophobia, racism and migration in Europe, as well as their impact on economic development, social integration and social protection.

V. 5. Evaluation, monitoring and analysis

A. 5.1. The European Commission

The Commission is responsible for ensuring that the principles laid down in the Treaties and other Community law are fully respected across the Union. Respect for fundamental rights and freedoms is an integral part of Community law, as has recently been confirmed by the Amsterdam Treaty. Once the period for implementing the directive outlawing racial discrimination has passed on 19 July 2003, the Commission will be responsible for ensuring that the Member States fulfil the obligations imposed by the directive. The Commission will continue to pay great attention to this aspect in its everyday work and in its monitoring of the application of Community law in general in the Member States.

B. 5.2. The European Monitoring Centre on Racism and Xenophobia

The Monitoring Centre collects, records and analyses information and data, carries out research and studies, develops methods with a view to improving the comparability, objectivity and reliability of the data at European level. It may deliver conclusions and opinions to the Community and the Member States and publishes an annual report on the situation regarding racism and xenophobia in the Community and on its own activities. The information and data assembled and the research and scientific studies carried out concern the scope, development, causes and effects of racism and xenophobia, notably in the fields of the free movement of persons, information and the media, education, vocational training and youth, social policy, the free movement of goods, and culture.

The Monitoring Centre has also put in place a European Racism and Xenophobia Information Network (Raxen) consisting of research centres, non-governmental organisations and specialised centres.

In 1999 the Commission put forward proposals regarding the possibility of extending co-operation between the Monitoring Centre and the candidate countries applying for membership of the EU. The Commission is currently studying the possibility of setting up informal co-operation with the candidate countries on the exchange of experience, skills and good practices with these countries.

C. 5.3. External evaluation and monitoring

Independent evaluation of EU policies and activities has an important role, particularly in ensuring the effectiveness of efforts to combat racism. It is a key requirement of all activities

and projects supported by the EU programmes described above. It applies equally to the activities of the Commission, for example with an independent evaluation of its mainstreaming policies carried out in 2000. The European Monitoring Centre on Racism and Xenophobia is also to be the subject of an independent evaluation of its activities in 2001.

In the Action Programme to combat discrimination (see above), one area of the programme is devoted to the monitoring, analysis and evaluation of discrimination and the methods used to combat it in the Member States. These will provide the opportunity for experts to have an influence on the development of effective methods of combating discrimination.

It should not be forgotten that individuals also have a role in monitoring and enforcing the correct application of the law in the EU. In particular, once the directive outlawing racial discrimination comes into force in 2003, every resident in the EU will be able to enforce their rights under the directive in their national courts.

VI. 6. Conclusions

The Commission invites the States represented at the World Conference to take account of the on-going work to combat racism in the European Union, and to consider how similar initiatives may be pursued all around the world in the future. In particular, the Commission repeats the recommendations, which it presented to the Regional European Conference (Strasbourg, October 2000), and which can be found in the Annex to this Communication. These can contribute to the declaration and programme of action that will be adopted in Durban in September 2001.

RECOMMENDATIONS

1. that all States party to the World Conference should adopt a dual strategy combining legislation and practical action to combat racism and xenophobia, to mainstream the fight against racism in the design and implementation of all relevant policies and programmes and to continue specific programmes to fight discrimination and share good practice;
2. that States should continue to maintain and strengthen the dialogue with the NGOs and the social partners and to involve them closely in designing and implementing policies and programmes designed to combat racism and xenophobia;
3. that as an important element of their strategies to combat racism and xenophobia, all States develop specific policies, which actively involve the host society and promote respect for cultural diversity, to facilitate the integration of migrants into the social, cultural and political life of their societies as well as into the economic life;
4. that all States should take practical measures to eradicate racial discrimination and to promote equal treatment in employment and to promote the integration of discriminated groups, in particular by supporting innovative actions by public authorities, social partners and civil society;
5. that all States commit themselves to ensuring access without discrimination to education based on respect for linguistic diversity; that initiatives be taken to ensure that the fight against racism and xenophobia is introduced into the regular curricula of primary and secondary schools; that all States undertake to eradicate racism in the media; that all States use their policies in the field of culture to combat racism; that all States take initiatives to combat racism in sport; that all States commit themselves to an information policy designed to alert citizens to the danger of racism and xenophobia;
6. that all States set aside a minimum proportion of their national research budgets to research in this area;
7. that the fight against racism and xenophobia be systematically mainstreamed into the external relations and human rights policies of States represented at the Conference;
8. that all States should provide for legislative protection for all persons against discrimination on grounds of racial and ethnic origin, as well as for the existence of an independent body, taking account of the recommendations of the UN and the Council of Europe;
9. that all States should ensure that their criminal law provides effective, proportionate and dissuasive sanctions against the racist and xenophobic behaviour and that they keep their legislative framework under constant review, making specific proposals for reinforcement if necessary.

**COMMISSION COMMUNICATION (COM (2002) 143 FINAL) TO THE SECOND
WORLD ASSEMBLY ON AGEING (MADRID, 8 - 12 APRIL, 2002)**

**Europe's response to World Ageing
Promoting economic and social progress in an ageing world
A contribution of the European Commission to the 2nd World Assembly on Ageing**

EXECUTIVE SUMMARY

This communication constitutes the contribution of the European Commission to the **2nd World Assembly on Ageing** organised in Madrid on April 8-12 2002, by the United Nations and the Spanish Government. It represents an input from the European Commission to the international debate on the new International Plan of Action on Ageing to be adopted in Madrid. As such it is intended to support the efforts of the Belgian and Spanish presidencies to develop a common EU position on the plan.

When the first International Plan of Action on Ageing was agreed in Vienna in 1982, it was almost exclusively for the most developed countries that ageing was emerging as an important concern. Since then, the ageing process has begun to touch several parts of the developing world also. In the 21st century rapid ageing will progressively become a global phenomenon.

The European Commission agrees with the United Nations that a greater global awareness will be necessary in order to meet the challenges for all our societies raised by the ageing process. International co-operation can improve the ability of countries to respond to these challenges. Policies that take due account of the ageing challenges in the future have to be prepared now.

With this Communication the Commission proposes to share the experience from co-operation on ageing issues at EU level, which illustrates the need for a policy approach encompassing the economic, employment and social dimensions of ageing. The Commission is fully aware of the diversity of the ageing challenges across the world and that its experience cannot necessarily be transposed to other contexts. Nevertheless, it is convinced that its experience can be used to develop ideas. Responding to ageing issues in the world calls for a collective effort of international collaboration to promote sustainable development at global level.

1. INTRODUCTION

This communication constitutes the contribution of the European Commission to the **2nd World Assembly on Ageing** organised in Madrid on April 8-12 2002, by the United Nations and the Spanish Government. It has the aim to contribute to the international debate on the formulation of the new International Plan of Action on Ageing to be adopted in Madrid.

The international action plan on ageing, adopted at the first UN Conference (Vienna, 1982), put a particular emphasis on older persons and resulted in, among other things, a proclamation of the United Nations Principles for Older Persons, which addressed the independence, participation, care, self-fulfilment and dignity of older people. Subsequently, many UN events have helped advance the global policy agenda on ageing. The General Assembly decided to observe 1999 as the International Year of Older Persons and to call a 2nd World Assembly in 2002. UN ageing initiatives have furthermore been shaped by the Millennium Declaration.

When the first International Plan of Action on Ageing was adopted in Vienna in 1982, it was almost exclusively for the most developed countries that ageing was emerging as an important concern⁹⁰. Now, the ageing process will soon begin to affect several parts of the developing world also. In the 21st century rapid ageing will progressively become a global phenomenon.

The second World Assembly is expected to adopt a revised international action plan on ageing including a long term, global strategy for a society for all ages.

The sustained growth in longevity and our increased ability to control reproduction represent some of the great achievements of human kind of the last 50 years. That people in general can expect to live longer lives opens great new opportunities for individuals to fulfil their potential. The combined effect of these achievements in the form of population ageing also presents us with new challenges. In the course of the new century ageing will affect the social and economic foundations of societies in many parts of the world. Our societies will have to provide an appropriate framework for people living longer and longer while ensuring social and economic sustainability in an ageing world. Conditions and opportunities for the presently old, men and women, are an important concern at any time, but adjusting well to population ageing is an issue for everybody and the aim must be to arrive at a society for people of all ages. Ageing policies should therefore adopt a broad life-course and society-wide approach, taking into account the UN global initiatives and guiding principles.

2. AGEING AND DEMOGRAPHIC TRENDS: A MAJOR ISSUE FOR THE WORLD

The ageing of societies essentially results from falling fertility rates and increased life expectancy. An additional impact stems from the so-called baby-boom, which has led to large differences in the size of age groups. Migration movements can also affect the ageing process. While ageing will become more of a universal trend in the coming decades there is a wide diversity in terms of the timing and speed of demographic change, the social and economic contexts, and the perception of the challenges posed.

This diversity is particularly evident when examining the ageing phenomenon in **the developed and the developing parts of the world**. Although populations of developing countries are

⁹⁰ In 1980 the percentage of people aged 60 or more was only 6% in the less developed countries, compared to 16% in more developed ones (UN estimations).

relatively young today, many developing countries are projected to experience ageing of an unprecedented speed⁹¹ due to a sharp drop in fertility levels and a rapid increase in longevity. By 2050 the number of older people in less developed countries is projected to more than quadruple (from 374 million in 2000 to 1570 million). This age group will form 19% of the less developed countries' population in 2050 as opposed to 8% today, and the median age is projected to increase 11 years reaching a value of 35 years. In the developed countries, where the share of older people is already much higher following a rapid growth, particularly over the post-war period, marked population ageing will continue but at a slower pace than in the less developed countries. Older people will constitute 33% of their population in 2050 as opposed to 19% today, and the median age will increase by 9 years, reaching 46 years in 2050.

Furthermore, a diversity of situations is present *within* both the developed and developing parts of the world.

Among the developed countries, Europe⁹² and Japan will experience the most pronounced ageing trends up to 2050 - the share of the above 60 age group will be around 37% in Europe and even more in Japan, compared to only 27% in North America, where population growth will continue to be relatively strong. Within the 60+ age group, there will also be significant growth in the number of "very old", i.e. people aged 80 years and over. Whereas the very old constitute 3% of the European population today, 11 of the current EU-15 Member States will have at least 10% of their population aged 80 or over by 2050. Gender differences in ageing are considerable. In Europe women's life expectancy is currently more than 6 years higher than for men. In the age group of 60 years and over, there are 50% more women than men. Of people living alone at the age of 75+ more than 70% are women.

The process of enlargement of the European Union is not expected to have a significant impact on the ageing process of the Union's population. Though the proportion of older people in the Central and Eastern European countries today is lower than in EU-15, it is expected to increase rapidly attaining the EU average levels by 2050. Presently most of the applicant countries are experiencing particularly low fertility rates and to the extent this trend continues it will impact even further on their ageing process.

In the developing world there are significant differences in the ageing process⁹³. For the least developed countries, the median age is only projected to increase from 18 years in 2000 to 26 years in 2050. In contrast the less developed countries as a whole can expect an increase from 24 years to 35 years.

⁹¹ As an example, in France it took 115 years for the proportion of older people to double from 7 to 14 percent. In China the same increase will occur over the course of just 27 years.

⁹² Within Europe, the ageing trend is presently not so pronounced in the Central and Eastern countries (CEECs) as in the EU Member States.

⁹³ Asia and Latin America are ageing most rapidly, and will reach 20 to 25 percent of older persons by 2050, whereas for example sub-Saharan Africa, which continues to struggle with the HIV/AIDS pandemic in association with economic and social hardship, is projected to reach only half that level.

3. THE EU POLICY APPROACH TO AGEING

3.1. The European Union's general approach to ageing

As one of the first areas to be affected by ageing Europe has developed a wide variety of policy responses⁹⁴ to the population ageing which occurred in the course of the 20th century. For a long time policy deliberations took place only at the national level. However, awareness that the challenges ahead were in many ways common increased rapidly in the 2nd half of the 1990's⁹⁵ and recent years have seen major developments in EU co-operation on ageing issues. When the European Commission in 1999 presented a communication⁹⁶ on sensible policy responses to ageing as its contribution to the UN International Year of Older Persons and hinted that Member States would benefit from closer European co-operation on these issues, it was still a vision of what could be. But in the few years since Member States have committed themselves to work on ageing issues in the context of sound public finances⁹⁷, employment, social protection and sustainable development while maintaining these as national policies and taking into account the diversity of ageing situations. Moreover, combating discrimination on the grounds of age has become part of the EC Treaty as well as of the Charter of Fundamental Rights, which also refers to the rights of the elderly⁹⁸.

Ageing is not a separate issue to be tackled in isolation from other ones. The European Union's response to ageing is therefore developed **as part of the overall strategy of mutually reinforcing policies** launched at the European Council meeting at Lisbon and confirmed at subsequent European Council meetings in Nice, Stockholm Gothenburg and Laeken⁹⁹. As set out in the Economic Policy Coordination and the European Social Agenda¹⁰⁰ it encompasses the economic, employment and social implications of ageing. The Broad Economic Policy Guidelines, which are the key instrument for economic policy co-ordination and provide the framework for policy recommendations and for monitoring the implementation of these recommendations, call for Member States to develop comprehensive strategies for addressing the economic challenge posed by ageing populations. The Social Policy Agenda, which lists EU policy priorities in employment and social affairs, outlines how Member States through mutually reinforcing employment, social protection and economic policies can deal with the wider social and work life related implications of ageing.

The EU approach to ageing aims at **mobilising the full potential of people** of all ages. The basic assumption is that adequate responses to ageing must go beyond attention to the presently old. Adjusting well to population ageing is an issue for people of all ages and a life course approach can help the development of adequate policy responses taking account of the related age and gender specific issues.

⁹⁴ Europe has pioneered a variety of institutional responses to ageing populations (retirement, pension systems, specialised health services, residential and institutional care, activity centres etc.) and it is in European countries that older peoples policies generally have been developed to the greatest extent.

⁹⁵ The increasing attention to ageing issues in Commission analyses and documents contributed to this. For a list of these please see the annex.

⁹⁶ "Towards a Europe for All Ages", COM (1999) 221 final.

⁹⁷ Common forecasting and monitoring activities form an integral part of this work and has resulted in a number of seminal analyses covering EU-15. For details see list in Annex

⁹⁸ Art. 13 of the EC Treaty as revised further to the Amsterdam Treaty and articles 21 and 25 of the Charter proclaimed in Nice on the 7th of December 2000.

⁹⁹ For details please consult the relevant parts of Presidency Conclusions to these European Councils listed in the Annex.

¹⁰⁰ See Annex to Presidency Conclusions from the Nice European Council, Dec 2000.

This results in an orientation towards **active ageing policies and practices**¹⁰¹. Core active ageing practices include life long learning, working longer, retiring later and more gradually, being active after retirement and engaging in capacity enhancing and health sustaining activities. Such practices aim to raise the average quality of individual lives and at the same time, at societal level, contribute to larger growth, lower dependency burdens and substantial cost savings in pensions and health. They therefore represent win-win strategies for people of all ages.

Similar orientations were proposed by the Commission in its contribution to the 1999 International Year of Older Persons. Their implementation requires the **involvement of all stakeholders** in a spirit of dialogue and partnership. In its various initiatives to improve and modernise the EU Social Model, in particular in the area of social protection, social inclusion and employment, the Commission encourages the co-operation of all the relevant actors, including NGOs, Social Partners, etc.

3.2. Key challenges and policy responses in Europe

Within the overall framework of the EU approach to ageing some common key challenges for the European Union and its Member States have been identified: managing the economic implications of ageing in order to maintain growth and sound public finances; adjusting well to an ageing and shrinking workforce; ensuring adequate, sustainable and adaptable pensions; achieving access to high quality health care for all while ensuring the financial viability of health care systems.

3.2.1. Maintaining growth and sound public finances

Given its impact on the demand for public pensions, health care and long-term care ageing presents a considerable challenge to the long-term sustainability of public finances. Beyond the immediate financial impact, the ageing of populations also has wider implications for economic growth, inter alia, as a result of the shrinking of the potential workforce and potentially important effects on the level of aggregate savings.

Projections of future public expenditure for the period 2001-2005 indicate that increases in most EU-countries could amount to 3-5 percentage points of GDP for pensions and 2-3 percentage points for health and long-term care. Increases of such magnitudes give serious cause for concern over the sustainability of pension systems and public finances and present major challenges for social policies. On present trends, the EU working age population will fall by approximately 40 million people from 2000 until 2050 and the old age dependency ratio will double from 24% to 49%¹⁰². In other words the EU is projected to move from 2000 to 2050 from having 4 to only 2 persons of working age (15-64) for every person 65 and above.

The economic challenges are addressed in the context of the stability and convergence programmes and the Broad Economic Policy Coordination. The Broad Economic Policy Guidelines state that the need for sound macroeconomic policies and comprehensive economic reforms is amplified by the challenges posed by ageing populations and call for Member States to develop comprehensive strategies for dealing with these. Moreover, in accordance with the stability and growth pact and in

¹⁰¹ The ideas of active ageing and life course approach inform the bulk of innovative policy responses to ageing in Europe and are generally perceived as the way of the future.

¹⁰² These trends are calculated on the EU-15. Possible future enlargements of the Union are not considered.

line with a report endorsed by the Stockholm European Council¹⁰³ EU Member States must sustain sound budgetary positions, while at the same time improve the quality and sustainability of public finances. The aim is to ensure that public finances maximise their contribution to growth and employment and the achievement of the objectives agreed in Lisbon and Stockholm, including better social cohesion.

The Stockholm European Council endorsed a three-pronged strategy¹⁰⁴, further incorporated in the Broad Economic Policy Guidelines, to anticipate and manage the budgetary challenges of ageing. The first prong is to increase the revenue base and reduce the cost of transfers by raising the employment rates. The second prong is to run down public debt at a fast pace so that lower interest payments can offset some of the projected increase in spending on pensions and health care. The third prong is to reform pensions systems in order to maintain them on a sound financial footing.

3.2.2. Responding to the challenge of an ageing and shrinking workforce

Over the next two decades the number of Europeans in the 20-29 age band will fall by 20%, while the number in the 50-64 age group will increase by 25%. At the same time the cohorts reaching pension age will be substantially bigger than their predecessors. The timing and magnitude of these demographic changes will vary between EU Member States, but Europe is faced with the prospect of an ageing and shrinking workforce.

Yet, the impact on the work force is not given merely by the demographics. The effect may be substantially influenced by measures aimed at raising the employment rates of all of working age and of women and older workers in particular¹⁰⁵. Hence, ageing reinforces the importance of general efforts to raise participation and employment rates in Europe. In relation to the employment rates of women it furthermore underlines the crucial pertinence of policies aimed at securing gender equality in the world of work and at reconciling the demands of family and work life.

As for older workers ageing points to the need for **changes in the present practices of age management** in work places and labour markets. With the drop in the supply of young and prime-age workers older workers, which represent a valuable labour supply that for years has been under utilised, should see their labour market prospects substantially improved. It is important that policies and practices, which enable and motivate older workers to fully seize these new opportunities, be put in place.

A number of changes are important. First, a shift towards maintaining the working capacity and employability of older workers, men and women, through measures such as training, health and safety measures, adjustments to workplace and job design, introduction of work facilitating technology, and new working time arrangements. Secondly, the extension of active employment policies to older workers. Possibilities for generating job opportunities for older workers and raising their employment rate through measures of reinsertion and retention should be exploited. As a result the effective retirement ages of both women and men would be raised, thus avoiding that the negative impact of ageing on labour supply is exacerbated through a continuation of current

¹⁰³ Council of the European Union (2001), "The Contribution of Public Finances to Growth and Employment: Improving Quality and Sustainability", Report from the Commission and the (ECOFIN) Council to the European Council (Stockholm 23-24 March 2001), 6997/01.

¹⁰⁴ Presidency Conclusions, Stockholm European Council 23 and 24 March 2001, point 7 last sentence.

¹⁰⁵ As an effect of various policies and practices resulting in early retirement present European activity and employment rates of older workers (55-64) are less than half that of prime-age workers (25-49) and considerably lower than in the US and Japan.

practices leading to early retirement. Promoting such active ageing policies in employment is central to the European Employment Strategy. It is also essential for the realisation of the EU goal of moving towards full employment.

Following the EU-level targets for the employment rates¹⁰⁶ set by the Stockholm European Council, Member States have been invited to set national employment rate targets in order to focus national strategies on promoting higher labour market participation, including for older workers. The strategies would define action needed for raising quality in work and, therefore, its attractiveness; correcting the balance of financial incentives to work, especially the net effect of tax and benefit systems; tackling gender gaps in pay and labour market access promoting participation of persons - especially women - with care responsibilities in the household; reviewing measures to reduce school drop-out rates; and last but not least, setting up a joint government-social partners initiative to retain workers longer in employment by focusing on the provision of company training to promote adaptability and longer-term employability of workers and on improving quality in work. Such an initiative must be based on the understanding that these efforts are of wider interest and benefit to society as a whole and thus may entail a redirection of public funding in favour of this area. In the European Employment strategy older workers are thus increasingly perceived as one of the core elements in future labour supply and as crucial contributors to the sustainable development of an ageing Europe.

Instruments by which to drive back negative attitudes towards older workers have furthermore been secured through new European legislation. In November 2000 the Council adopted a directive outlawing discrimination in employment¹⁰⁷ including on the grounds of age as part of the Union's right-based approach to these issues. It also agreed an action programme, which will target discrimination in all spheres of life including that directed against older persons¹⁰⁸.

3.2.3. Ensuring adequate, sustainable and adaptable pensions

An increasingly older population creates considerable pressures on pensions. Despite the substantial differences in pension systems design across Europe Member States have recognised that deeper co-operation on common problems is required in the domain of pension policy. At the Göteborg European Council Member States endorsed three broad principles for securing the social and economic sustainability of pension systems: Safeguarding the capacity of systems to meet their social objectives; maintaining their financial sustainability; and adapting them to changing societal needs. At the Laeken European Council they subsequently agreed a set of common objectives, which are to guide their policy efforts. The purpose of EU level co-ordination is to help Member

States develop their national strategies to meet these objectives, i.e. securing pensions which are adequate, financially sustainable and able to adapt to changing conditions.¹⁰⁹

¹⁰⁶ The employment rate targets for 2010 were set as 70% in general, 60% for women and 50% for older workers.

¹⁰⁷ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (27/11/00)

¹⁰⁸ Council Decision 2000/750/EC establishing a Community action programme to combat discrimination (2001 to 2006) (27/11/00). Another contribution to the rights based approach is the establishment of an EU Charter of Fundamental Rights which widens the prohibition of discrimination including on grounds of age and recognises "the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life" (article 25).

¹⁰⁹ The process that led to the Laeken agreement on a process of co-operation on adequate and sustainable pensions in the EU was supported by two Commission Communications: "The Future Evolution of Social Protection from a Long-Term Point of View: Safe and Sustainable Pensions" (COM(2000) 622), "Supporting national strategies for safe and sustainable pensions through an integrated approach" (COM362/2001), and a SPC report "Adequate and sustainable pensions: A report by the Social Protection Committee to the Göteborg European Council on the future

At EU level challenges to pension systems are addressed both in the context of the economic policy coordination¹¹⁰ and in the framework of the recently launched open method of coordination²¹ on pensions. Beyond that they are also indirectly addressed in the employment process. Both in the sense that higher employment rates improve the revenue base and in the sense that working to higher ages eases the pressure on pension systems.

