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Subject: Human rights and democracy in the world: report on EU action - July 2008 to  
December 2009

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1. Following agreement at the Working Party on Human Rights on 12 April 2010, the report in annex, 'Human rights and democracy in the world: report on EU action - July 2008 to December 2009', was approved by the Political and Security Committee on 20 April 2010.
2. COREPER is invited to agree the text for forwarding to Council with a view to adoption at its meeting on 10 May 2010.

**Human rights and democracy in the world**  
**Report on EU action - July 2008 to December 2009**

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## Preface

The European Union has come a long way since its first human rights report was published in 1999. At that time, the EU set itself the target, "to ensure that all pertinent means for action are available within the framework of the Union, including through the possible publication of an annual EU human rights report". This report gives an overview of our many activities.

Following the entry into force of the Lisbon Treaty, the EU is now moving forward to another stage in its development. This is a good time to take stock. After spending much time and energy in considering how we work, it is important to think again about why. The message from citizens across Europe is clear. They want the EU to do more to promote and defend human rights throughout the world. I believe that by showing what we are doing, and by speaking with a united voice on the world stage, we can answer these expectations.

The idea for an EU report on human rights first came from a celebration of the universal declaration of human rights. In uncertain times we may be glad to remember that some things hold for all, and that each of us has our part to play in ensuring that everyone is able to exercise their human rights.

Catherine Ashton

High Representative of the Union for Foreign Affairs and Security Policy  
Vice-President of the European Commission



## 1. Overview

A commitment to human rights and democracy is at the heart of the EU. This report seeks to explain how that commitment is put into practice, and why it matters.

Exceptionally, this report covers 18 months, from July 2008 to December 2009. This is so that, starting from the next edition, reports simply will cover the previous calendar year.

### *Why does EU put so much effort into promoting human rights?*

If it is true that our values and principles define who we are, the EU's identity is clear:

*"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".* (Article 2 of the Treaty on European Union)

Beyond this, the EU has a vocation to bring the same values to its external relations:

*"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."* (Article 21 of the Treaty on European Union)

Such words may sometimes be taken for granted, but provide the basis for all our work.

Unfortunately, there is much to do. All over the world, people are wrongly denied the chance of living their lives to the fullest. This may be because of political oppression (students or journalists jailed, websites shut down, etc) or circumstances out of control (conflict, poverty and isolation). The EU alone cannot change the way of the world, but it is determined to play its part taking account of its size, wealth, history and geography.

Not least, this is in our own interest. It may be commonplace today to speak of globalisation and interdependence, but it is no less true that,

*"spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order."* (The European Security Strategy, adopted in 2003, reviewed in 2008)

### ***Within the EU***

The focus of this report is on human rights and democracy in the world, beyond the EU. In considering this subject, it is useful to understand how the EU ensures coherence and consistency between its internal and external policies.

Primary responsibility for ensuring the rights of their citizens naturally rests with the EU's Member States. All of them have strong, independent judiciaries, and all are party to the European Convention on Human Rights (ECHR). It is the richness of their constitutional traditions that has shaped the EU from its foundation.

Building on this, the EU's aim is "to promote peace, its values and the well-being of its peoples" (Article 3, Treaty on European Union). Work to ensure tolerance, human dignity and non-discrimination, etc, involves constant innovation in policy areas such as justice, employment, social affairs and migration.

The Fundamental Rights Agency, based in Vienna, provides the EU with assistance and expertise to help with formulating policy. Further protection comes from the EU's 'Charter of Fundamental Rights', which now has legally binding force. The Vice President of the European Commission responsible for Justice, Fundamental Rights and Citizenship also plays a role in this area.

On top of this, the Lisbon Treaty determined that the EU itself (which now has legal personality) should accede to the ECHR, and work has begun on this. Individuals who feel that their rights have been infringed by the EU will in future be able to take their case to the European Court of Human Rights in Strasbourg.

The Lisbon Treaty also provides a powerful guarantee against larger scale abuses. According to Article 7 of the Treaty on European Union, if there is a clear risk of a serious breach by a Member State of the EU's values (quoted above), the Council may decide to suspend certain rights of that Member State, including its voting rights within the Council.

In sum, the EU is extremely serious about delivering on its pledges. This is vital when it comes to the EU's credibility on the world stage. Increasingly the EU is subject to scrutiny by others, who question its record on human rights. It is a defining characteristic of the EU, however, that it is open to criticism and welcomes free debate, which helps to keep public institutions accountable to the citizens that they serve.

### ***The EU in its neighbourhood***

EU policy towards its neighbours has long been driven by a desire to remove barriers and extend the benefits of European integration, including in the field of human rights.

The EU's enlargement policy has been perhaps its most powerful tool in promoting and projecting human rights in Europe. Accession to the EU requires acceptance of European law (the 'acquis'), and compliance with the 'Copenhagen criteria', ensuring "*stable institutions that guarantee democracy, the rule of law, human rights, respect for and protection of minorities*". Each year the European Commission prepares Progress Reports on candidates and potential candidates, which cover their record on human rights and identify areas for improvement.

16 other neighbouring countries are covered by the European Neighbourhood Policy, which links the development of relations with a commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). Mutually agreed Action Plans set out an agenda for reforms with short and medium-term priorities. The European Commission monitors these, providing financial and technical support to improve implementation.

The EU also works through initiatives geared to the needs of certain regions:

- The Union for the Mediterranean, launched in Paris on 13 July 2008, speaks of, "the full respect of democratic principles, human rights and fundamental freedoms".
- The Eastern Partnership, launched in Prague on 7 May 2009, is based on, "commitments to the principles of international law and to fundamental values".
- The Black Sea Synergy, launched in Kyiv on 14 February 2008, has the stated aim, "to strengthen the democracy and respect for human rights and to foster civil society".

The EU is a longstanding partner of the Council of Europe (CoE), the premier standard setting body for the continent. This organisation, based in Strasbourg, has as its primary aim to create a common democratic and legal area throughout the whole of Europe, ensuring respect for its fundamental values: human rights, democracy and the rule of law. There are regular meetings between EU officials and the Secretary General of CoE. The EU also funds various CoE activities and programmes, eg the role of the CoE Commissioner for Human Rights following the 2008 conflict in Georgia.

The OSCE (Organisation for Security and Cooperation in Europe) has an important role in observing elections in Europe. It does this through its ODIHR (Office for Democratic Institutions and Human Rights), based in Warsaw. The EU is committed to safeguarding the independence of the ODIHR and provides it with financial assistance to monitor elections, as well as developing national electoral and human rights institutions. The EU has regular dialogue with the OSCE, including two ministerial level meetings in 2009.

### ***The EU and its partners***

Political dialogue is an important way of promoting respect for human rights worldwide. Reflecting the increasingly multipolar nature of world affairs, the EU has an increasing number of consultations with non-EU countries on all subjects, including human rights.

Human rights may feature in all the EU's meetings with non-EU countries. In addition, specialised dialogues on human rights have grown up over time with certain partners. These take various forms, but all aim at improving performance as well as sharing information. The EU's guidelines on human rights dialogues set out best practice on the basis of experience gained over the past 15 years. A main plank of the EU's dialogues is the involvement of civil society representatives. The EU keeps its human rights dialogues under review, especially those which have been running for several years.

A human rights clause is considered an "essential element" of the EU's agreements with more than 120 countries. The aim of this is to tie human rights to other key parts of each agreement. It leaves open the possibility of re-examining the agreement in the event of serious and persistent breaches of human rights. During 2009 the EU added two more to this, with ratification of an agreement with Albania, and signature of an agreement with Indonesia.

Over recent years the EU has entered into 'Strategic Partnerships' as the expression of some of its most important relationships, including those with the U.S., Canada, China, India, Japan and Russia. These have provided various platforms for addressing human rights, albeit with varying degrees of effectiveness, for example:

- U.S.: the Strategic Partnership has provided an appropriate context for discussing sensitive issues relating to human rights and counterterrorism;
- China: human rights have played into preparations for EU-China Summits, and have also been discussed through a human rights dialogue begun in 1995;
- Russia: EU-Russia relations are organised into four 'spaces', of which that on "Freedom, Security and Justice" encompasses the protection of human rights.

Unfortunately, formal dialogue is not always enough to influence events. The EU frequently uses public declarations to put its views to a wider public. 58 declarations were published during the period under review, a little less than one a week.

In the case of countries to which the EU has extended unilateral trading privileges (GSP+), it may be decided to withdraw these if a partner country no longer fulfils the requirements of the scheme. On 27 October 2009 the Council took note of a Commission report that Sri Lanka had failed to effectively implement three UN human rights conventions.

In particular cases, where the EU observes serious violations of international law, human rights, or democratic principles, the EU may apply restrictive measures. These may be targeted at governments, non-state entities or individuals, and may involve arms embargoes, trade restrictions (import and export bans), financial restrictions, restrictions on admission (visa or travel bans), or other measures as appropriate.

### *The EU in multilateral forums*

The EU is committed to "promote multilateral solutions to common problems, in particular in the framework of the United Nations" (Article 21, Treaty on European Union). Nowhere is this more relevant than in the field of human rights, which are by definition universal.

The EU therefore devotes considerable resources in New York and Geneva to building a broad, cross-regional base of support for UN resolutions. EU coordination at the UN has taken another step since the entry into force of the Lisbon Treaty.

During the period under review, the EU achieved some notable successes at the UN General Assembly's Third Committee (on Social, Humanitarian and Cultural Affairs).

- The resolution calling for a moratorium on the use of the death penalty, tabled by the EU as part of a cross-regional alliance, managed to produce an increase in support.
- The omnibus resolution on the rights of the child, tabled jointly with GRULAC, was a major success, containing important language on child labour.
- The country-specific resolutions tabled by the EU on Burma/Myanmar and DPRK were both passed in plenary by a large majority of UN member states.

The EU also enjoyed some success at the UN Human Rights Council. At its 9th regular session (2008) the EU played a decisive role in the (successful) negotiation of the renewal of country mandates for Burundi, Cambodia, Haiti and Sudan.

The EU is strongly committed to the independence of the Office of the High Commissioner for Human Rights (OHCHR). In order to give practical form to its support, each year the EU provides approximately € 4 million for the OHCHR to spend on its own priorities.

Apart from the UN, the work of the G20 has come to prominence during the period under review, particularly since the London Summit on 2 April 2009. The EU has worked to expand its agenda from economic and trade issues to the broader "human dimension".

### ***How effective are EU actions and instruments?***

This report is full of information describing the EU's activities, but it may be useful to consider how effective these were in delivering on the EU's objectives. The rest of this overview is therefore devoted to showing how these efforts actually made a difference.

### ***Helping to change individual lives***

The EU has made a very public commitment to protecting Human Rights Defenders, ie those people who expose human rights violations and seek redress for victims. The EU's guidelines for human rights defenders foresee a range of practical measures:

- 46 public statements issued during the period of this report;
- Systematically raising individual cases in political dialogue with non-EU countries;
- Démarches (formal diplomatic representations): 30 were made during the report period;
- Over € 10 million financial assistance under EIDHR during this period;
- Review of the guidelines in December 2008 produced various improvements linked to local implementation strategies; more than 60 have since been developed;
- A commitment to visit defenders under arrest, and to attend their trials;
- Issuing of emergency visas and facilitation of temporary shelter in EU Member States;

The 'Shelter City' initiative, brought forward in 2009, is one attempt to provide direct, coordinated assistance to human rights defenders in danger by offering them temporary respite in the EU from the difficulties facing them in their day-to-day lives.

The European Parliament's Sakharov Prize for Freedom of Thought commands more public attention, providing a platform for a selected number of prominent individuals facing particularly difficult circumstances. In December 2009 the prize was awarded to Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva on behalf of Memorial (financed by EIDHR), an organisation promoting fundamental rights in countries of the Commonwealth of Independent States.

The EU also continues its work to help individuals affected by trafficking in human beings:

- A new Commission framework was launched in March 2009 on fighting trafficking in human beings and the protection of victims;
- In December 2009 the Council adopted a paper on 'Strengthening the EU External Dimension on Action against Trafficking in Human Beings';
- The EU is strengthening the capacity of non-EU countries to deal with trafficking.
- The issue is being addressed through inclusion in Action Plans (and equivalent) with countries of the European Neighbourhood Policy.

### *Helping to change communities*

The EU provides active support to the democratic process in other countries, so that citizens of other countries may enjoy their same civil and political rights. On 17 November 2009 the Council agreed to reinforce the EU's policy of democracy support. It endorsed recommendations for a country-specific approach based on dialogue and partnership

During the review period the EU provided approximately € 45 million to electoral assistance projects, such as that to promote political stabilisation and national reconciliation in Lebanon by strengthening democratic institutions. The EU keeps its approach under review, and is taking a leading role in efforts to develop long-term support strategies.



Election Observation Missions (EOMs) help to assess whether elections have been conducted in line with best practice covering aspects such as transparency of the election process, impartiality in the use of state resources, balanced coverage by public media. During the review period, the EU funded 16 EOMs to countries as far apart as Bolivia and Cambodia.

Under the NEEDS project (Network of Europeans for Electoral and Democracy Support), the EU supported training of over 100 observers and electoral experts; regional networking events were held in Johannesburg, Bangkok, Costa Rica and Bucharest.

EIDHR in 2008-2009 provided over € 235 million for human rights and democracy, making it possible to fund 900 projects in some 100 countries. Of this, € 101.7 million went to local initiatives from civil society organisations in 77 countries to help advance reform, dialogue and political participation projects in their communities.

The EU is sensitive to the issues that may face persons belonging to minorities. For example, during this period the EU has provided support for long-term solutions to address the protracted presence in Bangladesh of Muslim refugees from Burma / Myanmar.

The EU is also committed to promoting respect for economic and social rights, including through its actions to promote development. Every year, with its Member States, the EU accounts for more than half of development assistance worldwide, worth € 50 billion. This is our contribution to helping some of the poorest people be able to invoke their human rights.

### ***Helping to change situations***

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 EU continues to improve its capacities for crisis management and conflict prevention, integrating human rights considerations into these efforts. Tackling the root causes of conflict means defending the rights of all those involved in conflict, regardless of their religion or ethnicity.

The EU has pursued its efforts throughout the period to ensure that its security and defence policy takes full account of human rights, gender issues, and the effects of armed conflict on children. Most operations and missions now include human rights and/or gender experts, who work to raise awareness of these issues.

For example, EUSEC RD Congo is an advisory and assistance mission for security reform in the Democratic Republic of Congo. It was established in 2005, with a clear mandate to ensure promotion of policies compatible with the following standards: human rights and international humanitarian law, gender issues and children affected by armed conflicts, democratic standards, principles of good public management, transparency and the rule of law. Also in the Democratic Republic of Congo, EUPOL RD Congo was established in 2007 to contribute to the reform and restructuring of the Congolese National Police (PNC). It is tasked with contributing to the gender, human rights and CAAC aspects of the peace process in the Eastern DRC. Both work closely together and share gender advisors, as well as an expert on human rights and issues relating to CAAC.

The EU's Special Representatives (EUSRs), represent the EU in some of the most troubled countries of the world. Their mandates contain specific provisions to address human rights, gender and CAAC matters. Most EUSRs have appointed human rights and gender focal points, contributing to implementation of EU commitments.

The EU has unique a role to play in the field of crisis management, since it brings together both civilian and military expertise. In December 2008 the European Council agreed to further this by integrating strategic planning of civilian and military crisis management. The new Crisis Management and Planning Directorate (CMPD), created in 2009, has provided for improved coordination, allowing the EU to maximise its effectiveness.

## *Helping to change minds*

An important part of the EU's strategy consists of building acceptance for universal principles in parts of the world where there may be little tradition of freedom, democracy, equality, the rule of law or respect for human rights. This is long term work, but it is vital to shaping the terms of debate about how to organise international affairs. On this will depend our success in the "development of a stronger international society, well functioning international institutions and a rule-based international order", the objective of the European Security Strategy.

To this end, the EU is constantly seeking to expand its outreach to different partners. These may be governments or NGOs, as outlined above; but they may too be businesses, whose important role in the spread of international standards is increasingly recognised. This outreach involves all parts of the EU: Member States, Parliament and other actors.

In the end though, human rights are not about politics, they are about people. Unique individuals. So the work of the EU is much more than policy debates and cooperation budgets. It also extends to giving the opportunity to promising university students to study human rights and democratisation on Masters programmes in Venice (Italy), Pretoria (South Africa), Sarajevo (Bosnia and Herzegovina), Sydney (Australia), and Buenos Aires (Argentina).

## *Conclusion*

As the period of this report came to a close, in December 2009, the Lisbon Treaty came into force. The changes introduced by the Treaty have the potential to increase further the effectiveness, coherence and transparency of EU human rights policy. On its own it may not change the world, but it does equip the EU to continue its work in changing lives.

## **2. EU instruments and initiatives in non-EU countries**

Over the past decade the EU has equipped itself with a full set of tools for giving practical form to its values and principles. Much work has gone into agreeing detailed positions between the 27 EU Member States. This forging of consensus is the foundation for the EU guidelines, and allows the EU to speak out clearly through declarations and démarches.

Of course, it is not enough for the EU to agree internally; the Treaty requires the EU to advance its principles in the wider world. It does this by talking to people, seeking out the common ground and bridging divides. This may be done through formal human rights dialogues and consultations, or through quieter informal contacts with counterparts.

When talk alone is not enough, the EU has shown its readiness to invest serious financial resources with a view to contributing to change on the ground. It has funded an extensive range of activities under European Instrument for Democracy & Human Rights (EIDHR), which are backed up by Human Rights clauses in agreements with non-EU countries.

And when the situation requires it, the EU has sent men and women around the world to shape events through participation in crisis management operations.

### **2.1 EU guidelines on human rights and international humanitarian law (IHL)**

The eight so-called 'guidelines' form the backbone of EU human rights policy. Though they are not legally binding, they are adopted unanimously by the Council of the EU, and therefore represent a strong political expression of the EU's priorities. They also provide practical tools to help EU representatives around the world advance our human rights policy. Thus the guidelines reinforce the coherence and consistency of EU human rights policy.

The EU now has human rights guidelines on the following subjects:

- Death penalty (adopted in 1998, updated in 2008)
- Torture and other cruel, inhuman or degrading treatment or punishment (adopted in 2001, updated on 2008)
- Human Rights dialogues (adopted in 2001, updated in 2009)
- Children and armed conflict (CAAC) (adopted in 2003, updated in 2008)
- Human Rights Defenders (adopted in 2004, updated in 2008)
- Promotion and Protection of the Rights of the Child (adopted in 2007)
- Violence against women and girls and combating all forms of discrimination against them (adopted in 2008)
- Promoting compliance with International Humanitarian Law (adopted in 2005, updated in 2009)

More information about the guidelines is available in a brochure published March 2009. They are also available in full on the Council's website, in all EU languages as well as Russian, Chinese, Arabic and Farsi.

International humanitarian law (IHL) has a crucial role in defending the respect for human rights in situations of armed conflict. It has acquired particular significance for the EU as the number of operations and missions has grown under the Common Security and Defence Policy. It is also vital in ensuring that counterterrorism activities be conducted within the framework of international law, in line with the principles of the Treaty on European Union.

In December 2009, the Council of the EU adopted conclusions on promoting compliance with International Humanitarian Law (IHL) and reaffirmed its strong support for the promotion and protection of international humanitarian law. It put particular emphasis on integrating respect for IHL into the full range of EU crisis management efforts, from decision-making to the training of personnel. It also adopted an updated version of the EU guidelines on promoting compliance with IHL and reaffirmed its commitment to ensuring their implementation and the importance of continuing to improve the mainstreaming of IHL throughout the external action of the EU. In an effort to better integrate the implementation of the IHL guidelines with the other EU human rights guidelines, a series of combined thematic démarches were carried out in a number of countries. The Council also issued two public declarations related to IHL in 2009: the first to commemorate the 150th anniversary of the Battle of Solferino, and the second to mark the 60th anniversary of the adoption of the four Geneva Conventions which are at the heart of international humanitarian law.

## **2.2 Human rights dialogues and consultations**

Human rights dialogues are one of the tools that the EU uses to implement its human rights policy and constitute an essential part of the EU's overall strategy towards non-EU countries. The EU has established nearly 40 dialogues focused on human rights. These are not a substitute for raising human rights questions in other forms of political dialogue, but they do enable the EU to discuss human rights with certain partners at a greater level of detail than would otherwise be possible. These are not just diplomatic talks; they aim to catalyse real, tangible improvements in respect for human rights across the globe. They also allow the EU to raise individual cases of concern.

The EU's human rights dialogues currently take four different formats:

(a) structured human rights dialogues;

- China
- Belarus
- Armenia

- Georgia
- Moldova
- African Union
- Kazakhstan
- Kyrgyz Republic
- Tajikistan
- Turkmenistan
- Iran (suspended since 2006)
- Indonesia

(b) dialogues conducted in dedicated subcommittees under Association Agreements, Partnership and Cooperation Agreements or Cooperation Agreements, in particular in the context of the European Neighbourhood Policy;

- Cambodia
- Egypt
- Jordan
- Laos
- Lebanon
- Morocco
- Pakistan
- Palestinian Authority
- Tunisia
- Uzbekistan
- Vietnam

(c) local human rights dialogues;

- Argentina
- Brazil
- Chile

- Colombia
- India
- Mexico
- Sri Lanka
- Vietnam

(d) consultations on human rights issues.

- U.S.
- Canada
- Japan
- New Zealand
- Russia
- Israel
- Candidate countries: Croatia, Turkey and FYROM

Human rights are sometimes also discussed in dialogues under the provisions of the Cotonou Agreement between the EU and the countries of Africa, the Caribbean and the Pacific. Apart from the EU, 79 countries are party to the Cotonou Agreement: Angola - Antigua and Barbuda - Belize - Cape Verde - Comoros - Bahamas - Barbados - Benin - Botswana - Burkina Faso - Burundi - Cameroon - Central African Republic - Chad - Congo (Brazzaville) - Congo (Kinshasa) - Cook Islands - Cote d'Ivoire - Cuba - Djibouti - Dominica - Dominican Republic - Eritrea - Ethiopia - Fiji - Gabon - Gambia - Ghana - Grenada - Republic of Guinea - Guinea-Bissau - Equatorial Guinea - Guyana - Haiti - Jamaica - Kenya - Kiribati - Lesotho - Liberia - Madagascar - Malawi - Mali - Marshall Islands - Mauritania - Mauritius - Micronesia - Mozambique - Namibia - Nauru - Niger - Nigeria - Niue - Palau - Papua New Guinea - Rwanda - St. Kitts and Nevis - St. Lucia - St. Vincent and the Grenadines - Solomon Islands - Samoa - Sao Tome and Principe - Senegal - Seychelles - Sierra Leone - Somalia - South Africa - Sudan - Suriname - Swaziland - Tanzania - Timor Leste - Togo - Tonga - Trinidad and Tobago - Tuvalu - Uganda - Vanuatu - Zambia - Zimbabwe.



Article 8 commits the parties to engage in "comprehensive, balanced and deep" dialogue to "foster mutual understanding" and "shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance". Nearly all of the above countries have a dialogue under Article 8.

According to Article 9 of the Cotonou Agreement, respect for human rights, democratic principles and the rule of law constitute its essential elements. Article 96 foresees that where one of those essential elements is violated, one party can invite the other to hold consultations aimed at finding a solution acceptable to both. If no solution is found, in emergencies, or if one party refuses consultations, appropriate measures can be taken including (as a last resort) suspension of the Agreement with regard to the country in question.

During the period of this report Article 96 was applied to the following countries:

- Fiji
- Guinea
- Madagascar
- Mauritania
- Niger
- Zimbabwe

### **2.3 Joint Actions, Common Positions and crisis management operations**

Joint Actions are binding legal instruments adopted unanimously by the Council of the EU where operational action by the Union, such as a crisis management operation in a non-EU state, is required. They lay down the action's objectives and scope, the means to be made available, and the conditions for their implementation.

Common Positions define the approach of the Union to a particular geographical or thematic matter. They are adopted unanimously by the Council of the EU, after which EU Member States must ensure that their national policies conform to the EU Position.

Since the entry into force of the Lisbon Treaty, the terms 'Joint Action' and 'Common Position' have disappeared, to be replaced by 'decisions'.

A complete list of Joint Actions, Common Positions and Council decisions, adopted between July 2008 and December 2009 and relevant to human rights, is in Annex 1.

### *Crisis management operations under the Common Security and Defence Policy (CSDP)*

The EU has made significant efforts to ensure that its CSDP takes full account of human rights, gender issues, and the effects of armed conflict on children. These are considered at every stage, in the planning and conduct of missions and operations, as well as during subsequent processes to identify lessons for future work. A number of positive results have been achieved, as detailed below, though there is naturally much still to do.

Various CSDP operations and missions include human rights and/or gender expertise:

- The EUFOR Tchad/RCA mission, operational from March 2008 to March 2009, had a gender adviser appointed to the Operational Headquarters and the Force Headquarters who, among other things, conducted gender training, proposed a comprehensive structure for monitoring and reporting, and organised meetings with NGOs and local women's groups.
- EULEX Kosovo has a Human Rights and Gender Unit, which not only ensures compliance of EULEX Kosovo policies and decisions with Human Rights and Gender standards, but also has an Internal Investigation Unit, constituting an entry point for all external complaints related to alleged breaches of the code of conduct.
- EUSEC RD Congo and EUPOL RD Congo share gender advisors, as well as expertise on human rights and issues relating to children and armed conflict.
- EUPOL Afghanistan has a gender adviser who provides advice to the Afghan authorities on gender policy in the Afghan National Police.

The EU's Special Representatives (EUSRs), also have mandates containing specific provisions to address human rights, gender and CAAC matters. Most EUSRs have appointed human rights and gender focal points, contributing to implementation of EU commitments.

The importance of putting gender issues at the heart of CSDP has continued to be emphasised in the EU's policy documents. These prioritise implementation of UNSCR 1325, UNSCR 1820, UNSCR 1888 and 1889, with a view to achieving more concrete progress on the ground. In line with these, the EU organised a meeting in Brussels on 2 October 2009 for Member States to compare their experience with national action plans for implementing UNSCR 1325. Other participants included representatives of civil society, the UN, NATO, the African Union, Liberia, Nepal, Bosnia and Herzegovina. The EU also organised a meeting on 9-10 November 2009 for CSDP Gender Advisors and Focal Points, allowing for extensive exchange of experiences and networking. A joint service level informal taskforce on UNSCR 1325 and 1820 was set up at the beginning of 2009 and held four meetings during the year, including a one-day workshop to advance the development of performance indicators for a "Comprehensive EU Approach".

In November 2009, the Council of the EU agreed the document 'Implementation of UNSCR 1325 and UNSCR 1820 in the context of training for the CSDP missions and operations - recommendations on the way forward'. This outlines actions to improve the coherence and quality of pre-deployment training and training for staff deployed in CSDP missions and operations. It also foresees increased gender training, including through the development of an agreed curriculum on implementation of UNSCRs 1325 and 1820 in the CSDP. This work was based on a study of existing practice in EU Member States and an expert seminar organised by the Swedish presidency in July 2009. It followed a CSDP gender perspective symposium held in Athens under the aegis of the ESDC.

The EU has engaged in important outreach with regard to the promotion of UNSCR 1325 and the other UN Security Council resolutions on women, peace and security. Women, Peace and Security is a key theme of EU collaboration with the African Union. The EU organised two events on UNSCR 1325 in New York, including a round-table in February 2009 bringing together a range of stakeholders, from the EU, the AU, United Nations and NGOs, to discuss how regional arrangements can complement action at the UN and national levels. The EU also held a ministerial event in September 2009 to discuss steps ahead of the 10th anniversary of UNSCR 1325, and remaining implementation gaps.

## **2.4. Démarches and Declarations**

The EU attaches great importance to keeping human rights concerns in the public eye. This is why it makes extensive use of public declarations, to put across its concerns or to welcome positive developments. These declarations are agreed unanimously.

In other cases, when it judges that this will be more effective, the EU may prefer to *démarche*. *Démarches*, or formal diplomatic approaches, are important instruments of all foreign policy, and are used by the EU to raise human rights concerns with the authorities of non-EU countries. The EU also regularly *démarches* around the world to promote the universality and integrity of the Rome Statute of the International Criminal Court. *Démarches* are usually performed confidentially by local EU representatives.

The subjects handled most frequently by these means are as follows: protection of human rights defenders, illegal detention, forced disappearances, the death penalty, torture, child protection, refugees and asylum seekers, extrajudicial executions, freedom of expression and of association, the right to a fair trial, and elections.

## **2.5 Human Rights clauses in cooperation agreements with non-EU countries**

Since 1995 the EU has sought to insert a human rights clause in its agreements with non-EU countries (except those limited to specific technical subjects):

*"Respect for human rights, democratic principles and the rule of law, which underpin the Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement."*

The aim of this language is to promote the EU's values and principles, which form the basis for its external relations. It confirms the shared interest in human rights of both parties to the dialogue, and serves as a basis for the implementation of positive measures on a par with other key provisions in an agreement. In the event of serious and persistent breaches of human rights, the human rights clause enables one party to the agreement to take restrictive measures against the offending party in proportion to the gravity of the breaches.

On 26 February 2009 the EU ratified a Stabilisation and Association Agreement with Albania, containing a human rights clause. On 9 November 2009 the EU signed a Framework Agreement on Comprehensive Partnership and Cooperation with Indonesia, which contained a human rights clause. Forty-five agreements containing a human rights clause are currently in force, including the Cotonou Partnership agreement between the EU and members of the African, Caribbean and Pacific Group of States, which covers 79 countries. An overview of the EU's agreements is available on the websites of the Council and Commission<sup>1</sup>.

In its Resolution of 7 May 2009, on the Annual Report on Human Rights in the World 2008 and the EU's policy on the matter, the European Parliament called for continued vigilance as regards respect for the human rights clauses in agreements signed by the EU, and for such clauses to be included systematically in future agreements. Parliament reiterated its call for the clause to be accompanied systematically by a genuine enforcement mechanism.

## **2.6 Personal Representative of Javier Solana for human rights**

Riina Kionka was the Personal Representative of Javier Solana (the former EU High Representative) from January 2007 until November 2009, covering human rights in foreign and security policy. She remains responsible for human rights within the Council Secretariat, where she continues work on improving coherence and continuity of EU human rights policy

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<sup>1</sup> <http://ec.europa.eu/world/agreements/default.home.do>

During this period, Mrs Kionka was engaged in a broad range of activities, from public diplomacy to policy formulation, including mainstreaming human rights into CFSP and CSDP, participating in human rights dialogues and consultations with non-EU countries and generally contributing to implementing the EU's human rights guidelines.

During the period under review she sought increased coherence, especially in implementing commitments that Member States have taken to mainstream human rights and gender into CSDP operations. She also continued her efforts to bring human rights issues more often to the attention of EU decision makers. Raising the public profile of the EU's human rights policy was also a priority, using public interest to broaden support for EU action worldwide.

Mrs Kionka represented Mr Solana and the Council at many international conferences and seminars, with extensive speaking engagements. Selected remarks by the Personal Representative at various public appearances can be consulted on the Council website.

Mrs Kionka also met with numerous Human Rights Defenders from different regions, represented the Council in discussions on human rights at the European Parliament, and maintained contacts with the United Nations, the Council of Europe and the OSCE.

Mrs Kionka devoted considerable efforts to establishing human rights and gender considerations at the heart of CSDP missions and operations. Mrs Kionka worked with EUSRs on joint visits to regions in crisis. She also continued work to consolidate human rights in the mainstream of EU Member States' diplomacy.

At the time of writing, consideration is ongoing as to how best to spearhead the presentation of human rights policy within the forthcoming European External Action Service.

## 2.7 The European Neighbourhood Policy (ENP)

ENP Action Plans are currently in force with Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority and Tunisia, while with Ukraine there is an Association Agenda. These are all agreed bilaterally, and contain specific objectives in the areas of democracy, the rule of law and human rights, with emphasis varying by country. The Action Plans set out an agenda of political and economic reforms with short and medium-term priorities. Human rights and democratisation issues remain at the core of the EU's relations with the ENP partners, including as regards formal upgrading of relations in the future.

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

In addition to political dialogue meetings at all levels, dedicated subcommittees or human rights dialogues offer platforms for regular exchanges on these issues, and help joint monitoring on implementation of commitments. Dialogue with the Southern partners is principally based on the UN conventions and has been substantially strengthened through the ENP structures. With the Eastern partners, the Council of Europe and the OSCE provide key forums for strengthening efforts in this field, and commitments made in those organisations are a basis for the Action Plan commitments.

Civil society is consulted before and after all bilateral EU human rights dialogue sessions.

During the reporting period, several human rights subcommittees were held with Southern partners, notably with Jordan (18 June 2009), Morocco (8 October 2008 and 24 July 2009), the Palestinian Authority (2 December 2008), Tunisia (17 October 2008) and Lebanon (17 November 2008). The informal working group on human rights with Israel met on 3 September 2009. With Egypt, commitments in the field of human rights under the ENP Action Plan were discussed on 7-8 July 2009 within the subcommittee on political matters, human rights and democracy, international and regional issues.

As for the Eastern partners, subcommittees on Justice, Freedom and Security met with Moldova in September 2008 and Ukraine in May 2009. Commission services held three “informal human rights expert meetings” with Moldova (May and September 2008, October 2009) during which it took stock of progress towards meeting the human rights commitments in the Action Plan; OSCE and the Council of Europe representatives participated actively.

The EU has sought to establish dedicated human rights dialogues with the three South Caucasus countries. Two rounds of the human rights dialogue with Georgia took place in 2009. A civil society seminar on media freedom and Internally Displaced Persons was held in November 2009 in complement to the inter-governmental dialogue. The human rights dialogue with Armenia was launched in December 2009. Negotiations are underway with Azerbaijan on the modalities of a subcommittee on justice, freedom and security, human rights and democracy. A human rights dialogue has also been established by the EU with Belarus; its first session was held in Prague in June 2009.

In its annual ENP progress reports<sup>1</sup> issued on 23 April 2009, the European Commission took stock of the concrete reform achievements made by 12 countries within the ENP and identified the areas where further efforts are needed. In a Communication on implementation of the ENP<sup>2</sup>, the Commission provided an overview of developments in all 16 ENP countries.

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<sup>1</sup> [http://ec.europa.eu/world/enp/documents\\_en.htm](http://ec.europa.eu/world/enp/documents_en.htm)

<sup>2</sup> [http://ec.europa.eu/world/enp/pdf/progress2009/com09\\_188\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2009/com09_188_en.pdf)



Despite the difficult political and economic context of 2008, marked by a slowing of momentum for reform, notably in the field of governance, many achievements have been registered by the partner countries. Ties were also substantially strengthened through two new regional frameworks designed to complement bilateral relations: the Union for the Mediterranean (UfM) and the Eastern Partnership (EaP). One of the four multilateral platforms of the EaP is dedicated to “Democracy, good governance and stability”. A Civil Society Forum enriches the governmental track by providing a venue for the provision of recommendations by civil society from the region.

EU assistance to ENP partners under the European Neighbourhood and Partnership Instrument increased in 2008: € 1.71 billion was committed in comparison to € 1.67 billion committed in 2007. In addition, each country benefits from individual allocations (country-based support schemes) under the EIDHR, which supports local civil society in the field of human rights. The EIDHR also supports joint programmes of the European Commission and the Council of Europe.

*Case study: civil society seminar on media freedom in Georgia*

- On 10-11 November 2009 the European Commission hosted an EIDHR funded civil society seminar on media freedom for Georgian and European journalists, scholars, human rights activists and other civil society representatives.
- The five panels focused on electronic media - transparency of ownership, plurality; the role of the public broadcaster; access to information; professional standards of journalism; media as business.
- The seminar participants adopted recommendations in view of the EU-Georgia Human Rights Dialogue, calling for increased transparency of media ownership, safeguarding the independence of the regulatory body, ensuring adequate financing of the Georgian Public Broadcaster, as well as its independence, improving access to public information and improving training of journalists.

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

The European Instrument for Democracy and Human Rights (EIDHR)<sup>1</sup> is an independent EU financing tool aimed at supporting democracy and the rule of law and promoting and protecting all human rights and fundamental freedoms worldwide. It has been specifically designed to complement EU assistance provided through bilateral development cooperation. While the latter is geared towards cooperation with governments, EIDHR partners are primarily local and international civil society organisations (90 % of contributions), but also international intergovernmental bodies with special expertise (10 % of contributions).

The EIDHR has five objectives:

1. Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk.
2. Strengthening the role of civil society in promoting human rights and democratic reform in supporting the peaceful conciliation of group interests and consolidating political participation and representation.
3. Supporting actions on issues covered by the EU Guidelines.
4. Supporting and strengthening international and regional frameworks for the protection of human rights, justice, the rule of law and the promotion of democracy.
5. Building confidence in democratic electoral processes and enhancing their reliability and transparency, in particular through election observation.

In 2008-2009, resources for human rights and democracy amounted to over € 235 million, making it possible to fund 900 projects in some 100 countries. This amount does not include funding for election observation missions, which totalled a further € 50 million (approximately) for the 18 month period of this report. A particularly high *number* of projects were funded in countries covered by the European Neighbourhood Policy, while ACP countries received the highest overall *amount*.

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<sup>1</sup> [http://ec.europa.eu/europeaid/how/finance/eidhr\\_en.htm](http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm)

The EIDHR is distinguished by its way of working with, for and through civil society. It promotes the kind of open society that civil society requires if it is to thrive, and it supports civil society in becoming an effective force for dialogue and reform. A key strength of the EIDHR is that it does not depend on host government consent. It is therefore able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations which need to preserve their independence from public authorities.

While the struggle for freedom and human dignity has recorded significant successes in recent years, essential rights continue to be flouted in many countries. The EIDHR can be used in difficult environments, where fundamental freedoms are systematically at high risk. The EU has used the EIDHR to react to emerging human rights threats, and to provide increasing support to human rights defenders or victims of human rights abuses. A network of eleven EIDHR-funded organisations focus specifically on protecting human rights defenders and responding rapidly in emergency situations. The EIDHR has now been given additional flexibility, so that recipients can award small grants to other local entities or individual human rights defenders<sup>1</sup>.

In countries where civil society can operate more freely, or where justified by EU policy, the EIDHR has made considerable provisions for country-specific small scale projects through 'Country-Based Support Schemes' (CBSS). These are based on the recognition that local ownership is key in developing strong voices to protect democracy and human rights. They respond to initiatives from local civil society organisations for reform, dialogue and political participation. Individual grants may range from € 10 000 to € 300 000. EU Delegations are in charge of managing EIDHR country-level projects and are encouraged to engage in regular dialogue with local civil society organisations. In 2008 and 2009, an amount of € 101.7 million was made available for local projects in 77 countries.

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<sup>1</sup> For more information on protection mechanisms in emergency situations, see [http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders_en.htm)

Input and feedback from civil society organisations are important to developing and fine-tuning the EIDHR, its programming and its implementation. Commission staff regularly meet with civil society representatives in Brussels; they also organise regional seminars around the world to foster dialogue with those partners who actually implement projects on the ground. Capping these efforts is the so-called 'Palermo Process'<sup>1</sup>. Since 2002 this has brought together the European Commission, the European Parliament, EU Member States and civil society organisations to discuss the main challenges related to civil society involvement in implementation of development aid. In 2010, this will acquire a specific component for democracy and human rights.

Thematically, the EIDHR covers a wide range of topics.

- At country level, priorities are identified by EU Delegations, in consultation with local civil society organisations, EU Member States and other donors. Themes range from promoting governance, political participation and conciliation of group interests, to combating domestic violence, racism, xenophobia and discrimination.
- At global level, the EIDHR promotes the priorities highlighted in the EU human rights guidelines: the fight against the death penalty, torture, the protection of human rights defenders and children.
- In addition, the EIDHR funds EU Election Observation Missions (EOMs).

In December 2009 the EU and UN jointly celebrated International Human Rights Day, and EU Delegations all over the world marked the Day with special events to raise public awareness of actions funded by the EU in support of human rights.

In addition to a global evaluation on EIDHR support to the ICC (see Case Study), the EU Delegations in Colombia, Russia<sup>2</sup> and Sri Lanka<sup>3</sup> have carried out evaluations of their local human rights projects.

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<sup>1</sup> [http://ec.europa.eu/europeaid/who/partners/civil-society/structured-dialogue\\_en.htm](http://ec.europa.eu/europeaid/who/partners/civil-society/structured-dialogue_en.htm)

<sup>2</sup> [http://ec.europa.eu/europeaid/what/human-rights/documents/revised\\_report\\_eidhr\\_russia\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/revised_report_eidhr_russia_en.pdf)

<sup>3</sup> [http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr\\_sri\\_lanka\\_final\\_report\\_executive\\_summary\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_sri_lanka_final_report_executive_summary_en.pdf)

A breakdown by theme of EIDHR funded projects between January 2007 and April 2009 can be found in the latest Compendium at

[http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr\\_compendium\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_compendium_en.pdf)

*Case study: regional masters programmes*

The EIDHR supports regional masters in Human Rights and Democratisation in four different regions of the world outside the EU. Inspired by the European Master's Degree in Human Rights and Democratisation<sup>1</sup> based in Venice, Italy (supported by the European Commission since 1997), these masters degree programmes focus on the core values of the EU and policies for global promotion of human rights and democracy.

- Africa - University of Pretoria (South Africa)
- Southeast Europe - Sarajevo University (Bosnia and Herzegovina)
- Asia/Pacific - University of Sydney (Australia)
- Latin America - Universidad Nacional de General San Martín (Argentina)

*Case study: human rights defenders in the Russian Federation*

Memorial Human Rights Centre, awarded the Sakharov Prize in 2009 by the European Parliament, has been financed by the EIDHR under a Country Based Support Scheme. Two projects were selected in 2007 for implementation: establishment of a 'Regional Network for Minority Protection against Ethnic Discrimination' and 'Strengthening the rule of law and promotion of democratic reforms in the North Caucasus'. In acknowledgement of Memorial's work, the EU Delegation in Russia has agreed to support a complementary project for promoting 'Conflict prevention and improvement of interethnic relations in North Ossetia through economic stabilisation and interethnic tolerance building'.

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<sup>1</sup> <http://www.emahumanrights.org/>

*Case study: ICC capacity building*

The EU has been supporting the International Criminal Court since 2002 (when it came into being) through a direct contribution to the Visiting Professionals and Internship programme (VPI). Since 2009 this financial support has also supported an annual seminar and training for all lawyers on the ICC List of Counsel. The objective of this project is to reinforce the fundamental principles of the Rome Statute: complementarity and universality.

