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Subject : Draft Council conclusions on review of progress in implementing the 10  
December 2002 Council conclusions on human rights and democratisation in third  
countries

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The Council recalls its conclusions of 10 December 2002 in which it undertook to review annually, on the basis of a report by the Working Party on Human Rights ("COHOM"), progress in implementation of the practical measures proposed by COHOM for achieving the objectives of the 25 June 2001 Council conclusions on human rights and democratisation in third countries. The Council welcomes and endorses COHOM's first report on this subject, annexed to these conclusions, covering the period December 2002 to December 2003.

Pursuant to the Council conclusions of 10 December 2002, the Working Party on Human Rights (COHOM) has drawn up the following first annual progress report, covering the period December 2002 to December 2003, on implementation of the follow-up to the 25 June 2001 Council conclusions on human rights and democratisation in third countries. The structure of this report follows that of the COHOM report dated 25 November 2002 annexed to the December 2002 conclusions:

## I. COHERENCE AND CONSISTENCY

### 1. Reinforcing the role of COHOM

- In March 2003 Council discussed and adopted conclusions, prepared by COHOM, on the EU's general position in this year's 59th session of the United Nations Commission on Human Rights (CHR 59), in addition to the positions to be taken regarding Iran and China.
- Throughout the year, COHOM continued the practice of using annotated agendas and of adopting more operational conclusions.
- At the beginning of each of the Greek and Italian Presidencies there was a discussion of the priorities for the coming semester.
- A calendar of events/activities of relevance to COHOM's work during the period of the Greek Presidency was drawn up and circulated at COHOM's meeting in January 2003.
- In January 2003 COHOM held an extended 2-day meeting and organised, with PSC's approval, all of the relevant geographical groups to be represented by their Troikas during that meeting in order to facilitate as much as possible preparation of CHR 59.

- In addition to a joint COHOM/COASI meeting held in February, COHOM also held a joint meeting with COMEM in September 2003 in order to discuss preparation of the third session of the EU-Iran human rights dialogue and to exchange views on the position on Iran to be adopted by the EU in the Third Committee of the 58th UN General Assembly.
- In December, Coreper took the important step of approving a recommendation from COHOM to extend the latter's mandate to include first pillar issues so as to have under purview all human rights aspects of the external relations of the EU, including for example the European Initiative on Democracy and Human Rights. According to Coreper's decision, first pillar issues may be addressed by COHOM only within the limits of the powers conferred upon the European Community by the EC Treaty and of the objectives assigned to it therein.

## 2. Strengthening the role of the Council Secretariat

- Throughout 2003 the Council Secretariat has pursued its efforts to mainstream human rights and democratisation in all relevant parts of the CFSP. There are two desk officers in Directorate DGE IV working full-time on human rights issues in external relations and following developments in related areas, as well as desk officers covering human rights issues in the Council Secretariat's Liaison offices in Geneva and New York. There are also designated officials in each of the Policy Unit and the High Representative's Private Office following human rights issues amongst their other responsibilities.
- To enhance the Council's mainstreaming efforts in the area of human rights, the Director for DGE IV had already established in 2002 a Human Rights Action Group composed of geographical and thematic desk officers within the Council Secretariat, as well as representatives of the Policy Unit, the High Representative's Cabinet and the Commission. It brings together those whose work concerns human rights issues, both within the CFSP and in areas of Community competence, thereby raising awareness of human rights matters generally and enhancing the flow of information between sectors. The Human Rights Action Group continued to meet at regular intervals throughout 2003.

- DGE IV provides considerable assistance to each Presidency in ensuring the follow-up to EU initiatives, and co-operates closely with the Commission on acting as a focal point for civil society.

### 3. Reinforcing the role of Heads of Mission

- In preparation of the 59<sup>th</sup> session of the UN Commission on Human Rights the EU adopted a strategy paper presenting the EU's general policy regarding that session, for use by EU Heads of Missions to demarche capitals around the world for support for the EU's initiatives. Numerous demarches were in fact carried out by EU Heads of Mission on the basis of that strategy paper.
- During 2003, EU Heads of Mission around the world played a key role in the implementation of the EU's Guidelines on the prevention of torture by producing detailed reports on the situation in law and in practice regarding torture in their respective host countries, pursuant to the PSC's working paper on this subject adopted in December 2002.
- Heads of Mission in Beijing and Iran also provided invaluable input to the preparation of the EU-China and EU-Iran human rights dialogues in 2003, following approval by COHOM of proposals for more systematic follow-up between dialogue sessions.