As set out in the objectives, which fully recognise the diversity of pension schemes, Member State strategies should aim to secure adequacy of provisions, with a particular view to ensuring that older men and women are not placed at risk of poverty, and promote inter as well as intra-generational equity.

Pension reform is addressed as well within the overall context of promoting employment-friendly policies. Pensions systems and adjacent tax structures should offer sound incentives to continue working until pensionable age and avoid penalising people who continue beyond that. Moreover pensions should be adjusted to cover people, who work in non-standard jobs, and to facilitate flexibility and mobility in labour markets. Importantly pensions should offer the same incentives to men and women and gender distinctions based on outdated perceptions of the man as the sole or main breadwinner of the family should be phased out.

Member States also agreed that their strategies should aim to make pension systems more transparent, and to develop reliable and easy-to-understand information on the likely long-term evolution of benefit levels and contribution rates, so that citizens can continue to have confidence in them.

Finally, Member States found it important to promote the broadest possible consensus regarding pension policies and reforms and to improve the methodological basis for efficient monitoring of pension reforms and policies.

3.2.4. Securing access to high quality health and long term care while ensuring the financial sustainability of services

In the context of increasing life expectancy and a growing proportion of older people the central challenge of health and long-term care policies is to provide full access to high-quality services for all while ensuring the financial sustainability of these services. Policies should strive to secure an adequate and cost-effective response to the needs and demands of women and men of all ages. Differences in life expectancy and the traditional patterns of care provisions of men and women make it particularly pertinent to pay attention to gender issues in this respect.

Preparing for healthy ageing starts with public health policies and practices, which support well-being throughout the life course. To promote a policy environment to enhance social participation, care, self-fulfilment and dignity of older people is conducive to healthy ageing for women and men. The promotion of active ageing practices could also contribute to it. Meeting the growing demand for health and care services, related to the significant growth of people aged 80 years and over,

evolution of social protection" (June 2001).

¹¹⁰ This new form of EU co-operation was named the "open method of coordination" by the European Council in Lisbon and defined as a means of spreading best practice and achieving greater convergence towards EU goals and to help Member States to progressively develop their own policies in accordance with these goals. It involves setting broad common objectives, agreeing realistic targets, translating these into national policies by means of national plans and, finally, as part of a mutual learning process, periodic monitoring on the basis of commonly agreed and defined indicators.

requires cost-efficient ways to support the supply of informal care and expand formal health and care provisions as well as progress in aids and assistive technologies. Efforts in these areas have to maintain the equity principles, which are inherent to the European Social Model (equal access to quality health care).

EU co-operation on these issues is starting within the framework of the EU works on Social Protection¹¹¹ and on Public Finances. The fifth EU framework programme for research (1998-2002) contributes to promote research that enhances the quality of life, autonomy and social integration of older people (with particular emphasis on healthy ageing over the life course and well being in old age) and that improves the quality, efficiency and user friendliness of care and welfare provisions.

4. AGEING IN THE WORLD

As we move through the 21st century more and more countries including those of the developing world will experience the implications of substantial ageing processes. In fact, many developing countries are now in the early stages of adapting to the changing age structure of the population.

Current and prospective policy responses are likely to differ among countries. The realities of ageing depend on the socio-economic and cultural context in which people live. These dimensions also play an important role for how countries form their priority responses to the challenges raised by ageing. Despite such differences, countries can learn and profit from each other's experience. To take advantage of this opportunity international mechanisms that can best inform public policies around the world should be strengthened.

Three key challenges in relation to ageing would require particular attention. Firstly, the challenge of securing a *sufficient labour force* to provide for a growing population of retired people. This would include providing conditions that would enable people to be economically active as they age for as long as they can manage. Secondly, managing the cost *implications for public sector finances* and the *economy at large* including particular risks for fiscal stability and overall economic sustainability. Thirdly, tackling the issue of *poverty in old age*, which remains a serious problem in many countries of the world, where many older people, especially women, have insufficient access to basic income, health and social welfare provision.

Though the particular expressions will vary across the world, ageing is everywhere a phenomenon marked by significant gender differences. The Suriname resolution on the situation of Older Women, adopted at the 56th session of the UN General Assembly is a positive contribution to mainstreaming the gender dimension in ageing issues.

Policy responses are first and foremost the responsibility of each State, However, co-operation within the framework of the UN is crucial to share experience and encourage best practices throughout the world, keeping in mind the diversity of national situations.

4.1. Important issues in relation to an International Plan of Action on Ageing

The European Commission supports the UN efforts to develop a global framework for action on ageing. A long term world strategy must set out a vision of what is to be achieved within a time horizon, which is manageable both to citizens and governments. Given the reliability of the demographic projections we dispose of today, there are good arguments for setting this time horizon

¹¹¹ Following a request from the Gothenburg European Council a new process of deliberation has been initiated by the adoption of the communication "The future of health care and care for the elderly: guaranteeing accessibility, quality and financial viability" (COM (2001) 723).

to 20 years (i.e. 2002-2022).

The focus should reflect the kind of socio-economic set up which would enable people around the world as they age to continue to participate in the achievement of a society for all. A holistic view of ageing, as life-long and society-wide is called for.

The European Commission considers that the plan should consist of specific objectives, indicate the outcomes that are required to achieve the objectives and spell out the kinds of activities that are needed to generate the outcomes. Furthermore, it should identify a set of indicators, which will allow for progress to be monitored and assessed.

The International Action Plan should take account of the different levels of social, economic and political development among countries, which affect the capacity to respond to the ageing challenge. Consequently, it may be useful to distinguish between objectives applicable to all countries and those that may be specific to particular regions of the world. Likewise differences should be reflected in the spelling out of appropriate actions and responsible actors.

On the basis of these considerations, the Commission suggests that the following points merit particular attention:

- The European Commission agrees with the United Nations that a greater global awareness will be necessary in order to meet the future challenges for all our societies raised by the ageing process. The process of ageing must be addressed within the larger process of development in a global context. International co-operation can improve the ability of countries to respond to these challenges. Policies that take due account of the ageing challenges in the future have to be prepared now.
- While conditions and opportunities for the presently old people are an important part of our concern, adjusting well to population ageing should be seen as a life-cycle process involving people of all ages. All generations will have to contribute to solutions and find ways to adjust. Moreover, population ageing can better be tackled if the different domains affecting the quality of life are taken into account in the process of policy making.
- Appropriate responses to ageing aim at promoting a society for all ages and encourage age integration in all spheres of economic and social life. Existing policies should be evaluated on the extent to which they promote age segregation or integration strategies.
- The long-term objective of national policies should be to ensure that good health and wellbeing accompany the extended longevity. Healthy longevity requires a life long process of maximising opportunities for economic, physical, social and mental well being. A life long approach to health and a new balance with health promotion and disease prevention is also required to cope with the challenge of an ageing society.
- Education from an early age to promote awareness of the multifaceted aspects of longevity is an essential and cost effective measure to enhance healthy lifestyles and reduce disability in old age. While it is up to governments to create supportive environments for advancing health and wellbeing into old age, individuals themselves are responsible for maintaining healthy life styles.
- Dependence and disability is an important issue in relation to old age. It is determined to a large extent by contextual factors. Countries should integrate into their priorities the need to

maintain the quality of life and social integration of older persons, and especially that of the 'oldest old', the definition of which may vary between countries. Safe and adequate housing, transportation and communication systems are especially important for the well being of older people. Minimising hazards in the physical environment is important for avoiding debilitation and painful injuries for older people.

- Family and household structures are undergoing profound changes in many countries. Families tend to become less able to manage all the caring responsibilities and to provide alone the support required by dependent and frail members. Structures of formal care provision may therefore have to be erected. Current generations of older people play significant care-giving roles and provide important financial support to younger generations. It is important to note that across all generations, women bear the greatest burden in terms of providing care.
- Considerations about the end of life should have their place in the debate of ageing societies. In accordance with the UN Principles for Older Persons, all people should have a right to a death that is as dignified as possible and one which respects their cultural values. Policies must strive to enable people to die in a caring environment with adequate professional support but also giving high priority to social interaction with the patient and their relatives.
- There is a need for developing a better information base for public policy in the field of ageing. The universal trend of population ageing amid great diversity raises the need for more international co-operation and pooling of efforts for providing an effective knowledge base and analytical framework in relation to the wide variety of challenges posed. Basic information is needed about trends and differentials within the trends, in mortality, morbidity, migration as well as in the socio-economic circumstances of older persons as related to gender, regional, and country differences. Particular emphasis should be given to cross national collaboration in the areas of standardisation and comparability of instruments and scientific methodologies.

5. CONCLUSION

The Commission agrees that the 2nd World Summit on ageing represents an opportunity for adopting common approaches to the challenge of ageing at the global level and supports the UN efforts aimed at developing a global framework for action. This global framework should include the results and commitments at the Copenhagen World Social Summit (1995) as well as subsequent UN Conferences on women and communicable diseases.

Within this context, the European Commission pledges its willingness to share with countries in other parts of the world, and particularly with developing countries, its experience in the search for responses to ageing, and invites all UN Member States to reflect on the policy ideas, innovative forms of co-operation and policy progress achieved in the European Union.

COMMISSION DOCUMENT FOR THE UN SPECIAL SESSION ON CHILDREN "THE EUROPEAN COMMUNITY'S RESPONSES TO THE WORLD SUMMIT FOR CHILDREN " (NEW YORK, 8 -10 MAY, 2002)

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UNGASS on Children

The purpose of this factual document, prepared for the Special Session of the United Nations General Assembly on Children on 19-21 September 2001, is to provide an overview of European Commission activities in support of children and demonstrate our commitment to the important goals adopted at the World Summit for Children in 1990.

Families are the primary units for the protection, upbringing and development of children, but creating a world respecting the rights of the child is also a shared responsibility involving the international community. This responsibility boils down to efforts in support of poverty alleviation, especially creating an enabling environment where children can reach their full potential. Promoting sustainable development and reducing disparities within communities is however also important in order to reduce the potential for conflict, where children are the most vulnerable victims.

In the European Union, children are recognised fully as citizens in the Treaty of Amsterdam. Furthermore, in December 2000 a 'Charter of Fundamental Rights of the European Union' was proclaimed, which among other aspects stresses child protection and care, the best interests of the child and, notably, the child's right to express his or her view. Although not having specific Community competence in children's matters, the European Commission, in implementing its policies, recognises children as a particularly vulnerable group in the overarching policy focus on poverty and vulnerability. Within this framework, mainstreaming of gender aspects and human rights, including rights of the child founded on the UN Convention of the Rights of the Child, is closely intertwined with poverty eradication efforts.

Children benefit both directly and indirectly from our activities in European and developing countries. The European Community is a major international donor of development assistance and supports through its instruments children and their families by promoting children's rights, with special attention to: mitigating the effects of marginalisation, education, health, psycho-social assistance and reintegration into society. Specific issues related to the physical and moral integrity of children are also being addressed. The protection and promotion of the rights of the child has been selected as a priority theme for funding from the European Initiative for Democracy and Human Rights in 2001.

The European Commission welcomes the UN General Assembly Special Session on Children. The four priority action areas in the Outcome Document are important in our activities, especially in the fields of development co-operation and humanitarian affairs. These priorities highlight the fact that there cannot be a better future unless there is a better future for children.

1. Introduction

At the World Summit for Children, held in September 1990, leaders of 71 countries committed themselves in a Political Declaration to taking high-level political action to assure the well-being of children. These commitments involve among others alleviating poverty, providing educational opportunities, strengthening the role of the family and women, reducing child mortality, eradicating hunger, addressing the plight of children in particularly difficult circumstances and protecting children from conflict, and ratifying and implementing the UN Convention on the Rights of the Child. To achieve these broad goals, the Summit adopted a Plan of Action with a number of specific goals, many of which had previously been endorsed in a variety of international settings.

Overall, progress has been achieved since the 1990 World Summit, but much still remains to be done. Whereas the normative framework for children's matters is now in place based on the nearly

universal ratification of the UN Convention on the Rights of the Child (UNCRC) the future challenges relate largely to social, economic and development issues. The complex problems facing children are of a multidimensional nature. Poverty in particular poses the greatest challenge to enhancing the development, welfare, and protection of children throughout the world.

In the European Union children's rights are included in the Treaty of Amsterdam, and in several articles of the Charter of Fundamental Rights of the European Union proclaimed during the European Council in Nice in December 2000. This Charter does not establish a complete list of children's rights, but stresses three particularly pertinent aspects: child protection and care, the best interests of the child and, notably, the right of the child to express his or her views freely. The European Institutions support the approach of the UNCRC which stipulates that children are fully "citizens", that they are fully "human persons" and that they are able to understand their own needs and interests. For this reason, they must be allowed to express their thoughts and have their opinions taken into account.

2. Consequences of Poverty on Children : Child Labour and Street Children

The Commission is particularly active in the area of poverty reduction, where its approach is based on the recognition that economic growth alone is not sufficient to reduce poverty. In acknowledging a broader perspective, the Commission stresses the close inter-linkage between equity, social justice, democracy, human rights, conflict prevention and the fight against poverty. Although not having specific Community competence in children's matters, the Commission in implementing its policies recognises children as a particularly vulnerable group in the overarching policy focus on poverty and vulnerability. Within this framework, the mainstreaming of gender aspects and human rights - including rights of the child, and core labour standards - is closely intertwined with poverty eradication efforts.

This second chapter highlights two particular consequences of poverty on children – child labour and street children - and is followed by separate chapters on education and health, which are key sectors in efforts to alleviate child poverty.

Since 1992, all cooperation agreements between the EU and third countries have required the incorporation of a clause defining respect for human rights as an "essential element" of the agreement. This includes core labour rights as set out in the eight core ILO (International Labor Organization) Conventions. On 15 September 2000, the Commission underlined its support for the ILO's efforts against child labour by adopting a Recommendation to the EU Member States to ratify the new Convention on banning the Worst Forms of Child Labour.

The Cotonou Agreement signed in June 2000 between the EU and 77 ACP States represents an important step forward in promoting core labour standards in bilateral agreements and includes a specific provision on trade and labour standards. Specific measures to further the elimination of child labour include developing effective and time- bound programmes to eliminate the worst forms of child labour through prevention, protection and rehabilitation; ensuring access to free, quality basic education; and wherever possible and appropriate, vocational training for all children; giving greater visibility to child labour through strengthened data collection, analysis and dissemination; and promoting awareness of children's rights to protection from economic exploitation, and the need for priority action against the worst forms of child labour.

Incentives under the EC Generalised System of Preferences (GSP) scheme are also an important instrument for the promotion of core labour standards. The current GSP Regulation addresses the issue of core labour standards in two ways:

- By providing a positive incentive scheme to promote core labour standards. Under special incentives, additional trade preferences may be granted, upon request, to countries that effectively apply the standards laid down in the ILO Conventions (including Convention 138 on child labour).
- By allowing for a withdrawal of the overall benefits in reaction to forced labour. Any severe infringements of the standards laid down in the ILO core Conventions could be sanctioned by suspending GSP Preferences.

On the issue of street children, the Commission funds major projects across the globe which are geared to mitigating the effects of marginalisation, facilitating the social rehabilitation of excluded children and securing the provision of health and education services.

Recent and current support for street children includes projects in Brazil, Paraguay and a pilot project in Mexico. Importantly, several projects include components aimed at raising awareness among key governmental and non- governmental actors.

The European Initiative for Democracy and Human Rights (EIDHR) channels substantial funding to NGOs and international organisations for the implementation of projects related to a wide range of human rights and democratisation issues. Around 10% of the 2000 budget was allocated to projects specifically aimed at the promotion and protection of children's rights. The Human Rights Regulations¹¹², which form the basis of this funding stipulate that assistance offered under the EIDHR should include "those discriminated against or suffering from poverty or disadvantage...". Funding has sought to address immediate consequences of poverty – malnutrition and illness – in conjunction with efforts to provide education, vocational training and to promote the rights of disadvantaged children.

This year the EIDHR is supporting, in the context of the general promotion of Human Rights, the protection and promotion of children's rights as a priority in several regions such as South and Southeast Asia, Latin America, West and Southern Africa. The Commission Communication of 8 May 2001 on 'The EU's role in Promoting Human Rights and Democratisation in Third Countries' makes clear that in the future, children's rights should be mainstreamed in all thematic priorities pursued under the EIDHR.

Substantial aid which seeks to address the consequences of poverty for children is also channelled through major country and regional funding programmes such as Tacis for Russia and the New Independent States, and Phare for the countries of Central and Eastern Europe.

3. Access to Education

Worldwide, the European Community's education commitments for programmes total about € 2.5 billion of which € 1.75 billion concern effectively ongoing projects. The total support to education represents about 6.2 %¹¹³ of all external financial cooperation. Although the majority of funds in the current portfolio is concentrated in the project approach, the EC is also involved in sector-wide support for education. The EC's development cooperation does not single out children as the subject of a specific "policy" in the field of education. It is clear, nevertheless, that in ACP countries as

¹¹² Council Regulations 975/1999 and 976/1999.

¹¹³ This percentage is related to an overall figure of commitments for external co-operation of around € 39 billion for the years 1996-2000.

well as MEDA and ALA countries, the EC has mainly focused its efforts in recent years on basic education, and more specifically on primary education : for example, 80% of European Development Fund (EDF) investments in education go to primary education. Combined with an increase of funding to education generally, as compared to other sectors, one can say that the EC's efforts for the benefit of children's education have contributed to the overall situation of children. Most of the primary education programmes contain specific clauses for the benefit of girls.

The Cotonou Partnership Agreement contains, in Article 26, specific provisions for the support of a coherent policy towards youth, aiming in particular at the protection of children's rights and at the support of organisations having as an objective the development of children and their reintegration in society.

The Cotonou Agreement is a partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000. The Youth Issues covered in Article 26 in the agreement are as follows:

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

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

For Pre-Accession Countries or candidate countries¹¹⁴ wishing to join the European Union, the Commission monitors fulfilment of so-called political criteria defined at the Copenhagen European Council in 1993, by which candidate countries must ensure: 'stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities'. Human rights include the rights of the child, as defined by the Convention on the Rights of the Child, which has been ratified by all candidate countries.

The Commission's regular reports on Candidate Countries' progress towards accession have underlined the need to ensure equal access of minority children to educational opportunities. In Central and Eastern European countries, school attendance especially by Roma children is much lower than for other children and they are all too often segregated in 'Roma schools' or sent to special schools for mentally handicapped children. Financial support has therefore been provided under the Phare programme to ensure effective access to education for Roma children, for example:

- In Hungary, **the Phare programme** contributed € 5 million in 1999 to a project aiming at a reduction of the school dropout rate, and providing support to secondary school pupils (with particular emphasis on the Roma minority).
- In the Slovak Republic, Phare contributed € 3.8 million in 2000 to a project in favour of the Roma, including measures to increase the level of education, such as pre-school education,

¹¹⁴ These include Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic, Slovenia and Turkey.

involvement of mothers into the education process, preparatory classes to elementary education, whole-day care and alternative education methods, and provision for Roma teachers and assistants.

- In the Czech Republic, financial support was provided to improve Roma children's access to education (part of a € 0.9 million project in 1998 and € 1 million project in 2000). A more general project supporting the development of the State Educational System was co-financed under Phare in 1999 (€ 250,000).
- In Bulgaria, Phare provided € 500,000 in 1999 for a Roma project, including a component to increase Roma children's access to education.

The Commission has also supported projects aiming at increasing educational opportunities for other minorities. For instance, in Estonia, the Phare language training programme in co-operation with the UNDP provided an opportunity for almost 2000 children to participate in language immersion summer camps or family exchange programmes in 1999-2000. 180 schools with Russian as a language of instruction have been equipped with handbooks, dictionaries and other source materials. This support will be continued with the Phare 2001 programme. The Phare programme has also supported a number of NGO projects to facilitate access to education for other disadvantaged children, such as handicapped children.

4. The Girl Child and Gender Aspects

In their task of contributing to gender equality through development interventions, EU Member States and the European Commission are guided by concrete commitments and resolutions made at international, regional and national level, the Council Resolution on Integrating Gender Issues in Development Co-operation, and equality provisions in the Treaty of Amsterdam. In the EC's overall development policy, the gender dimension is now a guiding cross-cutting principle, which must be mainstreamed in the planning of all development initiatives. A Programme of Action to be implemented during a five-year period (2001-2006) for the mainstreaming of gender equality in EC Development Co-operation was adopted on 21 June 2001.

On the issue of the girl child, the Cotonou Agreement clearly states that : "Cooperation shall also support the establishment of a coherent and comprehensive policy for realising the potential of youth so that they are better integrated into society to achieve their full potential. In this context, cooperation shall support policies, measures and operations aimed at – inter alia - protecting the rights of children and youth, especially those of girl children" (Art 26). The EC's commitment is, accordingly, particularly active in relation to the serious gender gap concerning education for girls. The EC education portfolio, of which 80% is targeting primary education, gives strong emphasis in favour of the girl child. Measures include specific targets set for the enrolment of girls, scholarships, special facilities for girls, increasing numbers of female school teachers, and support for adolescent girls and single mothers to continue education. A series of major projects and programmes has been launched in the last four years which use a variety of these approaches to improve girls' access to basic and secondary education, for example:

- In Egypt, the "**Education Enhancement Programme**" (EC contribution € 100 million) is an innovative programme to promote access to basic education for all children, with a special emphasis on girls and children from underprivileged groups, and to improve the quality of student performance.
- The Community has provided € 150 million in funding for the Government of India's **District**

Primary Education Programme (DPEP). Covering seven states of India and focusing on the girl child, the programme aims to increase enrolment, improve the quality of primary education and prevent dropouts, particularly among the most deprived. So far, results suggest a real improvement in girls' enrolment rates even in the initial stages of the programme.

- The **PROMOTE project** in Bangladesh (EC contribution € 36 million) seeks to create a more girl-friendly environment in secondary schools through improving girls' school facilities, increasing substantially the number of women secondary teachers, both as role models and to facilitate attendance in a society with strong seclusion norms. The **BRAC project**, also in Bangladesh, (EC contribution € 33 million) includes the largest non-government primary education programme in Bangladesh, targeted to provide informal education to girls who have dropped out of the formal education system.

5. Infant and Maternal Mortality

The European Community has a strong commitment to reducing both infant and maternal mortality. However, EC development policy does not single out children as a specific target group while addressing health. Overall, the European Community has become a major partner in resourcing the world's response to population, sexual and reproductive health challenges. Since 1994, € 900 million have been committed to support work in Developing countries in line with the objectives set out in the ICPD's Programme of Action (International Conference on Population and Development). The Community will continue to provide support with particular emphasis on five key areas:

- Maintaining and increasing the gains already made in providing access to sexual and reproductive health services;
- Ensuring that women have the opportunity of safe pregnancy and child birth;
- Promoting sexual and reproductive health of young people;
- Limiting the spread of HIV/AIDS and caring for those who live with the virus;
- Tackling problems of gender-based violence and sexual abuse.

The European Community has supported specific reproductive health and HIV/AIDS programmes such as the Kenya Family Health Programme, the Regional HIV/AIDS programme and the Support to Safe Motherhood in Malawi. Significant investments in reproductive health have also been made to more than 15 countries across the Asian region. At the regional level, the major programmes supported have been a UNFPA-managed reproductive health initiative and a malaria control programme in Cambodia, Laos and Vietnam. At the country level, the largest programme of support has been the provision of € 200 million in funds towards the reform of India's family welfare sector as part of a major multi-donor initiative involving, among others, the World Bank and DFID.