Access to high quality legal defence is essential to the proper functioning of the ICC. It is equally important for the ICC to be able to call on a pool of well trained legal professionals from different countries, able to work at the international level. This involves developing exchanges between the ICC and national judicial systems. The EIDHR contributes to this by funding programmes that are truly global and inclusive, being open to participants from all countries, whether or not they are party to the Rome Statute. After the programmes, participants are expected to share their newly gained expertise when they return to their workplace, whether this be a government, local authority or civil society organisations

In December 2008 an evaluation was concluded on EIDHR support to the establishment and functioning of the International Criminal Court (ICC)<sup>1</sup>. This looked at 29 individual projects worldwide having received EIDHR support since 2000. It concluded that EU support had made a significant impact on state ratifications of the Rome Statute, though less so in relation to national implementing legislation and promoting complementarity between the ICC and national judicial systems. Overall, EIDHR support was effective in enhancing the capacity of governments, civil society organisations and legal experts in relation to the ICC.

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<sup>1</sup> [http://ec.europa.eu/europeaid/what/human-rights/documents/final\\_report\\_\\_main\\_\\_december\\_2008\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/final_report__main__december_2008_en.pdf)

## 2.9 How EU human rights policy is made

The EU's human rights policy is based squarely upon the provisions of the Treaty on European Union, and also derives inspiration from the constitutional traditions of the 27 EU Member States. Over time a large body of agreed positions on human rights has grown up as a result of interaction between the following important actors.

- The European Parliament holds regular discussions on human rights, including at the appropriate subcommittee ('DROI') of the Foreign Affairs Committee ('AFET');
- The Council of the EU makes and coordinates EU policy on human rights; its decisions are prepared at the monthly discussions of its expert working party ('COHOM');
- The 27 Member States decide the policy of the Council by unanimity, after which they are responsible for supporting EU policy and putting it into practice in their own work;
- The European Commission shares the responsibility for implementing EU policy, which it does through various means, including provision of assistance under the EIDHR.

By its essence, EU policy is consensual, inclusive and under constant review. This is what the EU does, and it will not change with the advent of the External Action Service. Individuals or organisations that wish to raise any issues are welcome to do so by writing to any of the EU institutions at the following addresses:

- European Parliament  
Rue Wiertz  
1047 Brussels  
Belgium
- Council of the European Union  
Rue de la Loi 175  
1048 Brussels  
Belgium

- European Commission  
Rue de la Loi 200  
1049 Brussels  
Belgium



### 3. The European Parliament's action on human rights

The European Parliament is an important voice on human rights and democracy issues. It seeks to ensure that rights and freedoms are defended and promoted within and outside the EU. Human rights issues are never far from the top of Parliament's agenda.

Every year Parliament awards the Sakharov Prize for Freedom of Thought, which seeks to honour individuals or organisations anywhere in the world for their efforts on behalf of human rights, democracy and freedom of expression and their struggle against intolerance and oppression.

2009 was election year for the European Parliament. Both presidents, outgoing and incoming Hans-Gert Pöttering and Jerzy Buzek, made a strong commitment to defending human rights as part as the global action of the European Parliament.

While approaching the end of the 6th legislature, the Subcommittee on Human Rights took the time to reflect on its five years of work and on the holistic approach to the EU human rights policy, which it had encouraged by analysing human rights instruments (human rights dialogues, sanctions and human rights clauses in agreements) and guidelines. Since the beginning of the 7th legislature the Subcommittee has achieved a new momentum, addressing major situations such as the crisis after high risk elections in Afghanistan and Iran, difficult humanitarian situations as in Sri Lanka and Myanmar, human rights in neighbouring countries, Russia and Turkey, and the permanent concern about human rights in China.

In December 2009, the European Parliament awarded the Sakharov Prize to Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva on behalf of MEMORIAL, an organisation promoting fundamental rights in countries of the Commonwealth of Independent States, and all other human rights defenders in Russia.

The European Parliament has continued to take a leading role on human rights and democracy issues<sup>1</sup>. In the reporting period it contributed to the drafting, implementation and evaluation of policies in the field of human rights through its resolutions, reports, missions to non-EU countries, human rights events, inter-parliamentary delegations and joint parliamentary committees with non-EU countries, oral and written questions, special hearings on specific issues and its annual Human Rights Prize, the Sakharov Prize for Freedom of Thought. Through public discussions in plenary sessions, committees, subcommittees and working groups, it holds the Commission to account. The Parliament has also developed a well established dialogue with the Council. The President of the Parliament as well as individual chairs of committees, subcommittees and delegations also regularly take up human rights issues with the representatives of non-EU countries, in direct talks or in correspondence.

The Subcommittee on Human Rights (DROI) within the Foreign Affairs Committee is at the centre of discussions on human rights in Parliament. In the reporting period its activities were conducted under the chairmanship of H el ene Flautre until July 2009 when the elections for the European Parliament took place and from then on by Heidi Hautala (FI, Greens/EFA), the new elected chair of the DROI subcommittee.

During its sixth legislature the Parliament adopted a series of reports analysing the implementation of the different human rights instruments available at the EU level as an attempt to develop a holistic approach to the EU's human rights policy (Human rights clauses in the EU's agreements with non-EU countries<sup>2</sup>, drafted by Vittorio Agnoletto in 2006; the functioning of EU human rights dialogues and consultations with non-EU countries<sup>3</sup>, by Elena Valenciano Mart inez-Orozco in 2007; and the effectiveness of EU sanctions<sup>4</sup>, by H el ene Flautre in 2008). The subcommittee, therefore, ended the legislature with an exchange of views with the Council and the Commission on the recommendations contained in those reports. A similar exchange of views took place at the first full meeting of the subcommittee after the elections.

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<sup>1</sup> An overview of the European Parliament's main activities in the field of human rights in external relations can be found at <http://www.europarl.europa.eu/DROI>

<sup>2</sup> P6\_TA(2006)0056, 14 February 2006

<sup>3</sup> P6\_TA(2007)0381, 6 September 2007

<sup>4</sup> P6\_TA(2008)0405, 14 September 2008

During the reporting period, the Subcommittee also had the opportunity to hold regular exchanges of views with the Council Human Rights Working Party (COHOM) chairperson who presented the work programme of the COHOM and reported to Subcommittee members. The Chair of DROI was also invited to have an exchange of views with COHOM members on some occasions.

Own-initiative reports are among the most effective tools for the Parliament to develop its core position and command attention from other actors in the field of human rights, including the Council and the Commission. The main report in this regard is the European Parliament's Annual Report on Human Rights in the World and the EU's policy on the matter which provides scrutiny of EU policies, as part of the accountability function of the Parliament. The last European Parliament Annual Report was drafted by Raimon Obiols i Germà (PSE) and adopted in plenary on 7 May 2009. This year's resolution<sup>1</sup> highlights as positive elements the gradual retreat from the death penalty around the world and the progress made on women's and children's rights. It also points out that the EU could promote human rights more visibly and effectively. It urges all EU Member States to ratify all UN and Council of Europe human rights conventions, and questions whether the EU always lives up to its own principles, for example when dealing with terrorism and immigration.

In the reporting period the Subcommittee on Human Rights organised a number of exchanges of views and hearings tackling human rights situations by countries or regions:

- Cuba;
- Moldova;
- Turkmenistan;
- Indian-administered Kashmir;
- Cambodia, Laos and Vietnam;
- Morocco;
- Russia;
- Turkey;
- Western Balkans;
- China, following the end of the Olympic games;

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<sup>1</sup> P6\_TA(2009)0385, 7 May 2009

- Philippines, on extrajudicial, summary or arbitrary executions;
- European Neighbourhood Policy, taking the examples of Tunisia and Armenia;
- Arab World, with focus on the Arab Charter on Human Rights;
- Union for the Mediterranean;
- Gaza Strip, human rights and humanitarian dimensions of the conflict.

Other hearings raised more thematic human rights issues:

- Economic, Social and Cultural Rights, including the right to food;
- Business and Human Rights;
- The African Union's Human Rights institutions;
- Special place of children in EU's external action;
- EU's role in combating human rights violations by private military and security companies;
- EU Policy towards Burma following the renewed detention of Aung San Suu Kyi;
- Implementation of the Declaration on the Rights of Indigenous Peoples focusing on the impact of climate change on the rights of indigenous peoples after a study commissioned by DROI on "Indigenous peoples and climate change".

Since the start of the new legislature DROI has organised hearings on the human rights situation in Russia, in China and in Turkey, as well as after Afghanistan's elections and after the end of the war in Sri Lanka.

During the year 2008 for the 60th anniversary of the Universal Declaration of Human Rights many commemorations were organised. The Parliament in association with the European Commission and the UN, promoted the conference "60 years of the Universal Declaration of Human Rights: the defenders take the floor"<sup>1</sup>. Ms Navanethem Pillay, UN High Commissioner for Human Rights addressed the conference along with Ms Benita Ferrero-Waldner, European Commissioner, and Hans-Gert Pöttering, President of the European Parliament, and many other participants from civil society.

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<sup>1</sup> <http://www.defenderstakethefloor.org/>

The Parliament also celebrated, in December 2008, the 20th anniversary of the Sakharov prize for Freedom of Thought. As part of the celebration a conference was organised with all previous laureates, entitled: '20 Years of active support to human rights: Sakharov Laureates tell their story'. Thirteen laureates came to Strasbourg, as did Elena Bonner, Andrei Sakharov's widow. Some were unable to make the visit, and amongst them the Parliament deplored the absence of Aung San Su Kyi, of the Cuban laureates Oswaldo José Payá Sardiñas and "Damas de Blanco" (Ladies in White), as well as of the imprisoned Chinese human rights activist and dissident Hu Jia, the 2008 Sakharov Prize Laureate. There was an empty chair in the plenary to represent him: Hu Jia was (and still is) serving a three and a half year sentence for 'inciting subversion of state power'. Hu Jia's wife, Zeng Jinyan, addressed the Parliament via a recorded video message on his behalf.

In December 2009, the Sakharov Prize was awarded to Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva on behalf of MEMORIAL, an organisation promoting fundamental rights in countries of the Commonwealth of Independent States, and all other human rights defenders in Russia.

Through the process of democratic scrutiny of the EIDHR, established on 20 December 2006, the Parliament is actively taking part in the oversight of the implementation of this instrument. A specific working group has been set up within the AFET committee to this effect, chaired by the chair of the DROI subcommittee. The working group meets regularly with the Commission services to discuss the Multi-Annual Strategy Paper and the Annual Action Plans, as well as a general follow-up on the current situation for the implementation of the instrument. Moreover, several exchanges of views on the implementation and review of the EIDHR were held during the DROI Subcommittee meetings.

Regarding human rights dialogues and consultations with non-EU countries, Commission and Council representatives have kept the Parliament closely informed through *in camera* meetings with MEPs ahead of and after every round of some human rights dialogues and consultations as well as meetings of relevant structures dedicated to dialogue on human rights such as ENP subcommittees on human rights or the EU-African Union human rights dialogue. On some occasions DROI organised specific hearings such as on the situation of Human Rights in Russia and outcome of the EU-Russia Human Rights Consultations and on the situation of Human Rights in China in view of the EU-China Human Rights Dialogue and EU-China Summit. These meetings allow Parliament to be informed, to provide an input to the agenda of the dialogues/consultations/subcommittees and to evaluate the results achieved in these forums.

To complement the subcommittee's work on human rights the Parliament's policy department for external relations provides support either preparing briefing notes and other background material or commissioning external studies. During the reporting period the following studies relevant to the External Policy on Human Rights were prepared:

- Business and human rights in EU external relations;
- Non-violent civic action in support of human rights and democracy;
- Human rights mainstreaming in EU's external relations;
- Freedom of religion or belief and freedom of expression;
- Gender mainstreaming and empowerment of women in EU external relations instruments;
- Update on the implementation of the EU guidelines on torture and other cruel, inhuman or degrading treatment or punishment;
- Application of human rights conditionality in the EU's bilateral trade agreements and other trade arrangements with non-EU countries;
- Indigenous peoples and climate change;
- Consular assistance and démarches to support EU nationals in non-EU countries.

A major body for cooperation in the human rights field is the United Nations Human Rights Council (HRC) in Geneva, whose work the Parliament continued to follow with great interest. Ms Laima Liucija Andrikiénė (LT, PPE) prepared a report<sup>1</sup> on the development of the HRC including the role of the EU. In its resolution the Parliament calls on the EU to play a more prominent role in promoting a clear vision, a political agenda and a long-term strategy for this UN body. The Parliament follows closely developments in the HRC, namely by sending delegations to the HRC, inviting special procedures' mandate holders, organising public hearings and exchanges of views with relevant stakeholders. During the reporting period, the Subcommittee held an exchange of views with Professor John Ruggie, Special Representative of the UN Secretary General on human rights and transnational corporations and other business enterprises, and with the President-in-office of the UN Human Rights Council, Mr Alex Van Meeuwen.

The European Parliament also follows the work of the UN General Assembly (UNGA) and on 24 March 2009 adopted a recommendation to the Council on the EU priorities for the 64th Session of the UN General Assembly where, after listing the red lines of the EU, it clearly called on Member States "to reconsider their participation in the Durban Review Conference in Geneva in April 2009 if the breach of all four 'red lines' is confirmed in subsequent negotiations leading up to the Conference."

In November 2009, some Members of the DROI subcommittee took part in the annual delegation of the Committee on Foreign Affairs to the UNGA. The visit was conceived around the three pillars of the UN: security, development and justice, with a strong focus on human rights issues, namely the new UN gender equality architecture, the situation of human rights in the Middle-East and the Goldstone report, the impact of the entry into force of the Treaty of Lisbon and EU's external representation in multilateral forums, in particular New York and Geneva, which have a strong human rights mandate. Finally, Members also took note of the initiation of the debate on the forthcoming review of the Human Rights Council.

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<sup>1</sup> P6-TA(2009)0021, 14 January 2009

The Subcommittee holds a regular dialogue with international and regional organisations, notably with the OSCE Parliamentary Assembly and the Council of Europe. In this context, a continuing dialogue has been established with the Commissioner for Human Rights of the Council of Europe, Mr Thomas Hammarberg.

One of the main aims of the Subcommittee is to encourage the mainstreaming of human rights issues into all aspects of the external relations of the EU. Inside the Parliament this is achieved in interaction with the committees on the area for External relations, inter-parliamentary delegations and Parliamentary Assemblies, where human rights issues are regularly discussed with members of parliament in a variety of countries. The Parliament's Secretary General has set up a Task Force of parliamentary staff from different services in order to contribute to the enhancement of the coherence of the institution's work in this field.

As of 2008 the Parliament's support to new and emerging democracies is effective through the Office for Promotion of Parliamentary Democracy (OPPD) which assists the establishment of parliaments by strengthening lawmaking capacity, sharing expertise and exchanging good practices. The OPPD has developed assistance to regional parliaments, for instance with the Pan-African Parliament since 2004, and has hosted specific thematic study visits namely from members and staff from the Parliaments of Chile, Georgia and the Kyrgyz Republic. The OPPD's Democracy Fellowship Programme aims at enhancing the institutional and administrative capacity of parliaments and receives fellows for tailored training at the Parliament.

In a resolution adopted on democracy building in the EU's external relations<sup>1</sup> the European Parliament stresses that democracy cannot be exported or imposed from the outside and a successful strategy for democracy promotion must be based on dialogue and entails broad efforts to strengthen civil society.

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<sup>1</sup> P7\_TA(2009)0056, 22 October 2009



The Euro-Mediterranean Parliamentary Assembly (EMPA) provides opportunities for a parliamentary dialogue on issues of human rights and democracy with Mediterranean countries. Its Committee on Political Affairs, Security and Human Rights has established the practice of a standing point on human rights on every agenda. An extraordinary plenary session of the EMPA was held on 12-13 October 2008 in Jordan, and dealt with the renewed framework of the Barcelona Process and the Middle East peace process. On the occasion of the fifth Plenary Session held on 16-17 March 2009 at the European Parliament in Brussels, the Assembly adopted a recommendation on the situation in Gaza condemning the targeting of civilian population in Gaza and Southern Israel and the breaches of international humanitarian law.

The Euro-Latin American Parliamentary Assembly (EUROLAT) continues to be an important forum for inter-parliamentary dialogue on human rights and democracy issues with Latin America. EUROLAT established a Committee on Political Affairs, Security and Human Rights: during its last meeting held in Panama City on 29-30 October 2009, were discussed the political situation in Honduras and the protection of minorities in Europe and Latin America. The third EUROLAT Ordinary Plenary Session, held in Madrid on 6 and 8 April 2009, approved a resolution dealing with the right to water and other water-related issues in the context of EU-LA relations.

The main forum for political dialogue between the European Parliament and parliamentarians from African, Caribbean and Pacific countries is the ACP–EU Joint Parliamentary Assembly (JPA). During the 16th session of the JPA held in Port Moresby (Papua New Guinea) on [24-28 November 2008](#), [a joint ACP-EU resolution was adopted on the](#) protection of civilians during peacekeeping operations by the UN and regional organisations. Another joint resolution was adopted on the issue of social consequences and strategies to combat child labour. Complementing the work of the JPA, a joint ACP-EU workshop focused on health and diseases such as malaria, tuberculosis and HIV/AIDS.

The 17th session of the JPA took place in Prague (Czech Republic) on 4-9 April 2009, where a resolution was adopted on challenges to the democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries.

On the occasion of the 18th Session of the JPA, held from 30 November to 3 December 2009 in Luanda (Angola), a resolution was adopted on social and cultural integration and the participation of young people. On 1 December (World Aids Day), the Co-Presidents of the ACP-EU JPA, Louis Michel (Belgium) and Wilkie Rasmussen (Cook Islands) called for HIV/AIDS infected people to be given access to reasonably priced anti-retroviral drugs. They also released a declaration on the situation in Niger. The JPA adopted a resolution on the situation in Madagascar. A Bureau report on the right to food was also released on 29 November 2009.

A recent agreement has been reached to establish EURONEST, the Parliamentary Assembly of the EU's Eastern Neighbours, another forum where an inter-parliamentary dialogue on human rights and democracy issues will be raised.

The Committee on Development holds regular meetings on human rights and other specific subjects such as violence against women in conflict and post-conflict situations, or the impact of presidential elections in Afghanistan for the future of the country.

Human rights concerns are also incorporated in the activities of other Committees, such as the Committee on Trade. The EU's GSP+ (Generalised System of Preferences) trade incentive scheme with Sri Lanka was put under serious scrutiny in the reporting period, in light of a Commission investigation into serious concerns at the human rights situation in the country.

The observation of elections is part of the contribution of the EU to strengthening human rights and democracy in non-EU countries. The European Parliament actively participates in election observation missions, by sending a delegation for short term observation integrated into the framework of long term election observation missions, as well through the Chief Observers for the EU Election Observation Missions, who are usually Members of the European Parliament. On Election Day the MEPs observe the conduct of polling and counting. During the reporting period the Parliament sent short term delegations to countries in Latin America (Ecuador, Bolivia and El Salvador), in Africa (Rwanda, Angola and Mozambique), in Asia (Bangladesh and Cambodia), in the Middle East (Lebanon), and in the OSCE area (Moldova and Azerbaijan). The respect of geographical balance is also an important selection criterion for the Parliament.

An important element of Parliament's activities consists of the resolutions on particular human rights violations in specific countries and, in particular, on individual cases of concern, which are dealt with in the monthly plenary debates on urgent subjects. Council, Commission and the governments involved are urged to take action. Aside from the aforementioned resolutions, regular démarches are conducted by the President of Parliament, the Chair of the Subcommittee and the Chairs of the Parliamentary Delegations. The reactions of governments suggest that they are often quite sensitive to criticism by the European Parliament.

The European Parliament's resolutions concerned, *inter alia*:

- Human rights in Indian-administered region of Kashmir (allegations of mass graves);
- Tanzania (killing of albinos);
- Burma/Myanmar;
- Democratic Republic of Congo (clashes in the eastern border areas);
- Venezuela (civil and political rights);
- Somalia;
- Israel and Palestinian Territories (particularly the case of the al-Kurd family);
- Zimbabwe;
- Kenya (press freedom);
- Guinea;
- Thailand (treatment of Burmese refugees);
- Sri Lanka;
- Sudan (expulsion of NGOs from Darfur);
- Philippines;
- Guinea Bissau;
- Iraq (humanitarian situation of Camp Ashraf residents);
- Afghanistan (Women's rights);
- Madagascar;
- Iran;
- Laos and Vietnam;
- Nicaragua;

- Azerbaijan (press freedom);
- Uganda (sexual discrimination);
- Death penalty, particularly the case of Troy Davis (US) and executions in Iran, Nigeria, and China (with reference to the rights of persons belonging to minorities);
- Attacks on human rights defenders, journalists and members of political opposition in Russia (and outcome of Anna Politkovskaya murder trial);
- Nicaragua;
- Iran (particularly the cases of Shirin Ebadi and Roxana Saberi);
- Syria (the case of Muhannad al-Hassani);
- Kazakhstan (the case of Yevgeny Zhovtis);
- Venezuela (the case of Manuel Rosales).

Issues concerning human rights within the EU fall within the remit of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which deals with the status of respect for fundamental rights in the EU. The Foreign Affairs Committee and its Subcommittee on Human Rights cooperate closely with this Committee to monitor the external effect of internal policies, especially concerning the issues of asylum and migration. In the reporting period the LIBE committee focused on human rights-related issues such as counterterrorism in Europe, sexual abuse and sexual exploitation of children and child pornography, and preventing and combating trafficking in human beings. The subcommittee has met, most recently on a joint meeting with the Committee on Civil Liberties with the director of the EU Fundamental Rights Agency on the promotion and protection of fundamental rights.

Discussions and exchanges of view on the Stockholm Programme - the new multiannual programme for EU police and customs cooperation, rescue services, criminal and civil law cooperation, asylum, migration and visa policy for the period - have frequently been on the Parliament's agenda. In its resolution of 25 November 2009<sup>1</sup> the Parliament pointed to the need to strengthen the EU's common policy in countering terrorism, organised crime, illegal immigration, human trafficking and sexual exploitation and also keeping the balance between security and the safeguarding of fundamental rights.

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<sup>1</sup> P7\_TA(2009)0090, 25 November 2009

## 4. Thematic Issues

The EU has continued developing its conceptual work on human rights on a broad range of issues. The EU's approach aims at setting positive terms of debate. The EU seeks to set standards according to the highest common factor, rather than the lowest common denominator, and then strive to meet them.

In its thematic human rights work, the EU draws from a wide-range of tools. On certain thematic issues, which have been identified as particular priorities for the Union, the EU benefits from a specific set of practical tools to help EU representations in the field better advance its human rights policy: the EU human rights guidelines.

### *Thematic issues related to EU Guidelines on human rights*

#### 4.1 The death penalty

The EU has further consolidated its position as the leading institutional actor in the fight against the death penalty worldwide. As its action in this area represents a key priority of its external human rights policy, the EU has continued to use all its available tools of diplomacy and cooperation to work towards the abolition of the death penalty<sup>1</sup>.

The EU holds a strong and principled position against the death penalty. The EU considers capital punishment to be cruel and inhuman, failing to provide deterrence to criminal behaviour, and representing an unacceptable denial of human dignity and integrity. Any miscarriage of justice – which is inevitable in any legal system – is irreversible. Where the death penalty still exists, the EU calls for its use to be progressively restricted and insists that it be carried out according to international minimum standards.

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<sup>1</sup> More information on the EU policy on death penalty:  
[http://ec.europa.eu/external\\_relations/human\\_rights/adp/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/adp/index_en.htm)

The EU guidelines on EU policy towards non-EU countries on the death penalty<sup>1</sup>, which were revised in 2008, remain the essential instrument for systematic action. On this basis, the EU welcomed the fact that in 2009 Burundi and Togo as well as the US State of New Mexico decided to abolish the death penalty while other countries took steps toward a moratorium, underpinning the global trend towards abolition.

Likewise, the EU deplored the continuing extensive use of the death penalty in some countries, but reaffirmed its intention to continue its efforts to encourage retentionist countries to abolish capital punishment. In addition, démarches were carried out by the EU in a significant number of countries, based on the minimum standards defined by international law and the EU Guidelines on the Death Penalty, including cases of minors, persons suffering from mental illness, stoning sentences and cases in violation of the most serious crimes principle.

The EU continued to raise this issue in all relevant forums, in particular at the UN and the OSCE. The EU played a crucial role in the adoption of UN General Assembly Resolution 63/168 (18 December 2008) reaffirming the call for a moratorium on the use of the death penalty. The resolution was approved with 106 votes in favour, a figure confirming the progressive consolidation of global opinion against the death penalty. As every year, on 10 October the EU celebrated, together with the Council of Europe, the European Day Against the Death Penalty on the World Day Against the Death Penalty. EU Delegations around the world commemorated the occasion in numerous seminars, press conferences, exhibitions and events. The EU also underlined its support for the Second Optional Protocol to the International Covenant on Civil and Political Rights on the Protocol's 20th anniversary in 2009, and will continue to encourage states to ratify it.

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<sup>1</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/10015.en08.pdf>

The EU continues to be the lead donor to the efforts of civil society organisations around the world towards abolition of the death penalty. In fact, the abolition of the death penalty is one of the thematic priorities under the EIDHR. Building on a solid record in previous years, the EIDHR allocated in 2009 over € 8 million to 16 abolitionist projects around the world. The projects monitor conditions under which the death penalty is used and the application of international minimum standards. They also provide assistance for prisoners, support legal and constitutional reform to restrict or abolish the death penalty and promote the signature, ratification and implementation of the Second Optional Protocol to the International Covenant on Civil and Political Rights (or similar regional instruments). In addition they provide training, research and studies, advocacy to the public, organise awareness-raising campaigns, build capacity as well as develop scientific approaches to expose miscarriage of justice.

#### **4.2 Torture and other cruel, inhuman and degrading treatment or punishment**

In line with the EU Guidelines on Torture (adopted in 2001 and updated in 2008)<sup>1</sup>, the EU has sustained its leadership role and its global action to combat torture and other forms of ill-treatment with initiatives in international forums, bilateral démarches to non-EU countries and substantial support for projects by civil society organisations in the field<sup>2</sup>.

During the 63rd and 64th sessions of the UN General Assembly (UNGA), the EU Member States co-sponsored a resolution on torture and other cruel, inhuman and degrading treatment or punishment, which was adopted by consensus<sup>3</sup>. In statements at the UNGA session, the EU reiterated the absolute prohibition on torture and other forms of ill-treatment in international law. The EU Member States also co-sponsored a resolution on torture and ill-treatment at the UN Human Rights Council in March 2009, which focuses on the role and responsibility of medical and other health personnel in the protection of prisoners and detainees against torture and other forms of ill-treatment<sup>4</sup>.

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<sup>1</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/8590.en08.pdf>

<sup>2</sup> More information about the EU policy on the prevention of torture and rehabilitation of victims: [http://ec.europa.eu/external\\_relations/human\\_rights/torture/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/torture/index_en.htm)

<sup>3</sup> See UNGA Resolution 63/166 at <http://www.un.org/ga/63/resolutions.shtml>

<sup>4</sup> See HRC Resolution 10/24 at <http://www2.ohchr.org/english/bodies/hrcouncil/10session/resolutions.htm>

In its annual declaration on the occasion of the International Day in Support of Victims of Torture on 26 June 2009<sup>1</sup>, the EU underlined the priority it attaches to the global eradication of torture and to the full rehabilitation of torture victims, and reiterated its condemnation of any action aimed at legalising or authorising torture and other forms of ill-treatment. The EU stressed the prominent importance it attaches to the role of the UN in fighting torture and supporting victims and underlined its support for the UN Special Rapporteur on Torture, the OHCHR, the UN Committee against Torture, the Subcommittee on Prevention, the UN Voluntary Fund for the Victims of Torture and other mechanisms making valuable contributions in this field, such as the European Committee for the Prevention of Torture (CPT) of the Council of Europe<sup>2</sup>.

The EU welcomed the ratification of the Optional Protocol to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) over the past year by Azerbaijan, Bosnia and Herzegovina, Chile, Kazakhstan, the Kyrgyz Republic, Lebanon, Montenegro, Nicaragua, and the former Yugoslav Republic of Macedonia, and encouraged all States to sign and ratify OPCAT. At present there are 64 signatories and 50 States Parties to OPCAT, with 13 EU Member States which are States Parties; 8 additional EU Member States have now signed the Protocol<sup>3</sup>. In the first half of 2009 the EU carried out a campaign of démarches towards countries from the Eastern Partnership, Russia and Central Asia, to encourage them to join OPCAT and effectively implement the Protocol.

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<sup>1</sup> [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/hr/news215.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news215.pdf)

<sup>2</sup> For UN relevant bodies, see <http://www2.ohchr.org/english/bodies/cat/>; for the CPT see: <http://www.cpt.coe.int/>

<sup>3</sup> <http://www2.ohchr.org/english/bodies/ratification/9.htm>



In line with the EU Guidelines on Torture, the EU actively continued to raise its concerns on torture with non-EU countries through political dialogue and démarches. Such contacts – confidential or public, depending on the respective case – address both torture issues and individual cases relevant to specific countries as well as wider issues. During the period under review, the EU continued to take up individual cases in a number of countries, including Iran, Iraq, Zimbabwe, China, Bangladesh and Sudan. The EU has consistently raised the situation of torture and ill-treatment in all its regular human rights dialogues with non-EU countries. The issue of torture and ill-treatment was also addressed in the course of a number of civil society seminars, which were held to complement these human rights dialogues and during several ENP subcommittees on human rights. For example, the first EU-AU civil society human rights dialogue, held in Brussels on 16 and 17 of April 2009, focused on “the fight against torture in Africa and the EU, based on African and EU human rights instruments and institutions” and made a number of recommendations in this field. To facilitate informed dialogue, the EU continued its system of regular confidential reporting on human rights, including on torture, by its Heads of Mission in non-EU countries. The EU made a number of statements related to torture, including within multilateral forums such as the UN and the OSCE.

In 2009, the EU launched an internal reflection on how to strengthen the UN Subcommittee on the Prevention of Torture (SPT). The SPT Chair and members as well OHCHR were involved in the process. In December 2009, the EU launched the first phase of the initiative aimed at strengthening local implementation of the EU guidelines on torture.

### **4.3 Rights of the child**

The principal objective of the EU’s external human rights policy in the field of children’s rights is to observe as a matter of priority the promotion and protection of all rights of the child in the EU’s external relations based on sustained and systematic action.

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<sup>1</sup> [http://africa-eu-partnership.org/pdf/090511\\_joint\\_press\\_release\\_version\\_finale.pdf](http://africa-eu-partnership.org/pdf/090511_joint_press_release_version_finale.pdf)

The EU has developed numerous policy instruments for the promotion and protection of children's rights in its external relations<sup>1</sup>. The Commission Communication "Towards an EU Strategy on the Rights of the Child"<sup>2</sup> (2006) – marked the launch of a long-term EU strategy to promote and safeguard children's rights in the EU's internal and external relations. In 2008-2009, the European Commission made progress in the development of the strategy by examining priority areas for the EU's future intervention. In addition, UNICEF was tasked with preparing a toolkit for EU practitioners on how to effectively integrate children's rights into political, legal, budgetary and programming actions.

The EU Guidelines on the Rights of the Child<sup>3</sup> (2007) promote the rights of the child worldwide through the implementation of the UN Convention on the Rights of the Child and its Optional Protocols, and by ensuring that the rights of the child are taken into account in all EU policies and actions. Combating violence against children was chosen as the first focus area for the implementation of the guidelines. Ten pilot countries were selected in close cooperation with UNICEF and civil society: Armenia – Barbados – Brazil – Ghana – India – Iran – Jordan – Kenya - Morocco – the Russian Federation. Dedicated implementation strategies responding to the pilot countries' particular needs were concluded during the Czech Presidency and launched for implementation in the second half of 2009.

The Commission Communication "A Special Place for Children in EU External Action"<sup>4</sup> (2008) and the attached Action Plan identify the policy framework, programming tools and guiding principles to progress on children's rights in selected priority areas. Following the Communication, the Council of the EU adopted Conclusions on combating child labour (May 2008), which aim to enhance the EU's-wide external policy on children's rights with the special focus on the development and humanitarian dimensions. Based on the Conclusions, the Council requested the Commission to prepare a study on measures, including trade-related measures to combat child labour in 2010.

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<sup>1</sup> More information about the children's rights in the EU external relations:

[http://ec.europa.eu/external\\_relations/human\\_rights/child/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/child/index_en.htm)

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0367:EN:NOT>

<sup>3</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>

<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0055:FIN:EN:PDF>

The EU has a number of instruments to pursue its policy on children's rights. Political dialogue provides an opportunity to promote the ratification and effective implementation of the relevant international instruments on the rights of the child. In 2008-2009, the rights of the child were regularly included on the agenda of political dialogues with non-EU countries, and in particular of the human rights dialogues and consultations.

Bilateral and multilateral cooperation must also take the rights of the child fully into account. The EU has been actively involved in the promotion of children's rights at various UN forums. In March 2009, the EU tabled (together with GRULAC) a thematic resolution on child participation at the 10th session of the Human Rights Council and omnibus resolutions at the 63rd and 64th sessions of the UNGA. The latest of these was, for the first time, adopted without vote. In addition, during the 10th session of the UN Human Rights Council, the EU participated in a full-day event on the rights of the child. The EU has also supported the work of Marta Santos Pais as the new UN Special Representative to the Secretary-General on Violence against Children appointed in 2009.

Coordination with international organisations and civil society has been further developed. The European Commission has organised a series of events in order to consult various stakeholders on policy priorities and policy implementation. Two high-level events have taken place, notably the European Forum on the Rights of the Child with the theme "Child Labour", which for the first time focused on the EU's external relations (Brussels, June 2009); and, together with the Swedish Presidency, the 11th EU-NGO Human Rights Forum<sup>1</sup> on the topic of combating violence against children (Stockholm, July 2009).

In addition, the EU undertook several initiatives to raise awareness of the promotion and protection of children's rights and to ensure adequate visibility of the EU's actions in this field. Some examples of such projects include: Human Rights Education on Children's Rights at primary level (March 2009); Conference on Children's Rights at AIDCO InfoPoint in Brussels (April 2009); VP Barrot and Commissioners Ferrero-Waldner and Michel's input to the UNICEF's "The State of the World's Children Report" (May 2009); training on children's rights for staff of the European institutions and Member States (June 2008, March 2009).

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<sup>1</sup> <http://www.humanrightsgoforum.eu/>

On the occasion of the 20th anniversary of the UN Convention on the Rights of the Child (20 November 2009), the European Commission organised various activities both in Brussels and via a global campaign jointly with UNICEF and the UN Regional Information Centre for Western Europe (UNRIC). Celebrations and activities included a photo exhibition under the patronage of Commissioner Ferrero-Waldner, a film screening, a day event for the public, a joint Commissioners' statement of VP Barrot and Commissioners Ferrero-Waldner and de Gucht, as well as local events organised by the Delegations worldwide.

EU events organised locally in non-EU countries included high-level conferences with Presidents of States, First Ladies, Ministers; conferences with specialised NGOs; panel debates open to the general public, events with extensive child participation, press conferences wide media publicity, launch of child-friendly websites, wide dissemination of publicity materials, launch of EIDHR local calls for proposals.

Development cooperation is yet another powerful instrument used for the promotion and protection of children's rights. Under the EIDHR five projects were selected, addressing various aspects of violence against children for the implementation of the EU Guidelines on the Rights of the Child in 2009<sup>1</sup>. In the framework of the thematic programme "Investing in People", the Commission launched a call for proposals focusing on child participation was launched in October 2009 (€ 11 million). Additional projects have been supported by the Commission through various geographical allocations.

#### 4.4 Children and armed conflict

The EU accords a high priority to helping children associated with armed conflicts. The EU Guidelines on Children Affected by Armed Conflicts (adopted in 2003 and revised in 2008) commit the EU to address the impact of armed conflicts on children in a comprehensive manner. This is done through monitoring and reporting by EU Heads of Mission, military commanders and special representatives; diplomatic initiatives; political dialogue; multilateral cooperation; and crisis management. The EU focuses the implementation of the Guidelines on 19 priority countries or territories: Afghanistan - Burundi - Chad - Colombia - DRC - Cote d'Ivoire - Haiti - Iraq - Israel - Lebanon - Liberia - Myanmar - Nepal - Occupied Palestinian Territories - Philippines - Somalia - Sri Lanka - Sudan - Uganda.

The list of EU priority countries is in accordance with the priority list of the UN Special Representative for Children Affected by Armed Conflicts. In 2009, the Czech Presidency of the EU initiated a process of evaluation of individual implementation strategies regarding the priority countries in order to draw on best practices and lessons learnt as well as develop recommendations for future actions. The implementation of the guidelines has been accompanied by concrete projects. In 2008 the first projects to support implementation of the guidelines were selected under the thematic programme “Investing in People”. In addition, in 2009, an EIDHR call for proposals was launched with a special focus on the 19 priority countries. Five projects were selected to support protection of children in armed conflicts, rehabilitation and social reintegration of children affected by armed conflicts, and strengthening the capacities to monitor and report on child rights violations during conflicts in order to bring the offenders to justice.

The EU has sought to cooperate more and more closely with the UN, and in particular with the Special Representative of the UN Secretary-General for children and armed conflict, the UN Security Council working group on children and armed conflict, and the 1612 monitoring and reporting mechanism. The EU also welcomed and supported the new UN Security Council resolution 1882 (2009) that further strengthens the protection of children affected by armed conflicts through the extension of the monitoring and reporting mechanism to the killing and maiming of children, rape and other forms of sexual violence against children.

## 4.5 Human rights defenders

Support for human rights defenders is a long-established element of the EU's human rights policy, based upon the 1998 UN declaration on Human Rights Defenders.

Increasing concerns have arisen during the period, with the growing harassment of human rights defenders, public condemnation of their work, closing of their offices, arbitrary arrests, a lack of fair trials, introduction of laws aimed at hampering the work of NGOs, attacks on the freedom of expression and the use of new technologies to crack down on defenders. In response, the EU has continued to protect those women and men who protect and promote universal human rights. Under the period under review, 46 public statements were issued by the EU, notably on the assassination of Stanislav Markelov and Anastasia Baburova in Russia, on the arbitrary detention of Roxana Saberi and Abdolfattah Soltani in Iran, and on the trial of Liu Xiaobo in China. The EU continued to support the cases of hundreds of defenders during the human rights dialogues and through dozens of démarches or informal inquiries delivered by the local EU Representatives.

A key achievement over the reporting period has been the review of the Guidelines on Human Rights Defenders<sup>1</sup>. In December 2008, and following the "mid term review" process which had started under the Slovenian Presidency, the Council of the EU agreed to revise the original text, taking into account a number of proposals aimed at improving the concrete outcomes of the guidelines and achieving better results. The process had taken into account the views of civil society, which had been closely consulted and who are key partners in making the implementation of the guidelines a success.

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<sup>1</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

The main improvements of the revised guidelines are linked to the development of local implementation strategies; more than 60 have been developed. According to the revised guidelines, local strategies should be drawn up by EU missions involving human rights defenders. Once a year, a meeting of human rights defenders and diplomats should be organised, coordination and information sharing should be enhanced, and a liaison officer with defenders should be appointed where necessary. This has been the case in a number of countries, although efforts remain to be made. In addition, the EU reiterated its commitment to visit defenders in custody or under house arrest, kept on providing visible recognition for defenders and their work, and EU diplomats have attended their trials as observers. Training efforts of EU mission staff have continued in order to increase their awareness and operationalise the guidelines wherever appropriate. The possibility to issue emergency visas to human rights defenders at risk and the facilitation of temporary shelter in the EU member states has also been agreed upon by Member States and included in the revised guidelines.

The Guidelines on Human Rights Defenders have continued to be a central reference point in contacts with non-EU countries at all levels, notably during all human rights dialogues, as well as in multilateral human rights forums in order to strengthen the right to defend human rights. The EU kept raising the cases of human rights defenders during its political dialogues with non-EU countries, and continued to issue declarations to support their work, including in cases where defenders had been detained, harassed or assassinated.

The EU has given strong public support to the [Special Procedures of the UN Human Rights Council](#), especially the [UN Special Rapporteur on Human Rights Defenders](#) and appropriate regional mechanisms to protect human rights defenders. The EU also participates in coordination meetings with other international organisations and mandate holders working on the issue of human rights defenders to strengthen international action for their work.

The EU has enhanced its [financial support](#) to a number of organisations who protect or support the work of Human Rights Defenders, in particular through the EIDHR. During the reporting period, over € 10 million have been contracted to finance projects with 11 NGOs specialised in the support of human rights defenders on a regional and/or global scale. Activities included organisation of training on legal and security issues, urgent interventions and field missions in order to break the isolation of defenders harassed and to support their capacities to act, hotline to support human rights defenders at immediate risk, direct support to human rights defenders in need (provision of bullet-proof jackets and helmets, relocation in other countries, legal advice, medical support, etc.).

#### **4.6 Human rights of women**

The Council of the EU adopted a new set of guidelines on violence against women and girls and combating all forms of discrimination against them in December 2008<sup>1</sup>. These new Guidelines highlight the issue of women's rights as a priority in the EU's external human rights policy and set a long-term strategy in this field. As part of the implementation of these Guidelines, the EU systematically engages with partner countries and partner regional organisations to combat violence against women and girls, and discrimination against women in general<sup>2</sup>.

During the reporting period, discussions on women's rights have taken place in several human rights dialogues and consultations with Egypt, Lebanon, Morocco, the Palestinian Authority and the Russian Federation. An example of discussions at the ministerial level on strengthening the role of women in society is the ministerial conference organised in Marrakech on 11-12 November 2009 in the framework of the Union for Mediterranean<sup>3</sup>.

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<sup>1</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>

<sup>2</sup> More information about women's rights in EU external policy:  
[http://ec.europa.eu/external\\_relations/human\\_rights/women/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/women/index_en.htm)

<sup>3</sup> [http://ec.europa.eu/external\\_relations/euromed/women/index\\_en.htm](http://ec.europa.eu/external_relations/euromed/women/index_en.htm)



The implementation of this set of guidelines involves an important role for EU delegations and embassies of the EU Member States in non-EU countries. EU representatives in 88 non-EU countries have already analysed the situation of women's rights on the ground and suggested EU action through both political and financial tools for the period 2009-2010. These analyses of the situation of women's rights on the ground benefit from contacts with partner governments, as well as civil society organisations, local representatives of UNIFEM and UNFP, as well as the direct attendance of EU officials at trials of human rights defenders. Moreover, the EU takes into consideration the reports on the situation of women's rights, such as concluding observations of CEDAW, the findings related to individual communications under its Optional Protocol and reports of country visits of the UN Special Rapporteur on violence against women.