### 4. Enhanced Consistency between Community action and the CFSP

- The decision to extend COHOM's mandate to first pillar issues so as to have under purview all human rights aspects of the external relations of the EU is obviously an important step towards ensuring greater consistency between Community action and the CFSP.
- EU action on human rights, including through dialogue, démarches and initiatives in international fora, is reinforced through the support which the European Initiative for Democracy and Human Rights (EIDHR) and other EC external assistance programmes, has continued to extend to projects to address a wide range of human rights concerns, such as torture, the fight against the death penalty and support to democracy, good governance and the rule of law.

- The year 2003 saw the pursuit of excellent co-operation between the Council Secretariat and the Commission on human rights matters, in line with their respective competencies, assisting greatly in the achievement of this objective. Examples of such cooperation included joint preparation of the sessions of the EU-Iran human rights dialogue, as well as of proposals for follow-up between dialogue sessions approved by COHOM in May 2003 ; increased joint organisation of and participation in meetings to address key EU priorities such as children and armed conflict; preparation of the global action plan on torture prevention; and drafting of the model fact sheet for use by EU Heads of Mission around the world in their human rights reporting, mentioned in section II below.

- Human rights are now included in the Commission's Country Strategy Papers and national indicative programmes.

#### 5. Strengthening cooperation between Member States' embassies and Commission delegations

- Improved co-ordination included cooperation in the context of drafting *etats des lieux* as proposed in the Commission's Communication on "Reinvigorating EU actions on human rights and democratisation with Mediterranean partners" (COM (2003) 294 final).
- The Commission has also organised regional conferences/workshops on the European Initiative for Democracy and Human Rights (EIDHR) in order to provide detailed information on EIDHR programming, implementation and related human rights issues to local NGOs, Member States' embassies and other institutions such as the UN. Six such events have been held since 2002 in Amman, Casablanca, Dakar, Guatemala City, Almaty and Cape Town.

#### 6. Review of EU resolutions in CHR

COHOM pursued its evaluation of the EU's performance in the CHR in light of the experience gained from CHR 59 and with the help of advice from Member States' experts in Geneva. A number of the recommendations for improvement were implemented already in the preparations for the Third Committee of UNGA 58.

7. Ensure coherence between internal and external EU policies

- COHOM decided in the first half of 2003 to restructure the EU Annual Report on Human Rights in order to simplify the reporting process, ensure more thorough evaluation of EU human rights policies and pave the way for the creation of an interinstitutional EU website on human rights. The restructured 2003 EU Annual Report contained more reporting on human rights issues internal to the EU as well as more policy evaluation. Relevant links to information on both internal and external human rights matters will be provided on the website (for the current state of play regarding the website, see paragraph III 1. below).
- The mandate of the Commission's Inter-service Group on Human Rights was widened in September 2003 in order to provide for systematic consideration of internal human rights issues and to promote coherence between internal and external human rights policy

8. Regarding an EU common strategy on human rights and democratisation

- Improving the implementation of the EU's Guidelines on Prevention of Torture was the subject of much discussion by COHOM in 2003 (see point 3 above), culminating in a decision on the adoption of a global action plan endorsed by the PSC in December.
- Also in December 2003, the Council adopted Guidelines for the EU on Children and Armed Conflict, the culmination of an initiative launched by the Italian Presidency in close consultation with all relevant actors in the field, including NGOs, UNICEF and the UN Special Representative for Children and Armed Conflict.

## II MAINSTREAMING

Examples of progress achieved during the period covered by this report in the area of mainstreaming human rights in all aspects of policy decision-making and practice include the following:

- A Sub-group on Governance and Human Rights was established under the cooperation agreement with Bangladesh, the first meeting of which was held on 19 May 2003 in Dhaka;
- The Commission issued a Communication on 21 May 2003 on "Reinvigorating EU actions on human rights and democratisation with Mediterranean partners", warmly welcomed by the Council in its conclusions of 25 November 2003;
- The Commission has introduced basic, advanced and specialised human rights training for its staff at Headquarters and in Commission Delegations, with 10 sessions conducted during 2003.
- Commissioner Patten has raised human rights concerns with third countries on numerous occasions during troikas and bilateral and multilateral meetings. Recent examples of this include: the ASEAN Ministerial in Brussels in January 2003; Iran in February 2003; the Association Council with Tunisia in September 2003; the ASEM Foreign Ministers meeting in Bali in July 2003, including during bilaterals with Indonesia, Thailand, Singapore, South Korea, Japan Vietnam and China; bilateral meeting with Sri Lanka in November 2003; the India Summit and bilaterals in November 2003; the Pakistan Minister of Foreign Affairs visit to Brussels in November 2003 and with Colombia's President Uribe and Ministers in January 2004.
- In December 2003, COHOM approved a model EU human rights fact sheet for use by EU Heads of Mission around the world in their human rights reporting. The model fact sheet was sent to a few select embassies of differing sizes, including Cairo, Asmara, Bogotá and Hanoi, to test their reactions. These will be evaluated by COHOM in spring 2004 prior to finalization and distribution to all missions.