In 2001, a new strategy for safe motherhood has been developed, where priority interventions include essential obstetric care for life threatening emergencies, skilled attendance at delivery underpinned by access to family planning and management of unwanted pregnancies.

6. Combat Against Communicable Diseases, in particular HIV/AIDS

One in five people worldwide lives in extreme poverty. While poverty is recognised as a multidimensional concern, it is now widely accepted that health and health strategies can significantly contribute to poverty reduction. Both the Cairo Plan of Action following the Africa-Europe Summit of April 2000, and the Cotonou agreement of June 2000 address the need to target the growing burden of HIV and other communicable diseases on children and youth.

Yearly 5.5 million people die from HIV/AIDS, malaria and tuberculosis diseases alone, of which a

majority of the victims are children. The pressing need for assistance and support for children infected with or affected by HIV/AIDS has been underlined in resolutions co-sponsored by the European Union at the UN General Assembly and the Commission on Human Rights. These resolutions have emphasised the need both for treatment and rehabilitation and for action to protect children from discrimination, stigma and abuse as a result of the disease. The EU has called for global action in the fight against HIV/AIDS and other major communicable diseases, such as malaria and tuberculosis, in these fora.

The European Community has adopted an innovative and bold policy framework on communicable diseases, which was widely endorsed at the International Round Table on 28 September 2000. In the meantime it has also developed a Programme for Action adopted on 21 February 2001. The programme for action outlines the actions to be taken within the next five years (2001-2006) concentrating mainly on:

- optimising the impact of health, AIDS and population interventions via Community development assistance and global partnerships;
- strengthening developing countries' pharmaceutical policies, and capacities for local production of pharmaceuticals;
- establishing a global tiered pricing system for pharmaceuticals and reducing tariffs and other costs on pharmaceuticals;
- supporting WTO developing country members in implementing the TRIPs Agreement and promoting an international discussion on the link between the Agreement and public health protection issues;
- strengthening and increasing support for research and development in global public goods such as AIDS and malaria vaccines.

Under the special EC budget line for **HIV/AIDS and population programmes and policies** (€ 20 million for 2000), a number of priority areas targeting children suffering from HIV/AIDS have been set. The main priority areas for financing in 2000 were interventions in the area of "Preventing mother-to-child transmission in developing countries: limiting the acquisition of HIV/AIDS and other STDs among women before pregnancy and limiting transmission of HIV during pregnancy" and in the area of "Sexual and reproductive health and rights of young people and adolescents".

7. Assistance to Institutionalised Children

In the context of the pre-accession process the European Commission has been monitoring the situation of institutionalised children, with a view to ensuring that the rights stated in the Convention for the Rights of the Child are indeed respected. The need to improve the situation of children in care has been repeatedly mentioned in the Commission's regular reports on candidate countries' progress towards accession.

Since 1990, the European Commission has provided over € 100 million in support of the **child protection sector in Romania**, starting with emergency aid to improve conditions for children in institutions. In addition, from the early 90s, the Commission has supported structural reforms, starting with the National Plan in favour of children, adopted by the Romanian government in December 1995, which was financed by a Phare programme (€12 million). Following a budgetary crisis in residential childcare institutions in 1999, the Commission redirected 1998 Phare assistance (€10 million) to address the immediate humanitarian needs and provided € 25 million from Phare 1999 to support the still-fragile reform process.

In 2001, the Romanian government adopted a National Strategy concerning the Protection of the Child in Difficulty, which aims at substantially decreasing the number of institutionalised children

and of children at risk of being institutionalised. In line with the Commission recommendations, the Romanian government established a National Authority for Child Protection and Adoption, which is in charge of ensuring that agreed standards and levels of care are implemented. Together with this Authority, the European Commission launched a € 19 million Grant Fund out of the Phare 1999 project, called 'Children First'.

The programme focuses on the development of alternative services such as day-care centres, maternal centres, with an aim to prevent abandonment, and to decrease the number of children in institutions and to close large old-style residential institutions. Phare 1999 also supports a public awareness campaign focusing on the adverse effects of institutionalisation and abandonment of children, the existing alternatives to abandonment and institutionalisation. Given that the main reason for abandonment is poverty, the Phare 1999 project also has a component which focuses on better targeted support for families at risk of abandoning their child.

Bulgaria is confronted with the same issue of over-institutionalisation of children. The Commission has provided financial aid to alleviate the humanitarian situation of children in institutions during the economic crisis in 1997 and 1998.

In 2000 the National Assembly adopted the Child Protection Act, which creates a National Agency for Child Protection responsible for organising and co-ordinating the implementation of child protection state policies, including the preparation and implementation of national and regional programmes to ensure child protection. Under the law, children may be placed in the care of special institutions only when all possibilities of remaining in a family environment are exhausted.

Following the adoption of this Act, € 3.5 million were allocated under the Phare programme to a child welfare reform project, aiming to assist the authorities in improving policies towards socially marginalised children, in line with international standards. This project will provide support and training for new structures at national and regional levels, develop alternative forms of child care, and reform the management and care for disabled children.

8. Children in Armed Conflict

During the last decade the world has seen an increasing number of armed conflicts with devastating humanitarian consequences. These conflicts have gone as far as making the abuse and killing of civilians, including children, from opposing groups a tactic of war. In short, children are being denied their most basic rights and thus, serious damage is being done to their futures.

The international community has stepped up the efforts to assist and protect children affected by armed conflict. In this context, the European Commission has spent some € 40 million since the beginning of 2000 on initiatives that specifically target the needs of children affected by armed conflict. These efforts, based on the Convention on the Rights of the Child, form an integral part of the promotion and protection of human rights within humanitarian operations, as well as in linking relief, rehabilitation and development.

In addition, most Commission-funded emergency relief and rehabilitation operations include components with special emphasis on children's health care, including immunisation, nutrition and educational needs. But more needs to be done and this is why the Commission has identified three lines of action, on which it is making political as well as financial commitments :

- Firstly, the full impact of armed conflict on children is not yet sufficiently documented. The same figures (2 million children killed in armed conflict, 300,000 involved in armed fighting,

6 million seriously injured and maimed, etc.) have been repeated for many years but the uncertainties behind these numbers are weakening their strength. At present, approximate figures – based on “qualified guesswork” – are used to back the arguments.

This is not only detrimental for the credibility and effectiveness of international advocacy efforts, but also a major obstacle to improving the humanitarian response. Therefore, the Commission – together with other organisations including UNICEF and the office of the UN Special Representative on Children and Armed Conflict (Mr Otunnu) – is working towards the establishment of an international project to improve the availability of reliable data on children affected by armed conflict. The goal is to find out what data are currently available, what data are needed, and how to collect the missing data.

- Secondly, children have been made a priority for EC humanitarian assistance in 2001, a priority which is likely to be continued in the years to come. Children are the first and most vulnerable victims of any conflict and the effects of conflict on them are diverse and long-term – if not lifelong. This is a great concern, particularly since children are the foundation upon which the future of their countries will be built.
- Thirdly, the Commission recognises that making children a priority in humanitarian assistance might be comparable to treating symptoms, and that a more fundamental step to protect children would be to reduce the overall potential for conflicts and, more particularly, those conditions that are conducive to the abuse of children. Thus, a third line of action in this context is the EC development policy focus on poverty alleviation, the promotion of sustainable development and the reduction of disparities within communities.

Commission funding is also available for initiatives related to children affected by armed conflict under its human rights budget (the ‘European Initiative for Democracy and Human Rights’). This year a substantial contribution of approximately € 2 million is being made to a UNICEF project in Sierra Leone for the protection and reintegration of children associated with the fighting forces and other children separated from their families as a result of the conflict.

Examples of ECHO-funded projects in 1998-2000 :

Psychosocial support and re-integration of war-affected children:

The re-integration into society of traumatised children is critical to establishing a stable post-war situation. Therefore, ECHO is backing projects providing psychosocial support and treatment for children affected by war. Projects are aimed at developing and implementing activities that may help children to cope with their experiences. Recent examples of such projects can - inter alia - be found in Sudan, Kosovo, FYROM, Lebanon, and Sierra Leone. These projects include components on psychosocial treatment of war-affected children, as well as re-adaptation for amputees and mutilated persons, including children.

Family tracing and integration:

ECHO supports family tracing and reunification efforts for war-affected children, where relevant. Often the projects provide technical expertise to increase the capacity of local governments and/or NGOs in tracing family members and improving the social reintegration of children and young people affected by war. Children associated with fighting often face difficulties when re-integrating society, and therefore these projects work with identification and sensitisation of families, potential foster families, group homes, communities, who require guidance on the specific problems of traumatised children.

Education:

Displacements and insecurity contribute to the interruption of the normal schooling and learning process for children. As a direct result of armed fighting, children may end up living in refugee camps for years without access to any primary education. ECHO is responding to this need by funding the continuation of primary education for war-affected children, IDPs and refugees. Emergency informal educational programmes are run in IDP camps in the DRC, Sudan, Sierra Leone, Kosovo, FYROM and Montenegro, amongst others.

Health and Nutrition:

Refugee children and displaced children are subject to very poor health conditions, which have a serious long-term impact on their physical and psychological development. Therefore, ECHO devotes significant funding to special health care programmes for children in conflict and post-conflict areas, which includes immunisation and vaccination of children, supplementary feeding programmes to address gross malnutrition and special paediatric attention. Such programmes have helped counter high morbidity and mortality rates in children particularly prevalent in war-affected areas.

Awareness raising:

ECHO regularly contributes to international seminars and conferences on the issue of conflict-affected children in order to raise awareness and increase public support. ECHO has also supported photographic exhibitions depicting the plight of child soldiers.

9. Violence Against Children, Sexual Exploitation of Children and Child Sex Tourism

The European Union and the Commission have been actively engaged in the development of a comprehensive policy to fight violence against children and sexual exploitation of children, including child pornography, as well as child sex tourism. There is a need for a clear common approach, also viewed against the background of the future EU enlargement.

An important step in the development of a common European approach was the adoption on 24 February 1997 of a Joint Action concerning action to combat trafficking in human beings and the sexual exploitation of children. The Joint Action covers a wide range of topics such as definitions, jurisdiction, criminal procedure, assistance to victims and police and judicial co-operation. Through the Joint Action, the Member States undertook to review their existing laws with a view to legislating that the sexual exploitation of children and child pornography were criminal offences.

In parallel to and since the Joint Action in 1997, actions and initiatives against the sexual exploitation of children and child pornography have developed considerably in number and in substance at the level of the European Union as well as at local, regional and international level in a wider context. In particular the STOP Programme, the DAPHNE Initiative, succeeded by a programme in December 1999, and the projects to fight child sex tourism should be mentioned (see below). Since 1997 the sexual exploitation of children and child pornography have, however, given rise to increased concern and the need to address diverging legal approaches in the Member States by further action is demonstrated.

Furthermore, Article 29 of the Amsterdam Treaty provides an explicit reference to offences against children. The Tampere European Council in 1999 made a clear call for further legislative action against sexual exploitation of children. Legislative action is also indicated in the Commission's

Scoreboard. In addition, the European Parliament has, in several of its resolutions, called for action.

In addition to legislative measures, the Commission also supports NGOs and organisations fighting violence towards children. **The Daphne Initiative** has been running successfully in that area since 1997, funding around 150 projects for a total amount of circa € 11 million. Roughly half of these projects are dedicated to fighting violence towards children and to assisting, helping and applying treatment to children who are victims of violence acts. Since 2000, **the Daphne programme** (2000-2003) has taken over these activities with a further budget of € 20 million, extending the possibilities for application to projects of longer duration (up to three years) and allowing local public authorities to apply, as well as organisations from Candidate Countries.

The Daphne Initiative and Programme have allowed for the implementation of around 100 projects dealing with the protection of children from violence. Topics dealt with range from domestic violence to trafficking, as well as violence at school, violence in institutions, child pornography and the internet, commercial sexual exploitation, missing children, etc. The approaches and methodologies used are also of a large variety: analysis of legislative measures in the different Member States, developing or expanding networks of NGOs, exchanges of good practice, awareness-raising campaigns, training of professionals in charge of children, etc.

In 1996, the incentive and exchange **STOP Programme** was launched to support actions against trafficking in human beings and the sexual exploitation of children. The programme had a budget of € 6.5 million for an initial period of five years ending in 2000. For the initial period, the programme co-financed 85 projects. In particular, the programme developed a multidisciplinary approach in which all relevant actors were involved.

Besides support to actions enhancing law enforcement and judicial co-operation in the areas, special attention was given to co-operation and methods to assist victims and to prevent trafficking and the sexual exploitation of children. Research also formed an important part of the activities under the STOP Programme. The successful STOP Programme established in 1996 came to an end on 31 December 2000. The STOP II Programme, which covers a period of another two years, was adopted on 28 June 2001 to ensure continued support to actions in the areas covered by the original STOP Programme. This programme puts the candidate countries in special focus. It also underlines the importance of co-operation with third countries and international organisations.

The Commission is particularly active in the fight against child sex tourism, which is also in line with the Optional Protocol of the CRC on child prostitution and pornography. Two Commission Communications, COM (96) 547¹¹⁵ and COM (99) 262¹¹⁶, identify measures in this field as

¹¹⁵ Communication from the Commission on “Combating child sex tourism”, 27.11.96.

¹¹⁶ Communication from the Commission on “The implementation of measures to combat child sex tourism”, 26.05.1999.

appropriate instruments to carry out this fight. The objective is to improve the knowledge of the phenomenon and to provide the means for deterring it. In this respect, it has provided financial support to information and awareness-raising campaigns, which involve tourism professionals, national administrations, travellers, the general public and the Commission itself.

Two campaigns have already been completed with an approximate Commission support of € 240,000. This financial support co-financed a project for the production of an in-flight spot aiming at making travellers aware of the problem of child sex tourism, and received the 1999 UN Grand Award for outstanding achievements in public relations campaigns which best exemplified the ideals and goals of the UN. In the second campaign, funding went to the design and distribution of a “luggage tag” accompanied by an information leaflet for travellers.

Ongoing projects with Commission support total approximately € 1 million and address the following issues:

- Awareness-raising campaign in destination countries
 - Studies on the incidence of child sexual exploitation in tourism
 - Guidelines for national tourism administrations
- The Internet platform against the sexual exploitation of children in tourism
 - Information for travellers, the tourism industry and the general public about sexual exploitation of children in the destinations (when making travel preparations and for general information)
- The code of conduct for tour operators against the sexual exploitation of children in travel and tourism
 - Adoption and implementation of 5 criteria to prevent and fight child sexual exploitation in tourism
- The strategy documents over the media coverage of child sex tourism and related issues
 - Guidelines on the way journalists and media should cover such issues, revealing the occurrence of such acts without compromising the rights of children.

Current and past EC activities will be presented and analysed, as part of a Community framework, during the next World Congress on Commercial Sexual Exploitation of Children, to be held in Yokohoma in December 2001.

The Commission has also participated in several travel fairs (approx. € 200,000). The objective has been to provide visibility for its activities to tourism professionals (industry and tourism schools) and the general public. Through press conferences and groups for discussion the Commission has presented and analysed the actions it has supported financially and discussed the problems faced by the tourism professionals.

The Commission has also supported the writing, editing and dissemination of several documents concerning communication campaigns and analysis of child sex tourism from the point of view of Europeans and from the perspective of the tourism industry. It ensures the dissemination of these documents upon request and during travel fairs. Overall, the Commission has successfully introduced the issue of child sex tourism as one of major concern and managed to promote viable solutions.

In December 2000, the Commission put forward a Communication with proposals for two

framework decisions: combating sexual exploitation of children and child pornography, and combating trafficking in human beings. The proposal on sexual exploitation of children and child pornography has taken on board key elements from the draft Cyber Crime Convention currently under elaboration with the Council of Europe. The draft Framework Decision includes common definitions for the criminal offences of child prostitution, sexual exploitation of children and child pornography, including by means of a computer system, i.e., the Internet. The proposal also provides for common sanctions.

The proposal on combating trafficking in human beings reflects an international instrument, namely the UN Protocol on Trafficking in Person supplementing the recently signed UN Convention on Transnational Organised Crime. The Commission considers the Protocol to be a major step forward at the global level and has also signed it on behalf of the European Community.

10. Immigration / Asylum

In October 1999, in Tampere, Heads of States and Governments agreed on the main principles guiding the EU concerning a Common European Asylum System, fair treatment of third country nationals and management of migration flows.

The Scoreboard on progress made in implementing the area of Freedom, Security and Justice foresees that special attention will be given to the situation of children when drawing up instruments establishing the Common European Asylum System. The Commission is taking this point into account in its acts of legislation, for example in its draft Directives on temporary protection in case of mass influx of displaced persons, and on asylum procedures.

Furthermore, the special situation of children is taken into account in proposals on reception conditions for asylum-seekers, on rules on the recognition and content of the status of refugees and on measures on subsidiary forms of protection. The Convention on the Rights of the Child is a key reference in that regard.

The **Odysseus programme** (migration, asylum, external frontiers EU cooperation programme) has funded the "Separated Children in Europe Programme", a joint effort between Save the Children and the UNHCR, which issued a report and a statement of good practice in 1999.

In the migration field, special attention is also given to children. In the Commission proposal for a Directive on the right to family reunification, the best interests of the child have to be taken into consideration in several steps of the procedure, with a reference to the UN Convention on the Rights of the Child. This proposal aims to respect the EU Charter on Fundamental Rights stating that "Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless this is contrary to his or her interests".

In all its proposals under the Amsterdam Treaty, the Commission introduced specific provisions dealing with unaccompanied minors, paying attention to their special situation. The Council had also adopted a Resolution, on the basis of Title VI of the Maastricht Treaty, in 1997, on unaccompanied minors who are nationals of third countries. It is included in EU legislation and contains provisions on minimum guarantees for all migrant unaccompanied minors, for unaccompanied minors during the asylum procedure and for returns. In the Directive proposal on family reunification, unaccompanied minors who are refugees have the right to be reunited with their parents or other relatives if the parents cannot be traced.

Annex 1 - Acronyms Glossary

ACP Countries	African-Caribbean-Pacific countries
ALA	Asian and Latin American Countries
Cotonou Agreement	Partnership Agreement between 77 Members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000
Council of the European Union	The Council is the EU's main decision-making body. It is the embodiment of Member States, whose representatives are brought together regularly at ministerial level.
DFID	Department of International Development (UK) ECHO European Commission Humanitarian Aid Office
European Commission	The 'European Commission' is the executing arm of Community policies, funded by the EU, and has the exclusive right to initiate new policies. In international fora the 'European Commission' represents the 'European Community' (endowed with legal competence to sign international treaties), which has observer status in the WSC process.
European Community - EC	'European Community' is endowed with legal competence to sign international treaties. In international fora the 'European Commission' represents the 'European Community' which has observer status in the World Summit on Children process.
European Parliament	The European Parliament is the expression of the democratic will of the Union's 374 million citizens, where major political parties operating in the Member States are represented. It exercises democratic supervision over the Commission and shares budgetary authority and power to legislate with the Council.
European Union MEDA Countries	The 'European Union' (EU) consists of 15 member states. Mediterranean Countries. The MEDA programme deals with financial and technical measures to accompany the reform of social and economic structures in the Mediterranean countries which are not member of the EU
Phare	Regional funding programme for the countries of Central and Eastern Europe
Scoreboard	Commission instrument to review and monitor progress in the actions carried out for the creation of an area of 'Freedom, security and justice' in the EU
Tacis	Regional funding programme for Russia and the New Independent States.

EUROPEAN UNION GUIDELINES ON THE DEATH PENALTY

I. INTRODUCTION

- (i) The United Nations, inter alia in the ICCPR, the CRC and in the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, has established strict conditions only under which the death penalty may be used. The Second Optional Protocol to the ICCPR provides for states to commit themselves to permanent abolition of the death penalty. The European Union has now moved beyond this and now espouses abolition for itself and others.
- (ii) At its 53rd session, and at its 54th session in a resolution sponsored by all EU countries, the UN Commission on Human Rights called on countries which maintained the death penalty:
 - progressively to restrict the number of offences for which it may be imposed;
 - to establish a moratorium on executions with a view to completely abolishing the death penalty.
- (iii) At the October 1997 Council of Europe Summit, Heads of Government, including all EU Member States, called for universal abolition of the death penalty. Moreover, new Member States of the Council of Europe have committed themselves to moratoria and to ratify the 6th Protocol of the ECHR committing them to permanent abolition.
- (iv) The 1997 Amsterdam Treaty of the European Union noted that since the signature of the 6th Protocol to the European Convention on Human Rights, the death penalty had been abolished in a majority of EU Member States, and had not been used in any of them.
- (v) In the OSCE, participating States are committed under the Copenhagen document to exchange information on the abolition of the death penalty and to make this available to the public. The EU fulfils this by regular statements within the OSCE's Human Dimension framework.
- (vi) The statutes of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, both of which the EU supported, contain no provision for the death penalty, notwithstanding the fact that they were set up to deal with mass violations of humanitarian law including genocide.

II. OPERATIONAL PAPER

The EU considers that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

The objectives of the European Union are:

- to work towards universal abolition of the death penalty as a strongly held policy view agreed by all EU Member States;

- where the death penalty still exists, to call for its use to be progressively restricted and to insist that it be carried out according to minimum standards as set out in the attached paper.

The EU will make these objectives known as an integral part of its human rights policy.

The European Union will intensify its initiatives, including declarations or demarches on the death penalty, in international fora and towards other countries, in the light of the attached Minimum Standards Paper.

The European Union will consider, case by case, and on the basis of the criteria, whether to make demarches to other countries over the use of the death penalty.

The main elements of the EU approach will be as follows:

GENERAL DEMARCHES

Where relevant, the European Union will raise the issue of the death penalty in its dialogue with third countries. Elements in these contacts will include:

- The EU's call for universal abolition of the death penalty, or at least for a moratorium.
- Where its use is maintained, the EU will emphasise that states should only use the death penalty in line with the minimum standards as set out in the attached paper, and they should maintain maximum transparency over its use.

The precise nature of such approaches will take into consideration, inter alia:

- Whether the country has a properly functioning and open judicial system;
- Whether the country has made international undertakings not to use the death penalty, e.g. in connection with regional organisations and instruments;
- Whether the legal system of the country, and its use of the death penalty, is closed to public and international scrutiny, and whether there are indications that the death penalty is widely used in contravention of minimum standards.

Particular consideration will be given to making EU demarches on the use of the death penalty at times at which a country's policy on the death penalty is in flux, e.g. where an official or de facto moratorium on the death penalty is to be ended, or where the death penalty is to be reintroduced through legislation.

Particular consideration will be given to reports and findings by relevant international human rights mechanisms.

A demarche or public statement may be made where countries take steps towards abolition of the death penalty.

INDIVIDUAL CASES

In addition, where the European Union becomes aware of individual death penalty cases which violate minimum standards, the EU will consider making specific demarches.

Speed will often be essential in these cases. Member States proposing such demarches should therefore provide as much background as possible drawing on all available sources. This should include brief details of the alleged crime, criminal proceedings, the precise nature of the violation of the minimum standards, the status of any appeal and, if known, the expected date of execution.

Where there is sufficient time consideration should be given to seeking, from Heads of Mission, detailed information and advice on the case prior to demarches being made.

HUMAN RIGHTS REPORTING

EU Heads of Mission should, as a matter of course, include an analysis of the use of the death penalty in their human rights reports as well as including periodic evaluation of the effect and impact of EU approaches.