As part of the implementation of the Guidelines on women's rights, the EU has supported a number of activities of civil society organisations in monitoring the implementation and raising awareness on CEDAW, in particular through the EIDHR. In 2008-2009, the EIDHR provided continuous support to civil society's work on eradicating gender based discrimination, including gender based violence. This was done through two types of actions: on the one hand by ensuring that a gender perspective is duly taken into account in all calls for proposals and in selected projects (i.e. systematic gender mainstreaming in the designing, implementation and monitoring of projects); and on the other hand by supporting specific actions targeting women's rights and combating all forms of violence against women and girls, especially under the Country-Based Support Schemes (CBSS). Up until April 2009, 33 EIDHR-funded projects on women's rights were underway for a total amount of € 4.4 million.

The 10th Annual EU-NGOs Forum<sup>1</sup> on Human Rights "Equality in action: ending discriminations against women" took place on 10 and 11 December 2008, in Paris, France.

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<sup>1</sup> [http://ec.europa.eu/external\\_relations/human\\_rights/docs/10th\\_eungo\\_forum\\_report\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/docs/10th_eungo_forum_report_en.pdf)

At the UN, the EU continued to advocate the strengthening of UN capacity to promote gender equality and empowerment of women, and welcomed the finalisation of an agreement on the establishment of a new UN gender entity. The EU has been an active supporter of a resolution in the Human Rights Council on preventing violence against women. The EU has also actively participated in the 53rd session of the Commission on the Status of Women, which focused on “The equal sharing of responsibilities between women and men, including care-giving in the context of HIV/AIDS”.

On 18 December 2009 Catherine Ashton, High Representative of the EU for Foreign Affairs and Security Policy, issued a statement on the 30th anniversary of CEDAW.

*Case studies: EIDHR action on women's rights and gender equality*

In Pakistan, the WAR against Rape project, launched in 2008, addresses the sensitive issue of sexual violence in the town of Karachi by taking a comprehensive approach: besides extending legal counsel services to rape victims and pursuing swift justice, it also addresses support to victims by State institutions, including (women) police forces and medical services, and awareness-raising in the communities and the media. The results of this three-year long project will encompass rehabilitation, justice, prevention and awareness-raising, as well as research to be used for more effective lobbying on this issue.

In Mexico, the EIDHR supported the Fray Julián Garcés Centre and its partner Colectivo Mujer y Utopía in their 18-month long project aimed at stopping violence against women and girls and women trafficking in the state of Tlaxcala. In order to overcome the low rate of legal prosecution of cases of violence against women in this state, the project works towards increasing public awareness on the need for women and men to denounce such cases. Through public campaigns and capacity-building community workshops, the project looks to overcome the fear and reticence that are identified as the main reasons for victims of violence not seeking redress, as well as to sensitise the public authorities responsible for dealing with victims of sexual violence. Lobbying activities with the authorities and a campaign to collect citizens' signatures to promote the adoption of a national law against human trafficking will complement the project's integral approach to this sensitive issue.

In Rwanda, one of the EIDHR priorities has been the promotion of the rights of women. Consequently, the NGO "Solidarité Féminine Contre la Pauvreté (Solifem)" has received funds since 2008 to combat harmful traditional and tribal practices undermining women's rights. This aim will be achieved by engagement with traditional authorities, judges, guardians of customs, and women's NGOs in the rural area through training and awareness-raising among communities.

#### **4.7 Women, peace and security**

The EU has consistently called for comprehensive implementation of the twofold agenda set out in UN Security Council resolution 1325 (2000) on women, peace and security, ie preventing violence against women in crisis situations and promoting the participation of women in peacebuilding. To reinforce EU-wide action in this area, on 8 December 2008, the Council of the EU adopted the "EU Comprehensive Approach on Women, Peace and Security". The Comprehensive Approach intends to cover EU actions situated throughout the conflict continuum, from conflict prevention to crisis management, peace-building and long-term reconstruction. First, this policy document aims for an improvement in the EU's response to resolution 1325 and subsequent resolutions on women, peace and security, eg through improved training opportunities for EU officials working on the ground or Headquarters and personnel of CSDP missions and operations. Second, the Comprehensive Approach commits the EU to continue advocacy at the international level for the women, peace and security agenda. In particular, the EU initiated the proposal that the UN organise in 2010 a ministerial review conference of resolution 1325.

In order to oversee the implementation of the Comprehensive Approach, EU officials and EU Member State experts regularly participate in an *ad hoc* EU task force on women, peace and security. In February 2009, this task force launched the process of developing an accountability mechanism and a set of indicators on the EU's policy on women, peace and security, through consultations with civil society.

During the reporting period, in line with the deliverables of the EU Comprehensive Approach on Women, Peace and Security, the EU organised on 2 October 2009 the first EU Member States annual exchange on women, peace and security, devoted to the development and implementation of national action plans and policies on 1325. The meeting was also attended by representatives of the African Union and of Liberia, Bosnia and Herzegovina and Nepal.

The Swedish Presidency of the EU undertook a broad study covering all EU Member States, looking at how gender training of CSDP personnel is carried out. As a follow-up to this initiative, the EU is working on the development of basic requirements for a standardised gender training module for CSDP staff. The EU has organised on 9 November 2009 in Brussels a first CSDP Gender Advisors meeting, to exchange best practices and discuss similar challenges. The European Commission organised at the end of September 2009 a three-days training on the crucial role of EU development cooperation in promoting the implementation of resolution 1325.

The area of women, peace and security is the subject of intense exchange and cooperation between the EU and the African Union. On 27 February 2009, the EU and the African Union jointly organised in New York the event “Increasing dialogue and collaboration between the UN and regional organisations to enhance the implementation of Security Council Resolutions 1325 and 1820”. This initiative was followed up, on 25 September 2009, by a high-level breakfast meeting organised by the EU, the UN and the African Union at the margins of the ministerial week of the UN General Assembly, which focused on efforts of regional organisations to implement resolution 1325.

Cooperation with civil society organisations is key for the EU’s policy on women, peace and security. The EU continued to provide support to specialised organisations in the area of women, peace and security, in particular through the EIDHR, the Investing in People thematic programme, and the Instrument for Stability with its “Initiative for Peacebuilding”.

#### **4.8 The ICC and the fight against impunity**

The fight against impunity for ‘serious international crimes’ such as genocide, crimes against humanity-including torture - and war crimes is one of the cornerstones of the EU’s approach to building and maintaining lasting peace, international justice and the rule of law. To this end the EU has continued to give strong support – political, financial and technical – to the effective functioning of the International Criminal Court (ICC) and other criminal tribunals, for instance, the ad-hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the so-called Khmer Rouge Tribunal, and the Special Tribunal for Lebanon. The EU also maintained its assistance aimed at rebuilding and strengthening the Rule of Law at the national level.

EU support to the **International Criminal Court** (ICC) remained strong and firm across the EU's external policies, both in the CFSP and CSDP frameworks. The NGO community remained a valuable ally in these efforts. On the 10th anniversary of the ICC’s Rome Statute (17 July 2008), the EU recalled its support for the ICC, noting that lasting peace could not be achieved without accountability for the most serious international crimes.

In line with the EU Common Position<sup>1</sup> of 2003, the ICC was on the agenda of **major summits and political dialogues** with non-EU countries throughout the reporting period. Through its statements the EU has appealed for an end to impunity for perpetrators of the most horrific crimes committed in the situation countries, and has called on all States to hand over the persons for whom an arrest warrant has been issued so that justice can pursue its course. The ICC was particularly often on the agenda of the discussions with the African Union.

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<sup>1</sup> Council Common Position of 16 June 2003, OJ L 150, 18.6.2003, p. 67

An effective system of international justice is based on the widest possible participation of States to the Rome Statute. The ratifications by Chile and the Czech Republic have brought the number of State parties to 110. The EU remains committed to promoting universality as part of its firm engagement to the Court and it does so through diplomatic démarches, the insertion of clauses in EU agreements with non-EU countries, support to the Court and to civil society.

***Countries in which the EU carried out démarches to promote the universality and integrity of the Rome Statute during the period under review:***

Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, Cape Verde, Chile, Egypt, El Salvador, Guatemala, Haiti, Indonesia, Jamaica, Kazakhstan, Kuwait, The Kyrgyz Republic, Laos, Lebanon, Malaysia, Monaco, Moldova, Morocco, Mozambique, Nicaragua, Nepal, Philippines, Singapore, St. Lucia, Ukraine, United Arab Emirates, Vietnam.

So far the revised Cotonou agreement of 2005, which applies to **75<sup>1</sup>** African, Caribbean and Pacific countries and the EU, is the only binding legal instrument including an **ICC-related clause<sup>2</sup>**. However, an ICC clause has been agreed in other Partnership and Cooperation Agreements (PCAs), Trade Development and Cooperation Agreements (TDCAs) and Association Agreements with Indonesia, South Korea, South Africa, Ukraine and Iraq. ICC clauses are under negotiation in the PCAs and Association Agreements with Singapore, Thailand, Malaysia, the Philippines, Brunei Darussalam, Vietnam, China, Russia and Central America, and in the Framework Agreement with Libya. The TDCA with South Africa was signed in September 2009 and the PCA with Indonesia in November 2009.

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<sup>1</sup> Equatorial Guinea, South Africa and Sudan have not ratified the agreement. The Council on 8 December 2009 approved a draft letter to be sent to the ACP group of states outlining the implications of non-ratification of the revised ACP-EU (Cotonou) partnership agreement. Cuba did not sign the agreement.

<sup>2</sup> Article 11 of the Cotonou agreement (OJ L 317, 15.12.2000, p 3-353, amended by OJ L 209, 11.8.2005, p 27-64)

In the framework of the EU Common Position and its 2004 Action Plan<sup>1</sup>, the EU started to undertake joint or coordinated efforts with non-EU States, in order to enhance the universality and protect the integrity of the ICC<sup>2</sup>. Given the special frameworks of cooperation on the ICC which exist with Canada, Japan, Australia, Brazil and an ICC clause with South Africa since November 2008, the EU has developed a partnership with these countries for the effective promotion of the Court.

The EU also looks at the work to be done internally in terms of implementation of the Rome Statute. The European Council adopted in December 2009<sup>3</sup> the new multi-annual programme to be known as the Stockholm Programme<sup>4</sup>, for the period 2010-2014. The programme invites the EU institutions to support and promote EU and Member States' activity against impunity and to fight against crimes of genocide, crimes against humanity and war crimes; and in that context, to promote cooperation between the Member States and the ICC. Member States are encouraged to develop exchanges of judicial information and best practices in relation to the prosecution of such crimes through the European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes.

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<sup>1</sup> *Action Plan to follow-up on the Common Position on the International Criminal Court* doc. 5742/04

<sup>2</sup> *Action Plan*, paragraphs 4 (“States Parties should proactively promote universality”), 6 (d) (“efforts should include...providing technical or financial assistance”), (e) (“convening and supporting ...conferences...aimed at promoting ratification and full implementation of, and support for, the Rome Statute”), and (f) (wide dissemination of information about the Court and its role, including by...inviting representatives of the Court...to address national, regional and international events”).

<sup>3</sup> EUCO 6/09

<sup>4</sup> 17024/09

The European Network of Contact Points<sup>1</sup> in respect of persons responsible for genocide, crimes against humanity and war crimes (the Genocide Network) is a network of national prosecutors specialised in those crimes. It generally meets once every six months on the premises of Eurojust, the EU's judicial cooperation unit based in the Hague. The prosecutors meet to exchange good practice, to exchange practical information and to receive updated information from Eurojust and from other sources such as the ICC. The 7th meeting (December 2009) was devoted to the role and tasks of the Genocide Network under the new Eurojust Decision<sup>2</sup>, which provided that the Network should have a permanent secretariat within Eurojust. The previous meeting (April 2009) was devoted to the cooperation between Member States to ensure accountability of Rwanda genocide suspects and to the cooperation with international tribunals, in view of their completion strategy.

*Case studies: EU support to civil society campaigns supporting the ICC*

- The Coalition for the International Criminal Court is a global network that includes around 2,500 organisations around the world working in partnership to strengthen international cooperation with the ICC. Activities include the coordination of national, regional and global advocacy campaigns on the ratification of the Rome Statute, the monitoring and reporting on the activities of the ICC and the provision of technical assistance and capacity building.
- Parliamentarians for Global Action (PGA) is an association of members of national (or regional) parliaments around the world, who agree to contribute to a common, human-rights based agenda. One of the key activities of PGA is to use its membership of national parliamentarians to lobby for ratification of the Rome Statute, complementary legislation and implementation of international justice commitments by governments.

Specific measures in support to the establishment and the commencement of the activities of tribunals with international character were particularly considered under the Instrument for Stability (IfS) to help uphold accountability in the world and contribute to the reconciliation of societies.

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<sup>1</sup> Council Decision 2002/494/JHA

<sup>2</sup> Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime



Another national instrument in the fight against impunity is the exercise of universal jurisdiction. Following allegations by the AU concerning abuse of this instrument, in November 2008 the EU and the AU agreed<sup>1</sup> to set up an expert group to clarify the respective understandings on the African and EU side on the principle of universal jurisdiction. The work of the group was supported under the EU's Instrument for Stability and its report was presented in April 2009.<sup>2</sup>

Certain projects under the European Development Fund and the Instrument for Stability dealt directly with criminal and transitional justice in Rwanda, DRC, Sierra Leone, Somalia, Zimbabwe, Sudan, Senegal, the Solomon Islands, Timor Leste and the Central African Republic. They covered a whole range of activities, for example in Rwanda, starting from a smaller project with which civil society will be supported to monitor and promote the traditional Gaçaça trials, up to sector budget support to the Rwandese Justice, Reconciliation, Law and Order Sector Strategy. In the Solomon Islands the EU has supported the establishment of a credible Truth and Reconciliation Commission process as a way towards justice for past human rights violations, the work of which now benefits from an international coordinated response. The EU, a major actor in supporting justice reform in the DRC, continued to address the impunity for sexual violence in Eastern DRC. It has also examined possible cooperation with the ICC on this matter.

#### **4.9 Human rights and terrorism**

The EU attaches great importance to guaranteeing the full and effective protection of human rights and fundamental freedoms in Europe and in the wider world in the context of counter-terrorism. Effective counter-terrorism measures and the protection of human rights are not conflicting but complementary and mutually reinforcing goals. The EU's strategic commitment, defined in its counter-terrorism strategy, is very clear in this respect: "To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice."

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<sup>1</sup> EU-AU ministerial troika meeting

<sup>2</sup> Doc. 8672/1/09

In its statements at various UN forums the EU reaffirmed the importance of ensuring respect for human rights in counter-terrorism. At the UNGA Sixth Committee on Measures to Eliminate International Terrorism, on 6 October 2009, the EU noted that all measures against terrorism must be taken in compliance with international law, including international human rights law, international refugee law and international humanitarian law. In the face of the challenge of terrorism, democracies should never compromise their fundamental values. The Presidency noted that the EU encouraged a deeper integration of human rights elements in the work of the Counter-Terrorism Committee and Counter-Terrorism Executive Directorate with UN Member States.

On 23 January 2009, the EU Presidency issued a statement welcoming the decision of President Obama to sign Executive Orders leading to the closure of the Guantánamo Bay detention camp within a year and ending the harsh interrogation techniques previously used on terrorist suspects. The EU Member States subsequently worked together with the United States to establish a framework to support the closure of Guantánamo. On 4 June 2009, the Council of the EU adopted Conclusions welcoming the decision of President Obama to close the Guantánamo Bay Detention Centre and to order a review of detention, trial, transfer and interrogation policies in counter-terrorism. The Conclusions took note of the request made by the United States Government to assist it in finding residence for those persons cleared for release who, for compelling reasons, could not return to their countries of origin but who had expressed the wish to be received by an EU Member State or Schengen-associated country. The Conclusions called upon Member States who were willing to receive former detainees to consider accepting such persons and, to this end, established a mechanism on the exchange of information between Member States concerning former detainees.

On 15 June 2009, the EU and its Member States and the United States adopted a Joint Statement on the Closure of the Guantánamo Bay Detention Facility and Future Counter-Terrorism Cooperation. The statement welcomed the determination of the United States to close Guantánamo together with other steps, including the intensive review of US detention, transfer, trial and interrogation policies in counter-terrorism and increased transparency about past practices with regard to these policies, as well as the elimination of secret detention facilities. The joint statement reaffirmed that the primary responsibility for closing Guantánamo and finding residence for the former detainees rested with the United States. The statement recalled the request made by the US to assist it in finding residence for some of those persons cleared for release from Guantánamo, and noted that, in the expectation that underlying policy issues would be addressed, the EU and its Member States wished to help the US turn the page. In that context, certain Member States had expressed their readiness to assist with the reception of certain former Guantánamo detainees on a case-by-case basis. The statement set out an agreed framework for the reception of certain former Guantánamo detainees by the Member States.

The EU Member States continued to conduct a dialogue with the US State Department Legal Adviser on international law and various aspects of the counter-terrorism effort. The EU-US Joint Statement underlined the importance of deepening dialogue on international legal principles relevant to combating terrorism. The statement noted that the dialogue with the US State Department Legal Adviser would continue.

#### **4.10 Freedom of expression including 'new media'**

Building on the central importance attached by the EU to the freedom of expression, attention has been strengthened to the relationship between freedom of expression and new technologies. The right to freedom of expression includes the right to seek, receive and impart information and ideas through any medium. Freedom of opinion and expression extends to the internet. This view is well established and has been pronounced on several occasions by a number of bodies, including the Human Rights Committee, the treaty body to the International Covenant on Civil and Political Rights. As this Covenant states, however, the exercise of rights carries with it special duties and responsibilities related to protecting the rights of others. Freedom of expression, on the internet and in other media, must therefore be seen in the light of safeguards protecting children against exploitation, and safeguards against incitement to hate crimes.

The UN Human Rights Council, at its 12th regular session in October 2009, adopted by consensus a resolution on freedom of opinion and expression (A/HRC/RES/12/16), which recognises the importance of the internet in the exercise, promotion and protection of the right to freedom of opinion and expression and expressed its concern that internet users are being censored. It also recognised the responsibilities that come with freedom of expression, as set out in Article 19 of the ICCPR.

New technologies provide individuals with unprecedented access to information about human rights and the ability to make abuses known to the rest of the world. The internet promotes freedom of opinion and expression. It also provides possibilities to promote other human rights, such as education and participation in democratic processes.

Regrettably, restrictions and limitations on the use of such technologies have emerged as a key challenge to the respect for human rights, undermining the potential the technologies have in promoting freedom of expression. Restrictions take multiple forms: monitoring of the use of internet and e-mail traffic; censorship of web sites by removing certain sites or through content filtering; and harassment, persecution and even detention and imprisonment of people using the internet to exercise the right to freedom of opinion and expression.

The EU has also been concerned that states are using more and more sophisticated techniques to monitor activities on the internet and detention and even the imprisonment of bloggers has occurred in several countries. This infringes human rights to privacy of correspondence.

During the past year, the EU reinforced its efforts in this area, raising awareness of it in international forums and conveying the EU's position to countries upholding undue restrictions on the internet and other new technologies. Particular attention was paid to the area of internet governance, where the EU made concerted efforts to integrate a human rights perspective, including in the EU's statements at the Internet Governance Forum<sup>1</sup> in November 2009 and its efforts to ensure the Forum's continuation.

#### **4.11 Freedom of thought, conscience and religion**

The EU's human rights policy encompasses freedom of thought, conscience and religion or belief, which is enshrined in various international human rights instruments. The Council Conclusions (November 2009) underlined the strategic importance of freedom of religion or belief and of countering religious intolerance, and reaffirmed its intention to continue to give priority to the issues as part of the EU's human rights policy. Based on an ongoing evaluation of existing initiatives, the EU is considering further practical measures to fight religious intolerance and to promote freedom of religion or belief worldwide.

Freedom of thought, conscience and religion is raised bilaterally with a broad range of countries at different levels of political dialogue, including in human rights dialogues and consultations. The EU voices its concerns regarding religious freedom and related intolerance and discrimination via démarches, public statements and Council Conclusions, as for instance in the cases of Iran and Iraq. It advocates full respect for the freedom of thought and conscience, in line with international standards.

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<sup>1</sup> <http://www.intgovforum.org/cms/>

The EU takes action against intolerance and discrimination based on religion or belief in particular in the UN forums and the OSCE. At the OSCE, the EU has contributed to further elaboration of commitments regarding freedom of religion or belief. It has raised its concerns at the OSCE Permanent Council when legislative proposals of several Central Asian states have not met with the OSCE standards regarding freedom of religion or belief.

The EU introduced to the 63rd and 64th session of the UNGA its customary resolution on the elimination of all forms of intolerance based on religion or belief (63/181; 64/L.39), which was adopted without a vote. At the Human Rights Council, it supported the renewed mandate of the UN Special Rapporteur on freedom of religion or belief. Based on the report of the Special Rapporteur, it sponsored a resolution (10/25) on discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights.

As in previous years, the EU voted against the UNGA Resolution on combating defamation of religions (63/171 and 64/L.27) because of its concerns regarding the general approach, conceptual framework and terminology of the resolution. The EU is of the view that the concept of defamation of religions severely limits freedom of expression and puts in danger the very openness and tolerance that allows people of different faiths to co-exist and practise their faiths without fear. It is fundamental to distinguish between criticism of religions or beliefs and incitement to religious hatred. The EU firmly believes that the concept of defamation of religions is inconsistent with human rights law. International human rights law protects individuals in the exercise of their freedoms and does not and should not protect religions or beliefs systems as such.

The EU is also engaged in various initiatives promoting religious tolerance and intercultural understanding. For instance, the ASEM process (Asia-Europe Meeting) is committed to promoting dialogue and building harmony among different religions and faiths. The Republic of Korea and Finland co-hosted the Fifth ASEM Interfaith Dialogue on "Bridging Divides through Interfaith Dialogue"<sup>1</sup> in Seoul on 23-25 September 2009. Since 2005, these dialogue meetings have explored diverse religions, faiths and societies in an attempt to reconcile differences and bring about a general consensus of cross-cultural respect and understanding.

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<sup>1</sup> 5<sup>th</sup> ASEM Interfaith Dialogue: <http://ifd2009korea.com/>

Under the EIDHR, the EU supports civil society projects worldwide fighting against racism, xenophobia and discrimination on any ground, including religion or belief. For instance, local stakeholders have been helped to bridge social, political and religious divides in Serbia. Also with EIDHR support, participation of persons belonging to all ethnic and religious minorities has been promoted in order to create an environment favourable to human rights in Sri Lanka.

#### **4.12 Human rights and business**

This period saw some important developments in EU policy on corporate social responsibility (CSR). In March 2009, the Commission convened a plenary meeting of the 'European Multi-Stakeholder Forum on CSR' in order to exchange experiences between the EU and stakeholders. In November 2009, the Swedish Presidency organised a multi-stakeholder conference to discuss the EU's response to the recommendations made by Professor John Ruggie, the UN Special Representative on human rights and transnational corporations and other business enterprises. The Council of the EU has stressed the important and growing role of business in achieving full respect for human rights, and expressed its full support for the work of Professor Ruggie. This is also important in connection with the implementation of a sustainable exit strategy from the recent international economic and financial crisis. In particular, the Council began considering the implications of Professor Ruggie's work for the EU's foreign and security policy.

In December 2009 the European Commission launched a study on the legal framework on human rights and the environment applicable to EU-based companies operating outside the EU. At the same time, the Commission also launched a complementary study on practical examples of how companies manage their supply chain relations and CSR reporting, as well as an analysis of cost-benefit assessment in relation to the social considerations in public procurement. The Commission has also continued to actively promote the Kimberly process on conflict diamonds and started engaging in the review process on the OECD Guidelines for Multinational Enterprises. In the context of the EU-Africa Energy Partnership, signed on 8 September 2009, the EU called for more countries to become members of the Extractive Industries Transparency Initiative (EITI) and to develop their own transparency guidelines for companies in extractive industries.

#### 4.13 Democracy support

The promotion of democracy is a cornerstone of EU external policies and action. The consolidation of democratic procedures and institutions and the promotion of the rule of law and human rights constitute key objectives of the EU's partnership with non-EU countries.

The Council adopted on 17 November 2009 Conclusions on Democracy Support in the EU's External Relations<sup>1</sup>. The Conclusions requested Commission and Council Secretariat to implement, on a pilot basis, the recommendations contained in the "Joint Paper of the Commission and the General Secretariat of the Council on Democracy Building in the EU's External Relations <sup>2</sup>".

These recommendations propose to adopt a tailor-made, country-specific approach, taking into account the country's specific situation, history, geography and culture as a starting point. The level of ambition will be determined taking into account the EU's general strategy towards a given region, the willingness and commitment of the country's political leadership to progress towards democracy and the level of expectation of the civil and political society. An appropriate mix of instruments will then be elaborated to respond to the specific situation in each country, depending on the degree to which the country has already advanced on its path of democracy.

Dialogue and partnership are the guiding principles, based on the recognition that true partnerships based on dialogue and consultation ensure ownership of democratic processes. This obviously does not imply that the EU deviates from its principles and objectives or is willing to enter into negotiations on them, but that it enters into a dialogue among equals, without preaching, on where common ground can be found to progress, and how best to assist implementing international obligations countries have committed themselves to in a sovereign way (UN Conventions, Covenants etc), including by sharing best regional practices.

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<sup>1</sup> 16081/09

<sup>2</sup> (SEC(2009) 1095 final of 27 July 2009)



Dialogue with other partners - UN, regional organisations, multilateral and bilateral donors - is key to achieving the Paris and Accra principles<sup>1</sup>, avoiding duplication between donors, and maximising impact for the benefit of the whole population.

#### **4.14 Election support**

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

The EU is one of the leading global actors in supporting elections; the approach followed is outlined in the 2000 Commission Communication on Election Assistance and Observation.<sup>2</sup> The main components of EU election support are electoral assistance and election observation missions (EOMs). There are important complementarities between the objectives of these activities as the outcome of electoral assistance projects and EOM recommendations are integrated into future electoral assistance and broader democracy support.

##### *Election Observation*

EU election observation, in particular long-term observation, provides a specific opportunity to assess an election process according to international standards and best practices for genuine democratic elections. The international standards established by international and regional legal treaties and political commitments to which the country observed has agreed to be bound include universal principles applying to the conduct of elections, such as fundamental freedoms and political rights as outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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<sup>1</sup> [http://www.oecd.org/document/18/0,2340,en\\_2649\\_3236398\\_35401554\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/18/0,2340,en_2649_3236398_35401554_1_1_1_1,00.html)

<sup>2</sup> COM (2000) 191; endorsed by the Council and European Parliament in 2001

International standards for democratic elections include first and foremost the right to participate in government through:

- periodic elections
- genuine elections

- universal suffrage
- equal suffrage
- the right to stand for election
- the right to vote
- the right to a secret ballot
- the free expression of the will of voters

Furthermore the international standards are drawn from freedom of expression, freedom of association, freedom of assembly, freedom of movement, the right to non-discrimination and the right to an effective legal remedy.

EU EOMs also assess whether elections have been conducted in line with best practices for democratic elections, such as transparency of the election process; impartiality in the conduct of the election administration and in the use of state resources; equitable access to, and balanced coverage by, any public media.

The EU is constantly pursuing the highest standards in election observation. In the reporting period the European Commission ensured wide distribution of the new EU manuals, detailing how international standards and best practices for elections should be used in EU Election Observation.

The “Handbook for EU Election Observation”<sup>1</sup> provides a comprehensive overview of the EU EOM methodology, with emphasis on how international standards are used in assessment and reporting. It also explains how EU EOMs are planned, deployed and implemented.

“The Compendium of International Standards for Elections”<sup>2</sup> outlines the obligations and commitments each state has made by signing international and regional instruments. With this document reference to international standards for elections will intensify in the assessment and reporting of EU EOMs, as well as in the work of other international and domestic observers and election stakeholders.

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<sup>1</sup> [http://ec.europa.eu/external\\_relations/human\\_rights/election\\_observation/docs/handbook\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/election_observation/docs/handbook_en.pdf)

<sup>2</sup> [http://ec.europa.eu/external\\_relations/human\\_rights/election\\_observation/docs/compendium\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/election_observation/docs/compendium_en.pdf)

It is a priority for the EU to consolidate a European approach to election observation among EU practitioners, and with EU partner countries. During the reporting period, the NEEDS project was launched with a view to conducting comprehensive training for EU EOM Core Team Members and Long Term Observers as well as organising regional meetings and technical assistance for domestic observers. Under the NEEDS project, over 100 observers and electoral experts were trained and 4 domestic observer regional networking events were held in Johannesburg, Bangkok, Costa Rica and Bucharest.

The European Commission also organised on 1-2 December 2009 in Brussels a debriefing for all observers and experts working for the EU in the field of elections in 2009 to exchange experiences and draw lessons for the future.

### *EU EOMs*

Since 2000 around 80 EU EOMs and 15 election expert missions have been deployed to all continents, with the exception of the OSCE region. No EU EOMs have been deployed in Europe or Central Asia as credible election observation is currently undertaken in these regions by the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) with the support of observers seconded by EU Member States, European Parliament Observation Delegations and, in exceptional circumstances, Commission support through the Instrument for Stability and the EIDHR

Between July 2008 and December 2009 16 EU EOMs were deployed with EIDHR funding. All missions adhere to the Declaration of Principles for International Election Observation, commemorated at the UN in October 2005 and endorsed by the European Commission as well as the European Parliament<sup>1</sup>.

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<sup>1</sup>[http://ec.europa.eu/europeaid/observer/declaration\\_of\\_principles\\_code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/europeaid/observer/declaration_of_principles_code_of_conduct_en.pdf)

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

The purpose of EU EOMs is to:

- assess the degree to which an election is conducted in line with international standards and best practices for democratic elections;
- deter/reduce electoral fraud and irregularities;
- deter/reduce violence and intimidation;
- enhance the confidence of political contestants, civil society and the electorate to participate in elections;
- provide a snapshot of a whole range of democratisation issues, such as the independence and performance of the judiciary as well as general respect for human rights; and
- issue recommendations to improve the election framework and democratic environment.

**EU EOMs deployed from July 2008 – December 2009 (16 missions)<sup>1</sup>:**

Cambodia	Parliamentary elections	27 July 2008
Angola	Legislative elections	5 September 2008
Rwanda	Legislative elections	15 September 2008
Ecuador	Constitutional Referendum	28 September 2008
Guinea Bissau	Legislative elections	16 November 2008
Ghana	Presidential elections	7 December 2008
	Parliamentary elections	28 December 2008
Bangladesh	Legislative elections	29 December 2008
El Salvador	Presidential elections	18 January
	Parliamentary elections	15 March 2009
Bolivia	Constitutional Referendum	25 January 2009
Ecuador	General elections	26 April 2009
Malawi	Presidential elections	19 May 2009
	Parliamentary elections	
Lebanon	Presidential elections	7 June 2009
	Parliamentary elections	
Guinea Bissau	Presidential elections	28 June
		26 July 2009
Afghanistan	Presidential elections	20 August 2009
	Provincial Council elections	
Mozambique	Presidential elections	28 October 2009
	Legislative elections	
	Provincial Assembly elections	
Bolivia	Presidential elections	6 December 2009
	Parliamentary elections	
	Autonomy Referenda	

<sup>1</sup> More information about the EOMs:  
[http://ec.europa.eu/external\\_relations/human\\_rights/election\\_observation/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/election_observation/index_en.htm)

## *Electoral Expert Missions*

The Commission has deployed nine electoral expert missions (EEM) to seven countries in the reporting period of 2008-2009. The EEMs deployed have usually consisted of one to three experts, deployed a few weeks before an electoral event. The mandate of the electoral experts is to provide inputs for confidence-enhancing steps, during and after the elections. They undertake a detailed analysis of the ongoing electoral process and report to relevant electoral stakeholders in the country, and to the EU institutions. EEMs are not observers and do not make public statements about an electoral process.

## *Election Assistance*

In the period 2000-2009, the EU has provided over € 620 million for some 120 electoral assistance projects, including in post-conflict contexts such as Chad, Sierra Leone and Haiti.

<b>Beneficiary</b>	<b>Year</b>	<b>Project</b>	<b>Source</b>	<b>Amount / €</b>
Côte d'Ivoire	2008	Support to the electoral process		18 000 000
Malawi	2008	Support to the Electoral Reform and Elections		1 500 000
Tanzania	2008	Deepening democracy programme		2 440 000
Zambia	2008	Support to the 2008 Presidential By-Election	Instrument for Stability	1 000 000
Lebanon	2008	Promoting Political Stabilisation and national reconciliation by strengthening the democratic legitimacy of Parliament	Instrument for Stability	4 000 000
Occupied Palestinian Territories & Timor Leste	2009	Support to 2010-2013 Electoral Cycles	10 EDF	6 100 000
Togo	2009	Support to the electoral process	10 EDF	9 000 000
Comoros	2009	Support to the 2009 Legislative Elections	Instrument for Stability	1 000 000
Guinea Bissau	2009	Project in Support of 2009 Presidential Elections	9 EDF	1 500 000

In the last two years, the European Commission has also been reshaping its approach, rethinking the way electoral assistance is delivered and taking a leading role in efforts favouring long-term support strategies. Over the last decade voter registration and transmission of electoral data projects involving large Information and Communication Technology (ICT) components have been funded and implemented, without critically assessing the issue of sustainability. The intention of the study on the use of ICT in electoral processes is to achieve an appropriate identification of needs and strategies, analysis of associated risks and supply chain management constraints – all issues that need to be planned upfront in electoral assistance projects involving the utilisation of ICTs.

In order to make the electoral assistance community deliver more effective assistance in line with the main principles informing the Paris Declaration (2005) and the Accra Agenda for Action (2008), the Commission has developed, within the Train4Dev (UNDP) and together with International IDEA, an eLearning Course on Effective Electoral Assistance.

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

The EU attaches the same importance to economic, social and cultural rights as to civil and political rights, bearing in mind the universality, indivisibility, interdependence and inter-relatedness of all human rights, as confirmed by the 1993 World Conference on Human Rights held in Vienna. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) was opened for signature on 24 September 2009.

In the UN Human Rights Council, the EU continues to publicly support and cooperate with a range of Special Procedures working on economic, social and cultural rights, such as the mandates on education, housing, physical and mental health, food, toxic and dangerous products and waste, internally displaced persons, indigenous peoples, extreme poverty and access to drinking water and sanitation.



Furthermore, the EU continued to support the strengthening of the International Labour Organisation (ILO) supervisory system and to intervene in the ILO International Labour Conference and the Governing Body on a regular basis in connection with major cases of violation of core labour standards, most recently with reference to Belarus, Burma and Colombia. The EU continues to support the ILO, for instance in the areas of trade and employment, statistical systems, social protection and employment policies, as well as occupational safety and health.

In its overall relations with non-EU countries the EU continued to encourage and facilitate the ratification and implementation of the ILO conventions on core labour standards, including through technical cooperation and through close cooperation with the ILO. In some cases, the EU has included issues related to employment, labour legislation and social protection in bilateral experts' dialogues with Brazil, China, India and Mexico. Discussions on economic social and cultural rights have been tackled also in the framework of EU human rights dialogues and consultations, as well as in the related civil society meetings.

The EU is firmly committed to promoting core labour standards and decent work for all in its trade policy, and routinely includes cooperation initiatives and incentives for better working conditions in the trade agreements it negotiates. The EU's draft trade agreements with other countries and regions are carefully examined for their potential effects on social development, including labour standards. Under the terms of the EU's Generalised System of Preferences, developing countries that have ratified and implemented the core labour standards of the ILO can receive special tariff rate cuts when they export to the EU. The EU also supports the promotion of corporate social responsibility (CSR) at both the EU and international levels (with a special emphasis on the UN Global Compact and OECD Guidelines for Multinational Enterprises) as a key business contribution to sustainable development. The EU believes that voluntary social and environmental commitments that go beyond companies' legal obligations can complement and support government action for sustainable development and the promotion of core labour standards.

The promotion of economic, social and cultural rights has deep links with inclusive and equitable development: significantly, six of the eight United Nations Millennium Development Goals (MDG) put a strong emphasis on human and social development.

#### 4.16 Asylum, migration, refugees and displaced persons

Migration, asylum and refugee issues figure among the priority areas of EU policies within the EU and in its external relations.

The EU continued implementation of the Hague Programme on Justice and Home Affairs during the reporting period and worked on succeeding measures in order to further strengthen Europe's internal security as well as the fundamental freedoms and rights of citizens.

The Stockholm Programme adopted in December 2009 confirmed that the development of a forward-looking and comprehensive European migration policy, based on solidarity and responsibility, remains a key policy objective for the EU and pointed out that the long-term consequences of migration, eg on the labour markets and the social situation of migrants, have to be taken into account and that the interconnection between immigration and integration remains crucial, *inter alia* with regard to the fundamental values of the Union.

Since the Global Approach to Migration was adopted by the European Council in 2005, the EU has played a pioneering role internationally by promoting a comprehensive and balanced approach in dealing with migration issues in partnership with non-EU countries. The Global Approach to Migration aims to formulate comprehensive and coherent policies that address the broad range of migration-related issues, bringing together different policy areas – development, social affairs and employment, external relations and justice and home affairs – and taking both short-term actions as well as a longer-term vision to address the root causes of migration and forced migration. The Global Approach has a strong theme of working in partnership with countries of origin and transit; its key concepts are partnership, solidarity and shared responsibility.

From July 2008 the EU has been working to create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development through a number of initiatives such as the ongoing Mobility Partnerships with Moldova and Cape Verde. The EU also signed on 30 November 2009 a Mobility Partnership with Georgia. In September 2009 the Commission issued its Staff Working Document on the evaluation of the pilot Mobility Partnerships. Migration profiles in 10 countries of Western Africa and 17 countries of East and South-East Europe have been financed, and further progress was made in the Cooperation Platform in Ethiopia.

Considerable effort has been made to follow-up the June 2009 European Council conclusions in the Mediterranean, in particular regarding dialogue and cooperation with Turkey, but also with a view to developing an EU approach towards Libya.

In relation to Africa, the EU supported a number of actions in the areas included in the EU-Africa Partnership on Migration and Employment (MME) and the Rabat/Paris Cooperation Programme. These actions included elements aimed at facilitating the administrative follow-up of these processes.

In Eastern Europe the EU supported the Ministerial Conference of Prague in April 2009 and the project "Building Migration Partnerships", which aims at ensuring its follow-up.

The EU-Latin American Countries Structured Dialogue on Migration was launched on 30 June 2009. The first High Level Migration Meeting dedicated to migration and development was organised on 25 September 2009 and the EU-LAC Brussels-based working group took place on 14 December 2009.

In relation to Asia, the annual meeting of the EU-ASEM Directors General on Migration was organised in Goa on 1 and 2 December 2009, and there was also a bilateral meeting with authorities of India on 3 December 2009 to develop a bilateral dialogue on migration.

The Commission published in September 2009 a Communication on Policy Coherence for Development that included a chapter on the coherence of migration policy with the development policy.

As regards the EU engagement in the debate on migration at the global level the Commission and the Member States actively helped to prepare, and participated in, the third meeting of the Global Forum on International Migration and Development (GFMD), which was hosted by Greece in Athens in November 2009. The Forum is a state-driven initiative and a useful tool for the exchange of views and ideas on challenges related to the migration and development nexus. It offers the opportunity for countries to continue the dialogue on migration and development and to contribute to the elaboration of holistic approaches to that issue. The fourth GFMD is due to take place in Mexico City in 2010.

In the area of asylum, in line with what was announced in the Commission's Policy Plan on Asylum of June 2008 and the European Pact on Immigration and Asylum adopted by the European Council in October 2008, the Commission put forward a series of initiatives in order to progress in the establishment of a common European Asylum System which is at the same time more protective, more fair and more efficient.

In December 2008, the Commission presented a first set of legislative proposals, amending three of the existing legislative instruments: the Directive on reception conditions for asylum seekers; the Dublin Regulation, which determines the Member State responsible for an asylum application; and the Eurodac Regulation, a database containing the fingerprints of asylum seekers, which supports the operation of the Dublin Regulation. The main objective of these proposals is to ensure that all asylum-seekers are treated in a fair and equal way wherever they make their request for asylum in the EU, and to enhance the efficiency of the EU asylum system.

In October 2009 the Commission put forward proposals for the amendment of the Qualification Directive (which specifies who should be recognised as a refugee or as a beneficiary of subsidiary protection as a result of persecutions or serious harm suffered in the country of origin) and the Asylum Procedures Directive (which provides a number of procedural guarantees and rights for genuine refugees seeking protection in Member States). The envisaged measures are expected to improve the coherence between EU asylum instruments, simplify, streamline and consolidate substantive and procedural standards of protection across the EU and lead to more robust determinations at first instance, thus preventing abuse and improving efficiency of the asylum process.

In December 2009 the Council and the European Parliament reached an agreement on the establishment of a European Asylum Support Office (EASO) in Malta. This Office will be an EU operational agency, which coordinates and steps up cooperation on asylum between Member States and which will support Member States in their efforts to implement a more consistent and fairer asylum policy.

The EU has also taken measures to develop the external dimension of asylum further. The overall objective of these policies is to strengthen the protection of refugees not only within the EU, but also in countries outside of the EU, which host a large majority of refugees worldwide. In September 2009 the Commission put forward a proposal for the establishment of a Joint EU Refugee Resettlement Programme, which aims to further develop resettlement in the EU and thus increase solidarity vis-à-vis non-EU countries which are hosting large numbers of refugees.

The Stockholm Programme reaffirmed the objective of establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection. It confirmed the policy objective to complete the Common European Asylum System by 2012, to achieve a higher degree of harmonisation between Member States, via further legislative harmonisation and enhanced practical cooperation, and to increase solidarity and responsibility sharing between Member States. It further called for increasing solidarity with non-EU countries in order to promote and help building their capacity to handle migratory flows and protracted refugee situations.

The EU has continued to provide financial assistance to non-EU countries through its Thematic Programme on Migration and Asylum<sup>1</sup> 2007-2013, with a total budget of € 70 million in 2009-2010. This Programme covers a wide range of activities related to: migration and development, labour migration, asylum and refugee protection, smuggling and trafficking in human beings as well as illegal immigration.

Within this framework, the EU supported several projects in order to prevent the brain drain (aiming at promoting circular migration schemes in Ghana), to deter or prevent illegal migration (Seahorse Cooperation Centres for promotion of interregional cooperation in Western Africa; networking Immigration Authorities; Technical assistance through the MIEUX programme to help non-EU countries to prevent and manage illegal migration), to promote co-development actions (among others a Joint EU-UN Initiative on migration and development, creation of businesses in Morocco by the Moroccan diaspora in Europe and the support of investment by Senegalese migrants in Italy in their country of origin), to support the transfer of migrants' remittances securely and more cheaply (several projects on improving the capacities of immigrant associations from Sub-Saharan countries to support actively the development of their countries of origin and to enable micro-finance institutions to facilitate the transfer of migrant remittances). In addition, some important funding under geographical instruments has been programmed for future migration related activities.