### III OPENNESS

#### 1. Relations with the general public

The creation of the interinstitutional website on human rights in 2003 means that there will be a single portal through which the public can access a wide range of information relating to the EU's activities in the area of human rights. The website was launched as an inter-institutional project prior to the EU Human Rights Discussion Forum in December 2003, but due to technical difficulties it had to be removed temporarily and will be re-launched at the earliest opportunity.

#### 2. Relations with the European Parliament

- Mr Bob van den Bos MEP, Rapporteur for the European Parliament on its report on human rights in external relations, met with the members of COHOM in June 2003 to discuss the relationship between the Council and the EP, religious freedom (including initiatives for inter-cultural/ inter-religious dialogue), and the outcome of/follow-up to CHR 59.
- In the meantime, the Council Secretariat and the Commission have strengthened informal contacts with the European Parliament, particularly with the Parliament's Secretariat.
- Two Members of the European Parliament attended the roundtable discussions during the third session of the EU-Iran human rights dialogue.

#### 3. Relations with civil society/NGOs

- Representatives of civil society and NGOs were very closely involved by the Italian Presidency in the preparation of the EU's Guidelines on Children and Armed Conflict, adopted by Council in December 2003, attending two brainstorming sessions on the subject in March and September and meeting with members of the Political and Security Committee as the project reached its final stages.



- There is a structured dialogue in Geneva between the EU's human rights experts and the main human rights NGOs, with a particular focus on CHR preparation. Several meetings took place in 2003, at various levels.
- NGOs have continued to be essential implementing partners in the context of the EU's external assistance programmes, including the EIDHR.
- A special seminar was convened by the Commission in July 2003 in order to consult a wide range of NGOs \_ on future EIDHR programming. Commissioner Patten participated in this event and delivered a keynote address on current and future trends on the human rights agenda. This seminar was followed by a series of smaller scale meetings on EIDHR programming for 2005-2006. The Commission also conducts regular meetings with designated representatives of NGOs which are active on human rights and conflict prevention.

#### 4. COHOM, Presidency, national fields of action

- The Greek and Italian Presidencies and the Council Secretariat continued the practice begun by the Danish Presidency of holding regular pre- and post-COHOM briefing meetings for representatives of Amnesty International, Human Rights Watch and FIDH.
- The Troika was represented regularly at meetings of the Human Rights-EU Contact Group, which is organised by the main human rights NGOs in the premises of the European Parliament and involves broad NGO and MEP participation as well as attendance by other Member State delegations.
- Representatives of Amnesty International, Human Rights Watch and FIDH were invited to meet with members of COHOM in December 2002 to discuss preparations for CHR 59, and in May 2003 to discuss the outcome of CHR 59.

## 5. EU Human Rights Discussion Forums

The Italian Presidency, at the forum held in Rome in December 2003, pursued the policy of wider participation by representatives from accession countries and specialised NGOs from third countries that had been applied for the first time at the forum held in December 2002.

### IV. REVIEW AND UPDATING OF EU PRIORITIES IN HUMAN RIGHTS

#### 1. The death penalty

Numerous demarches were carried out during the period under review in pursuance of the EU Guidelines on the Death Penalty, and a number of those concerned countries where a "de facto" moratorium on the death penalty was about to be abandoned or where capital punishment was about to be reintroduced.

#### 2. Torture

As mentioned in paragraph I 3. above, following the adoption in December 2002 by the Political and Security Committee of the working paper on improving the effectiveness of the EU Guidelines on Torture, during the past year HoMs all around the world have, throughout the period covered by this review, been producing reports on the situation in law and in practice regarding torture in their host countries. These reports have formed the basis for the development by COHOM, with input from the geographical working groups, of a global plan of action aimed at detailed implementation of the Guidelines.

3. Reinforcing cooperation between the EU and the UN and other international and regional bodies

- The Presidency consulted with the OHCHR regarding preparations for CHR 59 and on various other issues during 2003, such as the activities of UN human rights mechanisms and special rapporteurs. There was also close cooperation with the UN Secretary General's Special Representative for Children and Armed Conflict and with UNICEF on preparations of the EU's Guidelines on Children and Armed Conflict.
- The Greek Presidency invited Professor Amor, UN Special Rapporteur on Freedom of Religion and Belief, for an exchange of views with members of COHOM in June 2003 but the meeting was not able to take place in the end owing to the Special Rapporteur's other commitments.

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