POSSIBLE RESULTS OF EU INTERVENTIONS: OTHER INITIATIVES

The EU's objective, where possible, is to persuade third countries to abolish the death penalty. To this end, the EU will encourage countries to consider acceding to the Second Optional Protocol to the ICCPR and comparable regional instruments. Additionally, where this is not possible, the EU will nevertheless maintain abolition as an objective, and will:

- Encourage states to ratify and comply with international human rights instruments, especially those relating to the use of the death penalty, including the ICCPR;
- Raise the issue in multilateral fora and work towards moratoria on the use of the death penalty and, in due course, abolition;
- Encourage relevant international organisations to take appropriate steps to encourage states to ratify and comply with international standards relating to the death penalty;
- Encourage and offer bilateral and multilateral cooperation, inter alia in collaboration with civil society, including in the legal field with the aim of establishing a fair and impartial judicial process for criminal cases.

III. MINIMUM STANDARDS PAPER

Where states insist on maintaining the death penalty, the EU considers it important that the following minimum standards should be met:

- (i) Capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences. The death penalty should not be imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience.
- (ii) Capital punishment may be imposed only for a crime for which the death penalty was prescribed at the time of its commission, it being understood that if, subsequent to the

commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

- (iii) Capital punishment may not be imposed on:
- persons below 18 years of age at the time of the commission of their crime;
 - pregnant women or new mothers;
 - persons who have become insane.
- (iv) Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for alternative explanation of the facts.
- (v) Capital punishment must only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings, and where appropriate, the right to contact a consular representative.
- (vi) Anyone sentenced to death shall have an effective right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals become mandatory.
- (vii) Where applicable, anyone sentenced to death shall have the right to submit an individual complaint under international procedures; the death sentence will not be carried out while the complaint remains under consideration under those procedures.
- (viii) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases of capital punishment.
- (ix) Capital punishment may not be carried out in contravention of a state's international commitments.
- (x) The length of time spent after having been sentenced to death may also be a factor.
- (xi) Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering. It may not be carried out in public or in any other degrading manner.
- (xii) The death penalty should not be imposed as an act of political revenge in contravention of the minimum standards, e.g. against coup plotters.

GUIDELINES TO EU POLICY TOWARDS THIRD COUNTRIES ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PURPOSE

The purpose of these guidelines is to provide the EU with an operational tool to be used in contacts with third countries at all levels as well as in multilateral human rights fora in order to support and strengthen on-going efforts to prevent and eradicate torture and ill-treatment in all parts of the world. The term "torture" is used in these guidelines in accordance with the definition provided in Article 1 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. For the purpose of these guidelines ill-treatment means all forms of cruel, inhuman or degrading treatment or punishment, including corporal punishment, which deprives the individual of its physical and mental integrity. While addressing specific concerns about torture and ill-treatment is the primary purpose, the guidelines will also contribute to reinforcing the EU's human rights policy in general.

INTRODUCTION

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. These principles are common to the Member States. Respect for human rights features among the key objectives of the EU's common foreign and security policy (CFSP).

Torture and ill-treatment are among the most abhorrent violations of human rights and human dignity. According to the Universal Declaration of Human Rights no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No exceptions are permitted under international law. All countries are obligated to comply with the unconditional prohibition of all forms of torture and ill-treatment. Despite the efforts by the international community torture and ill-treatment persist in all parts of the world. Impunity for the perpetrators of torture and ill-treatment continues to prevail in many countries.

To work towards the prevention and the eradication of all forms of torture and ill-treatment within the EU and world-wide is a strongly held policy view of all EU Member States. Promotion and protection of this right is a priority of the EU's human rights policy.

In its work towards the prevention and eradication of torture and ill-treatment the EU is guided by relevant international and regional norms and standards on human rights, the administration of justice and the conduct of armed conflict including, inter alia, those contained in the following instruments:

- Universal Declaration of Human Rights
- UN International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

- UN Convention on the Rights of the Child (CRC)
- UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol no.6 as well as the relevant case-law of the European Court on Human Rights
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- Statute of the International Criminal Court
- Statute of the International Tribunal for the Former Yugoslavia
- Statute of the International Tribunal for Rwanda
- Geneva Conventions on the Protection of Victims of War and its Protocols as well as customary rules of humanitarian law applicable in armed conflict.

An additional list of relevant norms and standards that the EU may invoke in its contacts with third countries is provided in the Annex to the guidelines.

OPERATIONAL GUIDELINES

The operational part of these guidelines is meant to identify ways and means to effectively work towards the prevention of torture and ill-treatment within the CFSP. An example of measures already undertaken to this end within the CFSP is the adoption of the EU Code of Conduct on Arms Export. Another example is the ongoing work to introduce EU-wide controls on the exports of paramilitary equipment.

The prohibition of cruel, inhuman or degrading punishment imposes clear limits on the use of the death penalty. The present guidelines thus also serve a complementary role to the Guidelines to EU policy towards third countries on the death penalty.

The EU supports actively the work of the relevant actors (the Committee Against Torture, the Human Rights Committee, the Committee for the Prevention of Torture of the Council of Europe, the OSCE/ODIHR Advisory Panel on the Prevention of Torture as well as the UN Special Rapporteurs and other relevant actors). The EU will pro-actively contribute to ensure that the existing international safeguards against torture and ill-treatment are strengthened and effectively implemented.

Monitoring and reporting

In their periodic reports, the EU Heads of Mission will include an analysis of the occurrence of torture and ill-treatment and the measures taken to combat it. The Heads of Mission will also provide periodic evaluation of the effect and impact of the EU actions. The Heads of Mission will have the possibility of sending embassy representatives as observers to trials where there is a reason to believe that defendants have been subjected to torture or ill-treatment.

Assessment

The Council Working Group on Human Rights (COHOM) and the relevant Geographic Working Groups will on the basis of the reports of the Heads of Mission and other relevant information, such

as reports and recommendations from UN Special Rapporteurs and Treaty Bodies as well as non-governmental organisations, identify situations where EU actions are called upon, agree on further steps or make recommendations to higher levels.

EU actions in relations with third countries

The EU's objective is to influence third countries to take effective measures against torture and ill-treatment and to ensure that the prohibition against torture and ill-treatment is enforced. In its contacts with third countries, the EU will, when deemed necessary, express the imperative need for all countries to adhere to and comply with the relevant international norms and standards and will consequently emphasise that torture and ill-treatment are forbidden under international law. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the prevention of torture and ill-treatment with a view to its global eradication.

A) To achieve these objectives, the EU will take, inter alia, the following actions:

Political dialogue

The human rights component of the political dialogue between the EU and third countries and regional organisations shall, where relevant, include the issue of torture and ill-treatment.

Démarches

The EU will make démarches and issue public statements urging relevant third countries to undertake effective measures against torture and ill-treatment. The EU will, where need be, request information on allegations of torture or ill-treatment. The EU will also react to positive developments that have taken place.

In well documented individual cases of torture and ill-treatment the EU will urge (by confidential or public démarche) the authorities in the country concerned to ensure physical safety, prevent abuses, provide information and apply relevant safeguards. Actions on individual cases will be determined on a case-by-case basis and may form part of a general démarche.

Bilateral and multilateral cooperation

Combating and preventing torture and ill-treatment will be considered a priority in bilateral and multilateral cooperation for the promotion of human rights, inter alia in collaboration with civil society, including in the legal field and the field of training. Particular attention should be given to such cooperation within the framework of the European Initiative for Democracy and Human Rights.

B) In its actions against torture the EU will urge third countries to take, inter alia, the following measures:

Prohibit and condemn torture and ill-treatment

- prohibit torture and ill-treatment in law, including criminal law;
- condemn, at the highest level, all forms of torture and ill-treatment;
- take effective legislative, administrative, judicial and other measures to prevent the occurrence of acts of torture and ill-treatment in any territory under its jurisdiction;
- prevent the use, production and trade of equipment which is designed to inflict torture or other cruel, inhuman or degrading treatment or punishment and prevent the abuse of

any other equipment to these ends.

Adhere to international norms and procedures

- accede to the CAT, the ICCPR and relevant regional instruments, including the CPT* (note, see bottom of text);
- withdraw reservations incompatible with the purpose and object of the CAT and the ICCPR;
- consider withdrawing other reservations to the CAT and the ICCPR;
- consider allowing individual and inter-state complaints under the CAT and the ICCPR;
- accede to the Statute of the International Criminal Court;
- comply with the requests for interim measures of protection, rulings, decisions and recommendations of international human rights bodies;
- cooperate with the relevant UN mechanisms, in particular the UN Special Rapporteur on Torture, the UN Special Rapporteur on Violence against Women and, where appropriate, the UN Special Rapporteur appointed for the country concerned;
- ensure that no one is forcibly returned to a country where he or she risks being subjected to torture or ill-treatment;
- in countries where the death penalty is still applied, ensure that in addition to the limitations contained in Article 6 ICCPR, executions, as well as death row conditions, must be such as to cause the least possible physical and mental suffering;
- support the work for adoption of a Draft Optional Protocol to CAT that provides an independent and efficient international visiting mechanism for the prevention of torture and ill-treatment and once such a Protocol is adopted, accede to it;
- cooperate with the relevant Council of Europe mechanisms, in particular the decisions of the European Court of Human Rights and recommendations of the Committee for the Prevention of Torture, and consent to publication of the Committee's reports on visits to their countries.

Adopt and implement safeguards and procedures relating to places of detention

- adopt and implement legal and procedural safeguards against torture and ill-treatment in order to ensure that persons deprived of their liberty are brought before a judicial authority without delay and that they have access to lawyers and medical care without delay and regularly thereafter and ensure that the persons deprived of their liberty can inform their relatives and other relevant third parties without delay;
- ban secret places of detention ensuring that all persons deprived of their liberty are held in officially recognised places of detention and that their whereabouts are known;
- ensure that procedures for detention and interrogation are in conformity with relevant international and regional standards;
- improve the conditions in places where persons deprived of their liberty are held in order to conform with international and regional standards.

Establish domestic legal guarantees

- ensure that statements obtained through torture and ill-treatment shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;
- abolish all forms of judicial corporal punishment;
- ensure that no exceptional circumstances whatsoever, including a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture or ill-treatment;
- ensure that no order from a superior officer or a public authority may be invoked as a justification of torture or ill-treatment;

- ensure that law enforcement officials, military, medical and other relevant personnel will not be punished for not obeying orders to commit acts amounting to torture or ill-treatment.

Combat impunity

- bring those responsible for torture and ill-treatment to justice in trials that conform to international norms for a fair trial and which exclude the death penalty or extradite them for prosecution in another state where these guarantees are fulfilled;
- conduct prompt, impartial and effective investigations of all allegations of torture in accordance with the Istanbul Rules annexed to CHR resolution 2000/43;
- ensure to the greatest possible extent that amnesty is not granted in respect of acts of torture, and ensure that amnesties do not deprive individuals of the right to an effective remedy, including compensation and rehabilitation.

Groups requiring special protection

- establish and implement standards and measures relating to women, children, refugees, asylum-seekers, internally displaced persons, migrants and other groups requiring special protection against torture and ill-treatment.

Allow domestic procedures for complaints and reports of torture and ill-treatment

- establish and operate effective domestic procedures for responding to and investigating complaints and reports of torture and ill-treatment in accordance with the Istanbul Rules;
- ensure that alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families are protected from violence, threats of violence or any other form of intimidation or reprisal that may arise pursuant to the report or investigation.

Provide reparation and rehabilitation for victims

- provide reparation for the victims of torture and ill-treatment and their dependants, including fair and adequate financial compensation as well as appropriate medical care and social and medical rehabilitation.

Allow domestic visiting mechanisms

- allow visits by suitably qualified representatives of civil society to places where persons deprived of their liberty are held.

Establish national institutions

- consider creating and operating and, where appropriate, strengthening independent national institutions (e.g. human rights ombudspersons or human rights commissions) which can effectively address the prevention of torture and ill-treatment.

Provide effective training

- train law enforcement officials and military personnel as well as medical personnel (civil and military) to comply with the relevant international standards;
- ensure the training of the judiciary, prosecutors and lawyers on the relevant international standards;
- ensure that transfers of equipment and training for military, security or police use do not facilitate torture and ill-treatment;
- ensure that training programmes for law enforcement personnel include training on the prevention of violence against women, on the rights of the child and on discrimination

on such grounds as race and sexual orientation.

Support the work of medical professionals

- enable medical professionals to work independently and confidentially when preparing observations on alleged cases of torture and ill-treatment;
- protect doctors, forensic experts and other medical professionals who report cases of torture and ill-treatment.

Conduct autopsies

- ensure that medico-legal autopsies are carried out by trained forensic specialists in accordance with internationally recognised standards;
- provide for proper forensic examination in all cases of serious injury of detained persons.

Other initiatives

The EU will:

- continue to raise the issue of torture and ill-treatment in multilateral fora, such as the UN, the Council of Europe and the OSCE. The EU will continue to actively support the relevant resolutions at the UN bodies including the General Assembly and the Commission on Human Rights;
- support the relevant international and regional mechanisms (e.g. the Committee Against Torture, the European Committee for the Prevention of Torture, the relevant Special Rapporteurs) and stress the need for states to cooperate with the mechanisms;
- support the UN Voluntary Fund for the Victims of Torture and encourage other countries to do so;
- offer joint or bilateral cooperation on the prevention of torture and ill-treatment;
- support public education and awareness-raising campaigns against torture and ill-treatment;
- support the work of relevant national and international NGOs to combat torture and ill-treatment and maintain a dialogue with them;
- continue to fund projects undertaken to improve training of personnel and conditions in places of detention and will maintain its substantial support for rehabilitation centres for victims of torture across the world.

NOTE

- Upon the entry into force of its First Optional Protocol the CPT will be open to accession for non-Member States of the Council of Europe after an invitation from the Committee of Ministers of the Council of Europe. The Protocol requires only one additional ratification (Ukraine) before its entry into force. Ukraine's ratification is expected shortly.

In addition to the list of instruments included in the introductory part of the guidelines the EU may invoke, where relevant, in its contacts with third countries concerning torture and ill-treatment the following norms and standards and principles.

- UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 - UN Declaration on the Elimination of Violence Against Women
 - UN Convention Relating to the Status of Refugees
 - UN Declaration on the Protection of All Persons from Enforced Disappearances
 - UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
 - UN Standard Minimum Rules for the Treatment of Prisoners
 - UN Basic Principles for the Treatment of Prisoners
 - UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
 - UN Rules for the Protection of Juveniles Deprived of their Liberty
 - UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
 - UN Basic Principles on the Independence of the Judiciary
 - UN Basic Principles on the Role of Lawyers
 - UN Guidelines of the Role of Prosecutors
 - UN Standard Minimum Rules for Non-Custodial Measures
 - UN Code of Conduct for Law Enforcement Officials
 - UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
 - UN Principles on Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
 - UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
 - Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) annexed to UN Commission on Human Rights resolution 2000/43
 - Safeguards guaranteeing protection of the rights of those facing the death penalty (ECOSOC resolution 1984/50)
 - Vienna Declaration and Programme of Action
 - General Comments by the UN Human Rights Committee, in particular No. 20 on Article 7 and No. 21 on Article 10 of the International Covenant on Civil and Political Rights
 - General Recommendation no. 19 of the Committee on the Elimination of Discrimination against Women
 - African Charter on Human and People's Rights
 - African Charter of the Rights and Welfare of the Child
 - American Convention on Human Rights
 - Inter-American Convention to Prevent and Punish Torture
 - Recommendations of the Committee of Ministers of the Council of Europe:
 - no. R (87) 3 European Prison Rules
 - no. R (98) 7 Concerning the ethical and organisational aspects of health care in prison
 - no. R (99) 3 On the Harmonisation of Medico-legal Autopsy Rules
 - no. R (99) 22 Concerning Prison Overcrowding and Prison Population Inflation.
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EUROPEAN UNION GUIDELINES ON HUMAN RIGHTS DIALOGUES

1. Introduction

In its conclusions of 25 June 2001 the Council welcomed the Commission communication of 8 May 2001 on the European Union's role in promoting human rights and democratisation in third countries, which represents an invaluable contribution towards strengthening the coherence and consistency of the EU's policy on human rights and democratisation. In its conclusions the Council reaffirmed its commitment to the principles of coherence and consistency, integration of human rights into all its actions, openness of its policies and identification of priority areas. As part of the process of implementing those Council conclusions, the Working Party on Human Rights (COHOM) undertook to establish guidelines on human rights dialogues in consultation with the geographical working parties, the Working Party on Development Cooperation (CODEV) and the Committee on measures for the development and consolidation of democracy and the rule of law, and for the respect of human rights and fundamental freedoms.

2. Current situation

The European Union is engaged in human rights dialogues with a number of countries. Those dialogues are in themselves an instrument of the Union's external policy. That instrument is one of a range of measures which the EU may use to implement its policy on human rights, and constitutes an essential part of the European Union's overall strategy aimed at promoting sustainable development, peace and stability. However, there are at present no rules to determine at what point it should be applied. It should also be said that there is room for greater consistency in the EU's current approach towards dialogues, which at present employs several different types:

2.1. dialogues or discussions of a rather general nature based on regional or bilateral treaties, agreements or conventions dealing systematically with the issue of human rights. These include in particular:

2.1.1. relations with candidate countries;

2.1.2. the Cotonou Agreement with the ACP States and the Trade, Development and Cooperation Agreement with South Africa;

2.1.3. relations between the EU and Latin America;

2.1.4. the Barcelona process (Mediterranean countries);

2.1.5. political dialogue with Asian countries in the context of ASEAN and ASEM;

2.1.6. relations with the Western Balkans;

2.1.7. bilateral relations in the framework of association and cooperation agreements.

2.2. dialogues focusing exclusively on human rights. At present there is only one regular, institutionalised dialogue devoted solely to human rights between the European Union and a third country, namely that with China. This is a highly structured dialogue held at the level of senior human rights officials. At one time the European Union also maintained a human rights dialogue with the Islamic Republic of Iran. This type of dialogue, focusing solely on human rights, has so far only been used with countries with which the European Community had no agreement and/or where the agreement contained no "human rights" clause. The fact that such dialogue exists does not preclude discussion of the human rights issue at any level of the political dialogue;

2.3. *ad hoc* dialogues extending to CFSP-related topics such as that of human rights. For instance, the EU currently maintains dialogues with Cuba and Sudan at the level of heads of mission;

2.4. dialogues in the context of special relations with certain third countries, on the basis of broadly converging views. With the United States, Canada and the associated countries these take the form of six-monthly meetings of experts, with the Troika representing the EU, before the Commission on Human Rights and the annual United Nations General Assembly. The main objective of these dialogues is to discuss issues of common interest and the possibilities for cooperation within multilateral human rights bodies.

In addition to dialogues at EU level, a number of Member States also maintain dialogues with various third countries at national level.

The guidelines on human rights dialogues would have several aims, namely to:

- identify the role played by this instrument in the global framework of the CFSP and the EU's policy on human rights;
- strengthen the coherence and consistency of the European Union's approach towards human rights dialogues;
- facilitate use of that instrument by defining the conditions in which it is to be applied and made effective;
- notify third parties (international organisations, non-governmental organisations, the academic world, the European Parliament, third countries) of this approach.

Political dialogues with the ACP countries under the Cotonou Agreement have their own detailed arrangements and procedures as laid down in Article 8 of the Agreement. However, for consistency's sake, exchanges of news and experience will be held on a regular basis in the COHOM Working Party framework.

3. Basic principles

3.1. The European Union undertakes to intensify the process of integrating human rights and democratisation objectives ("mainstreaming") into all aspects of its external policies. Accordingly, the EU will ensure that the issue of human rights, democracy and the rule of law will be included in all future meetings and discussions with third countries and at all levels, whether ministerial talks, joint committee meetings or formal dialogues led by the Presidency of the Council, the Troika, heads of mission or the Commission. It will further ensure that the issue of human rights, democracy and the rule of law is included in programming discussions and in country strategy papers.

3.2. However, in order to examine human rights issues in greater depth, the European Union may decide to initiate a human rights-specific dialogue with a particular third country. Decisions of that kind will be taken in accordance with certain criteria, while maintaining the degree of pragmatism and flexibility required for such a task. Either the EU itself will take the initiative of suggesting a dialogue with a third country, or it will respond to a request by a third country.

4. Objectives of human rights dialogues

The objectives of human rights dialogues will vary from one country to another and will be defined on a case-by-case basis. These objectives may include:

- (a) discussing questions of mutual interest and enhancing cooperation on human rights *inter alia*,

in multinational fora such as the United Nations;

- (b) registering the concern felt by the EU at the human rights situation in the country concerned, information gathering and endeavouring to improve the human rights situation in that country.

Moreover, human rights dialogues can identify at an early stage problems likely to lead to conflict in the future.

5. Issues covered in human rights dialogues

The issues to be discussed during human rights dialogues will be determined on a case-by-case basis. However, the European Union is committed to dealing with those priority issues which should be included on the agenda for every dialogue. These include the signing, ratification and implementation of international human rights instruments, cooperation with international human rights procedures and mechanisms, combating the death penalty, combating torture, combating all forms of discrimination, children's rights, women's rights, freedom of expression, the role of civil society, international cooperation in the field of justice, promotion of the processes of democratisation and good governance, and the prevention of conflict. The dialogues aimed at enhancing human rights cooperation could also include – according to the circumstances – some of the priority issues referred to above, (in particular the implementation of the main international human rights instruments ratified by the other party), as well as preparing and following up the work of the Commission on Human Rights in Geneva, of the Third Committee of the UN General Assembly in New York and of international and/or regional conferences.

6. Procedure for the initiation of human rights dialogues

6.1. Any decision to initiate a human rights dialogue will first require an assessment of the human rights situation in the country concerned. The decision to embark on a preliminary assessment will be made by the Working Party on Human Rights (COHOM), together with the geographical working parties, the Working Party on Development Cooperation (CODEV) and the Committee on measures for the development and consolidation of democracy and the rule of law, and for the respect of human rights and fundamental freedoms. The assessment itself will be made by COHOM in coordination with the other Working Parties. Amongst other things the assessment will look at developments in the human rights situation, the extent to which the government is willing to improve the situation, the degree of commitment shown by the government in respect of international human rights conventions, the government's readiness to cooperate with United Nations human rights procedures and mechanisms as well as the government's attitude towards civil society. The assessment will be based, *inter alia*, on the following sources: reports by heads of mission, reports by the UN and other international or regional organisations, reports by the European Parliament and by the various non-governmental organisations working in the field of human rights, and Commission strategy papers for the countries concerned.

6.2. Any decision to initiate a human rights dialogue will first require the defining of the practical aims which the Union seeks to achieve by initiating dialogue with the country concerned, as well as an assessment of the added value to be gained from such dialogue.

The European Union will also, on a case-by-case basis, establish criteria for measuring the progress achieved in relation to the benchmarks and also criteria for a possible exit strategy.

6.3. Exploratory talks will be held before a human rights dialogue with the country concerned is initiated. The aim of those talks will be twofold: first to define the objectives to be pursued by any

country accepting or requesting a human rights dialogue with the EU and to determine possible ways of increasing that country's commitment towards international human rights instruments, international human rights procedures and mechanisms and the promotion and protection of human rights and democratisation in general; and subsequently to update the information in the reports following the preliminary assessment. The talks will also provide an opportunity to explain to the country concerned the principles underlying the EU's action, as well as the Union's aims in proposing or accepting a human rights-specific dialogue. The exploratory talks will preferably be led by an EU Troika team of human rights experts representing the capitals, in close consultation with the Heads of Mission accredited in the country concerned. An assessment of the exploratory talks will then be carried out. The European Union will decide in the light of that assessment whether or not it wishes to continue on a more structured and institutionalised basis.