#### **4.17 Trafficking in human beings**

The framework for the EU policy on combating trafficking in human beings is provided by the Commission Communication on "Fighting trafficking in human beings – an integrated approach and proposals for an action plan" (October 2005) and the subsequent EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (December 2005)<sup>2</sup>, adopted by the Council in accordance with the Hague Programme on Strengthening Freedom, Security and Justice in the EU. Its successor, the Stockholm Programme, will further streamline the EU's actions in the field of trafficking in human beings, including the establishment of an Anti-Trafficking Coordinator.

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<sup>1</sup> [http://ec.europa.eu/europeaid/how/finance/dci/migration\\_en.htm](http://ec.europa.eu/europeaid/how/finance/dci/migration_en.htm)

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0514:EN:NOT>

In order to modernise the EU's legal framework on trafficking, in March 2009 the Commission proposed a new framework decision on fighting trafficking in human beings and the protection of victims.

The EU policy framework advocates a multidisciplinary approach to trafficking encompassing law enforcement strategies and a broad array of prevention and victim support measures. A human rights-based approach underpins the strategy, placing the rights of victims at the centre and taking into account the additional challenges for specific groups, such as women and children, as well as individuals discriminated against on any ground, such as persons belonging to minorities and indigenous peoples. Furthermore, the fight against trafficking in women and children is a priority under the EU policies on gender and on children's rights.

The fight against trafficking is included in several bilateral ENP Action Plans, and the Stabilisation and Association Agreements with the Western Balkans. Human trafficking is raised in political dialogue with non-EU countries, in particular in the human rights dialogues and consultations.

The EU supports international efforts at various UN forums, advocating prevention, victim protection and assistance, the establishment of a legislative framework, policy development and law enforcement, international cooperation and coordination on the fight against human trafficking. A major reference in this connection is the first additional Protocol to the UN Convention against Transnational Organised Crime, signed in Palermo in 2000.

In 2009, special attention was given to strengthening the external dimension of human trafficking<sup>1</sup>. In December 2009, the Council of the EU adopted an “Action-Oriented Paper on Strengthening the EU External Dimension on Action against Trafficking in Human Beings: Towards Global EU Action against Trafficking in Human Beings”<sup>2</sup>. The document reflects the EU's objective to strengthen its role and capacity to act in cooperation and partnership with non-EU countries, regions and organisations at the international level with a view to tackling common problems and meeting shared policy objectives. The paper also spells out a set of recommendations for the European Commission's actions as regards enhancing cooperation and coordination of EU actions vis-à-vis non-EU countries and developing partnerships at the international level against trafficking in human beings.

Prior work on this paper served as a source of inspiration for the conclusions of a Ministerial Conference on the occasion of the third EU Anti-trafficking Day (17 October 2009). This EU Ministerial Conference brought together almost 600 participants from EU Member States, candidate countries, countries with an EU-perspective, as well as many other non-EU countries, regional and international organisations, non-governmental organisations and EU institutions and agencies. The conference was organised jointly by the Swedish Presidency, the European Commission, the IOM (International Organisation for Migration) and other partners. The conference focused on relations and cooperation with countries of origin for trafficking in human beings and countries through which this trafficking passes. The adopted declaration underlined the importance of the fight against human trafficking and provided recommendations for future actions.

The fight against human trafficking in Europe is a priority under the new financing programme "Prevention of and Fight against Crime" – as part of the General Programme "Security and Safeguarding Liberties" – (2007-2013). A targeted call for projects (€ 4 million) on trafficking in human beings will take place in the first half of 2010.

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<sup>1</sup> More information on the EU policy against trafficking in human beings:  
[http://ec.europa.eu/external\\_relations/human\\_rights/traffic/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/traffic/index_en.htm)

<sup>2</sup> [http://www.se2009.eu/en/the\\_presidency/about\\_the\\_eu/justice\\_and\\_home\\_affairs/](http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/)



The fight against trafficking is prioritised in the EU's geographic and thematic cooperation with non-EU countries. It is mainstreamed into Country Strategy Papers and National and Regional Indicative Programmes, as for example into those with South- and Southeast Asian countries, where the problem is persistent at both national and regional levels. Funds are available under financing instruments, such as the Thematic Programme on Migration and Asylum, the Stability Instrument, Investing in People and the EIDHR. In early 2008, civil society projects were selected for funding in the field of preventing and combating child trafficking under the Investing in People programme with an allocation of € 15.2 million. A Call for Proposals of the Thematic Programme on Migration and Asylum was launched in the summer of 2009, including trafficking as one of the main priority areas (the overall allocation under this call was € 70 million).

#### **4.18 Racism, xenophobia, non-discrimination and respect for diversity**

The EU continued to contribute significantly to the combat against discrimination, racism and xenophobia worldwide. The EU raised racism and xenophobia related issues in its political dialogues with non-EU countries, for example with Russia and China. These issues have also continued to be taken into consideration in cooperation strategies; for example, under the ENP Action Plans the partner countries commit themselves to combating all forms of discrimination, religious intolerance, racism and xenophobia.

The EU continued to join forces with regional bodies such as the Council of Europe's European Commission Against Racism and Intolerance (ECRI). In the OSCE framework, the EU closely coordinated to advance the implementation of the commitments made by the 56 OSCE Participating States as regards the fight against racism and xenophobia, non-discrimination and respect for diversity.

The EU also actively cooperated with the UN in tackling racism and discrimination. It supported the mandate of the UN Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance, Githu Muigai. In addition, through EIDHR the EU supported the United Nations High Commissioner for Human Rights (OHCHR) in the implementation of existing international standards on equality and non-discrimination, particularly the Durban Declaration and Programme of Action and the International Convention on the Elimination of Racial Discrimination. Through the PROGRESS and the Fundamental Rights and Citizenship programmes the EU gave support to European NGOs and other stakeholders for their work on combating racism, xenophobia and discrimination.

The Durban Review Conference took place in Geneva in April 2009. The EU brought a constructive and firm contribution to the preparatory phase of the conference, particularly with regard to the drafting of the outcome document. The consensual adoption of the outcome document, by the 182 countries that participated in the review conference, reaffirmed the international commitment to fight against racism and discrimination. This should be considered as a strong answer to the unfortunate attempts by some to divert the objectives of the Conference, to which the EU reacted firmly and which prompted some EU Member States to withdraw from the conference.

On 14 October 2009 in Brussels, the Commission organised with the OHCHR an expert seminar titled 'Strengthening EU-UN Cooperation in the Struggle against All Forms of Discrimination' exploring manifestations and concrete signs of discrimination, the impact of discrimination on the lives of individuals, and will share examples of anti-discrimination good practices and legislation across the regions.

The Human Rights Day 2009 (10 December) focused on non-discrimination with the motto "Embrace diversity – end discrimination". Under a new EU-UN communication initiative "Partnership for a better world", EU Delegations and UN offices marked the day with seminars, events, panels, exhibitions and film screenings.

#### 4.19 Rights of persons belonging to minorities

In all regions of the world, persons belonging to minorities continue to face serious threats, discrimination and racism, and are frequently excluded from fully taking part in the economic, political, social and cultural life available to the majorities in the countries or societies in which they live. The Treaty on European Union, as amended by the Lisbon Treaty, explicitly states that the rights of persons belonging to minorities are among the values upon which the EU is founded and which it undertakes to promote in its relations with the wider world.

At the international level, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>1</sup> is the key reference text on the rights of persons belonging to minorities. In Europe, the Council of Europe has adopted the Framework Convention on the Protection of National Minorities<sup>2</sup> and the European Charter for Regional or Minority Languages<sup>3</sup>.

The Roma community is now the EU's largest ethnic minority. Measures to promote equal treatment of Roma are therefore of particular concern to the EU, which is actively supporting the Roma, Gypsy and Traveller community across Europe<sup>4</sup>. At the request of the Council, the Commission, together with the EU Presidencies, established in 2009 the European platform for Roma inclusion as a new mechanism of governance. In this platform key actors, such as EU institutions, national governments, international organisations, NGOs and experts, interact and formulate strategic advice for decision-makers on the effective inclusion of Roma aspects into European and national policies. The first platform meeting in April 2009 in Prague presented 10 Common Basic Principles which have to be taken into account when drawing up effective policies for Roma inclusion. The second Platform meeting in Brussels in September 2009 focused on the issue of Roma education.

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<sup>1</sup> <http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>

<sup>2</sup> <http://conventions.coe.int/Treaty/EN/Treaties/Html/157.htm>

<sup>3</sup> <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>

<sup>4</sup> The EU and Roma: <http://ec.europa.eu/social/main.jsp?catId=518>

Also, in many of the EU's neighbours, persons belonging to minorities have been identified as those among the most vulnerable. It is in this context that the record of candidate countries and potential candidates on minority issues continues to be assessed in the progress reports presented by the European Commission. In return, the EU has provided focused pre-accession financial aid to candidate and potential candidate countries to help them introduce necessary political, economic and institutional reforms, in line with EU standards. Supported projects for persons belonging to minorities are predominantly aimed at reducing social disparities and at improving and promoting a better quality of life. Strengthening social cohesion in these countries covers the integration of disadvantaged people, combating discrimination and strengthening human capital, notably by reforming education systems.

Minority issues also continued to be an important aspect in the EU's relations with the wider world. During the period under review, the EU raised minority issues in its political dialogues with non-EU countries, for example with Georgia, Moldova and the Russian Federation. Minority issues have also been mainstreamed in cooperation strategies and action plans. The EU Colombia Country Strategy Paper 2007-2013, for instance, addresses the humanitarian and human rights situation of persons belonging to minorities, and includes among its key priorities peacebuilding through the involvement of marginalised citizens in local governance and participatory economy, as well as the promotion of human rights, good governance and the fight against impunity. Another example is the explicit reference to the respect for the rights of persons belonging to national minorities in the ENP Action Plan with Ukraine.

The EU also actively cooperated at the UN forums in the promotion and protection of the rights of persons belonging to minorities. UN processes include the Forum on Minority Issues and the work of the Independent Expert on minority issues. Also, the EU continued to join forces with other international organisations and multilateral bodies active in this field, such as the OSCE and in particular its High Commissioner on National Minorities, the Council of Europe and the World Bank.

In addition, the EU has continued using a wide range of financial and technical cooperation instruments, including bilateral cooperation with governments and direct support to civil society, complementing each other and working in synergy to promote and protect the rights of persons belonging to minorities. To this end, the EU has been supporting governments' programmes and policies that are targeted at minorities or that have a potential impact in this area, through bilateral cooperation. For example, the EU has been supporting long-term solutions to the protracted refugees situation in Bangladesh of the Muslim minorities from Myanmar (Northern Rakhine State) and enhancement of social cohesion for the vulnerable population in Cox's Bazar District.

The EU has also supported civil society organisations working for the protection and promotion of the rights of persons belonging to minorities, in particular through the EIDHR, especially with the aim to contribute to combating discrimination, promoting the protection and development of equal participation of men and women from minority communities in the social, economic and political life within the broader context of strengthening human rights, political pluralism and democratic political participation. For instance, the EIDHR has funded a project in The Kyrgyz Republic aiming at strengthening minority group interaction with state bodies and NGOs, political representation and participation at local and national levels and involvement in democratic reforms. Another example is the EU-Council of Europe Joint Programme entitled “Minorities in Russia: developing languages, culture, media and civil society”, aimed at facilitating the process of ratification of the European Charter for Regional or Minority Languages by the Russian Federation.

#### **4.20 Rights of persons with disabilities**

Disabled people are estimated to make up 10 % of the world's population and represent a diverse group of persons. They include persons who are vulnerable to severe human rights abuses and persons who face exclusion from mainstream society. During the period under review, the EU continued its efforts to protect and promote the rights of disabled persons.

The principle that the rights of persons with disabilities are human rights has been laid down in UN Resolution 48/96 and confirmed in 2006 by the UN Convention on Rights of Persons with Disabilities (UNCRPD). The UNCRPD is the first international legally binding instrument establishing minimum standards for the protection and safeguarding of a full range of civil, political, social, economic and cultural rights of persons with disabilities around the world. In terms of its content, the UNCRPD is a complement to existing international human rights treaties. It does not recognise any new human rights of persons with disabilities, but rather clarifies the obligations and legal duties of States / Regional Integration Organisations to respect and ensure the equal enjoyment of all human rights by all persons with disabilities. Yet the Convention represents a significant change: it establishes disability not only as a social welfare matter but as a matter of law, recognising that disability is an evolving concept, and that disability results from the interaction between persons with impairments and the attitudes and environment which hinder their full and effective participation in society on an equal basis with others. It lays down a wide range of policy objectives and obligations of States Parties which aim to ensure that persons with disabilities enjoy all human rights and fundamental freedoms.

The Convention is complemented by an Optional Protocol, which allows for individuals or a group of individuals to file a complaint to the Committee on the Rights of Persons with Disabilities in relation to a perceived violation of the Convention by a State Party. The Optional Protocol also provides for an inquiry procedure by the Committee in case of reported grave and systematic violation by a State of the Convention.

The EU and its Member States have all signed the UNCRPD, and some of them have already ratified it, while others are in the process of doing so. The European Commission adopted the necessary proposals for this on 29 August 2008. The Parliament endorsed both proposals on 24 April 2009. On 26 November 2009, the Council paved the way for the accession by the EU to the UNCRPD. The Council Decision will later be followed by the deposit with the UN of the instrument of formal confirmation. The internal EU procedures for the EU's accession to the Optional Protocol are ongoing. The conclusion of the UNCRPD represents a landmark for the EU, which for the first time becomes a party to a comprehensive UN human rights Convention.

The EU continued its efforts to protect and promote the rights of disabled persons outside the EU by the systematic inclusion of persons with disabilities in EU development cooperation. Since 2000 the Commission has funded over 280 projects (corresponding to over € 145 million) specifically targeting persons with disabilities in 69 countries. The main activities supported include: capacity building, policy development, community based rehabilitation, promotion of human rights, de-institutionalisation, social inclusion and improving data collection. Against the background of the UNCRPD, the Commission has committed itself in its Communication on the European Disability Action Plan 2008-2009 to ensure that the human rights of disabled persons continue to be addressed effectively in the EU's external relations policies and programmes.

#### **4.21 Indigenous issues**

The principles of the EU engagement towards indigenous peoples are applied in the context of the UN Declaration on the Rights of Indigenous Peoples of 2007, which advances the rights and ensures the continued development of indigenous peoples around the world. An internal mechanism within the European Commission ensures the coordination of indigenous peoples-related activities carried out by different Commission services as well as the strengthening of the profile of indigenous peoples' issues in the overall EU development agenda<sup>1</sup>.

Since the establishment of the International Day of the World's Indigenous Peoples in 1994, the Commissioner for External Relations and European Neighbourhood Policy has issued a statement on the occasion of the International Day on 9 August almost every year. In addition, EU Delegations all over the world have been organising numerous events on or around 9 August, including meetings with indigenous leaders, press conferences, press articles, participation in seminars and visits to projects funded by the EU.

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<sup>1</sup> More information the EU policy on indigenous peoples:  
[http://ec.europa.eu/external\\_relations/human\\_rights/ip/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/ip/index_en.htm)

The EU continued to be keenly involved in the United Nations forums dealing with indigenous issues as well as contributing to the cooperation work of UN agencies dealing with indigenous peoples. International processes include the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the Convention on Biological Diversity, the African Commission on Human and Peoples' Rights and the Arctic Council.

Indigenous peoples' issues continued to be mainstreamed in EU development cooperation strategies and enhance the awareness of indigenous peoples issues. In 2008 the European Commission completed a study on integrating support for promoting the rights and issues of indigenous peoples in EU cooperation with African, Caribbean and Pacific countries with case studies from Suriname and Kenya, including operational recommendations to EU Delegations on how to integrate indigenous peoples issues in development cooperation. The operational conclusions of this study led to the preparation of a "Draft Tool for EU Cooperation with Indigenous Peoples in ACP countries" that is designed to provide advice and assistance to EU Delegations in countries where cooperation activities might affect indigenous peoples or their territories / rights.

In September 2009, the European Commission launched a study entitled "Civil society mapping in Asia", with a specific focus on Nepal. The study will include an analysis of the role of indigenous peoples organisations within civil society, and provide recommendations to the EU Delegation in Nepal on how to involve such organisations in EU policy dialogue and programming cycle.

Under the EIDHR, there is wide scope for specific actions in the field of indigenous peoples to be implemented at the country, transnational or regional levels. The projects funded during the period under review were targeted at international organisations, NGOs and indigenous organisations aiming at:

- (a) supporting indigenous peoples and their representatives in participating in and following up on UN processes relevant to indigenous peoples, and
- (b) supporting civil society activities aimed at promoting ILO Convention 169 and its principles.



To give a concrete example, the EIDHR has been supporting a project on capacity-building for indigenous peoples at the UN. Indigenous peoples are the best promoters of their own rights if they have adequate logistics, documentation and information. Based on this understanding, the EIDHR supports the activities of doCip, the Geneva-based Indigenous Peoples' Centre for Documentation, Research and Information. This three-year project aims to enhance the efficiency of the different UN processes addressing the rights of indigenous peoples.

## 5. EU action in international forums

### 5.1 63rd and 64th session of the UN General Assembly<sup>1</sup>

The Third Committee (Social, Humanitarian and Cultural Affairs) of the 63rd UN General Assembly met from 8 October to 26 November 2008. In all, the Committee considered 58 draft resolutions, slightly down on the number for the previous year (63). Of these, 37 resolutions were adopted by consensus. As in 2007, 21 resolutions resulted in a vote, confirming the persistent divergences on certain issues that reflect serious differences in thinking between geographical groups.

The outcome of the Third Committee's work represents an overall success for the EU and its Member States. All of their initiatives were successful. The EU played a central, decisive and visible role in negotiations and debates. The French Presidency tabled five resolutions on behalf of the EU. Other Member States tabled 10 on a national basis. The EU was able to preserve its united stance on most subjects apart from two, the resolution on the International Convention on the Elimination of Racism and Racial Discrimination, and on the follow-up to the Durban Review Conference.

The EU tabled two of the three country resolutions, denouncing human rights violations in the Democratic Republic of Korea (tabled jointly with Japan) and in Burma. It also actively supported the draft resolution tabled by Canada on the human rights situation in Iran. The campaign initiated by the EU against no-action motions and in support of these three resolutions bore fruit. The three resolutions were passed. Those tabled by the EU were passed in plenary by a large majority (Burma - 80/25/45, DPRK - 94/22/63).

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<sup>1</sup> More information about the EU at the UN : <http://www.eu-un.europa.eu/>

During this session the EU reaffirmed its commitment to the defence of LGBT (Lesbian, Gay, Bisexual and Transgender) people. A Statement on Human Rights, Sexual Orientation and Gender Identity supported by countries in all continents (Argentina, Brazil, Gabon, Japan, Croatia, Norway and the Netherlands), calling for the universal decriminalisation of homosexuality, was delivered for the first time on behalf of 66 States in the UN General Assembly on 18 December 2008. The French Secretary of State for Foreign Affairs and Human Rights, Ms Rama Yade, co-chaired an event in New York with the Netherlands Minister for Foreign Affairs, Mr Maxime Verhagen, to promote this historic text; numerous NGOs and prominent figures attended.

On the EU's initiative a new cross-regional resolution on the death penalty was adopted, shattering the entrenched positions of geographical groups and reinforcing the historic 2007 vote, the number of opponents of this initiative having significantly declined (nine fewer States). The result of the vote (106 for / 46 against / 31 abstentions) showed increased support for the introduction of a moratorium on application of the death penalty and growing acceptance of the principle of this issue being regularly reviewed in the UN General Assembly. The open approach adopted by the EU facilitated genuine ownership of the process by the other co-sponsors. It did not however lead to a more conciliatory stance by the countries opposed to the resolution, which resorted to a blocking tactic, as in 2007.

The 63rd UNGA session confirmed the growing attention to the debate on religion and human rights. The OIC this year again upheld its proposal on the defamation of religions. The resolution on the elimination of all forms of intolerance and discrimination based on religion or belief, tabled by the EU, was adopted by consensus. During the negotiations, the EU succeeded in rallying States to a compromise text balancing freedom of expression and prohibition of incitement to religious hatred.

The omnibus resolution on the rights of the child, tabled jointly with the GRULAC, was a major success. The text contained important elements on child labour. The resolution also renewed the mandate of the Secretary-General's Special Representative for children in armed conflict.

The adoption of the Report of the Human Rights Council gave rise to difficult negotiations. After lengthy discussions the GA's General Committee decided that only the report would be forwarded to the GA for examination, while its recommendations would be debated only in the Third Committee. This provisional institutional solution is unsatisfactory. It illustrates the gaps that exist in relations between the GA and the Third Committee. It represents, for the EU in particular, one of the challenges of HRC reform.

The adoption of the decision on Programme 19 was a success for the EU, which with the support of the like-minded succeeded in defending the independence of the Office of the HCHR and its field activities. The reference in the final text to the Review of the Durban Declaration and Programme of Action caused difficulties, as there was no consensus on whether the Office of the HCHR should support the review conference and its follow up. Since the text was opened to co-sponsorship just at the moment of its adoption, its only EU co-sponsors were France (then Presidency of the EU) and Belgium (which will hold the Presidency of the EU in the second half of 2010, when Programme 19 will again figure on the agenda of the Third Committee).

The resolution on respect for human rights in counter-terrorism led to arduous negotiations, in particular on the issue of the procedures for drawing up the lists adopted by the Security Council. The resolution on the protection of migrants, one of the priorities of the GRULAC countries, was adopted by consensus.

This session was marked by an improvement in the dialogue with the G77 and the non-aligned countries on economic, social and cultural rights and by the adoption of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, creating an individual complaints procedure, introduced by Portugal. The EU was able to support the resolutions on the right to development and the right to food.

The negotiations on the follow-up to the Durban Declaration and Programme of Action led to some progress. However, the EU was unable to adopt a common position on the final text of the draft resolution.

The Third Committee (social, humanitarian and cultural affairs) of UNGA 64 was in session from 5 October to 24 November 2009. In total, it considered 65 resolutions.

In the Third Committee, the priorities of the EU focused on two thematic resolutions (rights of the child, presented together with the Latin American and Caribbean countries, and religious intolerance) and two resolutions on national human rights situations (Burma/ Myanmar and the Democratic People's Republic of Korea). The EU was also closely supportive of the adoption of the resolution on the human rights situation in Iran, presented by Canada, and participated actively in the Lobby Taskforce. All these resolutions were successfully adopted.

The outcome of the negotiations on the omnibus resolution on the rights of the child was particularly welcome. The resolution was adopted by consensus for the first time since 2001, with a record 138 co-sponsors. The resolution on the elimination of all forms of intolerance and of discrimination based on religion and belief, adopted without a vote, was also co-sponsored by a record number of states, 82. The resolutions on country-specific resolutions received more votes of support than the previous year. No no-action motions were introduced this year.

The EU as a whole, including initiatives by individual Member States and in co-sponsorship with countries from other regions, tabled 11 resolutions in the Committee, 3 of which were voted on and adopted. All the national initiatives of EU Member States were successfully adopted, including Crime Prevention (IT), Violence against Women (NL/FR), CEDAW (FI), Torture (DK), International Covenants on Human Rights (FI), the Convention on Enforced Disappearances (FR/Argentina), National human rights institutions (DE). The resolution on Violence against Women saw an attempted amendment successfully defeated, after which the resolution was adopted without a vote. The resolution on International Covenants, however, was subject to amendments in the Committee as well as in the Plenary, and went to the vote.

As it had during previous years, the EU opposed the resolution on defamation of religions. The EU underlines that the notion of defamation of religions is not relevant to human rights discussions, since human rights law protects individuals, not concepts. The EU therefore welcomed the gradually decreasing number of votes in favour of the resolution. At the adoption of the resolution on intercultural and inter-religious dialogue, a common Explanation of Position was delivered, making clear that the EU sees dialogue as a matter for individuals, not concepts or States, and that inter-religious dialogue is part of a much broader intercultural dialogue, since religion and belief are not the only sources of identity. Furthermore, the EU spoke in support of the independence of the human rights special procedures, in response to efforts by some member states to limit and undermine their work, including by calling a vote on references to the report by the Special Rapporteur on the promotion and protection of human rights while countering terrorism.

## **5.2 The United Nations Human Rights Council**

The 9th regular session of the HRC was held in September 2008. During the session, 24 resolutions were adopted, including three by vote. Consensus prevailed during this session, but votes were held on Cuba's traditional resolutions on international solidarity and coercive measures and on the resolution submitted by Pakistan on behalf of the OIC and the African Group on human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territories. Those resolutions were adopted despite being voted against by the EU Member States.

The session was marked by discussions on the renewal of the special procedures to address human rights situations in certain countries. Of the five mandates concerned, four were renewed. The Liberia mandate could not be extended due to that country's opposition to such extension. Acting on a proposal by the French Presidency of the EU, a brief resolution was adopted providing for follow-up via the Office of the HCHR, which would submit a report in September 2009. The following mandates were renewed: Burundi, Cambodia, Haiti (exceptionally, for two years) and Sudan (for six months). Discussions confirmed the hostility of certain States (in particular the African Group) to maintaining the country mandates. The continuation of four country mandates therefore constitutes a success for the EU, which played a decisive role in negotiations, in particular with the host countries.

During that session, the interactive dialogue with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance gave rise to a lively discussion, in particular regarding the proposal of the OIC and the African Group to introduce additional standards to combat defamation of religion. France (on behalf of the EU), together with Chile (on behalf of GRULAC), welcomed the new Special Rapporteur's attempts to shift that issue towards the question of incitement to national, racial and religious hatred. However, the discussions failed to achieve a consensus on that subject, and the EU would therefore have to remain vigilant in that regard. Despite the difficult context, the French Presidency did its best to ensure that the groundwork was properly laid for the Durban Review Conference.

The 8th special session of the HRC (28 November to 1 December 2008) was devoted to the situation of human rights in the east of the Democratic Republic of the Congo. After some difficult negotiations, the special session led to the adoption of a resolution including significant specific results, providing *inter alia* for several Special Rapporteurs to report to the HRC on that region in March 2009.

On 12 December 2008, the HRC convened a commemorative session to mark the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, attended by the United Nations Secretary-General and various national representatives, including around fifteen ministers. Supporting the French Presidency, several EU Member States spoke to reaffirm the universality of human rights in the face of the temptations of relativism. The European Commission delegate noted the instruments which had been put in place by the EU to support human rights throughout the world.

The 42nd session of the Committee on the Elimination of Discrimination against Women (CEDAW) in December 2008 raised the subject of the advisability of creating, within the HRC, a new mechanism on laws discriminating against women; this principle was supported by a number of States, including EU Member States.

The 9th special session of the Council was held on 9 January 2009 and focused on the events in the Gaza strip during the preceding month. Through the resolution adopted, a mission was established to investigate the events from a human rights point of view. As the mandate of this mission was not balanced in the text, the EU abstained in the voting. The EU supported the choice of Justice Richard Goldstone, who headed the mission, to broaden the mandate to investigate the conduct of all sides of the conflict.

The 10th special session of the Human Rights Council: 'The Impact of the Global Economic and Financial Crises on the Universal Realisation and Effective Enjoyment of Human Rights' took place Friday, 20 February 2009. The EU was, throughout the year, highly engaged in countering the crisis and its consequences, in a number of international forums. However, as it is important that the Human Rights Council be able to focus on its core tasks, the EU chose to abstain in the vote on the outcome resolution.

The 10th regular session of the HRC took place in March 2009. The Minister of Foreign Affairs of the Czech Republic, Mr Schwarzenberg participated in the High Level Segment of the meeting speaking on behalf of the EU. The HRC adopted 36 resolutions. The EU's greatest attention went to protecting the work of the special mechanisms of the HRC and supporting the independent functioning of the High Commissioner for Human Rights. The EU managed to ensure prolongation of mandates to Burma/Myanmar and to DPRK, but despite great efforts by the EU to prolong the mandate to DRC, this was blocked by others. The mandate on Somalia was, however, prolonged by a provisional six months. In spite of the EU's opposition, a resolution aimed to limit independence of the OHCHR and others promoting concepts harmful to human rights were adopted as eg defamation of religion. A resolution on the Status of the Convention of the Rights of the Child and its Optional Protocols was adopted smoothly as the first thematic initiative after the decision of both the groups, EU and GRULAC, to repeat omnibus resolutions only every four years (instead of every year).



In light of the worrying developments in Sri Lanka in the spring of 2009, the EU actively supported the holding of an 11th special session of the Human Rights Council on the human rights situation in the country (26-27 May 2009). Unfortunately, the resolution text put forward during the session did not contain an assessment of the human rights situation and follow-up measures strong enough to warrant EU support.

The 11th regular session of the HRC took place from 2 to 18 June 2009. It adopted 11 resolutions and one decision. The main aim of the EU during the session was to ensure continued attention to human rights situation in Sudan. The HRC adopted a resolution establishing the mandate of the independent expert on the situation of human rights in Sudan which will replace mandate of the Special Rapporteur. In spite of the opposition of the EU, several resolutions were adopted on concepts not recognised by the EU. First was the Cuban initiative on the right to peace and second on the impact of foreign debt on enjoyment of basic human rights. Controversial texts on strengthening of the special procedures and a Russian initiative on traditional values were postponed till September session of the HRC.

At the organisational session of the HRC on 19 June 2009, the new President of the HRC for its third cycle, Belgian Ambassador Mr Alex Van Meeuwen, and a new Bureau, comprising representatives of Slovenia (EEG), Egypt (AG), Chile (GRULAC) and the Indonesia (Asian group), were appointed.

The 12th regular session of the HRC (14 September to 2 October 2009), adopted 28 resolutions. The outcome of the session of held a number of positive results for the EU. The resolution on Aung San Suu Kyi and other political prisoners in Burma/Myanmar, put forward by the EU, was adopted by consensus. Also, the geographical special procedures mandates for Somalia and Cambodia were renewed, and the mandate for Burundi was maintained. A consensus resolution was adopted on the freedom of expression and the EU supported the adopted resolutions on transitional justice and independence of the judiciary.

The concept of traditional values could be introduced in the Council through the adoption of a resolution on the matter, however, many states joined the EU, from the WEOG group as well as African states, in expressing their reservations. The EU underlined its concern that the resolution and concept not be used to undermine the universality of human rights.

Discussions on the Middle East were dominated by the presentation of the report of the fact-finding commission on Gaza (the 'Goldstone report') and negotiations on possible follow-up to the report. The EU engaged positively with the Palestinian Authority on a possible outcome from the session, before the resolution was withdrawn, to reappear at a special session shortly after.

A 12th special session of the Human Rights Council was held on 15-16 October 2009, at the initiative of the Palestinian delegation. The session, entitled 'The human rights situation in the Occupied Palestinian Territories and East Jerusalem' mainly concerned the report and recommendations of the fact-finding mission on the events in the Gaza strip, led by Justice Goldstone. The EU engaged actively in negotiations on the outcome of the session, but was unable to support the resolution as its suggested amendments were not incorporated.

The EU has continued to support the work of the Office of the High Commissioner for Human Rights, both by regular meetings and reiterating its commitment to the continuing independence of the High Commissioner and her Office.

#### *Universal Periodic Review*

The EU continuously strives to safeguard the UPR process from any attempts to undermine its credibility and to uphold the ability of NGOs to participate in the process.

The third session of the Universal Periodic Review (1-15 December 2008) provided an opportunity for the review of 16 countries, including Burundi, Israel, the United Arab Emirates, Uzbekistan, Turkmenistan and Luxembourg. The session was notable for wider participation by States in the exercise, for more precise and better targeted recommendations and for the presence of high-level delegations from States subject to UPR, all of which demonstrated the seriousness with which the exercise was handled by most countries. However, the adoption of certain reports gave rise to difficulties, in particular in the cases of Burundi and Uzbekistan, which tried to change the traditional structure of the part of the report relating to recommendations; this would have been a source of confusion and ambiguity regarding the positions of the countries concerned. For the EU Member States, the session confirmed the validity of UPR.

Two sessions of the Universal Periodic Review took place in February and May 2009. The February session reviewing among others Cuba, Saudi Arabia, China, Russian Federation and Nigeria suffered heavily from procedural obstructions and efforts to manipulate the process. The President of the HRC was not able to reach agreement of states on any solution.

### **5.3 The Council of Europe**

Cooperation between the EU and the Council of Europe (CoE) continued its positive trend, with intensified exchanges and strengthening of relations, including in the human rights area<sup>1</sup>.

Quadripartite meetings between the EU Presidency, the Commission, the Secretary General of the Council of Europe and the Chair of the Committee of Ministers of the CoE were held on 11 May 2009 and 27 October 2009. The participants welcomed the successful implementation of the Memorandum of Understanding between the EU and the CoE, signed in 2007, and discussed the issues related to cooperation in the areas of democratisation, human rights and the rule of law.

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<sup>1</sup> [http://ec.europa.eu/external\\_relations/organisations/coe/index\\_en.htm](http://ec.europa.eu/external_relations/organisations/coe/index_en.htm)

Senior CoE officials, including the CoE Commissioner for Human Rights and the Registrar of the European Court of Human Rights, continued to be regular guests in the margins of Working Groups of the Council of the EU. In February 2009 the CoE Commissioner for Human Rights met with the then High Representative Javier Solana to discuss human rights issues. The newly elected Secretary General of the CoE visited Brussels in October 2009 and met with the President of the Commission. A number of high level European Commission officials visited Strasbourg in order to brief on various EU policies, including the Eastern Partnership initiative.

One of the most important issues on the EU-CoE agenda is accession of the EU to the European Convention on Human Rights. Preparations for this began after ratification of the Lisbon Treaty. The EU strongly supports efforts to strengthen the European Court of Human Rights and is committed to contributing to its efficiency. In this regard, the EU fully supports the process of Interlaken in the framework of the High Level Conference on the future of the European Court of Human Rights.

The EU highly appreciates the work of the CoE Venice Commission and welcomes its role in advising on compatibility of legislation in the CoE member states with European standards and norms in the area of fundamental rights and freedoms.

The EU has enjoyed good cooperation with the CoE Commissioner for Human Rights, notably with regard to the post-conflict situation in Georgia and the post-electoral situation in Moldova. The CoE has also provided human rights training for the EU Monitoring Mission in Georgia.

The EU and the Council of Europe continued to closely cooperate in the effort to abolish the death penalty worldwide, as illustrated by the publication of a joint declaration on the occasion of the international and European day against the death penalty on 10 October in 2008 and 2009.

The EU continues to be the major contributor to the CoE activities through financing of joint programmes and activities. The EU will continue to maintain close cooperation with the CoE in the areas of common interest, as set out in the EU-CoE Memorandum of Understanding.

## 5.4 The Organisation for Security and Cooperation in Europe (OSCE)

The EU continued to support the OSCE's efforts to enhance security through all three of its so-called 'dimensions':

- the politico-military;
- the economic and environmental; and
- the human dimension.

Throughout the period the EU has engaged constructively and substantively at the OSCE in the dialogue on the future of European security, which dominated the OSCE agenda in 2009<sup>1</sup>. The EU was instrumental in helping the Greek Chairmanship to secure a successful launch of the Corfu process strengthening and re-vitalising the OSCE at the first ever informal Ministerial meeting of the OSCE. This was aimed at restoring confidence between OSCE member states, weakened by the armed conflict between Russia and Georgia in August 2008. The Athens Ministerial Council (1-2 December 2009) was successful in adopting a Declaration and a Decision on the Corfu process, in line with the EU's objectives, spelling out a strong commitment to take forward a broad security dialogue in the OSCE framework, and setting out a substantial agenda for progress under the Kazakh Chairmanship (in 2010) and beyond.

The EU gave particular priority to conflict prevention and conflict resolution, including through the work of the High Commissioner on National Minorities and the confidence and democracy building work of OSCE Field Missions. The EU continued to work actively on reaching consensus to restore a meaningful OSCE presence in Georgia.

In the human dimension, the EU continued to underline the importance of safeguarding the independence of OSCE Institutions, in particular the ODIHR. The EU consistently spoke out in favour of measures to address negative developments on media freedom in the OSCE region, as well as attacks against journalists and other human rights defenders.

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<sup>1</sup> [http://ec.europa.eu/external\\_relations/osce/index\\_en.htm](http://ec.europa.eu/external_relations/osce/index_en.htm)

Regular political dialogue with the OSCE continued at both Ministerial and Ambassadorial levels, and through the meeting of OSCE Secretary-General with the Political and Security Committee and participation of the representatives of OSCE Institutions at the Council working group meetings. In September 2009, the Personal Representative of High Representative Javier Solana carried out a mainstreaming visit to the OSCE to brief on developments in the EU's human rights policy and instruments.

## 6. Countries, regions and territories

### 6.1 EU candidates and others

#### Turkey

The EU continues to monitor the situation within the framework of the negotiating process, as well as through regular political dialogue of ministers and political directors. The latest EU assessment of the situation is based on the Commission's annual progress report, issued on 14 October 2009, which noted some progress, but identified a number of outstanding issues still needing reform.

In 2009 the government of Turkey launched a democratic initiative, including an opening on the Kurdish issue. This was welcomed by the Council of the EU on 8 December 2009, which stated that this initiative should lead to concrete measures that would significantly improve the situation in the South-East by guaranteeing the protection of diversity among Turkish citizens.

The EU invited Turkey to step up the pace of reforms, to ensure that Turkey fully meets the 'Copenhagen criteria'. It highlighted various areas where progress is needed, including freedom of expression, freedom of the press, freedom of religion, respect for property rights, trade union rights, rights of persons belonging to minorities, civilian oversight of the military, rights of women and children, anti-discrimination and gender equality. The EU welcomed the government's intention to step up efforts in the fight against torture and ill-treatment, including on the issue of impunity.

At the EU-Turkey Association Council on 19 May 2009, the EU stressed a similar range of issues, including observance of international human rights law, promotion and enforcement of human rights and trade union rights. The EU also looked forward to long-awaited amendments to the Constitution, in order to allow further democratisation in a number of areas and give stronger guarantees for fundamental freedoms in line with EU standards.

As concerns the East and Southeast, the EU welcomed the decision to complete the South-East Anatolia Project and underlined the importance of a comprehensive approach to economic and social difficulties facing the region, creating conditions for the predominantly Kurdish population to enjoy full rights and freedoms. Some progress has been made on cultural rights, especially with the establishment of a national television channel broadcasting in Kurdish, but significant efforts are still needed.

A total of € 567 million of pre-accession financial assistance was earmarked for Turkey from the Instrument for Pre-accession Assistance (IPA) in 2009. In addition, Turkey has benefited from regional and horizontal programmes under IPA, supporting civil society development.

### **Countries of the Western Balkans**

By aiming to join the EU, these countries are aligning to its human rights policies. Until accession, the policy framework for the Western Balkans countries is provided by the Stabilisation and Association Process (SAP), which sets conditions including respect for democratic principles, the rule of law, human rights and rights of persons belonging to minorities, fundamental freedoms and the principles of international law and regional cooperation. At the centre of the SAP are the 'Stabilisation and Association Agreements' and 'Interim Agreements'. Democratic principles and the protection of human rights are essential elements of each agreement.

The latest EU assessment of the situation is based on the Commission's annual progress reports, issued on 14 October 2009, which noted progress in various areas. The reports identify the rule of law, especially corruption and organised crime, but also the strengthening of administrative capacities, as a major challenge in the Western Balkans. Problems affecting the freedom of expression and the media also need to be tackled as a matter of urgency.



The EU regularly discusses human rights issues with the countries of the region. EU assistance is provided through the Instrument for Pre-Accession Assistance (IPA)<sup>1</sup> and is directed to short and medium-term priorities for further European integration. The EU runs three CSDP operations in the region - two in Bosnia and Herzegovina and one in Kosovo - as well as three EUSR offices. The mandate of each operation stresses the importance of human rights and rule of law issues.

Several of the regional initiatives affiliated to the Regional Cooperation Council, on the fight against cross-border crime and corruption, law enforcement and police cooperation, are working towards strengthening respect for human rights. SAP conditions include full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), to promote reconciliation by addressing past human rights violations. The EU supports ICTY's work by imposing an assets freeze on indicted fugitives and a travel ban on persons assisting ICTY indictees to evade justice.

On 7 December 2009 the Council of the EU stressed the importance of protection of all minorities and encouraged the governments of the region to take the necessary action to address these issues. Overall, the Roma minority continues to face very difficult living conditions and discrimination.

## **Croatia**

The EU maintained its close monitoring of human rights compliance in the framework of accession negotiations, as well as the Stabilisation and Association process. The latest EU assessment of the situation is based on the Commission's 2009 annual progress report. This noted progress in various areas, but underlined that the promotion and enforcement of human rights was often compromised by shortcomings in the administration of justice.

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<sup>1</sup> OJ L 210, 31.7.2006, p. 82. Overall, € 6,3 billion are committed to assist preparation for accession of the WB countries, € 903 million in 2010.

At its meeting on 7 December 2009, the Council of the EU noted that Croatia would need to step up reform efforts in the fight against organised crime, to ensure the rights of persons belonging to minorities, including refugee return, and war crimes trials, to build up a convincing track record in these areas. The Council made clear that addressing these reforms and meeting all benchmarks in a timely manner, thereby fulfilling all the requirements of membership, notably concerning the judiciary and fundamental rights, will be essential for Croatia if it is to meet its objective of concluding negotiations in 2010.

At the 5th meeting of the EU-Croatia Association Council, on 28 April 2009 and at the 5th meeting of the EU-Croatia Stabilisation and Association Committee, on 9 December 2009, the EU reiterated similar messages, stressing that human rights protection is broadly ensured, but important challenges remain in terms of implementation.

The financial assistance provided under IPA programmes amounted to € 151 million in 2009. Areas covered included institution building. In addition, Croatia continued to benefit from regional and horizontal programmes. A € 2.5 million grant scheme was set up under IPA 2009 for civil society development.

### **Former Yugoslav Republic of Macedonia**

The Stabilisation and Association Agreement, signed in April 2001, is being smoothly implemented. In its 2009 Enlargement Strategy Paper and Progress Report for the country, the European Commission assessed that the country has made sufficient progress on membership criteria to enable the Commission to recommend the opening of EU accession negotiations. At its meeting on 7-8 December 2009, the Council decided to return to that matter during the first half of 2010.

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

The EU has stressed that the reform agenda must be continued. In particular, continued efforts are needed to fight corruption and to ensure the independence and impartiality of the judiciary. The EU also underlined the importance of good relations between communities.

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

The sixth meeting of the Stabilisation and Association Council, in Brussels on 27 July 2009, reviewed key developments related to fulfilment of the political criteria for EU membership. The EU welcomed the findings of ODIHR that conduct of the presidential and municipal elections (in March/April 2009) met most international standards, and called for all recommendations of ODIHR to be fully implemented as soon as possible.