6.4. Any decision to initiate a human rights-specific dialogue will require discussion within the Working Party on Human Rights and its prior agreement. The final decision to initiate a human rights dialogue lies with the Council of Ministers.

6.5. The geographical working parties, the Working Party on Development Cooperation (CODEV) and the Committee on measures for the development and consolidation of democracy and the rule of law, and for the respect of human rights and fundamental freedoms should also be involved in this decision-making process.

6.6. Should the assessment be a negative one and/or the European Union decide not to initiate a human rights dialogue, the European Union will consider whether other approaches might be appropriate, such as emphasis on the human rights aspect of the political dialogue with the country concerned, inter alia by including specialist human rights knowledge in the political dialogue team.

6.7. The Working Party on Human Rights (COHOM) will be responsible for following up the dialogue, where necessary together with the other bodies concerned, viz. the geographical working parties, the Heads of Mission, the Working Party on Development Cooperation (CODEV) and the Committee on measures for the development and consolidation of democracy and the rule of law, and for the respect of human rights and fundamental freedoms.

7. Practical arrangements for human rights dialogues

Flexibility and pragmatism are the keywords in the context of the practical arrangements for human rights dialogues, which should thus be determined on a case-by-case basis, by joint agreement with the country concerned. The arrangements will cover aspects such as where and how often the dialogue is to be held and the level of representation required.

To ensure that the discussions are as fruitful as possible, the dialogues should, as far as feasible, be held at the level of government representatives responsible for human rights. For the sake of continuity, the European Union should be represented by the Troika – at the level either of representatives from the capitals or of Heads of Mission.

The European Union will ensure that dialogue meetings are regularly held in the country concerned. This approach has the advantage of giving the EU delegation a better opportunity to gauge for itself the situation on the spot and, subject to the agreement of the country's authorities, to contact the people and institutions in which it is interested. Traditionally, dialogues whose primary purpose is to discuss issues of mutual interest and to strengthen human rights cooperation are held in Brussels. That tradition should preferably be maintained.

As far as possible, the European Union will ask the authorities of countries involved in the human rights dialogue to include in their delegations representatives of the various institutions and Ministries responsible for human rights matters, such as the Justice and Interior Ministries, the police, prison administration etc. Likewise, civil society could become involved under the most suitable arrangement in the preliminary assessment of the human rights situation, in the conduct of the dialogue itself (particularly by organising meetings with civil society at local level in parallel with the formal dialogue), and in following up and assessing the dialogue. The European Union could thus signify its support for defenders of human rights in countries with which it maintains exchanges of this kind.

The EU will as far as possible give the human rights dialogues a degree of genuine transparency vis-à-vis civil society.

8. Consistency between Member States' bilateral dialogues and EU dialogues

Information exchange is essential if maximum consistency between Member States' bilateral dialogues and EU dialogues is to be ensured. Exchanges of this kind, particularly on the issues discussed and the outcome of discussions, could be conducted by COREU or the Working Party on Human Rights (COHOM). The diplomatic post of the current Presidency in the country concerned could also gather relevant information on the spot. Where appropriate, informal *ad hoc* meetings between the members of the Working Party on Human Rights (COHOM), the relevant geographical working parties, and the European Parliament could be considered. It would also be possible to consider holding informal *ad hoc* meetings with other countries which maintain human rights dialogues with the country concerned (as in the case of the current dialogue with China). Such meetings should involve the COHOM Working Party, and the geographical working parties or study groups.

The technical assistance afforded by the European Union in the area of human rights and democratisation in the countries with which it maintains a dialogue should take into account developments in the dialogue and its outcome.

9. Consistency between human rights dialogues and EU Resolutions to the UNGA and the CHR.

Human rights dialogues and Resolutions submitted by the European Union to the UNGA or the CHR on the human rights situations in certain countries are two entirely separate forms of action. Accordingly, the fact that there is a human rights dialogue between the EU and a third country will not prevent the EU either from submitting a Resolution on the human rights situation in that country or from providing support for an initiative by the third country. Nor will the fact that there is a human rights dialogue between the EU and a third country prevent the European Union from denouncing breaches of human rights in that country, inter alia in the appropriate international fora, or from raising the matter in meetings with the third countries concerned at every level.

10. Assessing human rights dialogues

All human rights dialogues will be assessed on a regular basis, preferably every year.

The assessment will be made by the current Presidency, assisted by the Council Secretariat, and be submitted for discussion and decision to the Working Party on Human Rights (COHOM) in cooperation with the geographical working parties, the Working Party on Development Cooperation (CODEV) and the Committee on measures for the development and consolidation of democracy

and the rule of law, and for the respect of human rights and fundamental freedom.

Civil society will be involved in this assessment exercise. The task will involve assessing the situation in relation to the objectives which the Union set itself before initiating the dialogue, and will examine how much added value has been provided by the dialogue. The examination will look particularly closely at the progress made on the priority areas of the dialogue. If progress has indeed been made, the assessment should, if possible, analyse how far the European Union's activities have contributed to that progress. If no progress has been made, the European Union should either adjust its aims, or consider whether or not to continue the human rights dialogue with the country concerned. Indeed, a dialogue assessment must allow for the possibility of a decision to terminate the exercise if the requirements given in these guidelines are no longer met, or the conditions under which the dialogue is conducted are unsatisfactory, or if the outcome is not up to the EU's expectations. Likewise, a decision may be taken to suspend a dialogue which has proved successful and has therefore become redundant. Such matters will be dealt with by the Working Party on Human Rights (COHOM) as a matter of priority.

As for dialogues aimed at strengthening human rights cooperation, particularly those held within international and regional bodies, the assessment will focus on those areas in which cooperation could be further improved.

11. Managing human rights dialogues

Given the prospect of increasing numbers of dialogues, the Working Party on Human Rights (COHOM) will have to consider the problem of how these should be managed. Continuity is a very important factor, as is the strengthening of the structures supporting the current Council Presidency in the preparations for the dialogues and their follow-up. To prepare each dialogue properly will also require input from the geographical working parties, the Working Party on Development Cooperation (CODEV) and the Committee on measures for the development and consolidation of democracy and the rule of law, and for the respect of human rights and fundamental freedoms. The Council Secretariat's support is essential in terms of centralising all the data, preparing both the content and the logistics, and following up the dialogues. The European Union could also consider, on a case-by-case basis, the possibility of associating a private foundation or organisation specialised in the field of human rights with one or more dialogues. In this connection, Sweden's experience (the Wallenberg Institute) in the context of the exploratory talks with North Korea (Brussels, June 2001) could be assessed.

12. The human rights position in political dialogues

As indicated in paragraph 3, the European Union will ensure that the issue of human rights, democracy and the rule of law is incorporated into all meetings and discussions it has with third countries, at every level, including political dialogue. The European Union undertakes to include human rights experts in the EU delegations. The decision on who will provide the expert knowledge will be taken on a case-by-case basis, but with an eye to continuity. Although this type of discussion does not afford the possibility of dealing with human rights issues in any great depth, the European Union will endeavour to raise the priority issues referred to in paragraph 5 with the country concerned.

**THE GENERAL AFFAIRS COUNCIL'S (JULY 2001) CONCLUSIONS ON THE UN
WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE (WCAR)**

1. The European Union welcomes the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in South Africa from 31 August to 7 September 2001. It is pleased that this event is taking place in South Africa, a country which symbolises hope and courage in the fight against racism.
2. The Council affirms the European Union's determination to contribute to the success of the World Conference and to continue to discuss, in a constructive fashion, all the questions raised during preparations for this Conference. The Council is convinced that this Conference represents a unique opportunity and an essential mobilising factor in the fight against all forms of racism, racial discrimination, xenophobia and related intolerance encountered world-wide.
3. The European Union will make every effort to achieve consensus with the aim of overcoming current obstacles. It falls within the joint and shared responsibility of all participants to make every effort needed to ensure a positive outcome of this Conference.
4. The European Union deems it indispensable that the proceedings of the Conference should concentrate as a priority on the provisions of Resolution 52/111 of the United Nations General Assembly. The Action Programme and the Declaration should be forward-looking and oriented towards action with a view to preparing implementing measures making it possible to combat contemporary manifestations of racism. They must be built on the foundations of the International Convention on the Elimination of All Forms of Racial Discrimination.
5. The European Union is founded on the principles, common to its members, of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law. It has the profound conviction that, as acknowledged by the Universal Declaration of Human Rights, human beings, who form a single family, are born free and equal in their dignity and rights.
6. Racism and racial discrimination represent serious violations of human rights in the modern world and should be fought by all legal means. Racism, racial discrimination, xenophobia and related intolerance are a threat to democratic societies and to their fundamental values.
7. Racial discrimination, intolerance and violations of the rights of persons belonging to minorities are the main causes of current conflicts and of ethnic and religious cleansing in Europe and in other regions of the world. Stability and peace in the world cannot be based on anything other than respect for human rights and tolerance and respect for diversity.
8. The Council refers to the many efforts of the European Union to combat racism, xenophobia and intolerance, particularly through the adoption of legislation – both national and European – to combat discrimination, the proclamation of the Charter of Fundamental Rights and the setting up of the European Monitoring Centre on Racism and Xenophobia.
9. The European Union deplores the persistence of racism everywhere in the world, in its many

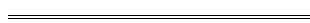
and various forms, ranging from discriminatory practices, inequality of access to goods and services, incitement to hatred on the part of certain media, political parties and political figures and leaders to inhuman and degrading forms of treatment, acts of violence and the most serious forms of persecution and crime, including slavery and ethnic cleansing.

10. In the context of the Conference,
 - particular attention should be paid to strengthening the legal framework for combating racism at national level and to guaranteeing the effective implementation of policies against racism, racial discrimination, xenophobia and related intolerance;
 - emphasis should also be placed on improving education, training and the prevention of racism, racial discrimination, xenophobia and related intolerance, and on increasing information and awareness of such phenomena;
 - the treatment and participation of persons belonging to the groups most affected and/or who suffer multiple discrimination and the integration of a gender perspective into policies and measures to combat racism should also be highlighted;
 - the contribution of non-governmental organisations and other civil society actors to the fight against racism, racial discrimination, xenophobia and related intolerance is likewise very important. The European Union also stresses the need to draw up a global strategy to combat racism with the aim of increasing international cooperation in this field. The Council takes the view that the development of a partnership approach to include the exchange of ideas, experience and good practice will help in working out a global strategy to combat racism and will contribute to strengthening international cooperation in this field.
11. With regard to the historical aspects, the European Union profoundly deplores the human suffering, both individual and collective, caused by slavery and the slave trade. They are amongst the most dishonourable and abhorrent chapters in the history of humanity. The European Union condemns these practices, in the past and present, and regrets the suffering they have caused.
12. Some effects of colonialism which still persist today have caused immense suffering. Any act causing such suffering must be condemned, wherever and whenever it occurred.
13. Through these acts of acknowledgement, regret and condemnation, the European Union, aware of the moral obligation incumbent on the entire international community vis-à-vis the victims of these tragedies, shows its firm determination to honour this obligation and to play its part. It considers that it is the obligation of each individual to remember the suffering caused by events occurring at different points in history, so that they will never be forgotten. The obligation to remember will make it possible to build the future on solid foundations and to prevent the recurrence of the grave errors of the past.
14. The European Union is firmly convinced that the guarantee that contemporary victims of racism can have access at national level to effective remedies to obtain fair and proper redress for damage suffered is one of the main instruments for combating xenophobia, racism, racial discrimination and related intolerance. It observes that the existing regional and international legal instruments concern exclusively the victims of contemporary forms of racism.

15. The Council would refer to the long-standing commitment of the European Union to development cooperation. The objective of Community development cooperation policy is to encourage sustainable development to promote the eradication of poverty in developing countries and the integration of such countries into the world economy. Its achievement involves, inter alia, the implementation of policies helping to consolidate democracy, the rule of law, good governance and respect for human rights. It also contributes towards preventing the vicious circle of racial discrimination and conflicts. The Council would also stress that, placing justice at the heart of its policies, the European Union gives priority to defending the interests of the most disadvantaged developing countries and the poorest population groups within more developed countries, including those who are victims of racism and of racial discrimination. In this way, development cooperation policy as implemented by the European Union represents an expression of international solidarity.
16. The Declaration and the Action Programme which close the World Conference must be concise, credible, substantial and balanced in order to be adopted by all, thus enabling the Conference to preserve its true universal dimension, which will be essential in order to win public support for its future recommendations.
17. The Council calls upon all States to work together in a spirit of cooperation to make the Durban World Conference a success and an important stage in the disappearance of racist practices, racial discrimination, xenophobia and intolerance.

**REVISION OF THE COMMON POSITION
ON THE INTERNATIONAL CRIMINAL COURT**

1. On 11 June 2001, the Council adopted a Common Position on the International Criminal Court (2001/443/PESC). Article 7 states that the Common Position will be reviewed every six months.
2. The Statute of the International Criminal Court, adopted by the Rome Conference of Plenipotentiaries, has been signed by 139 States. 60 instruments of ratification are necessary for it to enter into force. As of 8 January 2002 the Statute had already been ratified by 48 States, heightening the prospect that it will enter into force in 2002.
3. The EU is convinced that the establishment of the International Criminal Court is an essential means of promoting respect for international humanitarian law and human rights. Consequently, the objective of the Common Position is to pursue and support an early entry into force of the Rome Statute and the establishment of the Court. On the basis of the Common Position, the EU raises these issues in its political dialogue meetings with third countries. Initiatives are also taken in certain countries.
4. On 18 January 2002 the Political and Security Committee approved by the silent procedure the report dated 5 December 2001 from the COJUR Working Party. The fifth operational conclusion of the report stated that the Working Party considered that all the elements of the Common Position remained valid and, accordingly, that a review of the Common Position was not necessary at this stage.



HUMAN RIGHTS INSTRUMENTS

United Nations

- Universal Declaration of Human Rights (1948)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- Convention relating to the Status of Refugees (1951)
- Convention on the Reduction of Statelessness (1954)
- Convention relating to the Status of Stateless Persons (1954)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Optional Protocol to the International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)
- Declaration on the Right to Development (1986)
- Convention on the Rights of the Child (1989)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992)
- Declaration on the Elimination of Violence against Women (1993)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
- The Rome Statute of the International Criminal Court (?)

COUNCIL OF EUROPE

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol No 11 (1994)
- Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No 11 (1994)
- Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
- European Social Charter (1961)
- Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (1995)
- European Social Charter – Revised (1996)
- European Charter for Regional or Minority Languages (1992)
- Framework Convention for the Protection of National Minorities (1995)

ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE

- Helsinki Final Act (1975)
 - Concluding Document of the Vienna Meeting of representatives of the participating States of the Conference on Security and Cooperation in Europe (1986)
 - Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (1990)
 - Charter of Paris for a New Europe (1990)
 - Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (1991)
 - Helsinki Document of the Conference on Security and Cooperation in Europe (1992)
 - Document of the Rome Meeting of the Council of the Conference on Security and Cooperation in Europe (1993)
 - Vienna Document of the Meeting of representatives of the participating States of the Conference on Security and Cooperation in Europe (1994)
 - Budapest Summit Declaration of the Conference on Security and Cooperation in Europe (1994)
 - Lisbon Summit Declaration of the Organisation for Security and Cooperation in Europe (1996)
 - Istanbul Summit Declaration of the Organisation for Security and Cooperation in Europe (1999)
 - Charter for European Security (1999)
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HUMAN RIGHTS INSTRUMENTS SIGNED BY EU MEMBER STATES**UNITED NATIONS**

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- Convention relating to the Status of Refugees (1951)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
- The Rome Statute of the International Criminal Court (?)

COUNCIL OF EUROPE

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol No 11 (1994)
 - Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No 11 (1994)
 - Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)
 - European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
 - European Social Charter (1961).
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REPORTS SUBMITTED BY MEMBER STATES TO HUMAN RIGHTS TREATY BODIES

BELGIUM

- Rapport au Comité pour l'élimination de toutes les formes de discrimination raciale, 13^{ème} rapport périodique (Genève, 13 et 14 mars 2002).
- Rapport au Comité des droits de l'enfant, 2^{ème} rapport périodique (Genève, 23 mai 2002).
- Rapport au Comité pour l'élimination de la discrimination à l'égard des femmes, 3^{ème} et 4^{ème} rapports périodiques (New York, 10 juin 2002).
- La Belgique a transmis le 1^{er} août 2000 son premier rapport au Comité contre la torture et autres peines ou traitements cruels, inhumains ou dégradants qui devrait être examiné par ce Comité avant la fin de l'année 2002.

DENMARK

- No periodic report was submitted by Denmark during the period under review.

Denmark was examined under the following treaties:

- The International Convention on the Elimination on all Forms of Racial Discrimination: On 12 and 13 March 2002, the Committee on the Elimination of Racial Discrimination examined the fifteenth periodic report from Denmark, which was submitted on 23 January 2001. The Committee's concluding observations (CERD/C/60/CO/5) and the fifteenth periodic report (CERD/C/408/Add.1) are available at: www.unhchr.ch
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: On 2, 3 and 10 May 2002, the Committee against Torture considered the fourth periodic report submitted by Denmark on 4 August 2001. The Committee's concluding observations (CAT/C/CR/28/1) and the fourth periodic report (CAT/C/55/Add.2) are available at: www.unhchr.ch
- Convention on the Elimination of All Forms of Discrimination against Women: On 12 June 2002, the Committee on Elimination of Discrimination against Women examined the fourth and fifth periodic report from Denmark, which were submitted on 9 January 1997 and 13 June 2000 respectively. The Committee's concluding observations are not yet available on the internet, but the fourth (CEDAW/C/DEN/4) and fifth (CEDAW/C/DEN/5) periodic report can be downloaded from the following web address: www.unhchr.ch

GERMANY

- 13 August 2001: submission of the 19th report to the European Committee on Social Rights of the Council of Europe on the core provisions of the European Social Charter (www.coe.int, www.bma.bund.de)

- 24 August 2001: examination by the Committee on Economic, Social and Cultural Rights of the 4th report submitted in compliance with Article 16 CESCR (www.unhchr.ch, www.auswaertiges-amt.de)
- 3 April 2002: Submission of the 20th report to the European Committee on Social Rights of the Council of Europe on the non-core provisions of the European Social Charter (www.coe.int, www.bma.bund.de)

GREECE

- While the initial report to the committee under the convention on The rights of the child (crc) was submitted on 14th april 2000 (crc/c/28/add 17), an additional report containing information on issues raised by the said committee was submitted on 11th January 2002 (crc/c/q/gre/1). Both reports were examined on 16th January 2002, and may be found on the website of the UN high commissioner on Human rights: <http://www.unhchr.ch/>

SPAIN

- International Convention on the Elimination of all forms of Racial Discrimination (CERD): 16th periodic report. No date has yet been set for the Committee's consideration of the report.
- International Covenant on Economic, Social and Cultural Rights (CESCR): fourth periodic report. No date has yet been set for the Committee's consideration of the report.
- International Covenant on Civil and Political Rights (CCPR): fifth periodic report. No date has yet been set for the Committee's consideration of the report.
- Convention on the Rights of the Child: second periodic report. Doc.ref.:CRC/C/70/Add.9
- The report was considered in the 30th session, in 20 May-7 June 2002. The Committee's concluding observations may be found in Doc.ref: CRC/C/15/Add.185 (7-6-2002).
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): fifth periodic report. No date has yet been set for the Committee's consideration of the report.
- Convention against Torture and other inhuman or degrading treatment or punishment (CAT): fourth periodic report. Doc.ref: CAT/C55/Add.5 . The report will be considered in the 29th session, in November 2002.

FRANCE

- Pacte relatif aux droits économiques, sociaux et culturels : le 2ème rapport (E/1990/6/Add.27), présenté le 25 octobre 2000 a été examiné par le comité le 16 novembre 2001 lors de sa 27ème session (E/C.12/1/Add.72). Site internet : <http://www.unhchr.ch>
- Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes : La France transmettra très prochainement son 5ème rapport.
- Convention relative aux droits de l'enfant : la France transmettra très prochainement son 2ème rapport.

IRELAND

- Ireland did not submit any reports to human rights treaty bodies in the period in question.

ITALY

- No reports have been submitted during the time period covered by the report.

LUXEMBOURG

- Pacte international relatif aux droits économiques, sociaux et culturels (ESCR) , 3ème rapport soumis en juillet 2001 (E/1994/104/Add.24) du 28 septembre 2001. Ce rapport sera examiné lors de la 30ème session du Comité en mai 2003.
- Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes (CEDAW) : 4ème rapport périodique soumis en mars 2002 (CEDAW/C/LUX/4). Ce rapport sera examiné en janvier 2003 lors de la 28ème session du Comité.
- CAT : 3ème et quatrième rapport (CAT/C/34/Add.14 du 19 février 2001). Ce rapport a été examiné par le Comité en mai 2002 (CAT/C/XXVIII/Concl.5).
- Charte sociale européenne soumis début juin 2002 (Conseil de l'Europe) (pas encore disponible en tant que document officiel).

NETHERLANDS

- The third periodic report of the Netherlands under the International Covenant on Civil and Political Rights was examined by the Human Rights Committee in July 2001. The second and third periodic report of the Netherlands under the Convention on the Elimination of All Forms of Discrimination against Women was examined by the CEDAW Committee in July 2001.
- No reports were submitted during the time period under consideration.

AUSTRIA

Council of Europe

- The 20th periodic report on the application of articles 2, 3, 4, 9, 10 and 15 of the European Social Charter was submitted in April 2002.

PORTUGAL

United Nations

- The 4th periodic report under the International Convention on the Elimination of All Forms of Discrimination against Women was submitted in June 2001 and examined in January 2002.
- The 3rd periodic report under the International Covenant on Civil and Political Rights was submitted in May 2002.

Council of Europe

- The 7th periodic report on the application of articles 1, 5, 6, 12, 13, 16 and 19 of the European Social Charter was submitted in September 2001.

FINLAND

- United Nations: The 16th periodic report under the International Convention on the Elimination

of All Forms of Racial Discrimination was submitted in October 2001 (not yet available on the Internet).

- Council of Europe: The eighth report under the European Social Charter was submitted in May 2002 (not yet available on the Internet).

SWEDEN

- Sweden's fourth and fifth periodic report (CEDAW/C/SWE/4 and CEDAW/C/SWE/5) were considered by the Committee on the Elimination of Discrimination Against Women on 5 July 2001.
- Sweden's fourth period report on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.4) was considered by the Committee on Economic, Social and Cultural rights on 13 November 2001.
- Sweden's fifth report to the Human Rights Committee (CCPR/C/SWE/2000/5) was considered on 20 March 2002.
- Sweden's fourth report to the Committee Against Torture (CAT/C/55/Add.3.) was examined on 30 April 2002.

Documents can be found at www.unhchr.ch/tbs/doc.nsf

UNITED KINGDOM

The UK has not submitted any reports to the human rights committees during the timeframe referred to.

The UK was examined under the following treaties:

- International Covenant on Civil and Political Rights: The Human Rights Committee examined the UK's Fifth Periodic report 17-18 October 2001. Document references: Summary record - CCPR/C/SR.1961 and CCPR/C/SR.1963. Concluding observations/comments - CCPR/CO/73/UK and CCPR/CO/73/UKOT. Reports available at www.unhchr.ch/tbs/doc.nsf.

International Covenant on Economic, Social and Cultural Rights: The Committee on Economic Social and Cultural Rights examined the UK's fourth periodic report and the UK Overseas Territories' combined third/fourth report 6-7 May 2002. Document references: Summary record - E/C.12/2002/SR.12. Concluding observations/comments – E/C.12/2002/SR.12. Reports available at www.unhchr.ch/tbs/doc.nsf.

**FINANCIAL CONTRIBUTIONS BY MEMBER STATES TO THE
UN HUMAN RIGHTS MECHANISMS**

(The data refers to the time period covered by the report, if not stated differently)

BELGIUM

- Le montant des contributions volontaires de la Belgique octroyées aux mécanismes et aux activités du Haut Commissaire des Droits de l'homme s'est élevé pour la période de référence à une somme d'un million d'Euros.

DENMARK

- Denmark's financial contributions to the UN Human Rights Mechanisms in 2001 amounted to a total of approximately 2,172,000 EUR, and for the fiscal year 2002 Denmark has budgeted to make donations in the amount of 2,657,000 EUR. Below follows a specification of the donations made to the UN Human Rights Mechanisms for the year 2001 and 2002 respectively:

In the Year 2001

- UNOHCHR: app. 1,600,000 EUR (12,000,000 DKK)
- UN Voluntary Fund for Victims of Torture: app. 400,000 EUR (3,000,000 DKK)
- The Voluntary Fund for the International Decade of the World's Indigenous Peoples: app. 130,000 EUR (1,000,000 DKK)
- The United Nations Voluntary Fund for Indigenous Populations app. 42,000 EUR (320,000 DKK)

In the Year 2002

- UNOHCHR: app. 1,600,000 EUR (12,000,000 DKK)
 - UN Voluntary Fund for Victims of Torture: app. 400,000 EUR (3,000,000 DKK)
 - The Voluntary Fund for the International Decade of the World's Indigenous Peoples: app. 110,000 EUR (800,000 DKK)
 - The United Nations Voluntary Fund for Indigenous Populations: app.40,000 EUR (DKK 300,000)
- Denmark has pledged financial support to the establishment of a national human rights commission in Afghanistan: app. 507 000 EUR (500,000 US Dollar)

GERMANY

2002

• Trust Fund Technical Cooperation Activities	200.000.-
• Voluntary Fund for Victims of Torture	130.000.-
• Support for the Office of the High Commissioner for Human Rights in Colombia	130.000.-
• Support to National institutions	100.000.-
• Special Procedures (* envisaged)	75.000.-*
• Technical Cooperation Activities, Cambodia	75.000.-
• Treaty Bodies (* envisaged)	70.000.-*
• Follow-up World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance 2001	50.000.-

• Voluntary Fund for the International Decade of the World's Indigenous People	25.000.-
• Human Rights Workshop Kabul	109.000.-
Total 2002:	964.000

2001

• Trust Fund Technical Cooperation Activities	204.000.-
• Support for the Office of the High Commissioner for Human Rights in Colombia	127.000.-
• Support to National Institutions	102.000.-
• Special Procedures	77.000.-
• Technical Cooperation Activities, Cambodia	77.000.-
• World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance 2001	59.000.-
Total 2001:	646.000.-

GREECE

- The financial contributions made by Greece to the UN mechanisms for The protection of human rights amounted to approx. 1.069.000.- EUR in 2001 and to approx. 1.402.000.- EUR in 2002.

SPAIN

Compulsory:

- Intergovernmental group for informal consultations on asylum, refugees and emigrants: Dollars 70.000 = 78.873 EUR

Voluntary:

- ACNUR: 2.043.441 EUR
- UNICEF: 1.803.036 EUR
- UN Fund for technical cooperation in the field of human rights: 60.101 EUR
- UN Population Fund: 555.936 EUR
- UN Voluntary Fund for victims on torture: 42.071 EUR
- UN Trust Fund for East Timor Interim Administration: 20.000 EUR
- Office of the Special Representative for Children and Armed Conflict: 75.127 EUR
- ACNUR Office of the UN High Commissioner for Human Rights in Colombia 144.243 EUR
- OCHA, UN Office for the Coordination of Humanitarian Affairs 120.202 EUR
- Office of the Special Representative of the Secretary General for assistance in Colombia: 60.101 EUR
- ACNUR: Internally Displaced People Operation in Colombia: 210.354
- UNRWA, UN Relief and Works Agency for Palestine Refugees in the Near East: 3.005.061 EUR
- UN Development Programme: 6.010.121 EUR
- ACNUR: Programme for Saharahui Refugees: 240.405
- UN Special Session on Children: 20.000 EUR

FRANCE

- Haut commissariat aux droits de l'homme : 745 000 euros
- Victimes de la torture : 80 000 euros

IRELAND

2001

Contribution to the Office of the High Commissioner for Human Rights: EUR 1,587,173

- EUR 190,461 Voluntary Fund for Technical Assistance
- EUR 253,948 Special Procedures
- EUR 190,461 Trust Fund for Human Rights Field Operations
- EUR 101,579 Human Rights and Peacekeeping
- EUR 139,671 World Conference Against Racism
- EUR 190,461 Disability
- EUR 126,974 National Institutions
- EUR 126,974 Voluntary Fund for Victims of Torture
- EUR 88,882 Human Rights and Development
- EUR 63,487 Trafficking
- EUR 114,276 Treaty Bodies

Additional Contributions in 2001 included:

Human rights activities of the United Nations Office in Angola (UNOA): EUR 101,579

United Nations Trust Fund for Special Court for Sierra Leone: EUR 126,974

UNTAET/ETTA (East Timorese Transitional Administration), Gender Affairs Unit: EUR 63,227

UNDP - operations of the Office of the Supervisor of Elections in Fiji: EUR 25,395

2002

Contribution to the Office of the High Commissioner for Human Rights: EUR 2,158,500

- EUR 608,500 Unearmarked
- EUR 200,000 Building the Capacity of OHCHR
- EUR 300,000 Treaty Bodies
- EUR 300,000 Voluntary Fund for Technical Cooperation
- EUR 150,000 National Institutions
- EUR 100,000 Voluntary Fund for Victims of Torture
- EUR 300,000 Special Procedures
- EUR 150,000 Work on Disability
- EUR 50,000 Still to be determined

Additional Contributions in 2002 (to date) included:

United Nations Trust Fund for Special Court for Sierra Leone: EUR 253,948

United Nations Volunteers (UNV) National Thematic Rapporteurs on Economic, Social and Cultural Rights project in Brazil: EUR 95,154

ITALY

Voluntary contributions to:

- UN Trust Fund for Victims of Torture: app. 120.000 euro (2001)
- UNICEF: app.11.878.000 euro (2001)
- UNICEF: 13.300.000 euro (2002)
- UNICEF Special Initiative for Sudan: app. 1.600.000 euro (2001)
- UNICEF Special Initiative for Congo: 1.032.913 euro (2001)
- UNICEF East Asia Child Protection: 5.164.568 euro (2001)

- UNICEF Donors Alert Programme for Afghanistan: 6.713.939 euro (2001)
- UNMAS (United Nations Mine Action Service): 2.582.284 euro (2001)
- HRD-UNOA (Human Rights Division – UN Angola): 500.000 euro (2001)
- UN Immediate and Transitional Assistance Programme for the Afghan People: 15.100.000 euro (2002)
- United Nations Afghan Interim Authority Fund: 3.366.115 euro (2002)
- UNIFEM: app. 3.615.000 euro (2001)
- UNIFEM: 3.400.000 euro (2002)
- UNIFEM Programme for women and human rights in Afghanistan: 2.582.644 euro (2002)
- UNHCR: app. 9.300.000 euro (2001)
- UNHCR: 11.700.000 euro (2002)
- UNHCR Programme for Afghan Refugees in Iran: 5.164.568 euro (2001)
- UNHCR Programme for Afghan Refugees in Iran: 5.164.568 euro (2002)
- UNHCR for Afghanistan: app.7.000.000 euro (2001)
- UNHCHR: app. 1.000.000 euro (2001)
- UNHCHR: 1.000.000 euro (2002)
- OCHA: app. 800.000 euro (2001)
- OCHA: 1.000.000 euro (2002)
- OCHA Special Programme for Angola: 500.000 euro (2001).

LUXEMBOURG

- Fonds de contributions volontaires pour les victimes de la torture : 12.500 euro
- Haut Commissariat des Nations Unies aux Droits de l'Homme : 25.000 euro
- Fonds de contributions volontaires pour la lutte contre les formes contemporaines d'esclavage : 12.500 euro
- Bureau du représentant spécial pour les enfants dans les conflits armés : 34.261 euro
- Fonds de développement des Nations Unies pour la femme (UNIFEM) : 495.787 euro en 2001 ; 810.618 euro au programme « Peace and Security » de l'UNIFEM
- Bureau du coordonnateur des affaires humanitaires, unité des personnes déplacées à l'intérieur d'un pays : 32.835 euro ; budget de fonctionnement : 56.521 euro
- UNICEF contribution volontaire en 2001: 495 787 euro
- UNHCR, contribution volontaire en 2001: 619.734 euro ; projet « consultations mondiales sur la protection » : 50.000 euro

NETHERLANDS

- UN Voluntary Fund for Victims of Torture: EUR 563.000
- UN Voluntary Fund for Technical Cooperation: EUR 453.780
- UN Trust Fund for Children and Armed Conflict: EUR 226.890
- OHCHR Project on the Right to Development: EUR 281.214
- Independent Expert for the Right to Development: EUR 188.253 through Harvard (Boston) on behalf of a study to be undertaken by the Independent Expert (total commitment through both OHCHR and Harvard to the work of the Independent Expert on the Right to Development is EUR 1.639.485 for the period 2001 - 2003)
- World Conference against Racism: EUR 127.058 to the host country South Africa (part of total commitment of EUR 158.823)
- World Conference against Racism: EUR 98.483 through NGO's (part of total commitment of EUR 127.825)
- UNDP Human Rights Strengthening (HURIST) project: EUR 113.000 (total commitment for the period 2000 - 2003 is EUR 353.949).

AUSTRIA

- UN Voluntary Fund for Victims of Torture (40 000 USD, app. 42.000 euro).
- International Research and Training Institute for the Advancement of Women (INSTRAW) (8.000 USD, app. 9.000 euro)
- UN Development Fund for Women (UNIFEM) (58.000 USD, app. 60.000 euro)
- UN Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights (UNFASTA): (40.000 USD, app. 41.000 euro)
- UNESCO, Human Rights Education (10.000 USD, app. 12.000 euro)

PORTUGAL

- UN Voluntary Fund for Victims of Torture (15 000 USD).

FINLAND

- Office of the High Commissioner for Human Rights, general contribution (252 281 EUR)
- UN Voluntary Fund for Technical Cooperation in the Field of Human Rights (168 187 EUR)
- Field Operations of the UN High Commissioner for Human Rights (454 107 EUR)
- UN Voluntary Fund for Victims of Torture (USD 168 187 EUR)

SWEDEN

- Office of the High Commissioner for Human Rights, general contribution in 2001 - 11 000 000 SEK (app. 1 190 000 Euro), in 2002 - 12 500 000 SEK (app. 1 350 000 Euro)
- Field Operations of the UN High Commissioner for Human Rights in 2001 - 16 900 000 SEK (app 1 830 000 Euro), in 2002 - 12 000 000 SEK (app 1 300 000 Euro)

UNITED KINGDOM

The Department for International Development (DfID) is working in partnership with the OHCHR, with the endorsement and support of the High Commissioner, to increase their efficiency and widen their donor base.

- DfID is contributing 3.1 Million EUR (£2 Million) annually for three years in a programme to achieve these objectives. The first instalment was paid in the 2000-01 financial year.
- The Foreign and Commonwealth Office (FCO) through its Human Rights Project Fund (HRPF) made contributions to a number of UN human rights mechanisms, totalling 1,027,000 EUR (£665,000). This total consisted of:
 - 270,300 EUR (£175,000) to the UN Voluntary Fund for the Victims of Torture
 - 231,660 EUR (£150,000) to the UN Voluntary Fund for Technical Cooperation
 - 154,400 EUR (£100,000) to the National Institutions Fund
 - 77,200 EUR (£50,000) to the Committee Against Torture (CAT) Fund for Urgent Cases
 - 185,300 EUR (£120,000) for the UN Human Rights Office in Bogota, Colombia
 - 92,700 EUR (£60,000) for the OHCHR project in China.
 - DfID and FCO also made a joint contribution of 15,400 EUR (£10,000) – 7,700 EUR (£5,000) each - to the UN Special Rapporteur on Disability, Mr Bengt Lindqvist.
- The OHCHR also spent an UK voluntary contribution of 509,000 EUR (£330,000) on its project in support of the Sierra Leone Truth and Reconciliation Commission.

(NB: Exchange rate used – 1.544 EUR: £1)

VISITS TO MEMBER STATES BY REPRESENTATIVES OF HUMAN RIGHTS MECHANISMS

BELGIUM

- Aucune visite n'a été effectuée en Belgique par des représentants des mécanismes des droits de l'homme.

DENMARK

- Denmark received the third periodic visit by the European Committee for the Prevention of Torture from 28 January to 4 February 2002. CPT's report from the visit was not issued during the period under review.

GERMANY

- 3 July 2001: Publication of the 2nd Report of the European Commission against Racism and Intolerance (CRI(2001)36 (www.coe.int) following its visit to Germany from 23-26 October 2000
- 6 July 2001: Adoption of the Report on the Visit to Germany carried out by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) following its 3rd periodical visit to Germany from 3-15 December 2000 (CPT(2001)5, not yet available on the internet)

GREECE

- Greece did not receive any such visit during the time period under Review.

SPAIN

- No visits took place during the period covered by the report.

FRANCE

- Visite ad hoc du CPT (Comité de prévention contre la torture), juin 2002

IRELAND

- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Ireland from 20 - 28 May 2002.

ITALY

- Visit of Mr Param Cumaraswamy, UN Special Rapporteur on the independence of judges and lawyers. Date of the visit: 11 – 15 March 2002. Web site: www.unhchr.ch

LUXEMBOURG

- Aucune visite de représentants des mécanismes des droits de l'homme n'a eu lieu au Luxembourg au cours de la période couverte par le rapport.

NETHERLANDS

- The Committee for the Prevention of Torture (CPT) of the Council of Europe paid a visit to the Netherlands during the period 17 – 26 February 2002.

AUSTRIA

Council of Europe

- Advisory Committee of the European Framework Convention for the Protection of National Minorities 18 – 21 December 2001.

PORTUGAL

- European Commission against Racism and Intolerance (ECRI), 5-8 November 2001.

FINLAND

- European Commission against Racism and Intolerance, 19-22 September 2001.
- Joint visit by the Advisory Committee of the Framework Convention for the protection of National Minorities and the Expert Committee of the European Charter for Regional or Minority Languages, 1 February 2002. Seminar on the Comments and Recommendations Given to the Government of Finland by the European Council's Minority Conventions Monitoring Bodies.

SWEDEN

- European Commission against Racism and Intolerance (ECRI) visited Sweden on 8 - 12 April 2002 in order to prepare the second country report for the period 1999 - 2002, see:
www.coe.int/ecri

UNITED KINGDOM

- There were no visits by UN Special Rapporteurs to the UK in the period 1 July 2001 – 30 June 2001

**OVERVIEW OF INITIATIVES FINANCED IN 2001
THROUGH CHAPTER B7-7**

**European Initiative for Democracy and Human Rights - Commitments 2001
Applicant countries**

	Pays	Titre du projet	Montant (€)
B7-701	Bulgaria	Voices of Exclusion – Minority Empowerment through the Media	391.528
B7-702	Bulgaria	Promoting European Standards in human rights : establishment of ombudsman institution in Bulgaria	457.015
B7-701	Czech Republic	A nation-wide campaign in the Czech Republic to ensure the promotion and protection of children's rights in all spheres of school and public life aimed at raising awareness of the CROC	378.731
B7-702	Hungary	Training Young Women for Leadership and Change Management Skills and Building Regional Inter-sectoral Networks for Co-operation in replication and Extension of the Project	531.744
B7-701	Turkey	ALL HUMAN RIGHTS FOR ALL Program for Promotion of Awareness and Respect for Human Rights Among DISK Members	550.128
B7-701	Turkey	Promoting human rights in primary and secondary school textbooks	375.923
B7-701	Turkey	Social support and legal assistance for rehabilitation	425.550
B7-701	Malta, Libya, Egypt, Algeria, Tunisia, Morocco, Turkey, Cyprus, Jordania, Israel	Mediterranean Masters in Human Rights and Democratisation <i>See table "South Mediterranean, Near and Middle East"</i>	640.000
B7-702	Bulgaria, Lithuania, Slovakia ; Azerbaïdjan, Kazakhshtan, Moldova, Russia	Establishment of anti-corruption resource centers (ACRCs) in Eastern Europe and in NIS countries	629.560
TOTAL			4.370.199

**European Initiative for Democracy and Human Rights - Commitments 2001
ACP**

	Pays	Titre du projet	Montant (€)
B7-701	Benin	Strengthening of Local Capacities for the Promotion and the protection of the rights of the child in Benin	797.110
B7-702	Chad	Support for professionalisation and structuring of Chadian Media	867.093
B7-701 ¹¹⁷	Congo Brazzaville	Election Observation Mission to the Presidential Elections in Congo Brazzaville, 2002	995.751
B7-702	Cuba	Cubaencuentro.com	500.000
B7-702	Democratic Republic of Congo	Joint training project of Justice and Peace Commission parish managers and local government staff	1.287.935
B7-703	Democratic Republic of Congo	Dialogue for local communities in the Kivu provinces	500.000
B7-701 ¹	Jamaica	Promoting and protecting Human rights in Jamaica	447.674
B7-701	Jamaica	Proposal for ensuring a Free and Fair Electoral Process in Jamaica	198.158
B7-701	Haiti	Support of Democracy and Human Rights	773.000
B7-702	Kenya	Fostering Women's Participation in Governance & National Leadership	843.168
B7-701	Malawi	Human Rights Campaign : An Awareness & Action Project	459.670
B7-701	Mozambique	Promoting the Rights of Children in Mozambique. The Acro-Iris Participatory Approach	300.000
B7-702	Rwanda	Information, Documentation and Training Agency for the International Criminal Court for Rwanda	440.219
B7-703	Rwanda	Urgent Support to Judicial Procedures related to the Genocide	670.190
B7-701	Sierra Leone	Using Media to Promote Human Rights within the Sierra Leone Peace Process	704.574
B7-701	Sierra Leone	Rehabilitation of torture victims	225.840
B7-701 ¹	Sierra Leone	EU Support to the Parliamentary and Presidential Elections in Sierra Leone	1.557.893
B7-703	Sierra Leone	Reintegration of war affected youths and women ex combatants	720.000
B7-703	Somalia	War Torn Societies' Somalia Programme	600.000
B7-703	Sudan	Sudan Peace Process	551.578
B7-709	Togo	Electoral observation mission	526.677
B7-702	Uganda	A Programme to strengthen the Capacity	848.532

¹¹⁷) Budget 2002

		of the Legal Aid Project (LAP) of the Uganda Law Society	
B7-709	Zambia	Electoral observation mission	570.995
B7-709	Zimbabwe	Electoral observation mission	1.975.571
B7-701	Benin, Egypt, Gambia, Burkina Faso, Nigeria, Mali, Ethiopia, Tanzania	An International Campaign to Eradicate Female Genital Mutilation	925.584
B7-701	Sub-Saharan Africa	Support to the African Master's Programme in Human Rights & Democratisation	1.309.587
B7-701	Togo, Senegal, Nigeria, Mali, Ghana, Burkina Faso, Benin	Awareness-raising and strengthening of the capabilities of those involved in the introduction of women's rights in West Africa	867.203
B7-702	Sub-Saharan Africa	Empowering civil society to fight corruption in francophone West Africa	750.000
B7-702	Southern Africa	Promotion of independent, free and responsible media in Southern Africa (Zimbabwe, Zambia, Tanzania, Swaziland, South Africa, Namibia, Mozambique, Malawi, Lesotho, Angola, Botswana)	780.535
TOTAL			21.994.528

European Initiative for Democracy and Human Rights - Commitments 2001

Latin America

	Pays	Titre du projet	Montant (€)
B7-702	Argentina	Citizen participation: challenges for a dialogue civil society and the State	395.464
B7-701	Bolivia	Strengthening of the Rehabilitation Activites of ITEI (Instituto de Terepia e Invetigación sobre las Secuelas de la Tortura y la Violencia Estatal)	200.000
B7-702	Brazil	Children's Rights News Agency	847.574
B7-701	Chile	Health Programme for the Rehabilitation of Torture Victims	549.838
B7-702	Chile	Independent media for the citizenry and democracy in Chile	311.661
B7-701 ²	Chile	Psychotherapy to Victims of Torture and of Violation of other Human Rights in Chile	200.000
B7-701	Columbia	Treatment and Rehabilitation of Children, Youth and Families Victims of Torture in Colombia	419.089
B7-701	Columbia	Indigenous People and their Right of Expression	300.000
B7-703	Columbia	Peace promotion and reconciliation to communities in risk of being displaced from the region of Uraba	1.306.759
B7-703	Columbia	Strengthening civil society as a key actor in conflict resolution processes in Colombia. Barrancabermeja city-region of peace	984.000
B7-703	Columbia	Programa Nacional en Derechos Humanos a Personeros Municipales	783.536
B7-701 ¹¹⁸	Columbia	100 experiences of civic participation and follow-up of elections	349.858
B7-701	Ecuador	Strategies and Actions for the protection of human rights of migrants, their families and the victims of human trafficking in Ecuador	983.080
B7-702	Ecuador	Strengthening constitutional justice	619.273
B7-702	El Salvador	Strengthening of Civic Education and Citizenship Education	630.000
B7-701	Guatemala	Community program and psychological rehabilitation	636.185
B7-703	Guatemala	Promotion of a culture of peace and reconciliation for communities' victims of the civil conflict in 3 municipalities of the department of Alta Verapaz, in Guatemala	560.000
B7-701	Mexico	Integral Health and Torture: Assistance to survivors and their families. Consolidation of the Rehabilitation Centres in FD, Oaxaca, and opening of a	358.356

¹¹⁸) Budget 2002

		new centre in Guerrero	
B7-709	Nicaragua	Electoral observation mission	998.915
B7-701 ¹¹⁹	Peru	Project for Therapy and Psycho-social Care for Victims of Torture and Political Violence	671.343
B7-701	Ecuador, Columbia	Protection and promotion of human rights of the indigenous peoples of Colombo-Ecuadorian Amazonia	1.220.272
B7-701	Latin America	Promotion of Children's Rights in South America from every form of sexual violence	982.300
B7-701	El Salvador, Costa Rica, Guatemala, Nicaragua, Honduras	Strengthening Protection of Children from Commercial Sexual Exploitation	449.812
B7-701	Latin America/Caribbean	EU/Latin American/Caribbean Conference on the work and co-operation of Ombudsman Institutions	230.000
B7-702	Argentina, Brazil, Ecuador, El Salvador, Guatemala, Nicaragua, Uruguay, Venezuela, Costa Rica	Penal reform in Latin America	806.086
TOTAL			16.629.933