The EU welcomed progress made in implementing the Ohrid Framework Agreement, which is an integral part of the constitutional and legal order in the former Yugoslav Republic of Macedonia. The EU underlined the need to make further progress towards the integration and representation of ethnic communities. It also welcomed the creation of a specialised agency for the protection of ethnic minorities. Finally, the EU called for further efforts so that freedom of speech, including in the media, is effectively ensured in practice.

The national IPA allocation for 2009 amounted to € 81 million. Focus areas included implementation of the Ohrid Framework Agreement and strengthening of administrative capacity, especially in the rule of law. Extensive EU financial support has been provided to civil society including aid to establish the national civil society forum, capacity building to civil society organisations, and the establishment of regional NGO support centres.

## Albania

The Stabilisation and Association Agreement (SAA) with Albania was signed on 12 June 2006, and entered into force in April 2009. The Stabilisation and Association Council therefore met for the first time on 18 May 2009. Its main purpose was to review progress on the country's path towards the EU. On human rights and the protection of minorities, the EU encouraged Albania to use its legislative framework to fulfil its commitments.

Albania presented an application for EU membership in April 2009. The Commission has started preparations for an opinion on Albania's application following the decision by the Council of the EU in November 2009.

Following the general elections on 28 June 2009, the EU noted that they had met most OSCE commitments, though further efforts are needed to address the shortcomings identified. The main opposition party decided to boycott the new Parliament, starting from its first session on 7 September. Since then the EU has continued to follow the situation.

The EU continues to monitor the human rights situation in Albania, in particular the situation of socially vulnerable groups and minorities. This is done within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the annual progress report. Overall, Albania has ratified most major international human rights conventions, but implementation still needs to improve. Freedom of expression is guaranteed by the Constitution, but many media are subject to political interests. Socially vulnerable people and minorities are affected by a fragmented legal and financial framework. In particular, the Roma still face very difficult living conditions and discrimination.

In a declaration on 13 February 2009, the EU highlighted its concern at Albania's 'lustration law' and its implications for the independence of the judiciary. It called on the government of Albania to safeguard the independence of all constitutional institutions.

Assistance under IPA to Albania totalled € 81.2 million in 2009. Main focus areas included justice and home affairs, administrative capacity-building and democratic stabilisation.

## **Bosnia and Herzegovina (BiH)**

The EU signed a Stabilisation and Association Agreement with Bosnia and Herzegovina (BiH) on 16 June 2008. Since then, however, the political situation has deteriorated in light of increased nationalist rhetoric, pre-election campaigning for the elections in October 2010, and blockages of the state institutions. In autumn 2009, the EU and U.S. jointly launched a high level initiative seeking to facilitate political agreement to reform the Constitution, including bringing the current constitutional arrangements in line with the ECHR, which is also an obligation under the SAA and the Interim Agreement. However, due to the timescale for legal steps needed to amend the Constitution, it is unlikely that amendments will be made in time to allow for ECHR compliant elections in 2010.

The EU continued to monitor the human rights situation and in particular the situation of socially vulnerable groups and minorities within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the Commission's annual progress report. The EU continued to call for further progress in effective monitoring of human rights by domestic state institutions, and the implementation of relevant court rulings. The EU also noted that, despite an increase of financial resources for the implementation of the Roma strategy, this minority continues to face very difficult living conditions and discrimination.

The EUSR in BiH has continued to promote a coherent and consistent approach in mainstreaming human rights. In coordination with other international actors, he has actively assisted the domestic authorities in drafting a Law on Prohibition of Discrimination. Similarly he has played a central role in supporting reforms in the rule of law sector.

Both CSDP missions in BiH, ie the EU Police Mission (EUPM) and Operation ALTHEA (EU-led force since 2007) have supported the rule of law and a safe and secure environment.

The EU allocated € 89.1 million under the 2009 IPA programme. The main areas of assistance included public administration, constitutional reform and the rule of law. € 3 million were provided to support civil society development.

## Montenegro

The EU signed a Stabilisation and Association Agreement with Montenegro in October 2007, which is expected to enter into force during the first half of 2010. Following that, on 15 December 2008 Montenegro applied for membership of the EU, and the Commission is preparing an opinion on this application.

In line with the conditionality of the Copenhagen criteria and the Stabilisation and Association Process, the EU has continued to monitor the human rights situation in Montenegro, in particular the situation of socially vulnerable groups and minorities.

In 2009 the EU noted further progress in this field, setting Montenegro broadly in line with European standards. The Constitution of October 2007 provides a high level of protection of human rights and freedoms, including the rights of persons belonging to minorities, but implementation still needs to improve. In particular, the Law on 'Minority Rights and Freedoms' has not yet been harmonised with the Constitution. Despite some steps having been taken, the economic and social situation of displaced persons, as well as the Roma, Ashkali and Egyptian population, remains a matter of serious concern as they continue to face very difficult living conditions and discrimination.

The EU has called on Montenegro to consolidate the rule of law, including the independence of the judiciary, and to show sustainable results in the fight against organised crime and corruption. More specifically, it has called for further efforts to improve implementation of laws in the areas of torture and ill-treatment, the prison system and access to justice. It has also raised the need for more efforts to ensure freedom of expression, in particular as regards the media. On 26 June 2009 the EU issued a declaration welcoming the ratification by Montenegro (and various other countries) of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (OPCAT)

The Parliamentary elections held in March 2009 met almost all international standards.

In 2009 a total of € 33.3 million was allocated under IPA. The main focus areas included the rule of law, including justice and police reform. € 2.2 million were earmarked for projects aiming to enhance the contribution of civil society organisations in areas such as social welfare, special education, preventive health, inter-cultural dialogue, transparency and accountability of the public administration, judiciary and parliament.

## **Serbia**

Serbia signed a Stabilisation and Association Agreement (SAA) with the EU on 29 April 2008. Following the positive assessment of Serbia's cooperation by the ICTY Chief Prosecutor, on 7 December 2009 the Council of the EU decided to unblock the Interim Agreement of the SAA (which subsequently entered into force on 1 February 2010) and to return to the issue of the SAA's ratification after six months. On 22 December 2009 Serbia applied for accession to the EU.

The EU continued to review the human rights situation, including the situation of socially vulnerable groups and minorities in Serbia within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the Commission's annual progress report. Furthermore, the EU Delegation in Belgrade has been closely monitoring the situation of human rights in Serbia, including the rights of persons belonging to minorities, through various means such as field missions, as well as through regular dialogue with relevant stakeholders such as Civil Society Organisations and International Organisations.

The annual EU-Serbia Ministerial political dialogue meeting (Troika) was held in Brussels on 26 January 2009. The EU and Serbia discussed the political situation in Serbia, EU-Serbia relations, political developments in the region, and energy security in the Western Balkans. The EU raised issues such as the reform of the rules of procedure of Parliament, general democratic reforms, judicial reform, and the fight against corruption and organised crime. The EU stressed that all reforms should be carried out in line with European standards.

In February 2009, the High Representative appointed a Personal Representative based in Belgrade, who is working closely with the Serbian Government on all political and rule of law issues.

Serbia's national IPA allocation for 2009 totalled € 194.8 million. Financial assistance was directed to areas including strengthening the rule of law, human rights and education. A number of civil society initiatives are being supported both under the national and regional IPA programmes under the Civil Society Facility and by thematic financing instruments such as the European Initiative for Democratisation and Human Rights.

## **Kosovo**

The launch of EULEX Kosovo operations, on 9 December 2008, marked a critical contribution by the EU to reinforce the rule of law and key fundamental rights in Kosovo, in particular the right to a fair trial, which is pivotal to any legal reform. EULEX Kosovo represents an unprecedented effort by the EU to promote and strengthen the rule of law across Kosovo. The mission's activities range from an involvement at all stages of the criminal chain of justice, as well as in civil justice and property rights, to assistance of families whose relatives remain unaccounted for. The Mission also provides assistance when the local police is not in a position to cope with public order challenges.

EULEX Kosovo has begun work on establishing a Human Rights Review Panel to review complaints from any person (other than mission personnel), presenting allegations of human rights violations by EULEX Kosovo since the beginning of its mandate. The role of the Panel is linked to the duration of the executive mandate of EULEX Kosovo.

The EUSR in Kosovo has a mandate for, and has been actively engaged in, promoting the protection of human rights and the rights of persons belonging to minorities (including decentralisation, education, cultural heritage, property rights and voluntary return). The EUSR has closely monitored the human rights condition of non-majority communities living in Kosovo, including the situation of the Roma community.

Kosovo benefits from and takes part in the EU's Stabilisation and Association Process, but since it is neither a member of the UN nor of the Council of Europe, cooperation with international human rights bodies is necessarily limited. The EU has therefore made it a particular priority to ensure full respect for human rights in Kosovo.



Kosovo benefits from EU assistance through the IPA, macro-financial assistance, Community Assistance for Reconstruction, Development and Stabilisation (CARDS), the Instrument for Stability (IfS) and other sources of funding. Over € 103 million was allocated in the IPA Annual Programme for 2009, including for strengthening the rule of law.

## **6.2 Countries of the European Neighbourhood Policy (ENP)**

### **European Neighbourhood Policy**

The European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours. In the framework of their ENP Action Plans partner countries agree to achieve closer political cooperation and dialogue on the basis of common values, ie respect for human rights and fundamental freedom, democracy, the rule of law, good governance and international law. In April 2009, the Commission took stock of the progress made by ENP countries in implementing their action plans, including in the field of human rights and democratisation<sup>1</sup>.

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<sup>1</sup> Commission staff working document accompanying the communication from the Commission to the European Parliament and the Council "Implementation of the European Neighbourhood Policy in 2008" (see country-specific progress reports at [http://ec.europa.eu/world/enp/documents\\_en.htm](http://ec.europa.eu/world/enp/documents_en.htm))

## **Eastern Partnership**

The Eastern Partnership was launched in Prague on 7 May 2009. Its aim is to enhance the EU's relations with Armenia, Azerbaijan, Georgia, Belarus, Moldova and Ukraine. The Eastern Partnership is based on commitment to the principles of international law and to fundamental values, including democracy, the rule of law, good governance, respect for human rights and fundamental freedoms. As well as promoting these values, the Eastern Partnership is designed to promote good governance, to encourage public sector reform, and to foster contacts between the EU and people of the six partner countries. The 'thematic platform' on democracy, good governance and stability met on 5 June and 7 October 2009. In addition, the Eastern Partnership Civil Society Forum (16-17 November 2009) produced recommendations, including on human rights and good governance, which were presented to the Foreign Ministers of the Eastern Partnership countries at their annual meeting on 8 December 2009.

## **South Caucasus**

In 2008-2009 the EU continued its regular dialogue on human rights with Armenia, Azerbaijan and Georgia. Discussions took place at the EU-Armenia, EU-Azerbaijan and EU-Georgia Cooperation Committees in September 2009, and at the three Cooperation Councils on 26 October 2009. Human rights were also discussed during the visit of EU Foreign Ministers to the South Caucasus, 16-20 July 2009. The EU established dedicated human rights dialogues with Georgia and Armenia; two sessions of the human rights dialogue with Georgia and the first round of the human rights dialogue with Armenia have been held so far.

The ENP Action Plans with the three South Caucasus countries, adopted in November 2006, have continued to set operational priorities. The three ENP Action Plans contain a specific section on human rights and fundamental freedoms with concrete actions to be implemented.

The process of consolidating democratic governance and entrenching respect for human rights and the rule of law in the South Caucasus continues to proceed on an uneven trajectory. Inadequate political pluralism and media freedom, a generally weak rule of law, as well as the lack of dialogue, have continued to give the EU cause for concern, to varying degrees, in all three countries. During the reporting period, the EU has therefore kept the human rights situation in all three countries under close review. The EU has continuously reiterated its expectation that their governments should do all they can to continue to strengthen democracy, through reforms of state institutions, and through maintenance of constructive dialogue with the opposition, to ensure broad-based support for institution building.

The mandate of the EUSR for the South Caucasus, Peter Semneby, contains specific provisions on human rights. Both he and the EUSR for the Crisis in Georgia, Pierre Morel, have held regular discussions with their counterparts on human rights related issues.

## **Armenia**

The EU has continued to encourage the Armenian authorities to take additional steps in order to reach closure following the events on 1-2 March 2008, following the Presidential election. The amnesty approved on 19 June 2009 by the National Assembly released most of those held, but some persons remain in detention linked to political activities.

The EU has continued to impress on the Armenian authorities the importance of holding an independent, transparent and credible investigation into the March 2008 events. The *ad hoc* Parliamentary Commission, mandated in June 2008 to investigate the March events and assess the legality and proportionality of police actions, concluded its work in September 2009. The final report found only isolated instances of disproportionate use of force by the police. To the EU's regret, opposition parties, as well as the Ombudsman, were not represented in the Commission. A broad-based "Fact-Finding Group", with the task of collecting facts to be submitted to the *ad hoc* Parliamentary Commission, was dissolved after internal rivalries in June 2009, thereby depriving the non-parliamentary opposition and other experts of a stake in the investigations. The EU continued to urge the authorities to increase efforts to identify and prosecute individuals responsible for the ten deaths.

The EU viewed the first municipal elections in Yerevan, on 31 May 2009, as another missed opportunity to restore trust within Armenia's polarised society.

The project of an EU Advisory Group to the Republic of Armenia was successfully launched in March 2009 and is supporting Armenia's reform efforts, including those in the area of human rights and good governance. The first session of the EU-Armenia human rights dialogue was conducted in Yerevan on 9 December 2009. The dialogue was frank and open with the Armenian side demonstrating willingness to engage.

## **Azerbaijan**

The EU noted little or no progress on democratic reforms in Azerbaijan during the period, despite several national strategies regarding the rule of law and human rights having been adopted. The EU has paid considerable attention to human rights cases, making frequent public statements and elaborating on these in private talks with the Azerbaijani authorities.

On 15 October 2008 the EU issued a declaration on the presidential elections in Azerbaijan. This noted that despite efforts to take account of recommendations made by ODIHR (OSCE) and the Venice Commission (Council of Europe), the elections did not satisfy international standards, particularly on the organisation of public debate, conduct of polling and the counting of votes. The EU therefore urged the Azerbaijani authorities to continue their efforts to honour their international commitments regarding democratic pluralism and media freedom.

Changes to the Constitution, adopted by referendum in March 2009, reinforced the positions of the President and the ruling party. Amendments to several key laws raised further concerns, though restrictions on NGOs were eventually not adopted after numerous EU interventions. Freedom of the media did, however, remain constrained.

There remain several individual cases of concern. The arrest of two young bloggers in early July 2009, and their sentencing to prison terms in November, remains a cause for concern which the EU has closely followed and raised on several occasions. In October 2009, five journalists were sentenced on charges of defamation, one of them to a jail term. A number of journalists remain in Azerbaijani jails. On the positive side, several cases against human rights defenders and civil society personalities ended in acquittals.

Contrary to Armenia and Georgia, Azerbaijan rejected a dedicated human rights dialogue with the EU, opting instead for the setting up of a subcommittee on 'Justice Liberty and Security, Democracy and Human Rights'; an EU decision on this is currently pending.

## **Georgia**

The first EU-Georgia human rights dialogue was held in Tbilisi on 28 April 2009; the second round on 16 December 2009 in Brussels. On both occasions the EU found the Georgian side open, demonstrating willingness to engage. A second meeting of the EU-Georgia subcommittee on 'Justice, Freedom and Security' was held in Tbilisi on 3 June 2009. This also discussed issues related to IDPs, rule of law and reform of the judiciary.

The EU has continued to be closely engaged in the aftermath of the protracted street protests led by the opposition during the spring and early summer of 2009. The EU, through the EUSR for the South Caucasus, has sought to facilitate the transformation of the street protests into meaningful dialogue between the ruling party and non-parliamentary opposition parties.

The EU has continuously reminded the Georgian authorities that they should continue their engagement with the opposition, civil society and NGOs and to deliver on its promises, especially on issues directly related to the human rights and rule of law situation in the country.

The EU has been actively engaged in conflict resolution efforts in Georgia, making a significant contribution to stabilisation and normalisation through the EU Monitoring Mission (EUMM). The EUMM's mandate includes monitoring of humanitarian aspects, notably the situation of the IDPs and the population living in areas affected by the conflict.

The EU, together with the OSCE and UN, has the role of Co-Chair of the Geneva talks. Eight sessions of the Geneva discussions took place between 15 October 2008 and the end of 2009. In parallel to the discussions in Working Group I (security issues), Working Group II focused on humanitarian issues, notably covering practical measures required for the return of IDPs and refugees, as well as on identification of steps needed in order to alleviate the situation of the population living in the conflict affected areas (gas and water issues).

## **Belarus**

The human rights situation in Belarus has long been a cause of concern for the EU. In October 2008, following the parliamentary elections on 28 September, the Council of the EU adopted conclusions setting out a policy of gradual re-engagement. This was based on the release of political prisoners, and some easing of restrictions on the opposition. It opened the door to dialogue on strengthening democracy and respect for human rights in Belarus.

In November 2008, the Belarusian authorities issued a non-paper offering commitments:

- First, entry into expert consultations with ODIHR on improving electoral legislation. A first round of expert consultations was held in February 2009 between OSCE/ODIHR and the Legislative Centre of the Presidential Administration. But despite agreement to this effect, Belarus failed to consult OSCE/ODIHR on its proposed amendments before submitting them to the Parliament. Although addressing some concerns, the adopted amendments fell short of expectations, as a crucial provision (allowing observers to travel in the country) was removed.
- Second, providing the possibility for printing, and freely distributing, the independent / opposition newspapers "*Narodnaya Volya*" and "*Nasha Niva*" in Belarus, including their inclusion in BelPoshta subscription catalogues. This has been done.
- Third, organising with the OSCE Office in Minsk, and the OSCE Representative on Freedom of the Media, a roundtable on internet publications and internet regulation. This took place in Minsk on 24 November 2009.

On 17 November 2008 the "For Freedom" movement of former Presidential candidate Aliaksandr Milinkevich was registered. Further positive steps included the formation of Consultative Commissions, including one on human rights, gathering representatives of civil society and even the opposition. So far, however, these seem to have had no real impact.

Certain key NGOs have been registered, but others have their cases still pending, or have (repeatedly) been denied registration (eg the human rights NGO "*Viasna*"). While two independent newspapers were allowed to be printed and distributed, 11 others have been denied this right. There are also problems with the accreditation of certain independent media, and the use of a clause on extremism to close down independent minded papers. A controversial media law entered into force on 8 February 2009, which may increase control over the internet. Belarus has yet to repeal provisions of its criminal code, especially on defamation of the President, which have been used against civil society and independent media.

Independent analysts and moderate opposition figures concede that there is less harassment than before against civil society / opposition activists, but short-term detentions continue. The opposition increasingly complains about "forcible conscription" to the army. The EU follows closely the on-going Avtukhovich case and the appeal process in the Dubski case. Harassment has again increased in the run up to the elections.

In November 2009, faced with a lack of significant progress on human rights despite some encouraging steps, the EU decided to prolong until October 2010 the restrictive measures in place against certain officials of Belarus. At the same time, in order to encourage progress, travel restrictions on officials of Belarus were suspended for the same period.

Also in 2009 the EU expressed its deep regret at the death sentences passed on Mr Vasiliï Jazepchuk and Mr Andrey Zhuk. These cases were in contradiction to statements by the authorities of Belarus about restricting the use of the death penalty. The EU called on the authorities of Belarus to introduce a moratorium on the death penalty with a view to abolition.

Following the agreement between then High Representative Solana and foreign minister Martynov, on 19 February 2009, the EU launched a Human Rights Dialogue with Belarus. After several preparatory talks, the first round of consultations took place in Prague on 16-17 June 2009. So far, however, this has remained without follow up, mainly due to disagreement over the venue, with Belarus opposing the holding of the human rights dialogue in Minsk.

Belarus is one of the six equal participants in the Eastern Partnership, and has proved to be an active participant in the first platform meetings, including Platform 1 on democracy, good governance and stability, which also covers issues related to human rights. However, the Belarus authorities have been much less supportive of the Eastern Partnership Civil Society Forum (CSF). One of the participants, Tatsiana Shaputka, was unfairly expelled from the Faculty of Law of the Belarusian State University where she was enrolled as an undergraduate student following her participation in launching of the CSF. The EU continues to provide assistance to civil society to promote the development of a democratic and pluralist environment.

Overall the human rights situation in Belarus remains a cause for concern. The EU has declared its readiness to respond positively in case of positive developments.

## **Moldova**

2009 saw political crisis in Moldova following parliamentary elections in April. Although the International EOM noted that most requirements were met, the opposition claimed fraud and protests soon turned violent. The law enforcement authorities reacted forcefully, committing numerous human rights abuses including ill-treatment of detainees.

Repeat parliamentary elections, on 29 July, finally produced a coalition government in September, with a narrow victory by four opposition parties. The EU welcomed this with a declaration offering deeper and stronger relations with Moldova, and the prospect of a new Association Agreement (negotiations were subsequently launched in Chisinau on 12 January 2010).



The EU-Moldova Cooperation Council in Brussels on 21 December 2009 agreed on the need to uphold human rights standards, democratic principles and the rule of law in Moldova, and stressed the role of civil society. The EU welcomed the commitment of Moldova to address outstanding human rights issues and ODIHR recommendations for future elections.

The Cooperation Council also agreed to set up a regular dialogue on human rights. (The first meeting of this has since taken place, in March 2010). In addition, the EU agreed to cooperate closely with Moldova on a Comprehensive Institution-Building programme, within the framework of the Eastern Partnership. Both sides agreed on the importance for Moldova to pursue reforms in line with the EU-Moldova Action Plan.

Throughout the period, the EUSR for Moldova was in close contact with the Moldovan authorities, civil society and international organisations concerning the human rights situation in the country, including in the Transnistrian region. One of his advisors in Chisinau continued to serve as a human rights Focal Point. The EUSR also cooperated closely with the CoE Commissioner for Human Rights in addressing the post-election events of April. The EUSR also brought up specific cases with the Moldovan government and the authorities in Tiraspol.

## **Ukraine**

During 2009 Ukraine continued to further consolidate many important aspects of democracy, including political freedom and plurality, the freedom of the media and civil society. However, corruption, the independence and impartiality of the judiciary, and the efficient functioning of the court system remained areas of concern to the EU. There were also continued problems with the ill-treatment of detainees by law enforcement agencies; ensuring full respect for the principle of non-refoulement in the context of asylum-seekers and refugees; and violent incidents motivated by racism and xenophobia. Political instability in Ukraine was an obstacle to further political reforms and efforts to address these concerns.

An EU-Ukraine meeting on Justice, Freedom and Security was held in Luxembourg on 3 June 2009. This expressed a strong commitment to partnership based on shared values such as democracy, human rights, fundamental freedoms and the rule of law.

At the Cooperation Council meeting in Luxembourg on 16 June 2009, the EU recalled the critical importance of constitutional reform carried out in a transparent and inclusive manner. It encouraged Ukraine to continue consulting the Venice Commission in this process. It also urged Ukraine to pay particular attention to the fight against corruption and securing an independent judiciary.

The EU-Ukraine Action Plan, launched in February 2005, was replaced by a new instrument, "Association Agenda", as of November 2009. Like its predecessor, the Association Agenda contains a section on democracy, rule of law, human rights and fundamental freedoms.

The EU-Ukraine Summit was held in Kyiv on 4 December 2009. This discussed the implementation of Ukraine's on-going reform agenda, noting continuing progress in justice and home affairs. The Summit underlined the importance of promoting reforms and strengthening common values, notably as regards respect for human rights, democratisation and the rule of law, which was confirmed as the cornerstone of EU-Ukraine relations.

### **Union for the Mediterranean**

The Union for the Mediterranean was launched at a Summit in Paris on 13 July 2008, which underlined a commitment to strengthen democracy and political pluralism by the expansion of participation in political life and the embracing of all human rights and fundamental freedoms. The Summit affirmed an ambition to build a common future based on the full respect of democratic principles, human rights and fundamental freedoms, as enshrined in international human rights law, such as the promotion of economic, social, cultural, civil and political rights, strengthening the role of women, respect for minorities, the fight against racism and xenophobia, and the advancement of cultural dialogue and mutual understanding.

### **Egypt**

The EU-Egypt subcommittee on political matters (covering human rights and democracy) held its second meeting in Cairo on 7 and 8 July 2009. During the meeting, the EU raised its concerns regarding respect for human rights in a number of areas.

On the occasion of the Association Council in April 2009, the EU welcomed the release on medical grounds of Ayman Nour, one of the main contenders in the 2005 presidential elections, some months before the end of his five-year sentence. The EU had on several occasions expressed concern over his case and had followed closely his trial and detention process. The EU encouraged Egypt to pursue efforts to promote and protect human rights, including releasing all prisoners of conscience and political dissidents. The EU called on Egypt to take more steps to improve the state of freedom of expression and press freedom in accordance with international standards, and in particular to lift restrictions on media reporting, cease arrests for press offences, and to abolish prison sentences for publication offences. In this regard, the EU deplored the continued harassment and arbitrary detention of journalists and internet bloggers.

At the second EU-Egypt Association Committee, held in Brussels on 14 December 2009, the EU acknowledged Egyptian efforts to improve women's rights and status, citizen's rights and prison conditions. It also expressed appreciation for steps to engage with civil society in the 2010 Universal Periodic Review. The EU looked to the constitutional reforms launched in 2007 to move Egypt towards more political freedom, and enhance the political and civil rights of its citizens, adding that Egypt could count on the EU to support it in this process. In view of the incoming parliamentary and presidential elections, the EU recalled the importance it attaches to free and fair elections, reiterating its willingness to provide Egypt assistance with a view to bringing the electoral framework in line with international standards. The EU reiterated strong concerns at the persisting state of emergency.

## **Israel**

As in previous years, the EU continued to voice its serious human rights concerns in the framework of relevant meetings provided for by the EU-Israel Association Agreement. These were an opportunity to discuss issues such as respect for human rights in regard to all population groups, including freedom of religion and belief, settlement activity, administrative detention (including with reference to individual cases) and international humanitarian and human rights law.

The fourth meeting of the EU-Israel informal working group on human rights, on 3 September 2009, dealt in detail with a number of issues related to the situation in Israel. These included the legal status and economic position of Israeli minority groups and measures taken in the fight against discrimination. Several legislative proposals in the Knesset that had possible implications for the principle of equal treatment of Israeli citizens were also discussed. Rights of the child, including children affected by armed conflict (CAAC) were given significant attention during the discussions, as were issues related to settlements, such as cases of settler violence and house demolitions. Furthermore, several points were raised as issues of common concern by the Israeli side, notably the human rights situation in non-EU countries. The EU also reiterated the need for an appropriate follow-up of issues discussed in the previous meetings.

Preceding the meeting of the informal working group, the third EU-Israel seminar against anti-Semitism, racism and xenophobia took place in March 2009 and provided space for discussing these issues of shared concern.

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

### **Occupied Palestinian Territories**

Despite their unique status, the EU applies the same standards to the occupied Palestinian territory (OPT) as to other participants in the European Neighbourhood Policy. The first subcommittee on Human Rights, Good Governance and Rule of Law with the Palestinian Authority (PA) was held in Ramallah on 2 December 2008, during which the Independent Commission for Human Rights (ICHR) gave an overview of the human rights situation.

The EU has consistently recalled its strong and principled opposition to the death penalty in all circumstances. It has commended the PA for its *de facto* moratorium and expressed hope the latter could be turned into a *de jure* moratorium.

Overall, respect of human rights and basic liberties, in particular the right to life and personal safety, has suffered further setbacks as a result of the violations committed by Israeli forces and the Palestinian factions.

The EU spoke out frequently about the situation in the OPT. On 31 October 2008 it issued a declaration on the upsurge in "violent and illegal acts" against Palestinian civilians. This condemned in the strongest possible terms the acts of violence and brutality committed against Palestinian civilians by Israeli settlers in the West Bank. It recalled the responsibility of the Israeli Government to take the necessary measures to stop them immediately.

On 26 January 2009 the Council of the EU adopted conclusions on the Middle East Peace Process, deploring the loss of life during the Gaza conflict. The EU called on all parties to the conflict to fully respect human rights and comply with international humanitarian law.

In November 2009, the EU again issued a declaration expressing grave concern at the humanitarian situation in Gaza, and calling for prompt and concrete measures to solve the humanitarian crisis in Gaza which had extremely serious effects on civilian population, half of which are children.

On 8 December 2009, the Council of the EU adopted Conclusions on the Middle East Peace Process expressing its grave concern about the situation in Gaza and urging for the full respect of international humanitarian law.

Alongside declarations, the EU maintained its police mission in the Palestinian Territories, EUPOL COPPS, which works with the Palestinian Authority in establishing sustainable and effective policing arrangements. The team now includes human rights specialists, to study the Palestinian judicial system, as well as judicial experts, prosecutors and defence specialists.

## **Jordan**

Jordan has demonstrated some improvements in the field of human rights, democratic governance and the rule of law. However, a number of issues continue to pose a challenge, as the EU reiterated at the EU-Jordan Association Councils in July 2008 and November 2009.

The EU welcomed the government's commitment to advancing an ambitious reform agenda. This includes modernising the current electoral law, as well as enhancing the independence of the judiciary, while decreasing its administrative dependence on the government. The EU encouraged progress on implementing the Public Gathering Law (notably in accordance with the relevant recommendations formulated in the UPR). The Societies' Law, revised in 2009, was welcomed by the EU as a first step in the right direction. At the same time, it encouraged Jordan to ensure further a transparent administrative and legal framework for NGOs. The EU appreciated some positive developments in the field of protection against domestic violence and equal treatment of women, as well as protection of the rights of child. The EU also welcomed Jordan's de facto moratorium on executions (in place since 2006) and invited Jordan to abolish the death penalty in law and in practice. As for the fight against torture, the EU appreciated Jordan's alignment with international conventions and monitoring of the situation in prisons.

The EU emphasised positive elements such as the introduction of Jordan's first Ombudsman, or the launch of the decentralisation program in March 2009. The EU has strongly encouraged Jordan to fully implement the recommendations endorsed by it at the conclusion of the Universal Periodic Review process, to which Jordan was subject in February 2009.

## **Lebanon**

The second meeting of the EU-Lebanon “Human Rights, Governance and Democracy” subcommittee, held in Brussels on 17 November 2008, took stock of progress made under the ENP Action Plan commitments in these areas.

At the Association Council meeting of February 2009, the EU noted that the difficult political situation in Lebanon had significantly slowed the political reform process down and in some fields put it completely on hold.

Lebanon is a priority country for the implementation of the EU Guidelines on Children in Armed Conflicts. The EU has therefore stressed the importance of protecting and promoting children's rights, particularly through the development of a child welfare strategy and related national action plans, the formulation of a child protection policy and the intensification of efforts to progressively eliminate child labour.

The EU consistently called for Lebanon to abolish death penalty. A draft law on the abolition of death penalty was submitted to the council of ministers already in August 2008 by the Minister of Justice but little progress was achieved in its adoption. Meanwhile, in 2009 the Ministry organised a campaign to rally support for the abolition law.

The EU has expressed concerns that Lebanese laws and policies have a discriminatory effect on the enjoyment of the refugees' basic economic and social rights. The EU has called on Lebanon to take measures, including where necessary the amendment of legislation, to ameliorate the situation of Palestinian refugees, especially with regard to their right to work and to register property. The EU has also encouraged further steps to protect the rights of migrant workers.

An EU Election Observation Mission (EOM) was deployed to observe the parliamentary elections that took place on 7 June 2009. The EOM concluded that the fifth parliamentary elections since the end of Lebanon's civil war were contested in a polarised but generally peaceful environment, which still fell short of a number of international standards.

The EU has supported the Special Tribunal for Lebanon during its initial period, to promote the expeditious implementation of activities for redress of victims and to spread awareness among the population, which are conditions for the legitimacy of the Tribunal.

## Syria

The EU continued its efforts to develop closer relations with Syria, moving towards signature of an EU-Syria Association Agreement which had been on hold in 2004. The draft was updated in late 2008, and initialled on 14 December 2008. The EU formally agreed to proceed with signature of the Association Agreement on 27 October 2009. Syria's agreement to sign is pending. The conclusion of an Association Agreement would allow Syria and the EU to embark on dialogue and cooperation across a wide range of issues.

The EU has repeatedly made clear its concern on the human rights situation in Syria, in particular as regards human rights defenders. These statements covered both the general situation (19 September 2008) and specific cases: conviction of 12 signatories of the Damascus Declaration for democratic national change (5 November 2008); detention of Mr Michel Kilo and Mr Mahmoud Issa (December 2008); imprisonment of Mr Habib Saleh (20 March 2009); imprisonment of Mr Meshal Tammo (14 May 2009). Other cases have also been raised with the authorities.

The Syrian authorities have been reluctant to discuss human rights with others, including the EU, invoking concerns over national sovereignty. EU representatives have continued to maintain contacts with human rights defenders and to observe trials. The authorities have shown openness to discuss the NGO law under preparation with the European Commission. In the areas of women's and children's rights, there has been a growing commitment from the government to advance the implementation of UN Conventions on these issues.

Since the beginning of the Iraq war, Syria has coped with a massive influx of refugees. To help Syria cope with this, the EU and its Member States have provided humanitarian assistance as well as support to the authorities to increase domestic capacity for addressing the most pressing needs in health and education. The attitude of Syria towards the Iraqi refugees, notably its willingness to collaborate with the EU on this matter, and the authorisation of the registration for more social and economic development oriented NGOs (14 international NGOs have been specifically registered to provide assistance to Iraqi refugees) is a step in the improvement of relations between the two sides.



## Tunisia

The promotion of respect for human rights is the central objective of structured dialogue between the EU and Tunisia. Political developments in Tunisia and questions related to human rights were discussed during the seventh meeting of the Association Council between the EU and Tunisia, which was held in Brussels on 11 November 2008. The second meeting of the subcommittee for human rights and democracy was held on 17 October 2008; the third session, scheduled for December 2009, subsequently took place on 25 February 2010.

While recognising the steps that have been taken by Tunisia with regard to human rights, the EU has used its dialogue to raise specific issues concerning allegations about the implementation of the legal and procedural rules with regard to trials, conditions of detention and treatment of prisoners. The EU has also asked the Tunisian authorities to provide information about measures taken in order to prevent or punish abuses in detention.

The EU has also taken note of reports raising concerns about the respect for the freedom of expression and of the media and for the freedom of association. The recent elections showed significant shortcomings in ensuring equal conditions to the different candidates and parties. In the electoral context, allegations of harassment against journalists and human rights defenders have been reported. NGOs active in the defence of human rights were often confronted with various obstacles to their work.

More generally, the political situation in Tunisia remains unchanged after the presidential and legislative elections that were held on 25 October 2009. President Ben Ali, who has been in power for the last 22 years, was re-elected for a fifth mandate, obtaining 89.62 % of the vote. According to official announcement the turnout reached 89.4 %. As for the legislative elections, the RCD (Rassemblement Constitutionnel Démocratique), in power since independence in 1956, obtained 85% of the vote, and 161 out of 214 seats in Parliament.

## Algeria

Since the entry into force of the EU-Algeria Association Agreement in September 2005, this has been the framework for the dialogue on issues of human rights and democracy. The fourth meeting of the EU-Algeria Association Council, held in Luxembourg on 16 June 2009, was the occasion for the EU to suggest deepening this dialogue. In line with its practice in relations with other countries, the EU has expressed its wish to set up a specific subcommittee on human rights. Algeria undertook to submit a proposal for the establishment of an Algeria-EU sub-committee on “Political dialogue, security and human rights”. The EU has also encouraged the Algerian authorities to strengthen its independence of the National Consultative Commission for the Promotion and Protection of Human Rights.

The EU has acknowledged the particular issues facing Algeria in the context of its national reconciliation, and the tense security situation. Algeria continues its battle with terrorist acts of the Al Qaeda in the Islamic Maghreb (AQIM) which is affiliated to Al Qaeda. The state of emergency is still in place, and allegations of torture, secret detention centres and forced disappearances have been reported. The EU has expressed the view that security measures should not lead to restrictions on fundamental rights. The EU follows closely the situation concerning freedom of religion and conscience.

The presidential elections that were held on 9 April 2009 did not bring any change to the political situation in the country. President Bouteflika was re-elected for a third mandate with 90.24 % of the vote. This was made possible after a change in the Constitution which allowed him to run for a third mandate. Turnout reached 74.54 %. Although fundamental institutions and constitutional procedures are in place, the political system needs to evolve considerably, encouraging true participation by the citizens and civil society.

## Morocco

The fourth meeting of the EU-Morocco subcommittee on human rights, democratisation and governance was held in Brussels on 24 July 2009. This was the latest round in detailed discussions on topics relating to the rule of law. The meeting also covered the functioning of the judicial system, as well as the fostering of human rights and fundamental freedoms.

The eighth meeting of the EU-Morocco Association Council was held in Brussels on 7 December 2009. The EU used this occasion to recognise the reforms undertaken by Morocco in recent years to consolidate human rights and extend the scope of individual freedoms. The EU is supporting Morocco in preparing a national strategy and action plan in these fields.

The EU has also supported the work of the Justice and Reconciliation Commission ('Instance Équité et Réconciliation' - IER), which is aimed at establishing a new culture of respect for human rights. The EU has encouraged Morocco to pursue vigorous reform of the justice system.

Regarding the municipal elections that were held on 12 June 2009, the EU welcomed the reforms that were introduced (eg a new electoral code) to ensure the success of the whole exercise. The EU also welcomed the remarkable increase in the number of women elected in those elections thanks, in part, to a change in legislation.

The EU welcomed reform of the family code to promote the role of women in society. Great efforts have been put in place to combat violence against women, in particular by setting up an information system and organising public awareness campaigns.

The main EU concerns centre on significant shortcomings regarding the freedom of association and freedom of expression. Recently the EU has also noticed a deterioration in the situation of human rights defenders, especially of Western Saharan origin.

## **Western Sahara**

The EU continued to follow the Western Sahara issue in its dialogue with both Morocco and Algeria, particularly with regard to humanitarian issues linked to the conflict. The EU attaches great importance to improving the human rights situation in Western Sahara, where problems persisted relating to the freedom of expression and assembly. The EU fully supports the commitment of the UN Secretary-General and his Personal Envoy to the question of Western Sahara, and has called upon the parties to continue negotiations under the auspices of the UN with a view to finding a just, lasting and mutually acceptable political solution. In August 2009 informal talks were held at Dürnstein in Austria with a view to re-launching the process.

## **Libya**

In November 2008 the EU opened negotiations with Libya with a view to concluding a framework agreement. Five rounds of negotiations were held by the end of 2009, with more scheduled in 2010. This agreement is to provide an appropriate framework for political dialogue. Respect for human rights and democratic principles will constitute an essential element of the agreement. Furthermore, the agreement will provide that the parties will cooperate in respecting and enhancing human rights, developing and consolidating the democratic institutions, good governance and the rule of law. In 2009, progress was made in the negotiations regarding the political aspects of the agreement.

## **6.3 Russia and Central Asia**

### **Russia**

The EU and Russia have continued to address human rights at all levels of their political dialogue. In line with its sustained and consistent engagement on human rights, the EU has taken every opportunity to impress upon its Russian counterparts the significance it attaches to respect for human rights and the rule of law as a cornerstone of the relationship. It has also underlined the importance of respecting the commitments involved in membership of the Council of Europe and the OSCE.

During this period President Medvedev has himself highlighted the scale of the challenges facing the Russian Federation. These include the unsatisfactory functioning of civil society, constraints on fundamental freedoms (such as freedom of expression, assembly and association), corruption, and the generally poor performance of the judiciary and law enforcement bodies in combating impunity. Taken together, they represent a major challenge which must be addressed to ensure the long-term prosperity and wellbeing of Russian citizens. The EU has repeatedly stressed its willingness to cooperate with the Russian authorities in formulating specific steps to improve the human rights situation and promote democratic principles.

The importance of respect for democratic principles and fundamental rights is also reflected in the directives for the new EU-Russia Partnership and Cooperation Agreement, on which negotiations are ongoing.

The dedicated human rights consultations, first agreed on at the EU-Russia Summit in the Hague in November 2004, met three times during the period: 21 October 2008 in Paris, 26 May 2009 in Brussels, and 5 November 2009 in Stockholm.

All three meetings followed a similar pattern. Some of the issues raised were of common concern. These include the functioning of civil society; the rule of law and judicial reform; protection of human rights in the fight against terrorism; and the fight against racism, xenophobia and discrimination. The EU has also continued to raise a number of concerns related to specific human rights issues in the Russian Federation. These included freedom of the media, expression and assembly; the rights of persons belonging to minorities; and the situation of human rights defenders, including individual cases. The discussions also extended to Russia's concerns about human rights in the EU.

In keeping with the EU's practice of incorporating the voice of civil society into its meetings with non-EU countries on human rights, the EU met representatives of Russian and international NGOs prior to the consultations. Unfortunately, there has been a recognition that the human rights consultations have so far failed to achieve their potential.

Human rights have also been raised at EU-Russia Summits and numerous ministerial meetings, which habitually review the state of progress within the so-called 'four spaces'. Human rights are dealt with under the 'Common Space on Freedom, Security and Justice', which also covers terrorism, illegal migration, and cross-border crime including trafficking. This was addressed at the three Summits during the period, at Nice (14 November 2008), Khabarovsk (21-22 May 2009), and Stockholm (18 November 2009).

Apart from these regular exchanges, the EU spoke out in reaction to some particular attacks on human rights defenders, journalists and NGO activists. The EU called on the Russian authorities to bring to justice the perpetrators of these crimes, and to take effective steps to guarantee an environment in which human rights defenders can operate freely and without fear of violence, persecution and other undue forms of pressure.

In September 2008 the EU issued a statement calling upon the Russian authorities to shed light on the death of Magomed Yevloyev in Nazran, Ingushetia. He was the owner of "ingushetiya.ru", an independent website providing news coverage of the Caucasus region.

In December 2008 the EU issued a statement expressing its deep concern at the police raid on offices of the Memorial organisation in St Petersburg. The organisation is well known for documenting the victims of political repression, promoting civil society, democracy, human rights and the rule of law in countries of the Commonwealth of Independent States. On 15 July 2009 the EU condemned the murder of Natalia Estemirova, a prominent human rights defender with Memorial, who was found murdered in Ingushetia on 15 July 2009. In October 2009, the EU welcomed the decision by the European Parliament to award Memorial the 2009 Sakharov Prize for Freedom of Thought.

On 21 January 2009 the EU expressed its concern at the murder of the human rights lawyer Stanislav Markelov, as well as the journalist at Novaya Gazeta, Ms Anastasiya Baburova.