¹¹⁹) Budget 2002

European Initiative for Democracy and Human Rights - Commitments 2001
Asia

	Pays	Titre du projet	Montant (€)
B7-701	Asean Region	Protecting and Promoting Freedom of Expression and Freedom of Information in the ASEAN Region	419.937
B7-703	Afghanistan	Creation of a Protection Unit in Pakistan – Afghanistan to Promote the Safety, Well-Being and Human Rights of Afghans Displaced by Conflict in Pakistan and Afghanistan	368.425
B7-701	Bangladesh	Asserting the human rights of brothel children and their WIP (Women in Prostitution) mothers	517.896
B7-709	Bangladesh	Electoral Observation Mission	875.830
B7-709	Cambodia	Electoral Observation Mission	1.250.130
B7-709	Cambodia	Electoral Observation Mission	123.140
B7-701	China	EU-China Network on the HR Covenants	1.400.000
B7-701	China	EU-China Seminar Beijing	114.450
B7-702	China	Cooperation in the field of economic, social and cultural rights in Yunnan	726.373
B7-701	East Timor	The Lefaek Project: Children's rights promotion and capacity building	786.732
B7-702	East Timor	Human rights and Justice for East Timorese	654.000
B7-709	East Timor	Electoral Observation Mission	999.957
B7-701 ¹²⁰	East Timor	EU Election Observation Mission to the Presidential Election in East Timor”, due to be held on 14 April 2002	510.000
B7-701	India	Prevent torture, resist torture, help victims of torture	327.102
B7-702	Indonesia	Promoting democracy and good governance by supporting administrative accountability and the prevention of corruption in Indonesia – Capacity building for local governance in Sumatra	680.000
B7-702	Indonesia	Empowering the ADAT People of Indonesian Society	1.232.902
B7-701	Nepal	Reducing Torture-induced Suffering in Nepal	501.855
B7-709	Pakistan	Education of voters - elections Pakistan 2002	471.737
B7-702	Sri Lanka	Increasing the Constructive Participation of Civil Society in the Peace Process in Sri Lanka	495.275
B7-709	Sri Lanka	Electoral Observation Mission	551.556
B7-702	Thailand	The Housing Rights Protection Centre	365.163
TOTAL			13.372.460

¹²⁰) Budget 2002

**European Initiative for Democracy and Human Rights Commitments 2001
South Eastern Europe : The Balkans**

	Pays	Titre du projet	Montant (€)
B7-701 ¹²¹	Albania	Albanian rehabilitation centre for torture victims	290.951
B7-702	Bosnia-Herzegovina	Building confidence through the formation of parent teacher associations and police community initiatives for a more democratic environment and respect of human rights in Bosnia and Herzegovina	304.636
B7-701 ⁵	Bosnia-Herzegovina		428.643
B7-701	FYROM	Population Census	999.780
B7-701	FRY	Minority Rights – Education, Promotion and Protection	610.320
B7-701	FRY	Strengthening the non-governmental sector in Southern and Eastern Serbia	357.462
B7-701	FRY	Rehabilitation Proposals for Victims of Violence, Torture and Cruel Punishments	377.000
B7-702	FRY	Support to Law Drafting and Promotion of Human Rights Awareness in the Fry Judiciary	658.892
B7-702	FRY	Promotion of pluralism by strengthening NGO's and the Civil Society in Serbia	666.523
B7-702	FRY	Strengthening of Civil Society Institutions – Capacity Building of NGO's and Development of Regional Networks in Serbia	820.780
B7-702	FRY	The Institute Politeia	573.448
B7-703	FRY	Interactive reconciliation and development through women, youth and minorities in post-war Kosovo	514.027
B7-701	The Balkans	Capacity-building Programme for Local Authorities from Croatia, B&H, FYROM, Kosovo, Montenegro and Serbia promoting Minority Rights and Supporting Inter-ethnic Co-operation with Roma	725.000
B7-701	The Balkans	European regional Master for Democracy and Human Rights in South-East Europe	1.347.651
B7-702	The Balkans	LEGISLATIONONLINE – Regional legislative web-site for South Eastern Europe	280.003
B7-703	The Balkans	Women Activists Actions Across The Borders	660.000
TOTAL			12.274.896

¹²¹) Budget 2002

**European Initiative for Democracy and Human Rights Commitments 2001
Eastern Europe and Central Asia**

	Pays	Titre du projet	Montant (€)
B7-702	Belarus	Second EC-OSCE/ODIHR Joint Programme on Democratisation in Belarus 2002-2003	620.963
B7-701	Georgia	Rehabilitation of torture survivors and prevention of torture in Georgia	233.372
B7-702	Moldova	Promoting the implementation of European Standards of Rule of Law, Human Rights and Human Conditions in places of Detention in the Republic of Moldova	467.675
B7-701	Russia	Human Rights Monitoring Network in the Russian Federation	2.000.000
B7-701	Russia	Strengthening civil society and democratic institutions in the Russian Federation	327.745
B7-702	Russia	Joint EC/Council of Europe Programme: Strengthening the rule of law and the protection of Human Rights in the Russian Federation	700.000
B7-702	Ukraine	Ensuring the implementation of Territorial Community Rights guaranteed by the law on Local Self-Government in Ukraine	497.808
B7-702	Ukraine	Joint Programme of Co-operation between the European Commission and the Council of Europe to Promote and Strengthen Democratic Stability and Prevent Conflict in the Ukraine	913.423
B7-703	Armenia, Azerbaijan and Georgia	Joint Programme EC/Council of Europe to promote and strengthen democratic stability and prevent conflict in the South Caucasus region.	1.277.000
B7-702	Bulgaria, Lithuania, Slovakia, Azerbaidjan, Kazakhstan, Moldova, Russia	Establishment of anti-corruption resource centers (ACRCs) in Eastern Europe and in NIS countries	629.560
B7-703	Armenia, Azerbaijan and Georgia	First EC-ODIHR Joint Programme for conflict prevention and human rights capacity building in the Caucasus.	742.115
TOTAL			8.409.661

**European Initiative for Democracy and Human Rights Commitments 2001
South Mediterranean, Near and Middle East**

	Pays	Titre du projet	Montant (€)
B7-701	Algeria	DARNA: House for Victims of Terrorist Rape	520.448
B7-702	Algeria	Support for the Algerian Penal and Prison System	900.003
B7-702	Egypt	The Program for the Amelioration of Prison Conditions	800.623
B7-701	Iran	The other Iran	300.000
B7-701	Israel	Human Rights in Times of Emergency	350.000
B7-702	Jordan	Women in Parliament	630.514
B7-701	Lebanon	Protection for the Human Rights of Migrant Workers and Asylum-Seekers in Lebanon	761.300
B7-702	Morocco	Strengthening of Civil Society in Morocco's rural zones - The Necessary Balance between Population, Associations, Local Leaders and Institutions	550.826
B7-701	Palestine	Daily Human Rights Education	303.663
B7-703	Palestine	Project for the Enforcement of International Humanitarian Law in Times of Conflict	300.000
B7-701 ¹²²	Palestine	Emergency Legal Aid for Palestinian Prisoners in Israeli Military Detention Centers	260.000
B7-702	Syria	Promoting citizenship in Syria	513.426
B7-701	Tunisia	Restructuring project of the Tunisian League for the Defence of Human rights	229.600
B7-702	Yemen	The consolidation of the rule of law and of the democratic institutions in the State of Yemen, through deontological training of the internal security forces	437.513

¹²²) Budget 2002

B7-701	Lebanon, Syria, Jordan, Egypt	Regional Assistance to NGOs, Media and local government in Lebanon, Syria, Jordan, Egypt.	797.260
B7-701	Israel, West Bank	Human Rights in Custody	714.180
B7-702	Tunisia, Morocco, Palestine, Lebanon, Jordan, Algeria, Egypt	Promoting independent journalism: a training and capacity building program for journalists in the Southern Mediterranean Region	661.617
B7-701	Malte, Libye, Egypte, Algérie, Tunisie, Maroc, Turquie, Chypre, Jordanie, Israël	Mediterranean Masters in Human Rights and Democratisation	640.000
TOTAL			9.410.973

**European Initiative for Democracy and Human Rights - Commitments 2001
World-wide**

	Région	Titre du projet	Montant (€)
B7-701	World-wide	Indigenous People at the United Nations : logistical support, documentation and capacity building	1.094.605
B7-701	Asia, Latin America	Protecting Indigenous Peoples' Rights through Strengthening their Capacity for Self-Organising and Constructive Dialogues with States and International Institutions	1.236.590
B7-701	South East Asia, Africa, Latin America	Global Programme of prize competition to promote media excellence	537.011
B7-701	World-wide	Medical rehabilitation and prevention of torture	953.000
B7-701	World-wide	2002-2003 UN Moratorium on Executions	883.214
B7-702	World-wide	Fight against impunity for murderers of journalists – Damocles network	300.000
B7-702	World-wide	Proposal to enhance the capacity of the UN Human rights programme in responding to human rights violations through the special procedures on the UNCHR	1.908.000
B7-702	World-wide	Rights-sensitive transitional justice in post-conflict and post-crisis countries	350.640
B7-703	World-wide	Conflict Prevention: Support for UN Activities through the Trust Fund for Preventive Action	600.000
B7-703	World-wide	Training for Civilian Aspects of Crisis Management: Development of Modules for Training Civilian Personnel for International Peace Missions	230.000
B7-704	World-wide	Completing the Establishment of the ICC and working to ensure its effectiveness	750.000
B7-704	World-wide	Parliamentary Campaign for the Ratification and effective Implementation of the International Criminal Court (ICC) Statute and the Promotion of Rule of law	530.846

B7-704	World-wide	Actions targeting all countries in the whole world (more especially in Central and Eastern Europe, in Latin America and in the Caribbean area)	830.000
B7-704	World-wide	Cooperation between the international Criminal Tribunal for the former Yugoslavia and the European Commission (4 aspects)	869.845
B7-709	World-wide	European Network for Electoral and Democracy Support	1.617.289
B7-702 ¹²³	World-wide	Creation of an International Bar Association for the International Criminal Court	150.000
B7-702 ¹⁶	World-wide	Advance Team for the establishment of the International Criminal Court	427.770
TOTAL			13.258.984

¹²³) Budget 2002

THE COMMISSION PROGRAMMING DOCUMENT FOR THE EIDHR (European Initiative for Democracy and Human Rights Programming Document, chapter B7 - 7) 2002

INTRODUCTION

While it is clear that, in many respects, the protection of human rights has improved in the last 50 years, with democratisation taking root throughout the world and international instruments achieving high levels of ratification, the gap between aspirational standards and the reality for millions of powerless individuals is undeniably wide. It is against this background that the human rights community is shifting its focus from standard-setting to implementation. Now that normative framework of human rights is largely completed, the challenge for the international community lies in putting the words into practice, in monitoring, enforcing and building respect for human rights. The European Union must be ready to support this process, and the Commission should play its full part.

The Community actively implements its commitment to the principles of human rights and democracy through its development cooperation programmes and human rights instruments. In 1994, the European Parliament created Budget Chapter B7-7, the 'European Initiative for Democracy and Human Rights' (EIDHR or 'the Initiative'), which brought together all the budget headings dealing specifically with human rights. Council Regulations 975 and 976 of 1999 provide the legal basis for the external action human rights and democratisation and the use of funds under EIDHR.¹²⁴ EIDHR has funded projects in support of a wide range of policy objectives of the EU, including democratisation and the rule of law, developing civil society, confidence building and empowering vulnerable groups and individuals.

The Commission Communication on the EU's role in promoting human rights and democratisation in third countries ('the Communication'), adopted in May 2001, represents a crucial new policy landmark for the EU in this area, addressing the major changes which have influenced activities in the last few years.¹²⁵ The Communication identifies three areas where the Commission can act more effectively:

- Through promoting coherent and consistent policies in support of human rights and democratisation, within and between European Community policies, and between those policies and action of the EU (especially the Common Foreign and Security Policy) and that of Member States;
- Through placing a higher priority on human rights and democratisation in the EU's relations with third countries and taking a more pro-active approach, in particular by using the opportunities offered by political dialogue, trade and external assistance.
- By adopting a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR), matching programmes and projects in the field with EU commitments on human rights and democracy.

¹²⁴ Council Regulations (EC) No. 975/99 and No. 976/99 of 29 April 1999 (OJ L 120, 08.05.99) on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms. OJ L 120/1 of 8.05.1999. The first Regulation refers to developing countries, the second to all other countries. They expire in 2004, the time horizon of the present programming exercise.

¹²⁵ COM(2001) 252 final

This third area is of crucial importance for the programming of resources and establishing a response strategy for EIDHR. The Communication states that to achieve a more strategic, long-term approach, EIDHR should support a limited number of thematic priorities aimed at addressing specific medium to long-term goals. The four thematic priorities are:

- 1) Support to strengthen democratisation, good governance and the rule of law
- 2) Activities in support of the abolition of the death penalty
- 3) Support for the fight against torture and impunity and for international tribunals and criminal courts
- 4) Combating racism and xenophobia and discrimination against minorities and indigenous peoples¹²⁶

In addition, the Communication suggests the identification of a limited number of ‘focus’ countries on which the Commission should concentrate EIDHR support. 29 focus countries have been identified after extensive consultation with geographical desks of the Commission services and Commission delegations in third countries.¹²⁷

1. Response strategy for EIDHR

In light of the requirements set out in the Communication, this programming document must elaborate its ‘response strategy’ to enhance the impact of EIDHR, and examine the best modalities to deliver assistance.¹²⁸

The objectives of the programming exercise are to:

- ensure that EU’s political priorities are respected and followed-up
- enhance the impact of EIDHR-financed activities through a stricter thematic, geographical and operational focus
- establish clear policy guidelines and adapt overall thematic priorities to specific country and regional situation, by means of country-specific action plans
- enhance coherence and complementarity with other financial instruments, such as development cooperation, and CSPs, and promote cooperation among different actors in programming¹²⁹
- ensure flexibility in the use of EIDHR to respond to urgent and unforeseen needs

The programming exercise provides:

- strategic choices for appropriate areas of cooperation and instruments under each of the four priorities

¹²⁶ These thematic areas will be set out in section 3 of this document, and dealt with in greater detail in Annex 2.

¹²⁷ The geographical focus of this programming exercise is set out in greater detail in section 4 below, and the methodology of the selection set out in Annex 1.

¹²⁸ A detailed account of programming methodology is set out in Annex 1

¹²⁹ The practice of joint programming at Headquarter and Delegations’ level was consolidated and extensive consultations were carried out during the drafting phase. In third countries, these consultations involved EC Delegations, Member States’ Diplomatic Missions and co-operation agencies, as well as local and international civil society organisations. The Commission’s Geographical Services at Headquarters level were constantly consulted on both the selection of “focus” countries and on the pertinence and relevance of each focus country’s 3-year action plan. The European Parliament, international organisations and international human rights NGOs were at different points involved in the exercise. The selection of focus countries also took into account coherence and complementarity with other cooperation instruments

- financial envelopes for each area of cooperation, both thematic and geographical
- specific objectives and results for each area of cooperation
- descriptions of possible programmes, the type of assistance and activities

The programming document will be regularly revised; it represents a general framework for 2002-2004, but provides a more detailed programme for 2002.

This document also provides the programming framework for the field of election assistance and observation, which follows a modified procedure from that applied to EIDHR. Election programming is a more flexible, on-going process, given that an election observation mission will be inserted in the yearly programming only when, following an exploratory mission, the political decision to observe that election is taken. A rolling calendar of upcoming elections (to be thoroughly updated on a six-month basis by the Commission Services) will be the basis of the on-going programming.¹³⁰

2. Principal thematic areas of action

The Communication suggests that the Commission evaluates actions undertaken and promotes the exchange of best practice and lessons learned. Lessons to be drawn from previous experience indicates that all activities financed under EIDHR should promote strategic objectives and aim to achieve concrete objectives with some element of continuity or follow-up, which reflect the response strategy of EIDHR in setting strategic medium term goals.

It should be emphasised that certain key areas of concern for the EU, such as the rights of the child and gender issues have, according to the strategy outlined in the Communication, been 'mainstreamed' throughout the identifies areas of support rather than being addressed as specific priorities in themselves. For example, gender is a crucial factor to ensure that EIDHR funded projects comply with the wider policy of the Commission. The inclusion of a gender perspective is an over-arching characteristic for all projects and programmes, as already established in the 2001 programming document. As the fight against poverty is a major priority of the EU, it will be an overarching objective in many of the thematic areas and activities foreseen, to focus on the most disadvantaged members of society as beneficiaries.

In this section the four priorities of the Communication, are translated into key areas in which the EIDHR has consistently provided added value in relation to other financial instruments, on the basis of lessons learned from previous activities, including evaluations of EIDHR programmes. The specific objectives, expected results and key activities proposed in these areas are set out in greater detail in Annex 2. Of these four thematic priorities, priority one concerning Democratisation, Governance and the Rule of Law will apply nearly exclusively to focus countries¹³¹.

2.1. Support to strengthen democratisation, good governance and the rule of law
For the Commission, democracy, good governance and human rights are inextricably linked and their attainment is instrumental to each other. The EU has affirmed that they are both objectives in themselves and instrumental to development. Strict categories are therefore difficult to establish in this area, and several of the activities and sub-areas described below will represent 'cross-cutting' themes, contributing to the achievement of a plurality of objectives.

¹³⁰ Electoral activities are dealt with in section 3 of this document and set out more fully in Annex

¹³¹ Projects aiming to pursue one of the other priorities will mainly be implemented on a regional basis. This entails that such projects might be implemented in non-focus countries, in a regional framework.

2.1.1. Strengthening the capacity of civil society

- the human rights watchdog function of NGOs enhanced
- better contribution of civil society organisations, such as trade unions and professional associations, to policy design
- better civil society input to international human rights fora

2.1.2. Human rights education and training

- citizens empowered to take action in defence of their human rights
- capacity of public officials to protect human rights enhanced
- networks of expertise in human rights and democracy developed

2.1.3. Freedom of expression and independent media

- the media are enabled to operate in accordance with international standards, e.g. in carrying out a watchdog role
- quality and coverage of human rights issues in the media improved

2.1.4. Actions concerning elections

In the field of elections, EIDHR should be used for the following activities:¹³²

- deployment of election observation missions
- horizontal election activities
- election related projects at country level

The objectives of EU election activities are the following:

- contributing to the development and consolidation of democracy through election support
- improving electoral practice and deterring fraud
- building EU and third country capacity for sustainable observation efforts
- engaging third countries authorities in a constructive dialogue on how to improve election practices
- producing comprehensive and objective reports on election processes
- integrating election recommendations in development strategy and political dialogue

2.1.5. The legal system and strengthening institutions

- the effectiveness of the judiciary and legal sector increased
- awareness raised of legal rights in civil society
- access improved to formal dispute resolution mechanisms
- operation of *quasi* judicial bodies such as national human rights institutions and ombudspersons improved

2.1.6. Governance

- NGOs enabled to carry out activities concerning exposure of corrupt practices at any level of government
- significant contributions made to the development of an internationally or regionally legitimised system for monitoring the governance situation and on the development of country-specific indicators

2.1.7. Conflict prevention and resolution

- early warning, mediation, reconciliation and confidence-building measures from grass roots and international NGOs developed
- common training modules for civilian staff to be deployed in international missions promoted

¹³² Electoral activities are set out in greater detail in Annex 3.

- capacity of international, regional or local organisations involved in conflict prevention strengthened

2.2. Activities in support of the abolition of the death penalty

The campaign against the death penalty has for many years been a high profile policy that the EU pursues in international human rights fora and in dialogue with all countries. EU goals in this area are laid down in guidelines adopted in 1998 and its commitment to the abolition of the death penalty was reaffirmed in Article 2 of the EU Charter of Fundamental Rights. The EU's overall objective remains the Universal abolition of the death penalty. The specific objectives listed below all contribute to the achievement of the overall objective in the long run.

- public awareness increased about the numerous shortcomings of the death penalty
- effective coalitions and initiatives aiming at abolishing capital punishment

2.3. Support for the fight against torture and impunity and for international tribunals and the International Criminal Court

The policy framework for the prevention of torture has been reinforced in recent months : the EU Charter of Fundamental Rights makes clear that no one should be subject to torture, or to inhuman or degrading treatment or punishment¹³³ ; the General Affairs Council has adopted EU Guidelines on Torture which include improved evaluation of the torture situation in third countries by EU Heads of Mission, dialogue with third countries and general and individual démarches¹³⁴; and the Commission Communication on Human Rights has emphasised the importance of action to prevent torture.

In 1996, the Parliament created a special budget line under EIDHR to provide support to the UN Criminal Tribunals for Rwanda and the former Yugoslavia, and for the establishment of the International Criminal Court (ICC). The Council adopted a common position on the ICC on 11 June 2001.

2.3.1. Torture

- occurrence of torture, or other cruel, inhuman and degrading treatment or punishment reduced
- implementation of international standards by third countries improved
- quality of support provided by rehabilitation centres and their institutional capacity improved

2.3.2. International justice and fighting impunity

- the establishment of the ICC and its membership expanded
- effective mechanisms of the Court developed
- supporting the operation of the UN Criminal Tribunals for Rwanda and the former Yugoslavia, and for the establishment and operation of the Special Court for Sierra Leone
- increased public awareness and cooperation from the national authorities in Rwanda and the former Yugoslavia concerning the tribunals

2.4. Combating racism and xenophobia and discrimination against minorities and indigenous peoples

The fight against racism, xenophobia and discrimination is major concern of the EU and an integral part of its human rights policies. All continents, and the vast majority of modern states, host minority populations. Europe itself is home to about a hundred national minorities whose rights are often not fully respected. The European Parliament has made clear the commitment of the EU to

¹³³ Proclaimed at the Nice Summit on 18th December 2000.

¹³⁴ Conclusions of the General Affairs Council 9th April 2001.

this vulnerable category, and has called on the Commission to enhance the ability of countries to countering discrimination against minorities.

The EU has been a strong supporter of the rights of indigenous peoples, some 350 million of whom around the world live in conditions of marginalisation, poverty and discrimination.

2.4.1. Racism

- principle of equal treatment of persons irrespective of racial or ethnic origin promoted

2.4.2. Minorities

- better promotion and improved enforcement of the rights of persons belonging to minorities
- better inter-cultural and inter-ethnic understanding

2.4.3. Indigenous peoples

- indigenous people empowered to promote their rights
- respect of the rights of indigenous peoples enhanced at an international level

Table 1 below summarises the indicative allocations by theme and sub-themes for the financial year 2002. These allocations have been established both on the basis of the distribution of funds by theme in previous financial years¹³⁵ and on the pre-identification of priorities by focus country carried out in consultation with responsible geographical services of the Commission.

Table 1: Indicative allocations by thematic priority (M€)¹³⁶

<u>DEMOCRATISATION, GOVERNANCE, RULE OF LAW</u>		2002	2003/4
Strengthening Civil Society		12	
Human Rights Education and Awareness-raising		5	
Freedom of Expression and independent media		5	
Elections	EU Observations Missions	10	
	Horizontal programmes	3.5	
	Country-focused election related projects	1.5	
Rule of Law and institutions		11	
Governance		8	
Conflict prevention / resolution		4	
<u>Sub-Total</u>		2071	120
<u>ABOLITION OF DEATH PENALTY</u>		4	8

¹³⁵ As outlined in the Reports of the Commission on the Implementation of the EIDHR for 1996-1999 and for 2000, and on the basis of the distribution of funds for 2001 up to November 30, 2001.

¹³⁶ It is expected that the total appropriation of the EIDHR will be maintained at the level of previous years, i.e. approximately 100 M€ , with 3 M€ for Technical Assistance.