Finally, on 12 August 2009, the EU condemned the murder of human rights defender, Zarema Sadulayeva, and her husband Alik Dzhabrailov.

## Central Asia

Since its adoption by the European Council on 21-22 June 2007, the 'EU Strategy for a New Partnership with Central Asia' has provided the overall framework for EU relations with Central Asia. The Strategy recognises that human rights, the rule of law, good governance and democratisation underpin the long term political stability and economic development of Central Asia. Human rights issues have therefore been raised with each Central Asian state through different channels, including the meeting of National Coordinators on 30 April 2009 in Brussels, the EU-Central Asia ministerial meeting in Dushanbe on 29-30 April 2009, and Open EU-Central Asia Ministerial conference in Brussels on 15-16 September 2009.

In line with the Strategy, the EU established structured human rights dialogues with all countries of the region. By November 2009, two sessions of such dialogues had been held with all five countries from Central Asia. Given known sensitivities, discussions have at times been difficult, but have also proven to be open and frank, covering all issues of concern including individual cases. There has generally been interest in exploring the scope for practical cooperation in sharing EU experiences in dealing with human rights and democratisation issues.

These dialogues were prepared in close consultation with local and international civil society. Civil society input was also sought through a series of seminars that the European Commission organised with four of the Central Asian countries. During lively and constructive discussions, participants to these seminars addressed international standards, European best practice, national laws and their practical application. The seminars provided an opportunity for an exchange of views between European and Central Asia civil society representatives, academics and state officials. They generally resulted in the development of detailed recommendations on legislative and practical changes needed in order to ensure full compliance with international and national standards, which were then presented during the official seminars.

Follow up to the dialogues and seminars has been provided by contacts between the national authorities and EU Delegations, as well as through the funding of projects by the EIDHR. Bilateral cooperation programmes and projects have also been developed with the Central Asian states at national level. The EU has supported various areas, including reforms in the judicial and corrective systems, and human rights awareness building.

In line with the Strategy, a regional Rule of Law initiative for Central Asia has been worked out, with Germany and France acting as lead coordinators. The first EU-Central Asia ministerial conference “Rule of Law - Cornerstone of Development” took place in Brussels on 27-28 November 2008. The conference brought together ministers, high-level officials and experts from EU Member States and countries of Central Asia.

Under this initiative, two regional seminars have been held on legal training and penal procedures, with the participation of Central Asian and EU experts, reaching joint conclusions that will feed into the cooperation process. A new project with the Venice Commission of the Council of Europe, jointly financed by the Commission and Germany, is being implemented to promote the role of the Council of Europe in helping to support rule of law reforms in the region. Moreover, the rule of law and reform of the judiciary is an agreed focal area in bilateral EU assistance to several of the Central Asian countries.

The EU has also continued to raise human rights issues in its Cooperation Council and Cooperation Committee meetings with the countries in the region, as well as in the meetings in other formats where such agreements are not in place. A number of bilateral démarches have been carried out with the countries in the region on issues of concern.

Contributing to the implementation of the EU human rights policy is part of the mandate of the EUSR for Central Asia, Pierre Morel, who has continued to raise human rights issues during his visits to the region and in his bilateral contacts.



Through dialogue and joint-projects, the EU cooperated closely with the OSCE, the Council of Europe, the UN and the UN High Commissioner for Human Rights, in particular its regional Office in Bishkek.

## **Kazakhstan**

In view of Kazakhstan's forthcoming Chairmanship of the OSCE in 2010, the EU has continued to call on the Kazakh authorities to implement further political reforms, especially as regards the freedom of assembly, freedom of belief, the role of civil society and NGOs, the situation of political opposition and freedom of media. The second session of the EU-Kazakhstan human rights dialogue was held in Brussels on 21 October 2009. The 11th EU-Kazakhstan Cooperation Council, on 17 November 2009, underlined that closer bilateral ties must go hand in hand with the common values of democracy, the rule of law and respect for human rights. In addition, the EU Delegation in Kazakhstan has held monthly tripartite meetings, bringing together national authorities and local NGOs. A civil society seminar on the topic of judicial reform and places of detention was held on 29-30 June 2009 in Almaty. The EU welcomed ratification by Kazakhstan of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **Kyrgyz Republic**

The EU used the 10th Cooperation Council, on 22 July 2008, to express its concern at developments in the Kyrgyz Republic, especially in the area of media freedom and the freedom of assembly. It called on the Kyrgyz authorities to improve the situation concerning human rights and fundamental freedoms, in line with their international commitments. It underlined this at two rounds of the EU-Kyrgyz Republic human rights dialogue in Bishkek (28 October 2008) and Brussels (13 October 2009). Since the human rights dialogue, the EU has again raised its concerns about the number of attacks on politically active Kyrgyz journalists. In cooperation with the Kyrgyz Ministry of Foreign Affairs the European Commission organised a seminar for the representatives of the civil society on children's rights and prisoners' rights (5-6 March 2009, Bishkek). The EU welcomed ratification by the Kyrgyz Republic of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **Tajikistan**

The first two rounds of the EU-Tajikistan human rights dialogue were held on 31 October 2008 and 23 September 2009, both in Dushanbe. The EU used these to address the setbacks faced by Tajikistan on its road to stabilisation; the economic situation of the population remains dire, media freedom is limited, there are shortcomings in the organisation of elections, and civil society finds it difficult to develop. The EU has also raised concerns regarding difficult conditions for NGO activities in the country as well as a curbing of religious freedoms. The first EU-Tajikistan civil society seminar on the topic related to right to a fair trial and independence of the judiciary was held in Dushanbe on 10-11 July 2009.

## **Turkmenistan**

On 30 June 2009, the EU and Turkmenistan held the second round of their human rights dialogue in Brussels. The adoption of a new constitution, as well as Turkmenistan's Universal Periodic Review at the UN Human Rights Council in December 2008, provided a useful backdrop for the EU to address the human rights situation in Turkmenistan with a particular focus on the functioning of civil society, freedom of the media, freedom of thought and religion, freedom of movement / forced displacement, and judiciary reform. The EU also raised specific concerns related to the independence of the judiciary, freedom of expression, association and assembly, prison conditions and torture. At the June dialogue the Turkmen side again accepted a list of individual human rights cases and agreed to respond in writing; at the time of writing, however, no response had been received.

## **Uzbekistan**

During the period of this report the EU progressively removed the restrictive measures introduced against Uzbekistan following the events at Andijan in May 2005. First, in November 2008, the EU decided not to renew the travel restrictions applying to certain individuals. Then, following a review of the situation, in October 2009 the EU decided not to renew the embargo on sales of arms and related equipment.

The EU reiterated its readiness to engage with Uzbekistan on the basis of positive steps already taken by the authorities. These included the release of some human rights defenders; the resumption of ICRC prison visits; abolition of the death penalty; improved detention conditions; the introduction of habeas corpus; ratification of conventions against child labour; progress in the implementation of certain OSCE commitments, continuing judicial reform; and active participation of Uzbekistan in the EU Rule of Law Initiative for Central Asia.

The EU nonetheless expressed continuing concern at the human rights situation in Uzbekistan, and called for: the release of all imprisoned human rights defenders and prisoners of conscience; the unimpeded operation of non-governmental organisations throughout Uzbekistan; full cooperation with all relevant UN Special Rapporteurs; guaranteed freedom of speech and the media; and implementation of conventions against child labour.

The EU committed to closely and continuously observe the human rights situation in Uzbekistan, and to discuss and assess progress within a year. The Council also noted that the depth and quality of EU-Uzbek dialogue and cooperation would be dependent on reforms and progress by Uzbekistan in the areas mentioned above.

The third round of the EU-Uzbekistan human rights dialogue took place on 9 June 2009 in the framework of the 'Subcommittee on Justice and Home Affairs, Human Rights and Related Issues'. The EU raised various individual cases, as well as a wide range of concerns about the human rights situation in Uzbekistan, including the freedom of expression, prison conditions and access, freedom of religion, development of civil society and reform of the judiciary.

The first EU-Uzbek civil society seminar on 'Liberalisation of mass media - an important component of the democratisation of society' took place in Tashkent on 2-3 October 2008, however, without resulting in joint recommendations.

## **6.4 Africa**

### **African Union (AU)**

The twice yearly EU-AU human rights dialogue, initiated in 2008, has become an important instrument to discuss how to implement EU and AU commitments on human rights and democracy. It also provides for increased coordination between the two organisations in international forums, including the UN Human Rights Council, on issues such as Women, Peace and Security. Not least, it has allowed the EU to raise a number of human rights concerns on the African continent, including specific country situations.

Prior to the April 2009 human rights dialogue meeting, a first civil society seminar was organised in Brussels, with the participation of both European and African NGOs, on the topics of civil society laws and the fight against torture. The recommendations of the seminar were discussed in the dialogue meeting and will be followed up during subsequent seminars.

The EU-Africa Partnership on Democratic Governance and Human Rights provides for a channel to promote human rights on the continent, including support to the African human rights mechanisms such as the African Peer Review Mechanism (APRM).

In addition to EU-AU relations, the dialogues conducted under Article 8 of the Cotonou Agreement provide opportunities for taking up human rights concerns directly with the national authorities in African partner countries, such as Eritrea in March 2009. Specific dialogues on human rights took place with Nigeria and South Africa in December 2009.

### **Angola**

On 5 September 2008 Angola saw its first legislative elections in sixteen years, setting aside years of war and civil conflict. An EU Election Observation Mission (EOM) reported high turnout and a significant degree of political tolerance, though there were problems with media access and coverage and election organisation.

In coordination with donor partners, the EU supported the holding of the 2nd and 3rd National Conference Process (November 2008 and 2009), while the local EU thematic group on "Governance and Human Rights" reviewed the overall human rights situation. In December 2008, EU Heads of Mission recommended addressing governance and human rights in the political dialogue under Article 8 of the Cotonou Agreement, but dialogue in this area has remained at an informal level. At the same time, the EU has expressed its willingness to intensify political dialogue and cooperation through the 'Angola-EU Joint Way Forward' (launched by the Swedish Presidency in November 2009) based on the respect for human rights, good governance, democratic principles and the rule of law.

## **Burundi**

Although the political situation in Burundi has much improved in the course of 2009, the EU remains concerned about respect for human rights in the country. Human rights, elections and the role of the civil society figured prominently on the agenda of the 'Article 8' dialogue with the country. The EU carried out several démarches and declarations during the period under observation, including on treatment of albinos (December 2008), criminalisation of homosexual behaviour (April and May 2009), detention of trade union activists and journalists, as well as on impunity. The EU welcomed the abolition of capital punishment in Burundi on 22 April 2009. Through the European Instrument on Democracy and Human Rights the EU funds several projects in Burundi.

## **Chad**

In the framework of its Security and Defence Policy, the EU launched EUFOR Tchad/RCA on 28 January 2008 as a bridging military operation in Eastern Chad and North Eastern Central African Republic. This was in accordance with UN Security Council Resolution 1778 (2007), which approved the deployment in Chad and the Central African Republic of a multidimensional presence. The operation was carried out between 15 March 2008 and 15 March 2009, when EUFOR handed over to a UN mission, MINURCAT.

The deployment of EUFOR Tchad/RCA expressed the EU's commitment to work actively for the improvement of the security situation in the region, in particular in eastern Chad and north-eastern Central African Republic. The operation contributed to the protection of refugees and IDPs, facilitated the delivery of humanitarian assistance, helped to create the conditions for displaced people to return to their places of origin voluntarily (with the support of the Commission's programme for stabilisation in eastern Chad) as well as contributing to ensure MINURCAT's security and freedom to operate.

Human rights violations (such as arbitrary detention of political opponents during the rebel attacks, sexual violence, infringement upon freedom of expression and harassment of human rights defenders) have been a recurring part of conflicts between rebel groups and the Chadian army, and EUFOR's mandate contained important provisions in this respect:

- To contribute to the monitoring and to the promotion and protection of human rights, with particular attention to sexual and gender-based violence, and to recommend action to the competent authorities, with a view to fighting impunity;
- To support, within its capabilities, efforts aimed at strengthening the capacity of the Governments of Chad and the Central African Republic and civil society through training in international human rights standards, and efforts to put an end to the recruitment and use of children by armed groups;
- To assist the Governments of Chad and, notwithstanding the mandate of BONUCA, the Central African Republic in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies.

The EU regularly addressed these issues with the competent authorities. With a view to the upcoming legislative elections in 2010, the EU remained engaged in the political process, aiming at lasting reform of political life in Chad. Despite slow progress, a legal framework guaranteeing free, transparent elections has been established.

In the context of improving the general political environment the EU called upon the country's authorities to implement the global political Agreement of 13 August 2007 between the different political opposition parties and the government. Throughout the reporting period the EU was active to promote a true political dialogue, and underlined that the Agreement provided for an opening to the armed groups, provided they renounced their objective for regime change by force.

The EU underlined the importance of providing security, justice, fighting against impunity as well as freedom of press in order to reassure the population. The EU reiterated the importance of proper follow up of the recommendations of the Commission of Enquiry, set up after the February 2008 events, including the disappearance of a prominent opposition leader.

The stabilisation of Chad is crucial also to the resolution of the regional crisis. The consequences of the Darfur crisis contributed to the exacerbation of the internal crisis and the insecurity in Chad. Interethnic tensions and opposition between Chad and Sudan through interposed rebels need to be addressed in a regional approach. The EU has been contributing to international and regional efforts (in particular the Dakar and Doha agreements), aimed at a lasting solution to these tensions which threaten the whole region.

## **Côte d'Ivoire**

Due to the slow implementation of measures imposed on Cote d'Ivoire by the UN Security Council, on 18 November 2008 the EU renewed and extended the restrictive measures first imposed in December 2004 against people "who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire" or are "responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire". The EU carries out numerous projects in Cote d'Ivoire under the EIDHR. Also during the reporting period, the Commission dispatched an Electoral Expert Missions (EEM) to Côte d'Ivoire ahead of the presidential elections expected in mid-2010.

## **The Democratic Republic of Congo**

The EU has condemned the human rights violations in the DRC on several occasions, expressing its utmost concern, including through its direct contact with Congolese state officials. Concerns have included the level of sexual violence, other atrocities against civilians, and the situation of internally displaced persons. It has called on the Government of the DRC to ensure without exception that those responsible for violations of international law, including human rights and international humanitarian law, are held accountable, and has asked for a timely vetting of FARDC commanders and soldiers. Moreover, démarches in defence of human rights defenders or other issues of concern have been carried out as often as necessary towards the relevant national authorities.

The EU has continued to support good governance, including the consolidation of democracy, the rule of law and security sector reform.

The mandates of EUSEC RD Congo and EUPOL RD Congo are due to expire in September 2010 and June 2010 respectively. The EU is currently negotiating the mandate extensions with a view to synchronising the two mandates, demonstrating the EU's priority to continue its support to reform of the army and the police alongside its established efforts in justice and police reform.

EUSEC (originally established 8 June 2005) has provided advice and assistance to the Congolese authorities in charge of security while ensuring the promotion of policies that are compatible with human rights and international humanitarian law, gender aspects and children affected by armed conflicts, democratic standards, principles of good public management, transparency and observance of the rule of law. Since November 2009, EUSEC RD Congo has an increased focus in supporting efforts to address impunity for crimes, particularly sexual and gender-based violence, and the use of child soldiers. To complement its primary advisory role in the reform of the army, EUSEC also implements or supervises projects in areas such as gender, human rights, health and infrastructure, which are financed or initiated by the EU or its Member States. In this regard, EUSEC RD Congo has also provided support to the EU Special Representative (EUSR) for the African Great Lakes Region in his efforts with regard to implementation of the Peace agreements for the Kivu. In accordance with his mandate, the EUSR has promoted respect for human rights and the rule of law, with particular attention to women and children.



Following on the earlier mission EUPOL Kinshasa (terminated on 30 June 2007) the EU launched EUPOL RD Congo (1 July 2007) in order to support the police aspect of the security sector and its interface with the justice sector. EUPOL RD Congo's current mandate will run until June 2010, and has deployed a presence in the Eastern DRC (Goma and Bukavu). The mission EUPOL RD Congo testifies to the EU's commitment to stability and democracy in the country, and the contribution to the upholding of human rights in the Congolese police reform is also part of its mandate. EUPOL has a specific expertise (shared with EUSEC) in the field of gender and human rights, and it pursues an active coordination with the international community and local actors in this field. In October 2009 a new Joint Action added to the mission a particular focus on sexual violence and impunity, which represent a real emergency in the country, especially in the East. To better tackle this emergency, it is foreseen that multidisciplinary teams dealing with criminal investigation, including the fight against sexual violence, will be deployed to Goma and Bukavu. However, their area of competence will cover the entire territory of the DRC.

The EU will continue to support the ongoing political processes, considering that dialogue with the Government of the DRC and other countries in the region and implementation of the political and security commitments taken as being essential to decrease human rights violations and achieving lasting peace. The EU strongly supports the principle that those violating the human rights of civilians must be held responsible. In this context, the EU has reiterated its full support for the ICC in its efforts related to past and ongoing human rights violations in the Great Lakes Region and has called on the Government of the DRC to cooperate with the Court with regard to the arrest and surrender of Bosco Ntanganda.

## **Eritrea**

Concerned with the persistent violation of human rights obligations under domestic and international law, the EU urged the Government of the State of Eritrea to unconditionally release all political prisoners. The EU issued two declarations to this effect in September 2008 and September 2009. Particular attention was drawn to the 'G11' - eleven senior government officials arbitrarily detained and denied their rights since 2001 after openly criticising President Isaias Afwerki - as well as to imprisoned journalists, and those incarcerated for their political and religious beliefs. Also during the period, political dialogue on human rights, as provided for under Article 8 of the Cotonou Agreement, was held in Asmara on 5 March 2009 and 19 November 2009. The EU has also supported several project activities aiming at the promotion of human rights, notably relating access to information on human rights and regarding worker's rights.

## **Ethiopia**

In December 2009 the EU issued a declaration calling on the government of Ethiopia to respect and promote the freedom of expression. This was driven by ongoing international concern at allegations of harassment and intimidation against the media in Ethiopia. The EU continued to convey these concerns in other contacts with the authorities. In January 2009 the EU issued a declaration expressing concern at the adoption of the 'Ethiopian Charities and Societies Proclamation'. The EU called on the Ethiopian authorities to ensure that the law would by no means jeopardise civil society projects of mutual interest. During the transition period of the law, the EU has continued to support human rights projects by Civil Society Organisations. The EU is also monitoring the impact of anti-terror legislation adopted in 2009 on the human rights situation in the country. The human rights situation has also been raised in the context of the Cotonou Article 8 dialogue with Ethiopia.

## **Gambia**

Human rights issues, especially freedom of expression, have continued to cause concern in Gambia. Between June and August 2009 the EU presented its concerns to the authorities concerning the arrest of six journalists accused of seditious and defamatory publications. The EU issued two public declarations in connection with the heavy sentences they received. The EU expressed concern at the negative impact of these prosecutions on freedom of expression and reminded the Gambian Government of its responsibilities under international conventions. Although the journalists in this case were later pardoned, the EU remains concerned at government readiness to use the legal system against human rights defenders. There are, however, indications of a readiness on the part of the Gambian authorities to discuss human rights-related issues of concern with the EU in the framework of the political dialogue under article 8 of the Cotonou Agreement, which started in 2009.

## **Ghana**

An EU Election Observation Mission (EOM) was deployed to observe the presidential and parliamentary elections of 7 December 2008. The EOM also observed the second round of the presidential elections, which took place on 28 December 2008. According to the EU EOM, the environment for the presidential and parliamentary elections was open, transparent and competitive. The EOM also found that key international and regional standards for elections had generally been met, and fundamental freedoms respected. The EU welcomed the outcome in a declaration in January 2009. In October 2009 the EU issued a declaration welcoming Ghana's commutation of all death sentences. In line with its Guidelines concerning violence against women and girls, the EU also elaborated a strategy tackling the issue of domestic violence and assisting Ghana in implementation of its respective legislation, notably the Domestic Violence bill.

## **Guinea**

In order to respond to the deteriorating situation regarding democracy and the rule of law in 2009, the EU has used all the instruments at its disposal to put pressure on the junta which came to power after the coup d'état of December 2008. The EU follows developments closely through the International Contact Group on Guinea and 'Article 96' monitoring missions.

In July 2009 the EU decided to conclude consultations held under Article 96 of the Cotonou Agreement with the Republic of Guinea due to violations of democracy and the rule of law.

In October 2009 the EU imposed restrictive measures (targeted sanctions, visas and asset freeze, arms embargo) against the Republic of Guinea in response to the violent crackdown on political demonstrators and gross violations of human rights by security forces. The Council of the EU reiterated its concern in public statements. The restrictive measures were further strengthened in December 2009 following a report of the UN Commission of Inquiry, which concluded that leaders of the junta had been responsible for crimes against humanity.

The EU has withdrawn a proposal for a fisheries agreement, and suspended some payments.

## **Guinea Bissau**

In February 2008 the EU decided to establish a CSDP mission in support of Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau). The mission provides advice and assistance on reform of the military, police and judicial sectors in Guinea Bissau, in order to contribute to creating the conditions for the implementation of the National Security Sector Reform Strategy, widely considered as crucial for the overall reform process in Guinea Bissau. The mandate of the mission was prolonged in November 2009.

An EU Election Observation Mission (EOM), was deployed to observe the legislative elections of 16 November 2008. The EOM observed a high level of participation by voters free to exercise their franchise. It noted that voting and counting were well administered at the polling station level but problems with lack of election material delayed voting in more than five percent of polling stations observed by the EU EOM in at least six of the nine regions of the country.

Another EU EOM was deployed to observe the presidential and parliamentary elections that took place on 28 June 2009 and the second round of presidential elections on 26 July 2009. Despite some irregularities, the EU EOM found the presidential election to have been generally well administered and organised in a transparent manner. Again, the electoral process was conducted within a satisfactory legal framework that guaranteed citizens and candidates the capacity to enjoy their fundamental freedoms and broad political rights. The EU EOM made a number of recommendations for improvements in the future, notably with regard to voter registration and campaigning.

## **Kenya**

The EU has been deeply concerned over reports of threats against human rights defenders and witnesses to Kenya's post-election violence, as well as reports on extrajudicial killings in Kenya, highlighted by the visit and report of the UN Special Rapporteur on Extrajudicial Executions in February 2009. In a declaration of October 2009 the EU called upon the government to bring to justice all perpetrators of unlawful killings, including those within the security forces. The EU has called for the establishment of a credible, independent, constitutionally protected local special tribunal to end the impunity of perpetrators of post-election violence. It appears unlikely that Parliament will reconsider this option and will wait for the ICC process instead which, if it goes ahead, will only investigate a few top figures who incited and funded the violence, leaving those who carried it out to go free. The EU is concerned that the deadline Kenya missed in September 2009 for reporting to the International Criminal Court fits a pattern following previous missed deadlines connected to combating impunity mandated by the Waki Commission of Inquiry and in the Government's own statements. The EU has welcomed the Kenyan authorities' statement of cooperation with the International Criminal Court.

## **Liberia**

In its declaration of July 2008 the EU expressed its concern at the Liberian law reintroducing the death penalty for certain crimes. The EU urged the authorities to hold to their 2005 abolition of the death penalty for all crimes, and recalled Liberia's commitments to do so under the second Optional Protocol to the International Covenant on Civil and Political Rights. The EU therefore appealed to the Liberian Government and Parliament to abolish the use of the death penalty both in law and in practice. Projects continued during the reporting period within the framework of the European Instrument for Democracy and Human Rights (EIDHR).

## **Madagascar**

Following the coup d'état in Madagascar on 17 March 2009 the EU condemned all attempts to seize power through undemocratic measures. In line with the provisions of the Cotonou Agreement, the EU opened Article 96 consultations with the government of Madagascar on 6 July 2009 with a view to examining the situation and the possible options for a swift return to constitutional order. During the opening session of these consultations, the EU failed to note any satisfactory proposals from the Malagasy side.

2009 saw frequent negotiations led by an international joint mediator team, to try to reach a consensus among all political parties. As a result, on 9 August 2009 the four Malagasy leaders signed in Maputo a Transition Charter, setting out transitional institutions to manage the return to democracy and organise presidential and legislative elections within fifteen months. This agreement was completed by an additional Act signed in Addis Ababa on 6 November 2009. Since then the situation has remained blocked in the sense that no implementing measures have been taken to fill posts in the transitional Institutions so as to effectively implement the consensual and inclusive transitional process signed by all Malagasy parties.

## **Malawi**

The EU has been significantly involved in supporting human rights in Malawi, through the promotion of good governance and institutional capacity building. An EU Election Observation Mission (EOM) was deployed to observe the presidential and parliamentary elections that took place on 19 May 2009. The EU EOM observed a general respect for fundamental freedoms and rights of assembly, expression and movement, but found that the elections fell short of fully meeting Malawi's commitments to international and regional standards, especially because of the lack of a level playing field for campaigning.

## **Mauritania**

The overthrow of President Abdellahi and the taking control by General Mohamed Ould Abdel Aziz on 6 August 2008 was widely condemned by the EU and other international actors. As the coup constituted a manifest violation of the essential elements listed in the Partnership Agreement ACP-EC, the EU decided to freeze cooperation with the Islamic Republic of Mauritania and to open consultations under Article 96 of the Cotonou Agreement.

The Council Decision of 6 April 2009 established a roadmap allowing for the gradual resumption of cooperation on the basis of the implementation of a consensual solution to end the crisis and return to constitutional rule, including transparent and credible presidential elections. An International Contact Group (ICG) was established to help Mauritania find a consensual way out of the crisis. The consensual solution materialised in the signature of the Dakar Agreement by the various Mauritanian parts in conflict and in the holding of the presidential elections on 18 July 2009. Return to constitutional rule has allowed to resume international cooperation, including with the EU.

## **Mozambique**

The EU has supported human rights in Mozambique with a variety of projects, including on press freedom, civic and electoral education, strengthening of grass roots civil society organisations, support to local governance, labour rights and support to blind people. An EU Election Observation Mission (EOM), was deployed to observe the presidential, legislative and Provincial Assembly elections of 28 October 2009. The EOM noted the successful simultaneous holding of three elections for the first time in Mozambique. Election day was carried out in a very well organised manner and participation was peaceful and calm. However, the EOM did witness a number of irregularities during the tabulation process. While these did not significantly affect the results of the presidential, legislative and Provincial Assemblies elections, they represented a serious weakness of the process.

## **Niger**

The international community reacted strongly to developments in Niger in 2009, which many observers characterised as a 'constitutional coup'. The EU issued two separate declarations in July 2009, condemning the violation of democratic values and the rule of law in Niger, and warning of serious consequences for its cooperation with the country. In December 2009 the EU entered into political consultations with the government in the framework of Article 96 of the Cotonou Agreement. A new round of consultations were due to be held in April 2010, focusing *inter alia* on the right to freedom of expression and political freedom, with confirmation of the government's commitment to decriminalise press related offences.

## **Nigeria**

A Nigeria-EU Ministerial meeting was held in Prague on 9 June 2009, which agreed a 'Joint Way Forward' based on respect for human rights, good governance, democratic principles and the rule of law. This was designed to intensify political dialogue and cooperation within the framework of the joint Africa-EU Strategic Partnership. In response to a request by the Nigerian government, a local dialogue on human rights was established within the framework of the EU-Nigeria Joint Way Forward, the first round of which took place on 9 December 2009.



In July 2009 the EU issued a declaration expressing its concern at the violence and loss of lives in northern Nigeria. The declaration called upon the Nigerian government to show restraint in the use of force and to respect human rights in its efforts to uphold peace and security in its territory.

## **Rwanda**

The EU raised several human rights related issues in its political dialogue with Rwanda, including regarding the application of the law on Genocide ideology, extradition and the law on transfer of cases, the media law and Gacaca (traditional lay courts adjusted to try genocide cases). During his visit to Rwanda in July 2009, the EUSR for the Great Lakes Region, paid particular attention to judicial cooperation between Rwanda and the EU.

Regarding democracy issues, an EU Election Observation Mission (EOM) was deployed to observe the parliamentary elections that took place on 15 September 2008. The EOM concluded that the elections were conducted peacefully and in an orderly manner, and that the elections saw improvements compared to the 2003 elections, notably through guarantees for freedom of association and assembly at local level. However, the EOM noted that procedural safeguards and transparency of the vote counting and consolidation process needed substantial enhancement to meet international standards. The political space reserved for opposition in Rwanda is in general still very tight and political parties wanting to participate in the 2010 Presidential elections are confronted with difficulties in the registration process and intimidation and physical violence against its leaders. The EU was due to send a small Electoral Exploratory Mission to Rwanda from June until August 2010 to monitor the electoral process.

## **Senegal**

EU human rights related action with regard to Senegal has strongly focused on supporting transitional justice. In particular, the EU has continued to urge the authorities to carry out the 2006 mandate of the African Union to prosecute the former Chadian dictator, Hissène Habré, who is accused of committing crimes against humanity, and has lived in Senegal since he was deposed. At the request of the government of Senegal, a team of experts was deployed, in cooperation with the African Union, to assist with preparatory work for the trial. The EU also undertook démarches with the Senegalese government concerning the ICC (execution of warrants) and discrimination on the base of sexual orientation. The EU has proposed terms of reference to the government for formal political dialogue under Article 8 of the Cotonou agreement, but no meetings have so far taken place.

## **Sierra Leone**

EU representatives participated actively in the bi-party talks organised after the eruption of political party violence in March 2009, including incidents included looting and burning, violence against women (including allegations for rape) and riots. The resulting Communiqué included commitments to a vigorous investigation into the violence and to adherence to democratic norms and support for freedom of expression, the rule of law, the right of peaceful demonstration and the impartiality of key institutions.

The EU has continued to provide support under the EIDHR to the Outreach Programme of the Special Court for Sierra Leone. Financial assistance was given to the 'Communicating Justice and Capacity Building project' of the Special Court, which aims to inform on the importance of the Court's work and its broader objectives of promoting the rule of law, international humanitarian law and human rights in Sierra Leone and the sub-region. In the summer of 2008, the Instrument for Stability also provided emergency assistance to cover running costs of the Special Court in order to ensure that there was no disruption of its judicial activities.

## Somalia

During the reporting period the EU expressed concern at the worsening of the human rights situation in Somalia, including in the areas under the control of the Transitional Federal Government, resulting from the continuing conflict. In its Council conclusions of July 2009 the EU expressed its deep concern over the violations of human rights and international humanitarian law in this respect. The EU has expressed its dismay at egregious violations of human rights committed in areas under the control of armed opposition, including stoning and executions. The EU's November 2009 declaration condemned executions by stoning in Al Shabab controlled areas of the country, calling on relevant parties to abolish the practice and to respect human rights and international humanitarian law.

The EU has supported human rights defenders in Somalia and is ready to help the setting up of a mechanism to investigate human rights abuses by all parties. The EU is also ready to increase its support to Somalia, notably for capacity building within public institutions and services, which would have a positive impact on the human rights situation.

Since 8 December 2008 the EU has been conducting EU NAVFOR ATALANTA, the EU's first naval operation, to help deter, prevent and repress acts of piracy and armed robbery off the coast of Somalia. This operation was launched in support of the United Nations Security Council Resolutions 1814, 1816, 1838 and 1846, adopted in 2008. The aim of the EU operation is to contribute to the protection of vessels of the World Food Programme (WFP) delivering food aid to displaced persons in Somalia and to protect vulnerable vessels sailing in the Gulf of Aden and off the Somali coast.

## **South Africa**

The EU and South Africa joined forces at the UN in 2008 on resolutions that outlawed sexual violence in conflict and called for better protection of civilians. In September 2009 the Second South Africa-EU Summit was held in Kleinmond, reaffirming both parties' commitment to strategic partnership based on shared values, including human rights, democracy and the rule of law, and reaffirming their determination to cooperate in international forums with regard to human rights. In December 2009 the EU held an informal local discussion with South Africa on human rights, focusing on international issues.

Also during the period, the Commission dispatched an Electoral Expert Mission (EEM) to South Africa prior to the National Assembly and Provincial legislative elections of 22 April 2009. In 2009, a new EU programme in support of South African legislatures (€ 15 million) commenced. The programme focuses on further strengthening the efficiency of national and provincial legislatures while helping to enhance the oversight role of Parliament.

## **Sudan**

Human rights violations and serious repression of human rights defenders continue to occur in different areas of Sudan. The continued use of the death penalty, including sentences imposed on minors, is particularly troubling. The EU encouraged the Sudanese Government to continue working to establish a conducive environment in the run up to the national elections in April 2010. The EU urged the Sudanese authorities to remove restrictions on freedom of expression, and other political freedoms such as the freedom of assembly and association. The EU further urged the Government of Sudan to bring to justice those responsible for cases of abductions, rapes or sex slavery and other human rights violations.

The EU reaffirmed the strategic importance of implementing the Comprehensive Peace Agreement (CPA) and reiterated its conviction that the signatories of the CPA, the National Congress Party and the Sudanese People's Liberation Movement, must live up to their joint responsibility to advance towards a peaceful and democratic Sudan.

The period under review was marked by the International Criminal Court's (ICC) procedures leading to the arrest warrant against President Al-Bashir in March 2009. Following the ICC's decision, the EU made a statement confirming its full support and respect for the International Criminal Court and its key role in the promotion of international justice. The deterioration of the humanitarian situation, triggered also by the expulsion of a number of humanitarian aid organisations, posed a great challenge to the international community. The EU called on the government, local authorities and rebel movements in Darfur to facilitate humanitarian access and to respect international humanitarian law and humanitarian principles.

The EU strongly condemned the continued violence against civilians and humanitarian actors, including the abduction of aid workers in Darfur and regular ambushes against UNAMID forces. It underlined that impunity for serious international crimes can never be accepted and reiterated its support for the ICC. At various occasions the EU reiterated its call upon the government to cooperate fully with the ICC in accordance with its obligations under international law.

The EU, via its Special Representative (EUSR) and local Heads of Mission, continued throughout the period to maintain a dialogue on human rights with the Sudanese authorities, NGOs, civil society and individual activists. Parallel dialogues and consultations were held with the international community including UNMIS and UNAMID Human Rights Offices, and UN agencies charged with protection and human rights. At the UN, the EU supported extension of the Independent Expert on the situation of human rights in Sudan.

The EU constantly emphasised the need for the disarmament, demobilisation and reintegration of armed groups and called on the CPA parties to strengthen the capacity and integrity of the Joint Integrated Units, so as to improve the security situation in affected areas. This is particularly needed to improve the rule of law, access to humanitarian assistance and the right to return on a voluntary basis.

In Darfur the EU has supported international efforts to achieve some tangible results in the framework of the Doha peace process, under joint AU/UN mediation. In particular, the EU urged the government and the Darfur rebel movements to engage seriously in the peace talks, and underlined the importance of ensuring opportunities for civil society in Darfur to contribute to conflict resolution and reconciliation.

## **Togo**

Throughout the reporting period the EU has remained vigilant with respect to the separation of powers, civil liberties and the rights of the defence in Togo. Various projects were carried out under the European Instrument for Democracy and Human Rights (EIDHR). In July 2009 the EU issued a Declaration welcoming the unanimous decision of the National Assembly of Togo to abolish the death penalty for all crimes and to commute existing death sentences into life sentences.

## **Uganda**

The Council's October 2009 conclusions on the Great Lakes Region called on the Ugandan Government to resolve political disputes through its democratic institutions, and urged the Government to assure a level playing field in the run up to the general elections of 2011 and that these elections would be free, fair and transparent. Towards the end of 2009, the EU expressed concern at the discussion of a Ugandan anti-homosexuality Bill. EU representatives made concerted efforts to remind Ugandan authorities of their international obligations, including under the essential elements of the Cotonou Agreement.

## Zimbabwe

In January 2009 the EU renewed its 'appropriate measures' under Article 96 of the Cotonou Agreement and extended its 'restrictive measures' against those leading figures responsible for Zimbabwe's crisis of government and abuses of human rights. These measures consist of a ban on entry into the EU, and a freeze on financial assets for individuals and companies who have engaged in activities seriously undermining democracy, respect for human rights and the rule of law in Zimbabwe. An embargo on the supply of arms and equipment intended for military operations is also in force. These measures do not harm ordinary Zimbabweans or impede Zimbabwe's economic development. The measures support SADC and the reformers in Zimbabwe by putting pressure on hardliners to reform. The EU has made clear its preparedness to adapt its measures in response to any further reform.

When adopting these measures, the EU noted the stark deterioration in the situation in Zimbabwe and urged all sides to comply with the Global Political Agreement (GPA). The EU also condemned the ongoing violations of human rights, in particular the abduction and detention of human rights defenders. The EU further stated its concern at reports of unsubstantiated legal measures taken against members of Parliament. The EU called upon the Government to deliver media reform, to ensure that all state agencies respect the freedom of assembly and expression, and to end all forms of torture and incommunicado detention.

The EU welcomed the new Government of National Unity (GNU), set up in February on the basis of the GPA agreed in September 2008, brokered by SADC. In June 2009 Prime Minister Tsvangirai participated in a ministerial meeting in Brussels, where a framework was agreed for a political dialogue with the government under Article 8 of the Cotonou Agreement. The approach agreed at that time anticipated that the Government of Zimbabwe would present a roadmap setting out the steps it would take towards implementation of the GPA and that the EU would present a roadmap of graduated re-engagement with the aim of normalising EU-Zimbabwe relations. In September 2009, an EU ministerial delegation visited Zimbabwe to meet with leaders of all three parties. Again, the importance of continued dialogue was underlined.

Since the inception of the GNU, the EU has continued to monitor closely the human rights situation in Zimbabwe. The EU has called for the early release of imprisoned members from the civil society (Zimbabwe Congress for Trade Unions) and for a halt to all state violence and intimidation. Moreover, a local *démarche* was carried out following the denial of entry of the UN Special *Rapporteur* on torture. Zimbabwe was also chosen to be part of the EU initiative to strengthen the local implementation of the EU guidelines on torture. EU Heads of Mission in Harare have been requested to report back on the implementation in June 2010.

The EU finances a wide range of activities in Zimbabwe to create and sustain an open political environment, where human rights and freedoms are respected, and to move the country to credible elections. The EU has finalised a Short Term Strategy to finance reforms contained in the GPA, especially the constitutional, electoral and reconciliation processes. EU aid totalled € 274 million in 2009, and the EU remains eager to engage in a substantive dialogue with Zimbabwe.

## **6.5. The Middle East and the Arabian Peninsula**

### **Iran**

The EU-Iran Human Rights dialogue remained inactive throughout 2008 and 2009, and the Iranian authorities avoided any exchange with the EU on human rights. The EU remained committed to resuming the dialogue, provided that Iran confirm its willingness to engage seriously. The human rights dialogue has been frozen since December 2006, when Iran cancelled the fifth round of the dialogue.

Especially after the presidential elections on 12 June 2009, Iran experienced its most severe deterioration of human rights since 1979. Serious human rights violations continued to occur, and there was no progress on any of the issues of concern to the EU.



Throughout 2009, the EU called on Iran to respect its human rights commitments. This message was communicated in direct contacts with the Iranian authorities in Tehran, as well as Iranian representatives in EU capitals. The European Council and the Council of the EU expressed their deep concern over the continued violations by Iran of its human rights obligations. At the European Council on 11 December 2009, European Heads of State repeated their deep concern over the continued violations of human rights in Iran and reminded Iran of its international obligations. The EU issued several declarations on human rights in Iran, including on mass executions, stonings and violations of religious freedom.

The way in which the Iranian authorities reacted to the turmoil after the 12 June Presidential elections caused particular concern. At least 4 000 people were arbitrarily arrested nationwide in the aftermath of the elections, with close to 100 still in detention at the end of 2009. Arrests were often accompanied by brutal force. Some 40 people were reportedly killed during the mass demonstrations at which demonstrators questioned the legitimacy of the election process and the election result. The EU was deeply concerned by the mass trials after the elections of around 150 persons accused of crimes against national security. Reports of torture and ill treatment surrounded these. The EU has expressed its concern at the sentences handed down during mass trials in which those prosecuted were not informed about their charges and had no access to independent legal counsel. These cases fell short of international standards to which Iran had previously subscribed, and in many cases also grossly violated Iranian constitutional and legal provisions. The EU was also concerned by the five death sentences issued at the mass trials, which affected at least four persons who appeared to have been arrested prior to the June elections.

The EU condemned the use of death sentences in violation with international minimum standards, including for political offences. The EU continued to call on the Iranian authorities to abolish the death sentence, and in the meantime establish a moratorium on executions. The number of known executions increased in 2009 (368 executions), in comparison to the total figure of 318 in the previous year.

The EU deplored the violations of freedom of expression and freedom of the press, national as well as international, in connection with the events following the elections. The use of media channels was further restricted. Temporary shut-down and slow-down of the use of the internet and mobile phones has been used as a means to prevent a free exchange of views and information. Newspapers have been shut down, editors arrested or brought in for questioning, and foreign journalists barred from reporting outside of their offices on events. Most websites of the opposition have been closed down.

The political opposition has continued to be oppressed. The activities of former presidential candidates Mehdi Karroubi and Mir Hossein Moussavi, have been severely restricted. Nobel Peace Prize laureate, Human Rights lawyer Shirin Ebadi, had her Nobel Prize medal and diploma temporarily confiscated from her bank box in Tehran, and her human rights organisation in Iran has been closed down.

## **Iraq**

Good governance, democracy, human rights and the rule of law are key areas of focus in the EU's relations with and assistance to Iraq. The EU promotes the consolidation of security by underpinning the system of the rule of law and promoting a culture of respect for human rights and endorses a model of democratic government that overcomes divisions and supports the implementation of Iraqi commitments on rule of law and human rights. Through its Integrated Rule of Law Mission for Iraq (EUJUST LEX), the EU continued to provide training in EU Member States for Iraqi officials, including on respect for human rights. Work experience for Iraqi officials in Member States is part of this programme. Since 2008, at Iraqi request, the EU has also provided training in Iraq to senior officials from across Iraq's police force, judiciary and penitentiary services. The EU has also been involved through other projects in supporting the rule of law and human rights, including through support for refugees and internally displaced persons.

The EU has used the political dialogue with Iraq to promote human rights objectives and to raise its concerns regarding human rights in Iraq. The EU expressed its disappointment at the resumption of the death penalty in Iraq in May 2009, and has repeatedly called for its abolition since then, most recently in its declaration on 11 November 2009, in which the EU expressed its profound concern over the human rights situation in Iraq and deplored the reintroduction of executions in Iraq. A new basis for relations was provided with the completion of negotiations on a Partnership and Cooperation Agreement (PCA) in November 2009. This includes a human rights clause and establishes a framework for cooperation on human rights issues and to address various issues including the rule of law.