<u>TORTURE, IMPUNITY AND INTERNATIONAL JUSTICE</u>		
Torture	8	
International Justice	5	
<u>Sub-Total</u>	13	26
<u>RACISM, MINORITIES AND INDIGENOUS PEOPLES</u>		
Racism	7	
Minorities	5	
Indigenous Peoples	5	
<u>Sub-Total</u>	17	34
<u>CONTINGENCIES</u>	6	12
TOTAL	100	200

3. Instruments used to be used in selecting EIDHR activities

The Communication reaffirms that the three instruments currently used to implement EIDHR will continue to form the basis of the EC's approach, namely, targeted projects, 'Calls for Proposals' and microprojects.

At regional and country level, a number of previous evaluations suggest that being heavily reliant on proposals emerging from partners is a reactive mode that can turn the Commission into a 'hostage of fortune'¹³⁷. Other evaluations, however, praise the bottom-up character of this approach, as proposals from those inside a country are much more likely to reflect the problems and needs of that country¹³⁸. Moreover, when the initiative comes from an external partner, it is more likely to demonstrate the characteristics of ownership and sustainability, than when co-operation with partners is limited to project implementation.

The Commission considers the combination of relying on a bottom-up approach and proactively defining particular strategies as the best option. This is also the most effective way to assess social changes and the effectiveness of actions programmed in Headquarters. It is therefore the approach currently followed by the Commission in the management of EIDHR, entailing continuous re-assessment and learning by experience and it is for this reason that different methods should continue to be used in a complementary way. The allocations shown for each instrument below are indicative and represent guidelines only. These aspects will be further defined on the basis of the joint programming missions between RELEX, geographical services and AIDCO.

3.1. Targeted projects

Targeted projects allow the Commission to actively seek out and plan new initiatives corresponding to identified needs, with the partners of its choice. In line with the proactive approach encouraged in the Communication, the Commission will increasingly be able to specify when targeted projects best suit the achievement of specific objectives and requirements in the field.

This method is systematically used for projects developed with international and regional

¹³⁷ External evaluation of European Union Aid concerning actions in the field of Democracy and Human Rights in ACP states, ref. 951518.

¹³⁸ Evaluation of the PHARE/TACIS Democracy Programme, ref. 951432.

organisations including UN Specialised Agencies and the Office of the High Commissioner for Human Rights, the Council of Europe and OSCE - ODIHR. It is also used for projects and initiatives developed in the framework of country strategies, with the active involvement of Commission Delegations in focus countries. Beneficiaries will include intergovernmental organisations, other appropriate institutions and in special circumstances, NGOs.

Horizontal activities in the field of electoral observation, support to governance monitoring systems, follow up to specific global events and regional conferences¹³⁹, advocacy and awareness raising campaigns at global level, provision of global public goods (international justice and the fight against impunity) and human rights monitoring and support to UN Special Rapporteurs, will all be financed via targeted projects. Emergency projects will be systematically “targeted”.

3.2. ‘Call for Proposals’

The ‘Call for Proposals’ implies a less active role, but it allows the Commission both to receive new ideas about activities or methodologies of implementation and to support projects that ensure ownership on the side of the implementing agency. It is used to mobilise a wide range of actors (especially international and local NGOs) when their objectives coincide with stated Community’s priorities and objectives. It facilitates not only a transparent selection process, but also the wide participation of civil society as a partner in achieving the EIDHR aims.

Previous experience suggests that when a Call for Proposals includes a wide range of objectives and geographical coverage it involves a heavy burden of work in both the assessment of proposals and the management of a large number of comparatively small contracts¹⁴⁰. The Communication reflects this experience and clearly states that future Calls should be more focused in both geographical and thematic scope.

The instrument is currently being reviewed in order to:

- elicit lessons to improve its use and fine-tune its structure and objectives
- ensure a better match between the Commission’s requirements and capacities and the needs of the partners.

3.3. Microprojects

The microprojects scheme is designed to support small-scale human rights and democratisation activities carried out by grassroots’ NGOs¹⁴¹. In 2001, the traditional base in Central and Eastern Europe, the NIS and South Eastern Europe will be extended to countries in Africa, Asia, the Caribbean, Latin America and the Mediterranean¹⁴². Microprojects will therefore be available in all focus countries. The following factors have been considered when determining the list of participant countries, their respective allocations and the guidelines for operating the scheme:

- Wherever possible, microproject budgets will be made available to EC Delegations in focus countries. Microprojects will be extended to more delegations as they acquire greater local management capacity;
- The microprojects’ scheme should complement the approach taken in the larger-scale

¹³⁹ Such as the recent World Conference on racism and the Africa-EU Summit.

¹⁴⁰ The 2001 CfP received over 1.400 applications for a total amount of €2.1 billion. The insufficient funding entailed that a number of valuable projects were discarded. For administrative reasons, minimum amounts are often set for projects to apply within the CfP.

¹⁴¹ The schemes are implemented by EC Delegations and support projects ranging between € 3.000 and €50.000. Delegations are responsible for launching a local Call for Proposals, selecting projects, drafting contracts and subsequent payments.

¹⁴² The countries of Central and Eastern Europe are no longer eligible for EIDHR microprojects.

components of EIDHR funding whilst continuing to allow Delegations the flexibility to take into account local priorities and conditions.

- Commitment and capacity of civil society and the complementarity and coherence of microprojects to other EC funding programmes¹⁴³. Assessments of Delegations success in implementing the programme.

3.4. Annual implementation plan

Each year there will be an indicative allocation by instrument which will ensure that the programming priorities are respected in the most effective way. This allocation will depend *inter alia* on the extent to which the programmes and projects to be funded under EIDHR have been deconcentrated to Commission delegations. Indicative allocations for 2002 are outlined in the table below.

Table 2: Indicative allocations by instrument for the selection of projects (M€ - 2002)

Call for Proposals and Targeted projects		65
Micro-projects		14
Elections ¹⁴⁴	EU Observation Missions	10
	Horizontal activities	3.5
	Country specific election related projects	1.5
Contingencies		6
TOTAL		109

4. Geographical scope

As explained above, the programming exercise must “translate” the mandate of the Commission to support human rights and democracy activities into actions at global, regional and country level, ensuring coherence and the most effective use of instruments.

4.1. Activities at global level

A number of specific human rights themes have a global dimension and as such, require action at this level, including:

a) Global advocacy and global awareness raising. The EU considers some specific themes as overarching objectives of its external actions with regard to human rights and democracy. Two themes are particularly relevant in this context: the fight against torture and against the death penalty. Other actions will provide follow-up to commitments made at international conferences, such as the recent World Conference against Racism in Durban. In this context, advocacy and awareness raising campaign, organised by both international civil society organisations and by international organisations, will be encouraged.

b) The provision of ‘global public goods’. EIDHR intervention in support of the establishment of

¹⁴³ Following the EVA-EU Association Evaluation of EIDHR microprojects completed in 2001.

¹⁴⁴ EU election related activities do not represent an instrument for the selection of projects. All activities under this line will be implemented through targeted projects. They are highlighted in this way because programming procedures for elections are different from those applied to other projects – see Annex 3. Country-specific election related initiatives will also be selected through targeted projects, and where possible, micro projects.

the International Criminal Court and of the functioning of existing International Tribunals (Yugoslavia and Rwanda), fall under this conceptual umbrella. EIDHR, as set out in the previous section, will be one of the instruments the Commission can use to support countries engaged in improving their justice system and the rule of law.

At the international level, a global justice system is needed to deal with those crimes with a global dimension, such as crimes against humanity. The International Criminal Court will provide a stable global system of justice for dealing with such crimes. The impact of the two existing International Tribunals goes well beyond the countries whose crimes they were created to deal with. Both Tribunals do indeed send a clear message: the International Community will not accept impunity for such crimes and intend to take effective measures to ensure justice. In this sense, they contribute to building universal consensus on the necessity of a global system of justice

4.2. Activities at regional level

Regional activity is particularly important for those areas of work where the target audience is very large, and where a primary aim is to raise awareness and change day to day practice, as in the courts, law enforcement agencies, regional ombudsmen and local government.¹⁴⁵

For certain areas of intervention and types of activity or target groups, regional projects have been shown to 'make sense'¹⁴⁶. A recent evaluation found that training and conferences could make sense on a regional level, because multilateral networking increases the impact of such activities. It lists in particular the areas of NGO development, legal training and support to the media, and targeting NGO activists, jurists and media professionals. Activities in support of conflict prevention and humanitarian law are also appropriate at this level.

Particular activities to be supported by EIDHR at a regional level will include actions concerning the abolition of the death penalty in Asia and the Caribbean, support for the fight against torture and impunity and for international tribunals in South Eastern Europe, support for the International Criminal Court, and combating racism and xenophobia and discrimination against minorities in South East Europe, support to regional organisations defending the rights of Indigenous peoples in developing countries, the rights of minorities in the NIS and, in the event that other financial instruments are not available, in the CEEC. Operating via partners such as International Organisations, the Initiative will support the development of regional networks to foster democratisation and the fight against racism, particularly in the Middle-East countries. Follow-up to the Africa-EU summit and the Latin America-Caribbean-EU summits will have to be foreseen, as should projects developing the notion of governance indicators, and ombudsperson offices in Latin America.¹⁴⁷

4.3. Geographical priorities: focus countries

29 focus countries were selected for EIDHR support, where the bulk of its resources will be concentrated. Focussing on a limited number of countries will entail that average allocations per country will increase, as the total amount available for activities at country level will be divided by a lesser number of beneficiaries. The medium-term time horizon of this programming exercise will

¹⁴⁵ This point is made in the Evaluation of Joint Programmes between the European Commission and the Council of Europe for strengthening federal structure and local government, introducing human rights protection mechanisms and supporting reforms of the law and legal systems in the Russian Federation and the Ukraine, Ref. 951557

¹⁴⁶ These areas are set out in detail in the Evaluation of the MEDA Democracy Programme, Ref. 951460

¹⁴⁷ On 8-9 October 2001 the bi-regional group identified the following specific actions, support to the OAU Peace Fund and Conflict Management Centre, support to the African Commission on Human and Peoples Rights and implementation of a plan of action to fight human trafficking.

allow drafting country-specific medium-term programmes, i.e. shifting from a reactive focus to a proactive, strategic approach that can integrate with democratic developments more closely.¹⁴⁸

It should be understood that limiting the number of focus countries in this fashion applies only to the budget lines of EIDHR, and no way diminishes the importance of activities with human rights or democracy elements funded in other countries through different EU instruments. The final list of selected focus countries is not an ‘inventory of offenders’; the criteria used include expected impact and complementarity / coherence with other co-operation instruments, which are relatively independent from the seriousness of human rights violations registered. Similarly, the exclusion of a particular country from the list does not necessarily reflect the Commission’s view of the evolution of the human rights situation in that country. As the process was not intended to produce a ranking of countries, each country has been assessed on its own merits and not in comparison to other countries.

Significant efforts are made to ensure the complementarity of EIDHR with other activities of the EU, including development cooperation and in establishing synergies with the activities of Member States. Such issues were a key criteria in the selection of focus countries and in determining the activities and instruments suitable for them. The selection of focus countries was made in co-ordination with all geographical services of the Commission and all EC Delegations, consulted by means of a detailed questionnaire¹⁴⁹. As part of this process, Commission Delegations consulted civil society organisations and Member States diplomatic missions.

The questionnaire aimed at obtaining information on the 4 criteria for selections, provided by the Communication:

- (1) **Enhancing the impact** of EIDHR-financed activities
- (2) **Coherence and Complementarity** with other development co-operation instruments of the Community and **the Country Strategy Paper** and Member States activities
- (3) The **Political dimension** includes the **nature of the ongoing political dialogue**, and attention paid by EU Institutions to the country. The existence of Common Position (CP), Common Action (CA), Common Strategies (CS) fits within this second element
- (4) **Geographical balance**, used not to select specific countries, but rather to eliminate some from the selection according to the Commission’s responsible geographical services on a regional basis.

The process provides sound arguments for both the inclusion of countries in the list and, equally important, for the exclusions of others. The list includes of course countries where the human rights situation represents a serious concern for the EU, but also countries where the situation has steadily improved recently and where national capacities need to be encouraged. It also includes countries where the highest opportunities for impact are demonstrated by a conducive environment and complementarity between traditional co-operation instruments and Member States’ strategic activities. In summary, the selection did not seek to produce a list of ‘offender states’ but aimed to ensure impact of EIDHR-financed activities. The list of focus countries includes:¹⁵⁰

¹⁴⁸ Priority countries for Electoral Observation Missions are defined in according to the procedures set out in Annex 3.

¹⁴⁹ The methodology of this consultation is set out in greater detail in Annex 1.

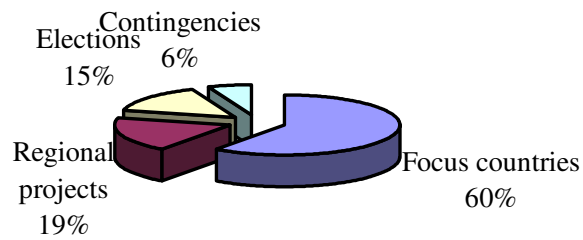
¹⁵⁰ This list will be revised each year in order that countries to which the EU pays particular attention, such as China and Cuba, might be introduced.

Table 3: Focus countries and indicative allocations for 2002 – M€

<i>Sub-Saharan Africa</i>							
<u>Great Lakes</u>		<u>Southern Africa</u>		<u>Eastern Africa</u>		<u>West Africa</u>	
Burundi	1.5	Mozambique	2	Eritrea	1.6	Ivory Coast	2
DRC	2	Zimbabwe	1.7	Ethiopia	2	Nigeria	2.5
Rwanda	2			Sudan	1.8	Sierra Leone	2
<i>Mediterranean</i>		<i>Asia</i>		<i>Latin America</i>		<i>NIS</i>	
Algeria	2.5	Cambodia	2	Colombia	2.5	Georgia	1.9
Israel & West Bank / Gaza	2.5	Indonesia	2.5	Guatemala	1.8	Russia	3
Tunisia	1.5	Nepal	1.5	Mexico	2.5	Ukraine	2.5
		Pakistan	2.2				
<i>Caribbean</i>		<i>Pacific</i>		<i>South East Europe</i>		<i>Candidate Countries</i>	
Haiti	1.7	Fiji	1.5	FRY	2.5	Turkey	2
				Bosnia and Herzegovina	2.3		
The total indicative amount for activities in focus countries will be 60 M€.							

Short term “windows of opportunities” can also arise in any given country where considerations about impact, complementarity or coherence entailed their exclusion from the focus countries’ list. However, “windows of opportunity” are by definition not programmable and setting aside funds for any pre-defined region or country would not be possible. The Commission has nevertheless find an appropriate instrument to react to these prospects by setting aside a percentage of the funds available within the EIDHR as a contingency fund for unpredicted and urgent activities and for countries where political initiatives should be accompanied by the financing of supporting measures. Such funds could be mobilised following a specific ‘order for service’ from DG Relex, justified by a particular emergency or political opportunity. Only in the last three months of each financial year will it be possible to commit these funds for activities other than those presenting the above mentioned characteristics. In addition, it should be noted that some thematic areas of action of particular political priority for the Union are open for support to regions comprising countries that are not all identified as focus countries (see section 2 above). Interventions in certain countries in the aftermath of the tragic events of 11 September 2001 can be envisaged under this provision. Particular reference will be made to the implementation of UN Security Council Resolution 1373 of 28 September, which requires adequate measures at a national level to fight against terrorism.

Figure 1: EIDHR 2002 - Distribution of funds



For each of the selected countries, a 3-year action plan will be drafted following joint programming / identification missions with DG Relex, geographical services and AIDCO between November 2001 and April 2002. A limited number of sub-themes have been chosen for each country, and the medium term planning will focus on these sub-themes. The list of sub-themes for each country was discussed with geographical services, and the results are indicated in Annex 4 below, which also indicates the areas and activities in which the EIDHR can contribute a high degree of ‘added value’, acting in both a complementary and supplementary way to traditional development co-operation instruments. Medium-term specific objectives and results, as well as activities to be financed and partners for 2002 will be further defined through the joint programming / identification missions referred to above.

5. Technical assistance

Chapter B7.7 of the budget includes one provision for Technical Assistance (TA). The Commission’s Decision in respect of TA should thus be continued. This fund will cover the needs of both AIDCO, DG Relex and DG Dev. Part of the funds available will be used to finance the completion of the exercise of joint programming / identification missions and to provide adequate level of TA for the implementation of the EIDHR, micro-projects schemes in particular. Additionally, funds will be used to foster dialogue among the Commission and its partners for project implementation, such as international and other NGOs, international organisations and representatives from the governments of focus countries.

HUMAN RIGHTS ON THE INTERNET

EUROPEAN COMMISSION

Service Commun Relex des relations extérieures

http://europa.eu.int/comm/scr/index_en.htm

Delegation of the European Commission to the US

http://europa.eu.int/comm/scr/index_en.htm

Secretariat General of the Commission – A Guide to Grants and Loans

http://europa.eu.int/comm/secretariat_general/sgc/aides/en/en.htm

External Relations

http://europa.eu.int/comm/external_relations/index.htm

Development policy

http://europa.eu.int/comm/development/index_en.htm

Humanitarian aid

http://europa.eu.int/comm/echo/en/index_en.html

Enlargement

<http://europa.eu.int/comm/enlargement/index.htm>

Justice and Home Affairs

http://europa.eu.int/comm/justice_home/index_en.htm

Employment and social affairs

http://europa.eu.int/comm/dgs/employment_social/index_en.htm

EUROPEAN PARLIAMENT

<http://www.europarl.eu.int>

EU COUNCIL OF MINISTERS

<http://ue.eu.int/>

EUROPEAN COURT OF JUSTICE

<http://europa.eu.int/cj/index/>

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

<http://www.esc.eu.int/index800.htm>

THE EUROPEAN OMBUDSMAN

<http://www.euro-ombudsman.eu.int>

CHARTER OF FUNDAMENTAL RIGHTS OF THE EU

<http://ue.eu.int/en/summ.htm>

STABILITY PACT FOR EASTERN EUROPE

<http://www.stabilitypact.org>

ACADEMICA /UNIVERSITY

European Masters Degree in Human Rights and Democratisation

<http://www.hrd-european.master.venis.it>

Mediterranean Masters Degree in Human Rights and Democratisation

<http://www.um.edu.mt/courses/prospectus.medmahrd>

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law

<http://www.rwi.lu.se>

Netherlands Institute of Human Rights

<http://www.law.uu.nl/english/sim>

The Danish Center for Human Rights

<http://www.humanrights.dk>

NON-GOVERNMENTAL ORGANISATIONS

Coalition to stop the use of child soldiers

<http://www.child-soldiers.org>

The Death Penalty Information Centre

<http://www.deathpenaltyinfo.org>

International Rehabilitation Council for Torture victims

<http://www.irct.org/>

The European Human Rights Foundation

<http://www.ehrfoundation.org>

European Roma Rights Centre

<http://errc.org/>

International Coalition for the establishment of an International Criminal Court

<http://www.iccnw.org/>

Amnesty International

<http://www.amnesty.org/>

International Federation of Human Rights

<http://www.fidh.org/>

Human Rights Watch

<http://www.hrw.org/>

Human Rights Web

<http://www.hrweb.org/>

Search engine specialized in human rights issues

<http://www.hri.ca>

Save the Children

<http://www.raddabarnen.se>

The Sami Council

<http://www.saamicouncil.org>

The Asia-Europe Child Welfare Center

<http://www.asem.org>

International Committee of the Red Cross

<http://www.icrc.org>

The Human Rights Informations Centre

<http://www.humanrights.coe.int>

INTERGOVERNMENTAL ORGANISATIONS

Organisation of African Unity

<http://www.oau-oau.org>

The Commonwealth

<http://www.thecommonwealth.org>

Organisation of American States

<http://www.oas.org>

International Labour Organisation

<http://www.ilo.org>

Organisation for Security and Cooperation in Europe
<http://www.osce.org>
OSCE/Office for Democratic Institutions and Human Rights
<http://www.osce.org/odihr>
The International Institute for Democracy and Electoral Assistance
<http://www.idea.int>

UNITED NATIONS

<http://www.un.org/>
Office of the High Commissioner for Human Rights
<http://www.unhchr.ch/>
United Nations – the UN working for women
<http://www.un.org/womenwatch/un/index.html>
World Conference Against Racism
<http://www.unhchr.ch/html/racism/index.htm>
International Criminal Court
<http://www.un.org/law/icc>
United Nations Children's Fund
<http://www.unicef.org>
United Nations High Commissioner for Refugees
<http://www.unhcr.ch>
The Global Compact
<http://www.unglobalcompact.org>

COUNCIL OF EUROPE

<http://www.coe.int/>
The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<http://www.cpt.coe.int>
European Court of Human Rights
<http://www.echr.coe.int>

MEMBER STATES

Denmark: EU Presidency's website
<http://www.eu2002.dk>

Belgium: Centre for Equal Opportunities and opposition to Racism
<http://www.antiracisme.be>
Belgium: Ministry of Justice/Human Rights Department
http://194.7.188.126/justice/index_fr.htm

Germany: Foreign Ministry
<http://www.auswaertiges-amt.de>
Germany: Permanent Mission to the United Nations
<http://www.germany-info.org/UN/index.htm>
Germany: Federal Ministry for Development
<http://www.bmz.de>
UN Information Centre in Germany
<http://www.uno.de>

Ireland: Department of Foreign Affairs

<http://www.irlgov.ie/iveagh/>

Sweden: Ministry for Foreign Affairs/International Law and Human Rights Department

<http://www.utrikes.regeringen.se/dettaar/organisation/depart/enheter/fMr.htm>

Sweden: Permanent Mission to the United Nations

<http://www.un.int/sweden>

United-Kingdom: The Foreign and Commonwealth Office

<http://www.fco.gov.uk>

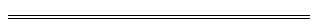
España: Defensor del Pueblo Español

<http://www.defensordelpueblo.org>

LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific States
AIDS	Acquired Immune Deficiency Syndrome
CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CFSP	Common Foreign and Security Policy
CHR	Commission on Human Rights
CoE	Council of Europe
COHOM	Human Rights Working Group
CPT	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CSR	Corporate Social Responsibility
CSW	Commission on the Status of Women
DAPHNE	Programme of Community action on preventive measures to fight violence against Children, Young persons and Women
DRC	Democratic Republic of the Congo
EC	European Community
ECHR	European Convention on Human Rights
ECOSOC	Economic and Social Council
ECRI	European Commission against Racism and Intolerance
EIDHR	European Initiative for Democracy and Human Rights
EUMC	European Monitoring Centre on Racism and Xenophobia
EP	European Parliament
EU	European Union
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GAC	General Affairs Council
GRULAC	Latin American and Caribbean Group
HIV	Human Immune Virus
HCNM	High Commissioner for National Minorities
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
ICTY	International Criminal Tribunal for the former Yugoslavia
MNE	Multinational Enterprise
NGO	Non Governmental Organisations
OAS	Organisation of American States
OAU	Organisation of African Unity
OECD	Organisation for Economic Cooperation and Development
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OJ	Official journal

OSCE	Organisation for Security and Cooperation in Europe
RAXEN	European Racism and Xenophobia Network
STOP	Incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children
TACIS	Technical Assistance to the Commonwealth of Independent States
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
UN	United Nations
UNECE	UN Economic Commission for Europe
UNHCR	United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNSC	UN Security Council
WCAR	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance



N.B! Text on back page of cover:

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