The EU has expressed its concern at the human rights situation in the country with regard to a number of issues. The EU deplored the reintroduction in 2009 of the death penalty, and expressed its concern at the lack of fair trials, as well as in relation to credible allegations that confessions are obtained under torture. The EU underlined the necessity of strengthening governance structures to be able to protect its population from human rights violations, and was concerned at the difficulty Iraqi authorities were experiencing in preventing the appalling and arbitrary violence directed against vulnerable groups in Iraqi society, such as lethal attacks against ethnic and religious minorities and homosexual men, as well as violence against children. The situation of human rights defenders, journalists and trade unionists in Iraq remains of concern to the EU.

During the reporting period, the EU dispatched Electoral Expert Missions (EEMs) to Iraq for the Governorate Council Elections (31 January 2009) and the Kurdistan Region of Iraq Parliamentary and Presidential Elections (25 July 2009).

## **Saudi Arabia**

The EU has continued to address human rights in its relations with Saudi Arabia. Serious concerns over the human rights situation in Saudi Arabia remain, both in relation to individual cases and on issues of general concern such as the death penalty, the situation of women and the freedom of the press. The EU continued to raise its concerns with the Saudi authorities, bilaterally, in meetings with the Gulf Cooperation Council and through statements.

The latest EU démarche took place in November 2009 in Riyadh. The EU encouraged Saudi Arabia to withdraw its reservations to the Convention on the Rights of the Child, so that 18 years of age would become the legal age of adulthood in civil as well as criminal matters. The EU also urged the government to immediately suspend all death sentences imposed on persons for having committed a crime prior to the age of 18, and to take appropriate measures to convert them to penalties in conformity with international standards.

As long as the death penalty remains in use in Saudi Arabia, the EU has continued to argue that it should be imposed only for the most serious crimes. The EU has encouraged Saudi Arabia to abolish the practice of public executions and other executions carried out in the absence of respect for internationally recognised safeguards. The execution of foreign nationals was another topic often raised by the European side. The latest EU Statement on the execution of three foreign nationals in Saudi Arabia was issued on 9 November 2009.

Another issue raised by the EU was the continuing practice of betrothal and child marriages.

## **Yemen**

Yemen has shown considerable commitment in principle to international human rights instruments, but implementation has continued to be poor. Of particular concern are the situation of women and marginalised social groups, judiciary and rule of law, illegal detention by security agencies, and violations of freedom of expression.

Whilst recognising efforts made to date, the EU has stressed the responsibility of the Government of Yemen to protect the peace and security of all citizens within its territory. The EU is therefore concerned by the deterioration of the humanitarian situation in Sa'dah in northern Yemen. Conflict has caused an increasing number of civilian casualties and internally displaced people (IDPs), whose numbers are reported to have reached 250.000.

The EU welcomed the ceasefire in Sa'dah. The EU believes there is no military solution for the crisis, and calls on the Government of Yemen to open a process of dialogue with all parties. In this respect, the EU has insisted on the obligation to respect human rights and international humanitarian law by all parties to the conflict. It has particularly recalled the necessity of taking all necessary measures to protect civilians, allowing civilians wishing to escape from the conflict to reach places of safety, facilitating access for the UN and NGOs to areas where internally displaced are gathered, and urgently allowing emergency medical and humanitarian relief to reach those internally displaced.

The EU expects that the ruling party and the opposition reach consensus on the holding of elections in 2011. The EU encouraged all political parties to implement their agreements setting out the measures required to improve the electoral system and deepen democracy through strengthening the role of the parliament and parliamentary groups. In this context, the EU called on all political parties to seriously consider the recommendations, in particular those related to the electoral law, made by the EU Election Observation Mission.

The EU expressed its concern about increasing restrictions on the freedom of media in Yemen, following news coverage of events in the South. The EU called on the Government to uphold the freedom of the media and access to information as fundamental rights.

## **6.6 Asia and Oceania**

### **Afghanistan**

Despite some significant progress since the fall of the Taliban, Afghanistan continued to face key challenges: the transitional justice process for handling human rights abuses committed prior to the fall of the Taliban, women's rights, children's rights (Afghanistan is a priority countries for the implementation of the EU Guidelines on Children and Armed Conflict), an unreliable justice system, death penalty, arbitrary detentions, freedom of expression, human rights defenders, impunity and civilian casualties of the conflict.

In 2009 the EU expressed its explicit concern about the inconsistency of the proposed new law on “Shi’ite Personal Status” with Afghanistan’s constitutional and international obligations. The EU fully recognised the sovereignty of the legislative process of the Islamic Republic of Afghanistan, and that Article 131 of the Afghan Constitution provides for the possibility that a specific law is created for the Shia community regarding personal matters. The EU welcomed amendments made to provisions within the Law on ‘Personal Affairs of the Followers of Shia Jurisprudence’, but the EU remains concerned about certain articles of the law, which contradict the obligations of the Islamic Republic of Afghanistan under the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. However, the EU was pleased to note the gazetting of the law on the Elimination of Violence Against Women on 7 October 2009. This represented a welcome step forward in the advancement of women’s rights in Afghanistan.

In compliance with the EU Guidelines on violence against women and girls and combating all forms of discrimination against them, the EU continued to encourage the Government of Afghanistan to comply with its international human rights commitments. This was to ensure respect for the human rights of all Afghan citizens, including women and children. In addition, the EU encouraged the establishment of an Action Plan on the implementation of the recommendations of UNSCR 1325 and 1820 on women, security and peace. These were the main messages during a number of démarches to the Afghan Government.

The EU remained a key donor on human rights in Afghanistan. The reconstruction programme, managed by the European Commission, stayed on track to meet the pledge of providing € 700 million in reconstruction funding over the 2007-2010 period. It comprises an important human rights / civil society component, including support on social protection for the most vulnerable (€ 21 million).

In addition, the EU supports the respect for human rights through the European Instrument for Democracy and Human Rights (“EIDHR”). Projects funded under the country based support scheme for Afghanistan since 2007 ranged from promoting government transparency and accountability, through raising awareness on human rights, to human rights training.

Support of Afghan Civil Society Organisations and NGOs is also promoted through the thematic programme “Non-State Actors in Development”. A call for proposals was launched in February 2009. This is an “actor-oriented” programme aimed at strengthening the capacity of civil society organizations as a pre-condition for a more equitable, open and democratic society through support to their “own initiatives”. One of the specific objectives of this call for proposals was to contribute to peace and reconciliation efforts through mediation, accountability and promotion of human rights while recognizing the importance of community level dialogue.

An EU EOM was deployed to observe the presidential and Provincial Council Elections that took place on 20 August 2009. The EOM concluded that the elections, which were the first Afghan-led elections in decades, were marked by deteriorating security conditions which inevitably affected the conduct of the elections, despite the best efforts of the Afghan authorities, notably the Independent Election Commission. The Taliban’s call for a boycott of the elections was supplemented by an increasing number of attacks, resulting in civilian injuries and deaths, so it was a notable achievement for the elections to take place at all. Election day was marred by a number of violent incidents, including rocket attacks and explosions targeting polling centres and government facilities throughout the country. That said, the EOM found that large scale ballot stuffing took place at polling station level, and despite the legal provisions on fraud detection and mitigation measures established by the Independent Election Commission (IEC), hundreds of thousands of fraudulent votes were accepted at the tally centre and included among the preliminary official results.

## **Bangladesh**

Following two years of military-backed interim rule by a technocrat 'Caretaker Government', the state of emergency was fully lifted in December 2008. An EU Election Observation Mission (EOM) was deployed to observe the parliamentary elections that took place on 29 December, which resulted in victory for the Awami League (AL). The EOM found the elections to be professional, transparent and credible, marking an important step towards re-establishing democratic governance of the country.

A key challenge for the new government remained the implementation of human rights treaties and conventions to further improve standards. This also included incorporation of key reforms instituted by the interim government, such as establishment of the National Human Rights Commission (NHRC) and strengthening the Anti-Corruption Commission (ACC).

An delegation of senior EU representatives visited Bangladesh on 7-9 June 2009. This was the third such visit to the country and the first at Vice Ministerial level. The delegation underlined the importance of strong and independent governance institutions, in particular the NHRC and ACC, in ensuring good governance and protecting human rights. It also called for action to tackle persistent human rights problems, notably extrajudicial killings and torture by the security forces. The delegation voiced strong concern at the numerous deaths in custody of BDR jawans (soldiers or member of the Bangladesh Rifles accused of mutiny), and urged that all such deaths be thoroughly investigated and those responsible punished.

Building on this visit, a delegation of human rights Ambassadors from three EU Member States also visited Bangladesh on 11-15 October 2009.

### **Burma/Myanmar**

The EU has remained committed to engaging directly on its human rights agenda, despite the tremendous difficulties involved. The reports of Tomás Ojea Quintana, UN Special Rapporteur on human rights in Myanmar, have highlighted the gross and systematic violations of fundamental freedoms in the country. The EU has worked consistently for renewal of his mandate. The EU has also been instrumental in securing resolutions at the UN Human Rights Council in March and September 2009, and at the UNGA Third Committee in October 2009, condemning the continuing violations of human rights and discrimination against ethnic groups.



The military government has not responded to repeated calls by the international community, led by the UN, to release all political prisoners including Aung San Suu Kyi. According to most estimates, the number of political prisoners increased during the period to over 2 100. Conflicts of attrition continued with several ethnic minorities, on both the Chinese and Thai borders, resulting in serious human rights infringements and suffering of the local population. Pressure has increased on the Rohingya minority to force them to leave the country.

The deterioration in socioeconomic conditions has also continued. While an estimated 80 % of the population live on the land, serious problems in agriculture and food production persist.

Against this backdrop, the EU has pursued an active policy to address the situation and press the government into investigating and ensuring accountability for human rights abuses. The EU continued systematically to raise Burma/Myanmar in all relevant forums, both multilateral (UN, ASEAN, ARF, etc) and bilateral (political dialogue meetings up to the highest level with all major actors (China, India, ASEAN countries, Canada, Australia, United States, etc). The EU Special Envoy, Piero Fassino, nominated in 2007, has continued to engage with the EU's partners to develop a common approach to an improvement in the human rights situation.

The EU has made repeated declarations condemning violations of human rights in Burma/Myanmar, and tightened restrictive measures on the occasion of the verdict on Daw Aung San Suu Kyi in August 2009. In parallel, the EU has urged the neighbours of Burma/Myanmar – China, India and ASEAN countries – for them to increase their diplomatic pressure, with good results in several cases. This policy has created difficulties for the military government, though it has so far failed to produce a change of behaviour.

The military government has promised elections in 2010 as part of its “roadmap” to “disciplined democracy”. Election laws were published on 8 March 2010, although the election date is still unknown. The laws appear to grant the authorities sweeping powers over the conduct of the election and campaign, annul the 1990 election results in which the NLD gained an overwhelming majority and require them to expel leader Aung San Suu Kyi. As a result of the imposition of these restrictive and unfair laws, the NLD announced on 29 March 2010 that it could not participate in the elections. At the time of writing, other opposition parties and ethnic groups were deciding whether to register. The EU continues to press the authorities to create the conditions for free and fair elections, which must include the unconditional release of all political prisoners and an inclusive political process involving the opposition and ethnic groups . The EU remains ready to respond to positive change in Burma. The EU has noted that, without participation of the ethnic groups constituting 45 % of the population, and the opposition parties, the elections will have little legitimacy.

The EU has sought to avoid isolating Burma/Myanmar, and has been the biggest donor of humanitarian and related assistance to the country. Still, even with the boost, total donor assistance per head in 2008 was only approximately € 9, compared with approximately € 65 for Laos. While much EU assistance has been directed to areas still recovering from cyclone Nargis, EU programmes benefit all parts of the country. Some has also gone to refugee camps across the Thai border.

Direct human rights activities in Burma/Myanmar have hardly been possible. The EU has therefore had to resort to indirect measures, integrating a human rights dimension into all EU assistance programmes. The EU has sought links with civil society and parts of the administration, engaging the government on its responsibility to attain the Millennium Development Goals.

## **Cambodia**

An EU election observation mission (EOM) was deployed to observe the parliamentary elections that took place on 27 July 2008. The EOM recorded a more peaceful and open environment than for previous elections, but noted problems with voter registration, the use of state resources, and lack of confidence in the election administration.

In 2009 the EU tracked concerns with restrictions on freedom of expression affecting opposition politicians, such as Sam Rainsy, leader of the opposition, the opposition MPs Ms Mu Sochua and Mr Ho Vann, journalists and NGOs. An often used tool was the abuse of laws on defamation and disinformation. Land evictions, and lack of recognition of ethnic population rights have raised strong concerns. The EU made a statement in August 2009 and raised these cases with the Government at the last Joint Committee in March 2009, and at the Sub-Group on Institutional Reforms, Governance and Human Rights in November 2008.

The latter was accompanied by a conference covering various human rights issues with large participation of civil society organisations and governmental representatives. This conference was followed by a study tour for Cambodian NGOs to Europe (Brussels and Strasbourg) to discuss human rights concerns with the representatives of the European Commission, the European Parliament (including a visit to the Sub-Committee on Human Rights DROI), the Council of Europe as well as European NGOs and academics.

In December 2009 the EU voiced concern with regard to the decision by the Cambodian Government to forcibly return a group of ethnic Uighur asylum seekers to China, prior to an examination of their status under international refugee law. The EU urged the Cambodian Government to review its procedures for dealing with applications for asylum in order to ensure that the procedures comply with Cambodia's obligations under international law.

There are currently 14 projects implemented in Cambodia under the European Instrument for Democracy and Human Rights that address the issues of e.g. indigenous peoples, women's rights, children's rights, civil society, media, and trafficking in human beings.

## China

Over the period the EU welcomed progress by China in giving effect to the economic rights of its citizens and the commitment made to reform its criminal justice system. However, the EU still had serious concerns about the human rights situation in China and deplored the limited progress in a number of areas of concern, including the rule of law, regulation of the legal profession, freedom of expression, association and religion or belief, the rights of persons belonging to minorities, and continued extensive use of the death penalty.

China continued to be under intense scrutiny by the international community, given the number of key events and anniversaries in 2008 and 2009. In that context, the EU reaffirmed the high importance it attaches to its exchanges with China on human rights.

Three rounds of the EU-China human rights dialogue were held during the reporting period: the 26th round took place in Beijing on 28 November 2008, the 27th in Prague on 13 May 2009 and the 28th in Beijing on 20 November 2009. As is customary, field trips or side meetings with relevant authorities were an integral part of the programme on each occasion.

A list of individual cases of concern was handed over by the EU in the run up to each dialogue round. Legal experts' seminars, between prominent academics on particular themes, were held back-to-back with each dialogue round.

The EU initiated, in close consultation with the European Parliament and civil society, an internal evaluation of the dialogue. Recommendations aiming at improving the impact of the dialogue will be discussed with China.

The dialogue allowed for a regular exchange of views on recent developments in China and in the EU in the field of human rights. The EU welcomed the first Human Rights Action Plan developed by China for 2009-2010. The EU continued to urge China to ratify the ICCPR, which China signed in 1998, and to consider a swift accession to the Rome Statute.

Freedom of expression and freedom of association, notably through new technologies, have experienced negative developments in China. In December 2008, a number of activists, including prominent activist Liu Xiaobo, were detained and continued to be subject to judicial processes or detention for their involvement in the Charter 08 initiative. The EU continued to voice its concerns on the situation of Sakharov Prize Laureate Hu Jia, and urged China to extend the provisions established for foreign journalists to the Chinese press, as pressure on journalists and bloggers continued to grow.

The EU placed emphasis on the rule of law, notably concerning the regulation of the legal profession and the ability of lawyers to discharge their professional duties without interference. The EU also expressed concerns regarding the exercise of petitioning and systematic harassment of petitioners. The EU voiced its concerns on the situation of lawyer Gao Zhisheng, who has been missing since February 2009. The EU called on China to abolish the Rehabilitation through Labour (RTL) system, and to eliminate all forms of arbitrary detention. The EU called on China to continue its efforts to reduce torture and ill-treatment in detention.

The extensive use of the death penalty remained an issue of concern. The EU encouraged China to reduce the number of criminal offences subject to capital punishment and to increase the transparency of the trial and review processes. In accordance with the EU guidelines on death penalty, the EU issued several public statements condemning a number of executions in China.

The EU continued to follow the consequences of the events in Lhasa on 14 March 2008, and subsequent unrest in Tibetan areas, paying close attention to the unrest in Ürümqi and in the Xinjiang Uighur Autonomous Region in July 2009 and its follow up.

The EU also followed closely the first Universal Periodic Review of China which took place in the Human Rights Council in February 2009, encouraging China to implement the recommendations it accepted during the review process. During the dialogue sessions, the EU and China discussed thoroughly their cooperation in UN forums, the EU inviting China to issue a standing invitation to UN special procedures and to engage further with the OHCHR.

The EU's attempt to engage in a constructive dialogue with China in the field of human rights continues also in the framework of the negotiations for the conclusion of a Partnership and Cooperation Agreement, which represents a great opportunity to encourage China to adopt further legal obligations in this field.

## **DPRK**

The EU remained seriously concerned over the grave violations of human rights in Democratic People's Republic of Korea (DPRK). It repeatedly voiced its concern in international forums and urged Pyongyang to improve the situation. Thus, in March 2009, through a joint initiative of the EU and Japan, the UN Human Rights Council adopted a resolution whereby it extended for another year the mandate of the Special UN Rapporteur on the situation of human rights in DPRK. On 19 November 2009, the UNGA Third Committee also adopted a resolution on the human rights situation in DPRK initiated by the EU and Japan. Human rights concerns have also been raised directly with DPRK authorities by the resident ambassadors of the EU Member States in Pyongyang, during meetings with DPRK officials in Brussels, or in other EU Member States.

During the regular official EU visits to Pyongyang at regional director level in March and October 2009, the EU strongly called upon the DPRK to respect fully all human rights and fundamental freedoms and to address the recommendations of relevant Resolutions, including the Resolution on the situation of the human rights in DPRK adopted in November 2008. The EU encouraged Pyongyang, as a matter of confidence-building, to cooperate fully with the UN human rights mechanisms, including granting the Special Rapporteur full, free and unimpeded access to the DPRK. The EU also encouraged Pyongyang to engage in a meaningful dialogue on human rights with the EU and its Member States. The EU reiterated its willingness to resume the bilateral dialogue with DPRK on human rights, offering expertise and constructive cooperation in specific areas of human rights, and trying to separate this specific dialogue from human rights resolutions initiated by the EU at the UN.

The EU expressed its deep concern over the fact that in DPRK people are still being sentenced to death and executed. It strongly urged Pyongyang to immediately put an end to the systematic, widespread and grave violations of civil, political, economic, social and cultural rights; to protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary; to ensure full, safe and unhindered access to humanitarian aid and allow humanitarian agencies to secure its impartial delivery. The EU urged DPRK to tackle the root causes of refugees and ensure they are able to return in safety and dignity. In separate démarches at various levels, the EU has continuously asked Beijing to show leniency to DPRK citizens who cross the border into China in search of food, and to reconsider its policy concerning these refugees who face capital punishment if repatriated into DPRK.

The EU noticed a more constructive involvement of the DPRK concerning the Universal Periodic Review, Rights of the Child as well as some positive steps – both legal and practical – concerning the rights of people with disabilities. The EU has continued to closely monitor the food-shortage in DPRK and remained ready to provide food aid in case of crisis.

## **Fiji**

The military regime of Commodore Bainimarama consolidated its control through a series of measures in 2009. In April it abrogated the Constitution and suspended the judiciary. Public Emergency Regulations were put in place to restrict assembly and limit media freedom, which were still in place a year later. Questions remain on the independence of the reinstated judiciary. Promises of political dialogue have yet to materialise and government-appointed censors monitor media output. The Pacific Island Forum and the Commonwealth suspended Fiji from membership. The EU put on hold its contributions under the Cotonou Agreement (sugar funds), while at the same time encouraging the regime to emerge from its isolation by making the first steps towards engaging in meaningful dialogue and swiftly restoring democracy to Fiji.

## India

EU missions in Delhi have devoted increasing attention to engagement on human rights issues, pursuing ways to implement successfully the EU Guidelines on Human Rights, particularly with regard to Human Rights Defenders, Women and Children. Activities have included a fact-finding mission to Orissa in December 2008 to investigate the situation of religious minorities, and observing the trial of a prominent Human Rights Defender in Chhattisgarh.

The latest India-EU annual human rights dialogue, which took place on 27 February 2009, marked another step forward in the EU-India cooperation in the field of human rights, both bilaterally and multilaterally.

The EU funds a number of projects in India on a range of human rights issues, covering the elimination of child labour, human trafficking, prevention of torture, rights of people with disabilities, rights of marginalised groups and access to justice for the vulnerable populations.

The EU marked International Human Rights Day, on 10 December 2009, by organising a seminar and simultaneously launching a 'call for proposals' for India under the EIDHR. Indian institutions are eligible to apply under this call, as the EU seeks to contribute to the building of national human rights institutions.



The EU also participated in a conference, in October 2008, on the 'Role of National Institutions on the Rights of Indigenous peoples', organized by the Asian Indigenous Tribal Peoples Network, which brought together representatives of indigenous peoples organisations from south and south east Asia, with the participation of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the former UN Special Rapporteur on Right to adequate housing, and India's National Commission for Protection of Child Rights. Since Asia does not have a regional Human Rights mechanism this conference, and the project of which it is part, provided a valuable regional platform.

## **Indonesia**

The comprehensive Partnership and Cooperation Agreement signed by the EU and Indonesia on 9 November 2009 will be the future framework to discussing human rights in a more structured way. Respect for democratic principles and fundamental human rights constitutes an essential element of the Agreement (Article 1.1). Both sides confirmed their shared values as expressed in the UN Charter (Article 1.2), attachment to the principles of good governance, rule of law, including independence of the judiciary, and the fight against corruption (Article 1.5), and agreed to establishing cooperation on human rights and legal affairs (Article 2.f). Article 26 provides specifically for cooperation in promoting and protecting human rights. In a joint statement of 9 November 2009, Indonesia and the EU identified human rights and democracy as one of the priorities for immediate action to be taken forward in 2010 pending ratification of the Agreement.

Pursuant to the decision of principle in 2007 to establish a bilateral human rights dialogue to exchange views and practices on human rights of global, regional and domestic relevance, and following agreement at the EU-Indonesia Senior Officials' meeting in Yogyakarta on 13-14 July 2009 on the terms of reference, the dialogue was officially launched on 9 November 2009 at the EU-Indonesia Foreign Ministers meeting in Jakarta. Its first meeting is planned to take place in Jakarta in the first semester of 2010. The decision to engage in a human rights dialogue with the EU is a first concrete step and a positive sign of Indonesia's commitment to human rights. The country has ratified all the major human rights conventions, with the exception of the ICRMW, and its national human rights institution, Komnas HAM, plays an important role in protecting and promoting human rights.

Indonesia has also been instrumental in setting up the new ASEAN Intergovernmental Commission on Human Rights. To offer a lead within ASEAN it appointed an independent member of a leading Indonesian NGO as its representative in the Commission.

During 2009, which was an election year in Indonesia with parliamentary elections in April and presidential elections in July, the EU carried out an Election Expert Mission for the parliamentary elections focussing on Aceh, monitoring the election process and providing political analysis.

EU missions in Jakarta have established a dedicated task force on human rights composed of the political counsellors of the EU Delegation and Member State embassies. A range of human rights concerns have been raised formally by the EU with the Government of Indonesia, including the death penalty and the ICC in November 2008. Nine human rights projects are currently being supported through the EIDHR, covering concerns such as women's rights, children's rights and torture. A major, high level seminar to mark the signature of the EU-Indonesia Partnership and Cooperation Agreement in November 2009 included human rights as a key focus. The EU policy guidelines on human rights have been translated into Bahasa and are being widely disseminated. The EU closely monitors through regular missions the human rights situation in particularly sensitive areas such as Aceh and Papua, where there are specific concerns regarding truth and reconciliation processes and issues linked to the special autonomy that has been accorded to those provinces.

## **Japan**

The EU has followed with concern the continued use of the death penalty and the sharp increase in executions in Japan in the last period. Heads of Mission in Tokyo have organised several meetings with members of the Japanese government, parliamentarians and NGOs, to convey the EU's message on the unacceptability of the capital punishment. The EU therefore noted with particular interest the appointment in September 2009 of a new minister for justice who was previously a member of the Parliamentary League against the death penalty. The EU and Japan continued their consultations on human rights, held every six months in Geneva or Brussels.

## **Laos**

The EU has continued and intensified its dialogue on Governance and Human Rights with Laos. The EU has continued to monitor the fate of a number of Hmong UNHCR declared refugees, who were expelled from Thailand in December 2009. (The government of Laos has been unwilling to allow full access to them, as the UN requires). The EU has been actively pursuing their localisation and where appropriate, asylum in other countries. Also during the period, four projects have been implemented in Laos under the EIDHR, providing support to strengthening civil society, children's rights, and human rights education.

## **Malaysia**

Pending the emergence of a more structured relationship - the benefits of concluding a Partnership and Cooperation Agreement with the EU are being considered by Malaysia - human rights issues have been dealt with in an *ad hoc* way, although there is some willingness on the side of Malaysia to engage and to enhance mutual understanding.

Malaysia has also welcomed closer cooperation between the EU and ASEAN including with ASEAN's newly set up Intergovernmental Commission on Human Rights.

The EU has some concerns over the application of the Internal Security ACT (ISA) which allows for detention without formal charge or trial for up to two years. It carried out a *démarche* on 24 September 2008 following the arrest under the Internal Security Act of a member of parliament and two journalists.

The EU also closely followed the new trial which was brought against opposition leader Anwar Ibrahim. He was previously sentenced in 1998 to nine years in prison for sodomy and corruption. He was released in 2004 after the sodomy charges were overturned by the highest appeal court, but remained barred from seeking public office. After the ban expired in 2008 he presented himself for election and won a parliamentary seat, but was arrested before he could take it up. The EU carried out one démarche on 29 August 2008, shortly after his arrest, and another on 3 July 2009. The EU has made known its serious concerns relating to due process, notably the right to defence and fair legal proceedings.

## **Nepal**

2008 marked the transition of Nepal to democracy and the start of a peace process, which has yet to achieve the results that are necessary to solve the problems in the country. A delegation of EU officials visited Nepal on 8-9 October 2009. It emphasised that failure to act on human rights abuses undermines respect for the rule of law, which in turn undermines sustainable peace. The delegation was especially concerned by disappearances, widespread impunity and by reports of human trafficking. To move forward and help heal the wounds of the past, the delegation highlighted the work of human rights defenders. The EU encouraged Nepal to invite the UN Special Rapporteur on Human Rights Defenders to visit the country. However, no official invitation has been forthcoming.

## **Pakistan**

The Third Generation Cooperation Agreement (2004) is the framework for relations between the EU and Pakistan. The agreement includes a key clause in its first paragraph: “Respect for human rights and democratic principles as laid down in the Universal Declaration on Human Rights underpins the domestic and international policies of the Community and the Islamic Republic of Pakistan and constitutes an essential element of this Agreement”.

The EU has particularly stressed the necessity of the Pakistani government ensuring protection of the rights of persons belonging to all vulnerable groups, including women, children and minorities, and to effectively prevent episodes of violence. The EU has expressed concern at the recent attacks against members of religious minorities and urged the Pakistani authorities to swiftly bring to justice those responsible for the attacks.

The second meeting of the EU-Pakistan Joint Commission was held in Brussels on 18 March 2009, to discuss political issues (including security, good governance and human rights) and economic developments, trade and cooperation issues. A meeting of the 'sub-group on governance, human rights and migration' (part of the Joint Commission set-up, also consisting of sub-groups on Trade and Cooperation) was held on 16 March 2009. On human rights protection, the sub-group addressed the essential signature and ratification of outstanding international human rights instruments, assistance in this field and concerns regarding the death penalty, the legal situation of women, protection of religious minorities and interfaith dialogue including the treatment of Islam in European media. The outcome of the meeting laid the ground for an improved dialogue on human rights.

An *ad hoc* EU-Pakistan Summit was held in Brussels on 17 June 2009. The EU welcomed Pakistan's major progress in transition to democratic civilian rule following the February 2008 parliamentary elections and recalled the importance of the recommendations of the EU Election Observation Mission. The EU recognised efforts being made by Pakistan for the integration of women and minorities in the social, economic and political structures, and encouraged continued efforts in this regard. Both sides stressed the importance of a constructive dialogue between the EU and Pakistan in multilateral forums, such as human rights and disarmament. It was highlighted that ratification and implementation of relevant international conventions on human rights is very important.

Human rights also form part of EU-Pakistan trade discussions. One of the criteria for eligibility to GSP+ is that countries have ratified and effectively implemented 27 UN Conventions or international instruments, including those dealing with human rights. Pakistan has two outstanding conventions to ratify: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR).

EU assistance for Pakistan is € 200 million for the period 2007-2010 and € 225 million for 2011-2013 (indicative amounts). This excludes thematic assistance - covering the European Instrument for Democracy and Human Rights (€ 0.6 million 2009) and the Non-State Actors and Local Authorities (€ 2.55 million in 2009), humanitarian assistance through ECHO (€ 71.75 million in 2009) and the Instrument for Stability (€ 17.5 million in 2009).

The EU carried out four local demarches in 2008 and two in 2009, in June and December. The Government of Pakistan has so far failed to respond to any of these demarches. The most recent EU demarche in December 2009 under the Swedish Presidency called upon the Government of Pakistan to promote tolerance, to effectively promote freedom of belief and freedom of expression, and to reform discriminatory legislation such as the blasphemy laws. The demarche of June 2009 under the Czech Presidency encouraged the ratification of the ICCPR as well as the CAT, the setting up of an independent Human Right Commission, efforts to implement the recommendations by the EU Election Observation Mission in 2008, the independence of the judiciary, the protection of minorities and reform of the blasphemy law, enforced disappearances, women's rights, the commitment to commute death sentences to life imprisonment and the support to IDP's. The demarche under the French Presidency in December 2008 welcomed the continuation of civilian rule in Pakistan and EU's commitment to strengthen its dialogue and cooperation on human rights at all levels, encouraging Pakistan to continue implementation and legal protection of minorities, international conventions, strengthening democracy, women's rights, minorities and religious freedoms, the rights of the child and the adoption of a moratorium on the use of the death penalty with a view to abolition.

Human rights also featured prominently during the recent EU-Pakistan meeting of Political Directors, with the Pakistani side acknowledging EU sensitivities on these issues, especially regarding the rights of women and persons belonging to minorities, and indicating progress through the adoption of measures specifically aimed at enhancing their position.

## **Philippines**

The EU remained vigilant about the human rights situation in the Philippines, which despite a certain progress continued to be an issue in the country. The EU welcomed efforts by the government to promote human rights in multilateral forums, such as the ASEAN Intergovernmental Commission on Human Rights, and recently upholding its commitment to the UN Convention Against Torture by passing the Anti-Torture Act of 2009.

The EU welcomed the decline in Extra-Judicial Killings (EJK) and recognised the government's efforts to combat these. The EU has responded positively to a government request to provide technical assistance to help the Philippines address the question of EJK. In October 2009 the EU signed a financing agreement for the EU-Philippine Justice Support Programme (EPJUST), allocating an amount of € 3.9 million to implement the programme.

The EU has followed closely the Mindanao Peace Process. It expressed concerns over the escalation of violence in Mindanao, with growing numbers of civilian casualties and displaced persons, following suspension of signing of the Memorandum of Agreement on ancestral domain. The EU provided € 7 million of humanitarian aid for displaced and uprooted people in the conflict and € 1 million to support the peace process in Mindanao through the promotion of dialogue and confidence-building among stakeholders. In November 2009, the EU welcomed the renewed momentum of the Peace Process by the government and MILF to resume formal peace talks. The EU will continue to monitor the situation keeping open the possibility of more direct engagement and support in the future.

The EU followed up also on individual cases of human rights violations. It strongly condemned the barbaric killings in Mindanao on 23 November 2009 associated with political election rivalry. Human rights issues are continued to be closely followed during EU-Philippines PCA negotiations.

## Sri Lanka

From January 2008 through the start of the period, Sri Lanka benefited from the 'GSP+' regime under Regulation 732/2008 establishing the Generalised System of Preferences. This provides trade incentives to countries which ratify and effectively implement key UN Conventions or international instruments, including those dealing with human rights. In October 2008, however, in light of numerous reports that Sri Lanka was not effectively implementing the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and the Convention on the Rights of the Child (CRC), the European Commission launched a formal investigation.

In May 2009, following intense fighting between government forces and the LTTE, the EU expressed its dismay at the loss of innocent lives as a result of the conflict. The EU urged the parties to the conflict to respect all their obligations under international humanitarian law and human rights law. The EU also called for the alleged violations of these laws to be investigated through an independent inquiry, so that those accountable could be brought to justice. Finally, the EU appealed to the government to allow humanitarian access to Internally Displaced Persons in camps, and to ensure the civilian nature of the camps.

On 19 October 2009, following rigorous research, the Commission reported back that Sri Lanka was not effectively implementing the ICCPR, CAT and CRC. The report found that the legal and institutional framework in Sri Lanka, supposed to give effect to these conventions, was not sufficient to ensure effective implementation of all relevant obligations. This was especially so as emergency legislation overrode other legislative provisions and imposed restrictions on human rights which were incompatible with the Conventions. On the basis of this report, on 15 February 2010 the Council of the EU adopted a Decision suspending Sri Lanka from the GSP+ scheme with effect from 15 August 2010.

The EU remains concerned about freedom of expression, including attacks on media outlets and harassment of individual journalists which have resulted in some prominent journalists leaving Sri Lanka. The EU made its concerns known in a statement of 27 October 2009, which called for an end to impunity and all human rights violations.



Sri Lanka is still subject to Emergency Regulations which were renewed by the Government in March 2010. The EU has urged the Government to work towards lifting these and limiting the special powers in the Prevention of Terrorism Act as part of the process of creating an environment in which the people of Sri Lanka can live together in peace and cooperation.

## **Thailand**

During this period the insurgency movements in the south continued unabated, resulting in serious ongoing human rights infringements by both insurgents and the State, including the army and police. The government has, however, seemed more willing than before to engage with the international community, including the EU, to try to solve this long-standing problem. The EU has pursued political dialogue to help direct its aid in an efficient way.

Key to addressing violence in the south is an effective system of justice. Building upon its experience of our past cooperation, the EU has therefore been exploring the possibility of supporting establishment of a legal institute in southern Thailand. The EU has also continued to explore engagement with the government on education and culture, focusing on bilingual education and the creation of a “cultural space” for the Malay Muslim.

The EU has continued to work with the government to try to guarantee the rights of refugees in Thailand, including those settled in large numbers in camps along the Burmese border. Thailand has not signed the 1951 Geneva Refugee Convention, and has not recognised “refugees” as such, considering them rather as illegal immigrants. During this period their position has become more fragile, causing concern to the EU and the whole international community. This has been especially strong in three cases: the alleged sending back to sea by troops of Burmese Rohingya boat people in January 2009; the deportation of Hmong people to Laos in December 2009; continuing threats to expel Karen refugees to Burma/Myanmar, where they would be expected to settle in a conflict zone strewn with landmines. The EU has therefore begun political dialogue with the Thai authorities to reach a long term, sustainable solution for the refugees who have been living in the camps for more than 30 years.

## **Timor Leste**

The EU has welcomed the progress of Timor Leste in strengthening democracy and human rights. The EU has particularly recognised substantial progress in reintegrating internally displaced persons into the community, and reintegration of so-called petitioners into civilian life. Concerned at human rights violations by members of the security services, the EU has underlined the need to strengthen the institutional framework, including through security sector reforms, which are key to consolidating peace and stability of the country. The EU has also encouraged Timor Leste to act on the recommendations of the 'Commission of Truth and Friendship' and the 'Commission of Reception, Truth and Reconciliation' in addressing past injustice and violence against population.

## **Vietnam**

Repression of peaceful pro-democracy activists intensified during the period. The EU sent representatives to a number of trials, and repeatedly raised its serious concerns with the government. EU diplomats also carried out a fact-finding mission to assess allegations of harassment against members of the Buddhist Plum Village community. Further restrictions were imposed on internet users and Facebook was blocked by internet service providers. Through its regular human rights dialogue and technical assistance, the EU tried to ensure that planned legislation on the media and on associations would not create more restrictions on freedom of expression and freedom of association, in contravention of Vietnam's commitments under the ICCPR.

## **6.7 The Americas**

### **Canada**

The EU and Canada share a strong commitment to the women, peace and security agenda and regularly exchange information on this issue. Canada is a key partner in tabling each year the UNGA country resolution on the human rights situation in Iran, actively co-sponsored and supported by the EU. Mainstreaming human rights in crisis management operations is another area of cooperation. The EU has sought clarification on the policy of the current Canadian government on seeking clemency for Canadian nationals facing the death penalty in non-EU countries. The EU continued its twice-yearly consultations on human rights with Canada. These meetings provided an opportunity for open and constructive exchanges.

### **United States of America**

The EU welcomed the decision of the U.S. in 2009 to seek membership of the UN Human Rights Council and to work with the ICC. The twice-yearly EU-U.S. consultations on human rights focused on coordination in multilateral forums, but the EU continued to also raise issues of specific concern, including the death penalty and how to safeguard human rights in efforts to counter terrorism.

Since 2006, a specific dialogue on counterterrorism and international law with the State Department's Legal Adviser has provided a forum for addressing the complex legal issues involved in combating terrorism in the context of the rule of law. The EU consistently called for the closure of the detention centre at Guantánamo Bay and a broader legal review of the underlying policy issues, in particular indefinite detention without trial. It therefore applauded moves in this direction, and decided to coordinate support by establishing an 'enabling environment' allowing individual EU member states to receive Guantánamo detainees. An EU-U.S. Joint Statement, released on 15 June 2009 provides the transatlantic framework and holds out the prospect of developing a Set of Principles that might serve as a common reference point in counter-terrorism.

In line with the EU Guidelines on the Death Penalty, the EU continued to raise the death penalty during its consultations with the US. In addition to reiterating its stance against capital punishment, the EU also raised individual cases, including the Medellín case and Troy Davis. The EU also carried out general and individual démarches, wrote letters and issued public Declarations both on positive and negative developments, for instance on the occasion of the 1000th execution by lethal injection in the U.S. (Ohio) in July 2009 or welcoming legislation abandoning the death penalty in the State of New Mexico in March 2009.

The EU pursued its twice-yearly consultations on human rights with the U.S. These meetings provided an opportunity for open and constructive exchanges on country and thematic priorities for the Third Committee of the UN General Assembly and the Human Rights Council, as well as for raising specific issues.

### *Latin America and the Caribbean*

Partnership between the EU and the countries of Latin America and the Caribbean (LAC) is based on common values and interests, including the protection and promotion of human rights and strengthening citizen's participation and democracy<sup>1</sup>. Both regions also share a strong commitment to effective multilateralism and cooperate closely in multilateral forums on human rights. The EU and GRULAC (Group of Latin American Countries), for instance, are the main sponsors of an annual omnibus resolution on the Rights of the Child at the UN General Assembly. Moreover, together with the EU, many Latin American countries have been active supporters of the UNGA resolution on a moratorium on the death penalty. Unfortunately, most Caribbean countries actively oppose this, and the execution of Charles Elroy Laplace in St Kitts and Nevis in December 2008 broke a de facto regional moratorium.

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<sup>1</sup> Cf. Council conclusions on the Commission Communication regarding EU-Latin America relations, adopted by the Foreign Affairs Council on 8 December 2009 (17341/09) and Lima Summit Declaration ([http://ec.europa.eu/external\\_relations/lac/docs/declaration\\_en.pdf](http://ec.europa.eu/external_relations/lac/docs/declaration_en.pdf))

The EU closely follows the human rights situation in Central America, encouraging the efforts in the region to address the challenges of democratic security. At the Ministerial meeting between the EU and the San José Dialogue countries (Prague, 14 May 2009), the EU undertook to support the Central American Regional Security Strategy. More than € 12 million have been reserved under the Regional Indicative Programmes to regional security and border security in Central America. Important allocations are also foreseen in the National Indicative Programmes of the Central America countries.

Negotiations on Association Agreements or Framework Agreements with the countries of Mercosur are on hold for various reasons. Negotiations with Central America and the Andean Community (multi-party agreement), experienced some difficulties in 2009 (though this was followed by a significant acceleration as 2010 began). Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, Peru and Venezuela (until 10 August 2009) were among the beneficiaries of the GSP+ scheme (Generalised System of Preferences) during the reporting period.

Issues related to the protection and promotion of human rights, as well as the situation of human rights defenders, have been systematically discussed in political dialogue meetings with Latin American countries. In 2008, the EU launched new local human rights dialogues with Argentina, Brazil, Chile, Colombia and Mexico. In 2009, the first sessions of these dialogues were held with all except Mexico, with which a dialogue is to take place in May 2010<sup>1</sup>. In addition, consultations are foreseen in Geneva and New York with Argentina, Brazil, Chile and Mexico in further support of the cooperation in advance of sessions of the Human Rights Council in and the UNGA Third Committee.

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<sup>1</sup> cf Council conclusions on human rights consultations with Argentina, Brazil, Chile, Colombia and Mexico adopted on 27 November 2008. The political dialogues with Chile and Mexico already included regular discussions of human rights at Senior Officials level; therefore the Council talks of 'enhancement' rather than initiation for these two countries.

## **Argentina**

Promotion of human rights remained a fundamental shared concern for the EU and Argentina and a key topic on the bilateral agenda. On 15 October 2009 the first meeting of the EU-Argentina Human Rights Dialogue was held in Buenos Aires. The meeting covered a broad range of issues on which both sides exchanged information and experiences: state of play of cooperation projects, situation of the penitentiary system, fighting discrimination based on sexual orientation, gender issues, the situation of indigenous peoples, migration and asylum, human rights defenders, press freedom, rights of children, memory sites, joint promotion of international initiatives and Argentine implementation of UPR recommendations.

## **Bolivia**

An EU election observation mission (EOM) was deployed to observe the Constitutional Referendum that took place on 25 January 2009. The EU EOM concluded that despite a difficult constitution-making process, and a campaign period which contributed to increased polarisation within the country, the referendum was conducted in a credible manner. However, political divisions increased, necessitating renewed dialogue about the weakening of democratic institutions. The high voter turnout and a generally positive atmosphere demonstrated the Bolivian peoples' commitment to participatory democracy. Even though sporadic incidents were reported, the electorate could in general freely exercise their right to vote and directly engage in democracy.

An EU EOM was deployed to observe the Presidential and Parliamentary elections and Autonomy Referendums that took place on 6 December 2009. The EU EOM concluded that the 6 December elections, the first conducted since the adoption of a new constitution for Bolivia on 25 January, were well-organised and took place in a generally peaceful manner. The elections in particular benefited from an updated and inclusive voter register that made it possible for a record number of Bolivians to participate in the democratic process. However, the mission also reported that the election process was hampered by a deficient judicial structure and a polarised media landscape in which the public media gave privileged coverage to the incumbent President and his political movement.

## **Brazil**

The EU-Brazil Strategic Partnership, established in July 2007, is based on shared values and principles including democracy and social inclusion, the rule of law, promotion of human rights and fundamental freedoms for all. On this basis, a dedicated local human rights dialogue was launched in June 2009. The objectives were to hold an open exchange of views on the human rights situation in the EU and in Brazil, to share best practices and to strengthen their cooperation on relevant issues. With respect to the situation in Brazil, issues such as the situation of human rights defenders, indigenous peoples, the rights of detained persons and the recommendations recently put forward by UN human rights Special Procedures were addressed in the bilateral dialogue.

The EU closely follows human rights developments and regularly meets with the authorities in Brasilia, as well as civil society organisations and other stakeholders. The Strategic Partnership also foresees an EU-Brazil civil society forum on human rights protection and respect for democratic principles, with the objective of promoting better understanding of mutual concerns at the level of non-state actors. In addition, consultations between Brazil and the EU were held in the margins of the Human Rights Council in Geneva and of the UN General Assembly in New York.

## **Chile**

The comprehensive EU-Chile Association Agreement underpins a generally excellent relationship, and Chile and the EU have worked effectively together to promote human rights. During the first EU-Chile human rights dialogue, held in April 2009 in Santiago, matters discussed by EU and Chilean government experts included the rights of indigenous peoples and women, migration, the ICC, cases from the period of the military dictatorship, the reform of the military justice code and coordination in multilateral forums. An exchange with representatives of civil society and international organisations was held around the same time.

## **Colombia**

The EU followed closely the human rights situation in Colombia, on the basis of Council conclusions adopted in 2007<sup>1</sup>, and has kept regular contacts with the Colombian authorities at different levels. In 2009, a regular bilateral HR dialogue at local level was initiated. In the meetings held so far, the two sides have discussed issues and concerns relating to the right to life and integrity, kidnappings, the Justice and Peace Law, indigenous peoples, the safety of human rights defenders and the role of civil society in the HR area. Through its external assistance, the EU has provided capacity building support in the fight against impunity, as well as support to the victims of Colombia's internal conflict in their quest for access to justice, in particular in the framework of the Justice and Peace Law. This is framed within the focal area for "justice and human rights" of the Country Strategy Paper (20 % of the overall budget) and represents a contribution to the full implementation by Colombia of its international obligations in the field of human rights and recommendations from the UPR.

## **Ecuador**

An EU EOM was deployed to observe the constitutional referendum, that took place on 28 September 2008. The EU EOM concluded that the Constitutional Referendum was generally well administered and provided citizens with an opportunity to determine the future of Ecuador. For the first time, a participatory mechanism to modify the Constitution was introduced. Overall, the referendum met universal and regional standards related to democratic electoral processes. The electoral process included a number of improvements as compared to the 2007 Constituent Assembly elections, notably in the area of voter registration and the legal framework for the appointment of polling station members and election coordinators, but was also marked by an abuse of public resources for campaigning.

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<sup>1</sup> Council conclusions, doc. 15040/07



An EU EOM was deployed to observe the General Elections, which took place on 26 April 2009. The EU EOM concluded that the elections of 26 April were generally conducted in line with international standards. They were organised within a tight timeframe and under challenging circumstances: five different levels of election, new categories of voters and the establishment of a new election administration. The elections took place in a peaceful manner with local exceptions. Freedoms of expression and assembly were generally respected. However, the dominant presence of the incumbent President in the media during the campaign period did not serve to promote a level playing field.

## **El Salvador**

An EU EOM was deployed to observe the parliamentary and presidential elections, which took place on 18 January and 15 March 2009. The EU EOM concluded that election day took place in a peaceful and orderly manner. The elections saw a higher turnout as compared to previous elections with the presence of many party agents, contributing to safeguard the transparency of the voting and counting proceedings. The electoral campaign, while pluralist, was slightly overshadowed by isolated confrontations between militants from the different parties and by the excessive resort to smear campaigns by the two main parties. The campaign and election process were somewhat hampered by a deficient legislative framework, hindering a level playing field between the political groupings. The EU EOM also reported on the usefulness to enhance further the professionalism and apolitical nature of the election administration and the need to segregate its administrative and judicial tasks.

A small project of € 1 million was proposed in form of technical assistance in support of the electoral reform that would strengthen the social inclusion of a greater part of the society through the introduction of the residential vote.

## **Guatemala**

Concerning Guatemala, conflict prevention and conflict resolution are essential elements of the EU's overall policy for promoting human rights and democratisation. Although Guatemala has made some progress in fostering human rights and democratic development, serious concerns remain regarding social exclusion, impunity, and the situation of human rights defenders. Guatemala's government has not been able to tackle increasing levels of violence across the country, or to demonstrate the ability to protect its citizens. The EU has actively supported the extension for two years of the mandate of the International Commission Against Impunity in Guatemala (CICIG). This extension marks a positive step towards a further consolidation of the CICIG's role in dismantling clandestine groups and promoting legislative changes in Congress. In the wake of the murder of the high-profile lawyer Rodrigo Rosenberg, the EU issued a declaration expressing its concern, urging for an impartial and independent investigation, supporting the CICIG's role and reaffirming the need to ensure the independence and effectiveness of Guatemala's judicial system. The EU's Filter Group on Human Rights meets monthly to examine cases of threats and attacks against Human Rights Defenders.

## **Honduras**

The breakdown of constitutional order in Honduras, generated by the ousting of President Zelaya on 28 June 2009, prompted a series of EU declarations, including Council conclusions, urging a return to constitutional and democratic order and compliance with human rights. The EU followed closely the situation of human rights defenders in the country and publicly expressed concern after the killing of LGBT activist Mr Trochez.

During the reporting period, the Commission dispatched an Electoral Expert Missions (EEM) to Honduras but decided not to send a fully fledged EOM, given the political context and aligning with the broader international community including the Organisation of American States. The technical experts provided advice and strategic analysis to the EU diplomatic missions on the ground. Although the normalization of the relations with Honduras following the inauguration of the Lobo government, has taken place, the Commission is still concerned with the human rights situation and seeks to support the national reconciliation process.

## **Mexico**

The EU-Mexico Strategic Partnership is based on shared values and principles including democracy and social inclusion, rule of law, promotion of human rights and fundamental freedoms for all. The EU closely follows the human rights situation in Mexico. In specific situations, it has expressed concern for the human rights implications of the deteriorating security situation and increased violence in parts of Mexico. The EU also appreciates the efforts made by Mexico in promoting and defending human rights at multilateral level, notably in the HRC.

While acknowledging that the country has also undergone some important advances in tackling its human rights situation, the EU has continued to discuss human rights and security issues (eg femicides and the protection of human rights defenders, including journalists) in its regular political dialogue, including at ministerial level. Issues such as the fight against violence against women and the accountability of law enforcement officials are fully part of EU-Mexico cooperation, through capacity building measures framed within the EU-Mexico Human Rights programme. The EU Delegation played an active role in a training workshop held in Mexico City on 23-24 November 2009, on the situation of human rights defenders.

## **Nicaragua**

The EU continues closely following the situation in Nicaragua. EU Heads of Mission have analysed the deterioration in the country's democratic life, in particular the actions orchestrated before the November 2008 local elections, the widespread electoral fraud since then, and the worsening situation of women's rights. EU funding was frozen following this situation, but some money has since been released to support the education sector.

The EU has monitored the developments in the run up to the Regional elections (March 2010) and hopes to observe the Presidential elections on November 2011 following the formal invitation received from the Nicaraguan authorities to accompany both election processes. The EU carried out a démarche in October 2009, expressing its concern about the irregular manner in which the Constitutional Chamber of the Nicaraguan Supreme Court reached a decision allowing the re-election of Nicaraguan officials, including the President of the Republic against the terms of the Constitution.

## **Peru**

The EU has followed the human rights situation in Peru attentively. After the tragic developments in the Peruvian Amazonia that took place in June 2009, the EU has remained in close contact with both the Peruvian authorities and civil society in order to obtain a comprehensive overview of these events. The EU has supported relaunching the dialogue between the government and indigenous communities. Through its external assistance, the EU has continued to promote human rights and social inclusion in Peru. Under the Stability Instrument, the EU has also promoted social peace and stability in areas experiencing emerging crises in the country.

## **Venezuela**

In its contacts with the Venezuelan authorities and with different groups of Venezuelan society, the EU has continued to stress the importance of respecting international obligations and commitments on human rights, including freedom of expression and the press as the cornerstone of democracy and the rule of law. The EU, notably through the EIDHR, has supported activities of civil society organisations in this area. A démarche was carried out in August 2009 to express concerns over developments with regard to freedom of expression and press in Venezuela, concerning the annulment of 34 licences to private radio stations.

## **Paraguay**

In Paraguay, the EU has been following closely the situation of the indigenous peoples and their demands to the government to address continuing discrimination and poverty and, more specifically, their claims for traditional lands. Specific EU civil society projects are working to address indigenous problems and the issue is also covered by several others actions to support education and social cohesion initiatives, gender, protection of youth and children. Through the EIDHR, the EU supported dissemination of the "Truth and Justice" Commission final report on the human rights violations committed under the Stroessner dictatorship.

## ***Caribbean***

## Cuba

The EU remains concerned at the persistent denial of human rights and fundamental freedoms in Cuba. In its conclusions on Cuba, adopted in June 2009<sup>1</sup>, the Council of the EU urged the Cuban Government to improve effectively the human rights situation by, *inter alia*, releasing unconditionally all political prisoners, including those who had been detained and sentenced in 2003. This remains a key priority for the EU, which has continued to present a list of names of political prisoners in poor health at its ministerial level meetings with Cuba. More generally, human rights issues have featured at every political dialogue session.

The EU has called upon the Cuban authorities to ratify and implement the International Covenant on Civil and Political Rights (which they recently signed) and the International Covenant on Economic, Social and Cultural Rights, and to fully honour their obligations under the covenants. In renewing its Common Position on Cuba, the Council of the EU confirmed its two-track approach, of human rights dialogue with government and peaceful civil society.

Following the official relaunch of cooperation in October 2008, the EU has supported projects benefiting directly the Cuban population such as food security, adaptation to climate change and support to non-state actors, among others.

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<sup>1</sup> Council conclusions, doc. 10920/09.

## Haiti

The EU continued to support the reinstatement of democracy in Haiti by supporting the UN Security Council's peacekeeping operation (MINUSTAH) whose mandate was again universally approved for renewal in October 2009 for another one-year renewable term. The EU has been providing assistance to the electoral process. An overall increase of the security level with a considerable and steadily continued decrease of kidnappings permitted the launch of the activities aimed at consolidating the fragile stability. The EU continued to assist the Government efforts to tackle the difficult situation of the judiciary and penitentiary systems in Haiti. Human rights with a special focus on the situation of children and food security are to be further addressed in the political dialogue between the EU and Haitian Government under the EU initiative for countries in fragile situations. Food security is a particularly sensitive issue given Haiti's vulnerability to natural disasters such as hurricanes, as seen during the 2008 season with four consecutive storms destroying a whole year's crops.

**Annex: Legal Acts adopted between July 2008 and December 2009.**

***THEMATIC LIST***

DATE	SUBJECT	LEGAL BASE	OJ REFERENCE
<b>I. RESTRICTIVE MEASURES</b>			
<b>I.1 WESTERN BALKANS</b>			
24.9.2009	Extension of Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Article 15	2009/717/CFSP L 253 (25.9.2009)
26.2.2009	Renewal of measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Article 15	2009/164/CFSP L 55 (27.2.2009)
10.2.2009	Extension and amendment of Common Position 2004/133/CFSP on restrictive measures against extremists in the former Yugoslav Republic of Macedonia (FYROM)	Article 15	2009/116/CFSP L 40 (11.2.2009)
29.9.2008	Extension of Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Article 15	2008/761/CFSP L 260 (30.9.2008)



15.9.2008	Implementation of Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Common Position 2004/694/CFSP Article 2; Article 23(2) second indent	2008/733/CFSP L 247 (16.9.2008)
15.9.2008	Implementation of Common Position 2004/293/CFSP renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Common Position 2004/293/CFSP Article 2; Article 23(2)	2008/732/CFSP L 247 (16.9.2008)
24.7.2008	Implementation of Common Position 2004/293/CFSP renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Common Position 2004/293/CFSP Article 2; Article 23(2)	2008/614/CFSP L 197 (25.7.2008)
24.7.2008	Implementation of Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	Common Position 2004/694/CFSP Article 2; Article 23(2)	2008/613/CFSP L 197 (25.7.2008)
<b>CÔTE D'IVOIRE</b>			
18.11.2008	Renewal of restrictive measures against Côte d'Ivoire	Article 15	2008/873/CFSP L 308 (19.11.2008)
<b>DEMOCRATIC REPUBLIC OF THE CONGO</b>			
27.4.2009	Implementation of Common Position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo	Common Position 2008/369/CFSP Article 6; Article 23 (2)	2009/349/CFSP L 106 (28.4.2009)
26.1.2009	Amendment of Common Position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo	Article 15	2009/66/CFSP L 23 (27.1.2009)
<b>REPUBLIC OF GUINEA</b>			
22.12.2009	Amendment of Common Position 2009/788/CFSP concerning restrictive measures against the Republic of Guinea	Article 29	2009/1003/CFSP L 346 (23.12.2009)
22.12.2009	Imposition of certain specific restrictive measures in respect of the Republic of Guinea	Article 215 §1 and 2	2009/1284/UE L 346 (23.12.2009)
27.10.2009	Restrictive measures against the Republic of Guinea	Article 15	2009/788/CFSP L 281 (28.10.2009) ) + corrigendum L 282 (29.10.2009)

<b>SOMALIA</b>			
16.2.2009	Restrictive measures against Somalia and repealing Common Position 2002/960/CFSP	Article 15	2009/138/CFSP L 46 (17.2.2009)
<b>UNION OF COMORES</b>			
24.7.2008	Repealing Common Position 2008/187/CFSP concerning restrictive measures against the illegal government of Anjouan in the Union of Comoros	Article 15	2008/611/CFSP L 197 (25.7.2008)
<b>ZIMBABWE</b>			
26.1.2009	Renewal of restrictive measures against Zimbabwe	Article 15	2009/68/CFSP L 23 (27.1.2009)
8.12.2008	Implementation of Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe	Common Position 2004/161/CFSP Article 6; Article 23§2	2008/922/CFSP L 331 (10.12.2008)
31.7.2008	Amendment of Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe	Article 15	2008/632/CFSP L 205 (1.8.2008)
22.7.2008	Implementation of Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe	Common Position 2004/161/CFSP Article 6; Article 23§2	2008/605/CFSP L 194 (23.7.2008)
<b>BURMA / MYANMAR</b>			
18.12.2009	Amendment of Common Position 2006/318/CFSP renewing restrictive measures against Burma/Myanmar	Article 29	2009/981/CFSP L 338 (19.12.2009)
13.8.2009	Amendment of Common Position 2006/318/CFSP renewing restrictive measures against Burma/Myanmar	Article 15	2009/615/CFSP L 210 (14.8.2009)
27.4.2009	Renewal of restrictive measures against Burma/Myanmar	Article 15	2009/351/CFSP L 108 (29.4.2009)
<b>DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA</b>			
22.12.2009	Amendment of Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea	Article 29	2009/1002/CFSP L 346 (23.12.2009)
22.12.2009	Amendment of Regulation 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea	Article 215 §1 and 2	2009/1283/UE L 346 (23.12.2009)
4.8.2009	Implementation of Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea	Common Position 2006/795/CFSP Article 6(1) Article 23(2)	2009/599/CFSP L 203 (5.8.2009)
27.7.2009	Amendment of Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea	Article 15	2009/573/CFSP L 197 (29.7.2009)

<b>IRAN</b>			
15.12.2009	Amendment of Regulation (EC) No 423/2007 concerning restrictive measures against Iran	Article 215 §1 and 2	2009/1228/UE L 330 (16.12.2009)
17.11.2009	Implementation of Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran and repealing Decision 2008/475/EC	Regulation (EC) No 423/2007 Article 15(2)	2009/1100/CE L 303 (18.11.2009)
17.11.2009	Implementation of Common Position 2007/140/CFSP concerning restrictive measures against Iran	Common Position 2007/140/CFSP Article 7 (2) Article 23 (2)	2009/840/CFSP L 303 (18.11.2009)
10.11.2008	Amendment of Annexes III and IV to Common Position 2007/140/CFSP concerning restrictive measures against Iran	Common Position 2007/140/CFSP Article 7 (2)	2008/842/CFSP L 300 (11.11.2008)
7.8.2008	Amendment of Common Position 2007/140/CFSP concerning restrictive measures against Iran	Article 15	2008/652/CFSP L 213 (8.8.2008) + corrigendum L 285 (29.10.2008)
<b>IRAQ</b>			
5.3.2009	Amendment of Common Position 2003/495/CFSP on Iraq	Article 15	2009/175/CFSP L 62 (6.3.2009)
<b>BELARUS</b>			
15.12.2009	Extension of the restrictive measures against certain officials of Belarus laid down in Common Position 2006/276/CFSP, and repealing Common Position 2009/314/CFSP	Article 29	2009/969/CFSP L 332 (17.12.2009)
6.4.2009	Amendment of Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus, and repealing Common Position 2008/844/CFSP	Article 15	2009/314/CFSP L 93 (7.4.2009)
10.11.2008	Amendment of Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus	Article 15	2008/844/CFSP L 300 (11.11.2008)
<b>REPUBLIC OF MOLDOVA</b>			
16.2.2009	Renewal of restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova	Article 15	2009/139/CFSP L 46 (17.2.2009)
<b>UZBEKISTAN</b>			
15.12.2009	Repealing Regulation (EC) No 1859/2005 imposing certain restrictive measures in respect of Uzbekistan	Article 215 §1, Article 301	2009/1227/UE L 330 (16.12.2009)
10.11.2008	Amendment and extension of Common Position 2007/734/CFSP concerning restrictive measures against Uzbekistan	Article 15	2008/843/CFSP L 300 (11.11.2008)

<b>II. ESDP</b>			
<b>II.1 WESTERN BALKANS</b>			
15.12.2009	Extension of the mandate of the Head of Mission of the European Union Police Mission (EUPM) in Bosnia and Herzegovina	Article 38, third paragraph  Decision 2009/906/CFSP Article 10 §1	2009/958/CFSP MPUE/1/2009 L 330 (16.12.2009)
8.12.2009	European Union Police Mission (EUPM) in Bosnia and Herzegovina	Article 28, Article 43 §2	2009/906/CFSP L 322 (9.12.2009)
11.11.2009	Appointment of an EU Force Commander for the European Union military operation in Bosnia and Herzegovina	Article 25, third paragraph;  Common Action 2004/570/CFSP Article 6	2009/836/CFSP BiH/15/2009 L 299 (14.11.2009)
9.6.2009	Amendment of Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO	Article 14	2009/445/CFSP L 148 (11.6.2009)
27.11.2008	Implementation of Joint Action 2007/749/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina	Common Action 2007/749/CFSP Article 12 §1  Article 23 §2, second indent	2008/890/CFSP L 318 (28.11.2008)
21.11.2008	Appointment of an EU Force Commander for the European military operation in Bosnia and Herzegovina	Article 25, third paragraph;  Common Action 2004/570/CFSP Article 6	2008/895/CFSP BiH/14/2008 L 319 (29.11.2008)
24.10.2008	Appointment of the Head of Mission/Police Commissioner of the European Union Police Mission (EUPM) in Bosnia and Herzegovina	Article 25(3),  Common Action 2007/749/CFSP Article 10(1)	2008/835/CFSP L 298 (7.11.2008)
13.10.2008	Conclusion of an Agreement between the European Union and the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO	Article 24	2008/814/CFSP L 282 (25.10.2008)
25.9.2008	Conclusion of an Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO	Article 24	2008/887/CFSP L 317 (27.11.2008)

29.7.2008	Amendment of Decision BiH/1/2004 on the acceptance of third States' contributions to the European Union military operation in Bosnia and Herzegovina and Decision BiH/3/2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina	Article 25, third paragraph	2008/712/CFSP BiH/13/2008 L 237 (4.9.2008)
24.7.2008	Conclusion of an Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO	Article 24	2008/666/CFSP L 217 (13.8.2008)
<b>II.2 AFRICA</b>			
15.2.2010	European Union military mission to contribute to the training of Somali security forces	Article 28, Article 43 §2	2010/96/CFSP L 44 (19.2.2010)
4.12.2009	Appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somalia coast (Atalanta)	Article 38 Common Action 2008/851/CFSP Article 6	2009/946/CFSP ATALANTA/8/2009 L 327 (12.12.2009)
8.12.2009	Amendment of Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast	Article 28, Article 3 §2	2009/907/CFSP L 322 (9.12.2009)
17.11.2009	Amendment and extension of Joint Action 2008/112/CFSP on the European Union mission in support of security sector reform in the Republic of Guinea-Bissau (EU SSR GUINEA-BISSAU)	Article 14	2009/841/CFSP L 303 (18.11.2009)
23.10.2009	Signing and conclusion of the Agreement between the European Union and the Republic of Seychelles on the status of the European Union-led force in the Republic of Seychelles in the framework of the EU military operation Atalanta	Article 24	2009/916/CFSP L 323 (10.12.2009)
23.10.2009	Signing and provisional application of the Exchange of Letters between the European Union and the Republic of Seychelles on the conditions and modalities for the transfer of suspected pirates and armed robbers from EUNAVFOR to the Republic of Seychelles and for their treatment after such transfer	Article 24	2009/877/CFSP L 315 (2.12.2009)
19.10.2009	Repealing Joint Action 2007/677/CFSP on the European Union military operation in the Republic of Chad and in the Central African Republic	Article 14	2009/795/CFSP L 283 (30.10.2009)

19.10.2009	Amendment of Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)	Article 14	2009/769/CFSP L 274 (20.10.2009)
2.10.2009	Amendment of Political and Security Committee Decision ATALANTA/2/2009 on the acceptance of third States' contributions to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and Political and Security Committee Decision ATALANTA/3/2009 on the setting-up of the Committee of Contributors for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 25 third paragraph Common Action 2008/851/CFSP Article 10 Decision ATALANTA/2/2009 Decision ATALANTA/3/2009 + addendum	2009/758/CFSP ATALANTA/7/2009 L 270 (15.10.2009)

25.9.2009	Appointment of the Head of Mission for the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo)	Article 25 third paragraph Common Action 2009/709/CFSP Article 8	2009/723/CFSP EUSEC/1/2009 L 257 (30.9.2009)
15.9.2009	European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo)	Article 14, Article 25 third paragraph, Article 28 §3 first paragraph	2009/709/CFSP L 246 (18.9.2009)
27.7.2009	Signing and provisional application of the Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta)	Article 24	2009/597/CFSP L 202 (4.8.2009)
22.7.2009	Appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somalia coast (Atalanta)	Article 25 third paragraph Common Action 2008/851/CFSP Article 6 §1	2009/559/CFSP ATALANTA/6/2009 L 192 (24.7.2009)
25.6.2009	Amendment and extension of Joint Action 2007/406/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo)	Article 14	2009/509/CFSP L 172 (2.7.2009)
15.6.2009	Amendment and extension of Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)	Article 14	2009/466/CFSP L 151 (16.6.2009)
10.6.2009	Amendment of Political and Security Committee Decision ATALANTA/2/2009 on the acceptance of third States' contributions to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and Political and Security Committee Decision ATALANTA/3/2009 on the setting-up of the Committee of Contributors for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 25 third paragraph Common Action 2008/851/CFSP Article 10 §2 Decision ATALANTA/2/2009 Decision ATALANTA/3/2009 + addendum	2009/446/CFSP ATALANTA/5/2009 L 148 (11.6.2009)

27.5.2009	Appointment of an EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 25 third paragraph	2009/413/CFSP ATALANTA/4/2009 L 132 (29.5.2009)
18.5.2009	Amendment of Joint Action 2008/112/CFSP on the European Union mission in support of security sector reform in the Republic of Guinea-Bissau (EU SSR GUINEA-BISSAU)	Article 14	2009/405/CFSP L 128 (27.5.2009)
21.4.2009	Establishment of a Committee of Contributors for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 25 third paragraph Common Action 2008/851/CFSP Article 10 §5	2009/369/CFSP ATALANTA/3/2009 L 112 (6.5.2009) + addendum L 119 (14.5.2009)
21.4.2009	Acceptance of third States' contributions to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 25 third paragraph Common Action 2008/851/CFSP Article 10 §2	2009/356/CFSP ATALANTA/2/2009 L 109 (30.4.2009)
26.2.2009	Exchange of Letters between the European Union and the Government of Kenya on the conditions and modalities for the transfer of persons suspected of having committed acts of piracy and detained by the European Union-led naval force (EUNAVFOR), and seized property in the possession of EUNAVFOR, from EUNAVFOR to Kenya and for their treatment after such transfer	Article 24	2009/293/CFSP L 79 (25.3.2009)
17.3.2009	Appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Common Action 2008/851/CFSP Article 6 §1	2009/288/CFSP ATALANTA/1/2009 L 76 (24.3.2009)
22.12.2008	Conclusion of the Agreement between the European Union and the Republic of Djibouti on the status of the European Union-led forces in the Republic of Djibouti in the framework of the EU military operation Atalanta	Article 24	2009/88/CFSP L 33 (3.2.2009)
22.12.2008	Conclusion of the Agreement between the European Union and the Somali Republic on the status of the European Union-led naval force in the Somali Republic in the framework of the EU military operation Atalanta	Article 24	2009/29/CFSP L 10 (15.1.2009)



8.12.2008	Launch of a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 17, §2; Common Action 2008/851/CFSP Article 5	2008/918/CFSP L 330 (9.12.2008)
18.11.2008	Appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)	Article 25, third paragraph Common Action 2008/851/CFSP Article 6	2008/888/CFSP ATALANTA/1/2008 L 317 (27.11.2008)
13.10.2008	Conclusion of the Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)	Article 24	2008/868/CFSP L 307 (18.11.2008)
10.11.2008	European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast	Article 14, Article 25 third paragraph, Article 28 §3	2008/851/CFSP L 301 (12.11.2008)
15.9.2008	Conclusion of the Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)	Article 24	2008/783/CFSP L 268 (9.10.2008)
19.9.2008	European Union military coordination action in support of UN Security Council Resolution 1816 (2008) (EU NAVCO)	Article 14, Article 25 third paragraph, Article 28 §3	2008/749/CFSP L 252 (20.9.2008)
2.9.2008	Amendment of Political and Security Committee Decision CHAD/1/2008 on the acceptance of third States' contributions to the European Union military operation in the Republic of Chad and in the Central African Republic and Political and Security Committee Decision CHAD/2/2008 on the setting up of the Committee of Contributors for the European Union military operation in the Republic of Chad and in the Central African Republic	Common Action 2007/677/CFSP Article 10(2)	2008/731/CFSP CHAD/4/2008 L 247 (16.9.2008)

<b>II.3 ASIA / OCEANIA</b>			
17.11.2009	Amendment of Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)	Article 14	2009/842/CFSP L 303 (18.11.2009)
21.11.2008	Implementation of Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)	Article 23 § 2, first paragraph, second indent Common Action 2007/369/CFSP Article 13 § 2	2008/884/CFSP L 316 (26.11.2008)
3.10.2008	Appointment of the Head of Mission of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)	Article 25 third paragraph; Common Action2 007/369/CFSP Article 10 § 1	2008/821/CFSP EUPOL AFGHANISTAN/1/2008 L 285 (29.10.2008)
4.8.2008	Amending Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)	Article 14	2008/643/CFSP L 207 (5.8.2008)
<b>II.4 MIDDLE-EAST / GULF</b>			
15.12.2009	Appointment of the Head of Mission for the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX	Article 38 Common Action 2009/475/CFSP Article 9 §2	2009/982/CFSP EUJUST LEX/2/2009 L 338 (19.12.2009)
15.12.2009	Appointment of the Head of the European Union Police Mission for the Palestinian Territories	Article 38, third paragraph  Common Action 2005/797/CFSP Article 11 §1	2009/957/CFSP EUPOL COPPS/2/2009 L 330 (16.12.2009)
15.12.2009	Amendment of Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories	Article 28, Article 43 §2	2009/955/CFSP L 330 (16.12.2009)
20.11.2009	Amendment of Joint Action 2005/889/CFSP establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)	Article 14	2009/854/CFSP L 312 (27.11.2009)
3.7.2009	Appointing the Head of Mission for the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX	Article 25 third paragraph  Common Action 2009/475/CFSP Article 9(2)	2009/596/CFSP L 202 (4.8.2009)

11.6.2009	European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX	Article 14	2009/475/CFSP L 156 (19.6.2009)
27.5.2009	Establishment of the Committee of Contributors for the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)	Article 25 third paragraph Common Action 2005/797/CFSP Article 12(3);	2009/412/CFSP EUPOL COPPS/1/2009 L 132 (29.5.2009)
16.12.2008	Appointment of the Head of the European Union Police Mission for the Palestinian Territories	Article 25 third paragraph Common Action 2005/797/CFSP Article 11(2);	2008/970/CFSP L 344 (20.12.2008)
16.12.2008	Amendment of Joint Action 2005/797/CFSP on the European Police Mission for the Palestinian Territories	Article 14	2008/958/CFSP L 338 (17.12.2008)
11.11.2008	Appointment of the Head of Mission of the European Union Border Assistance Mission at the Rafah Crossing Point (EUBAM Rafah)	Common Action 2005/889/CFSP Article 10, paragraph 2	2008/863/CFSP L 306 (15.11.2008) EUBAM Rafah/1/2008
10.11.2008	Amendment of Joint Action 2005/889/CFSP establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah)	Article 14	2008/862/CFSP L 306 (15.11.2008)
<b>II.5 EASTERN EUROPE AND CENTRAL ASIA</b>			
31.7.2009	Extension of the mandate of the Head of Mission of the European Union Monitoring Mission in Georgia (EUMM Georgia)	Article 25 third paragraph; Common Action 2008/736/CFSP Article 10 §1	2009/619/CFSP EUMM GEORGIA/1/2009 L 214 (19.8.2009)
27.7.2009	Amendment and extension of Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia	Article 14	2009/572/CFSP L 197 (29.7.2009)
27.7.2009	Amendment and extension of Decision 2008/901/CFSP concerning the independent international fact-finding mission on the conflict in Georgia	Article 13 §3, Article 23 §1	2009/570/CFSP L 197 (29.7.2009)
23.3.2009	Amendment of Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia	Article 14	2009/294/CFSP L 79 (25.3.2009)
2.12.2008	Independent international fact-finding mission on the conflict in Georgia	Article 13 §3, Article 23 §1	2008/901/CFSP L 323 (3.12.2008)
24.10.2008	Conclusion of the Agreement between the European Union and Georgia on the status of the European Union Monitoring Mission in Georgia	Article 24	2008/877/CFSP L 310 (21.11.2008)

25.9.2008	Amendment of Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia	Article 14	2008/759/CFSP L 259 (27.9.2008)
16.9.2008	Appointment of the Head of the European Union Monitoring Mission in Georgia (EUMM Georgia)	Article 25 third paragraph; Common Action 2008/736/CFSP Article 10 §1	2008/894/CFSP EUMM/1/2008 L 319 (29.11.2008)
15.9.2008	Monitoring Mission in Georgia, EUMM Georgia	Article 14, Article 25 third paragraph	2008/736/CFSP L 248 (17.9.2008)

<b>IV. SPECIAL REPRESENTATIVES OF THE EUROPEAN UNION</b>			
<b>IV.1 AFGHANISTAN</b>			
15.6.2009	Appointing the European Union Special Representative for Afghanistan and Pakistan and repealing Joint Action 2009/135/CFSP	Article 14, Article 18(5), Article 23(2)	2009/467/CFSP L 151 (16.6.2009)
16.2.2009	Extension of the mandate of the European Union Special Representative in Afghanistan	Article 14, Article 18(5), Article 23(2)	2009/135/CFSP L 46 (17.2.2009)
24.7.2008	Appointment of the European Union Special Representative for Afghanistan	Article 14, Article 18(5), Article 23(2)	2008/612/CFSP L 197 (25.7.2008)
<b>IV.2 FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)</b>			
15.9.2009	Extension of the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia (FYROM)	Article 14, Article 18(5), Article 23(2)	2009/706/CFSP L 244 (16.9.2009)
16.2.2009	Extension of the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia (FYROM)	Article 14, Article 18(5), Article 23(2)	2009/129/CFSP L 46 (17.2.2009)
<b>IV.3 CENTRAL ASIA</b>			
16.2.2009	Extension of the mandate of the European Union Special Representative for Central Asia	Article 14, Article 18(5), Article 23(2)	2009/130/CFSP L 46 (17.2.2009)
2.12.2008	Amendment of Joint Action 2008/107/CFSP extending the mandate of the European Union Special Representative for Central Asia	Article 14, Article 18(5), Article 23(2)	2008/900/CFSP L 323 (3.12.2008)
<b>IV.4 BOSNIA-HERZEGOVINA</b>			
11.3.2009	Appointing the European Union Special Representative in Bosnia and Herzegovina	Article 14, Article 18(5), Article 23(2)	2009/181/CFSP L 67 (12.3.2009)
<b>IV.5 SOUTH CAUCASUS</b>			
16.2.2009	Extension of the mandate of the European Union Special Representative for the South Caucasus	Article 14, Article 18(5), Article 23(2)	2009/133/CFSP L 46 (17.2.2009)
13.10.2008	Amendment of the mandate of the European Union Special Representative for the South Caucasus	Article 14, Article 18(5), Article 23(2)	2008/796/CFSP L 272 (14.10.2008)

<b>IV.6 GEORGIA</b>			
15.12.2009	Amendment of Joint Action 2009/131/CFSP extending the mandate of the European Union Special Representative for the crisis in Georgia	Article 28, Article 31(2), Article 33	2009/956/CFSP L 330 (16.12.2009)
27.7.2009	Extension of the mandate of the European Union Special Representative for the crisis in Georgia	Article 14, Article 18(5), Article 23(2)	2009/571/CFSP L 197 (29.7.2009)
16.2.2009	Extension of the mandate of the European Union Special Representative for the crisis in Georgia	Article 14, Article 18(5), Article 23(2)	2009/131/CFSP L 46 (17.2.2009)
25.9.2008	Appointment of the European Union Special Representative for the crisis in Georgia	Article 14, Article 18(5), Article 23(2)	2008/760/CFSP L 259 (27.9.2008)
<b>IV.7 KOSOVO</b>			
7.8.2009	Amendment of Joint Action 2009/137/CFSP extending the mandate of the European Union Special Representative in Kosovo	Article 14, Article 18(5), Article 23(2)	2009/605/CFSP L 206 (8.8.2009)
16.2.2009	Extension of the mandate of the European Union Special Representative in Kosovo	Article 14, Article 18(5), Article 23(2)	2009/137/CFSP L 46 (17.2.2009) + Corrigendum L 91 (3.4.2009)
<b>IV.8 MIDDLE-EAST PEACE PROCESS</b>			
16.2.2009	Extension of the mandate of the European Union Special Representative for the Middle-East peace process	Article 14, Article 18(5), Article 23(2)	2009/136/CFSP L 46 (17.2.2009)
<b>IV.9 AFRICAN GREAT LAKES REGION</b>			
16.2.2009	Extension of the mandate of the European Union Special Representative for the African Great Lakes Region	Article 14, Article 18(5), Article 23(2)	2009/128/CFSP L 46 (17.2.2009)

<b>IV.10 REPUBLIC OF MOLDOVA</b>			
16.2.2009	Extension of the mandate of the European Union Special Representative in the Republic of Moldova	Article 14, Article 18(5), Article 23(2)	2009/132/CFSP L 46 (17.2.2009)
<b>IV.12 SUDAN</b>			
16.2.2009	Extension of the mandate of the European Union Special Representative for Sudan	Article 14, Article 18(5), Article 23(2)	2009/134/CFSP L 46 (17.2.2009)
<b>IV.13 AFRICAN UNION</b>			
1.12.2008	Extension of the mandate of the European Union Special Representative to the African Union	Article 14, Article 18(5), Article 23(2)	2008/898/CFSP L 322 (2.12.2008)

<b>MIDDLE-EAST PEACE PROCESS</b>			
27.10.2009	Temporary reception by Member States of the European Union of certain Palestinians	Article 15	2009/787/CFSP L 281 (28.10.2009)
27.10.2008	Temporary reception by Member States of the European Union of certain Palestinians	Article 15	2008/822/CFSP L 285 (29.10.2008)

## List of abbreviations

ACHPR	African Commission on Human and Peoples Rights
ACP	African, Caribbean and Pacific
AIHRC	Afghanistan Independent Human Rights Commission
ALDE	Alliance of Liberals and Democrats for Europe
AMIS	African Union Mission in the Darfur region of Sudan
ANP	Afghan National Police
ASEAN	Association of Southeast Asian Nations
ASEF	Asia Europe Foundation
ASEM	Asia-Europe Meeting
AU	African Union
BiH	Bosnia and Herzegovina
CAAC	Children affected by armed conflict
CBM	Confidence-building measures
CBSS	Country-Based Support Schemes under the EIDHR
CEAS	Common European Asylum System
CEDAW	Committee on the Elimination of Discrimination against Women
CFSP	Common Foreign Security Policy
CICIG	International Commission against Impunity in Guatemala
CMI	Crisis Management Initiative
COAFR	EU Council's Working Party on Africa
COASI	EU Council's Working Party on Asia-Oceania
CoE	Council of Europe
COHOM	Council Human Rights Working Party
CONOPS	Concept of operations
CPA	Comprehensive Peace Agreement
CPT	European Committee for the Prevention of Torture
CSDP	Common Security and Defence Policy
CSP	Comprehensive Status Proposal



CSR	Corporate Social Responsibility
DCCA	Development and Cooperation in Central Asia
DCI	Development Cooperation Instrument
DDPA	Durban Declaration and Programme of Action
DDR	disarmament, demobilisation and reintegration
DRC	Durban Review Conference
ECCC	Extraordinary Chambers in the Constitutional Court of Cambodia
ECHR	European Court of Human Rights
ECOSOC	Economic and Social Council
ECRI	European Commission against Racism and Intolerance
EEG	Eastern European Group
EFA	European Free Alliance, European Parliament political group
EIDHR	European Instrument for Democracy and Human Rights
EIUC	European Inter University Centre for Human Rights and Democratisation
ELIAMEP	Hellenic Foundation for European and Foreign Policy
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EOM	Election Observation Mission
EP	European Parliament
EPAs	Economic Partnership Agreements
EPD	Enhanced Permanent Dialogue
EPLO	European Peacebuilding Liaison Office
ESDP	European Security and Defence Policy
EU	European Union
EUBAM	European Union Border Assistance Mission to Moldova and Ukraine
EUFOR	European Military Force
EUFOR Tchad/RCA	Bridging military operation in Eastern Chad and North Eastern Central African Republic

EUJUST LEX	Integrated Rule of Law Mission for Iraq
EULEX Kosovo	European Union Rule of Law Mission in Kosovo
EUPM	European Union Police Mission
EUPOL Afghanistan	EU Police mission in Afghanistan
EUPOL COPPS	European Union Police Mission for the Palestinian Territories
EUPOL RD Congo	European Union Police Mission in the Democratic Republic of Congo
EUPT Kosovo	EU Planning Team Kosovo
EUSEC RD Congo	EU mission to provide advice and assistance for security sector reform in the Democratic Republic of Congo
EUSR	EU Special Representative
FAO	Food and Agriculture Organisation
FDLR	Forces démocratiques de libération du Rwanda
FIDH	Fédération Internationale des Droits de l'Homme
FRA	Fundamental Rights Agency
FRIDE	Fundación para las Relaciones Internacionales y el Diálogo Exterior
FYROM	former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
GFMD	Global Forum on International Migration and Development
GRULAC	Group of Latin American and Caribbean countries
GSP	EU's Generalised System of Preferences
GSP+	Special Incentive Arrangement for Sustainable Development and Good Governance
GSPC	Salafist Group for Preaching and Combat
HDIM	Human Dimension Implementation Meeting
HoMs	Heads of Mission
HQ	Headquarters
HRC	Human Rights Council
HRDs	Human Rights Defenders
IA	International Alert

ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTJ	International Center for Transitional Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPS	Institut de Développement de Produits de Santé
IER	Fairness and Reconciliation Commission
IfP	Initiative for Peace building
IHL	International humanitarian law
IIGEP	Independent International Group of Eminent Persons
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPA	Instrument on Pre-Accession Assistance
IPA	Instrument on Pre-Accession Assistance
IWGIA	International Work Group for Indigenous Affairs
JMA	Joint Military Affairs
JPA	Joint Parliamentary Assembly
JPL	Justice and Peace Law
LAC	Latin American and Caribbean countries
LIBE	Committee on Civil Liberties, Justice and Home Affairs
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MDC	Movement for Democratic Change
MDG	Millennium Development Goal
MEP	Member of the European Parliament
Mercosur	Common market of the south
MINUSTAH	Mission des Nations Unies pour la stabilisation en Haiti
MLC	Mouvement de Libération du Congo
MoI	Ministry of the Interior

NATO	North Atlantic Treaty Organisation
NCCM	National Council for Childhood and Motherhood
NCHR	National Council for Human Rights
NGOs	Non-governmental organisations
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Cooperation and Development
OJ	Official Journal of the European Union
OP	Optional Protocol
OPCAT	Optional Protocol to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OSCE	Organisation for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PCP	Palestinian Civil Police
PDCI	Partners for Democratic Change International
PSC	Political and Security Committee
RCP	Rafah Crossing Point
RPM	Reform Process Monitoring
RRI	Review, rationalisation and improvement
SA	Stabilisation and Association
SAA	Stabilisation and Association Agreement
SADC	Southern African Development Community
SAp	Stabilisation and Association process
SG/HR	Secretary General/High Representative for the Common Foreign and Security Policy
SSR	Security sector reform
STM	SAP Tracking Mechanism
SuR	State under Review
SW	Saferworld
TAIEX	Technical Assistance and Information Exchange

TEU	Treaty of European Union
UK	United Kingdom
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMID	UN/AU Hybrid Operation in Darfur
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNHRC	UN Human Rights Council
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNPFII	UN Permanent Forum on Indigenous Issues
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
UNSRSG	Special Representative of the UN Secretary General
UPR	Universal Periodic Review
U.S.	United States of America
WEOG	Western European and Others Group
WG	Working Group
WTO	World Trade Organisation
ZANU-PF	Zimbabwe African National Union – Patriotic Front

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