European Union

EU ANNUAL REPORT ON HUMAN RIGHTS 2007

The Council of the European Union
The European Commission

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the Presidency of the European Union,
the European Commission,
and the General Secretariat of the Council.

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Preface

It is our pleasure to present the ninth EU Annual Report on Human Rights. Respect for human rights is one of the EU's core values. This report is one way of letting the world know *what* we have done over this last year to protect and promote human rights worldwide.

This year, as in the past, the report reflects a joint effort by the now 27 Member States of the European Union and its institutions to ensure a positive impact, as well as continuity, in the conduct of the Common Foreign and Security Policy and the EU's external relations policy at large. Through this report, we are sending the message that in the field of human rights, we already know that working together makes for better policy.

Better policy also demands more effective implementation. This report coincides with the first full year of operation for the UN Human Rights Council, a year of learning for the EU. Although the EU did not see all its objectives reflected in the final institutional building package, we understand that the new UN body has the necessary instruments to improve the international protection and promotion of human rights and fundamental freedoms. Closer to home, the steady expansion of the number of EU Human Rights dialogues and consultations with third countries has prompted us to examine more in depth how best to use this vital instrument. We don't pretend to have all the answers yet, but are focussing on how, in changed circumstances, we can be more effective.

Fortunately, we have a number of tools to pursue our objectives. Legal developments such as the work of the International Criminal Court are beginning to bear fruit with the launch of its first cases. Technical innovations such as using satellite images to identify massive human rights violations ease the ability to bring pressure to bear on repressive regimes. The new European Instrument for Democracy and Human Rights creates additional flexibilities for financial assistance to those in need. Democracy building and thereby better protection of human rights are being fostered through election assistance and EU election observation. Perhaps most striking is the growth in the EU's own ability and willingness to intervene in crises, employing both military and civilian ESDP operations, including to create the political space necessary for protecting human rights during and after conflict.

Human rights is a work in progress, with a number of collective and individual successes, heart-warming achievements, but also inevitable disappointments and painful setbacks - there is much more to be done. As we go to press: the military junta has clamped down on attempts at bringing democracy to Burma/Myanmar; the EU is planning to intervene, with a UN Security Council mandate, in Chad to help alleviate the massive humanitarian and human rights crisis affecting the refugees from Darfur; and countless other human rights violations all over the globe demand our and the rest of the world's attention. By reporting on what the EU has done in the past twelve months, we hope this report will not only comprehensively inform the reader but also help us to be more focussed and effective in the coming year.

Luís Amado
Minister of State and Foreign Affairs of Portugal
President of the Council of the European Union

Dr. Javier Solana
High Representative for the Common Foreign and Security Policy
Secretary-General of the Council of the European Union

Dr. Benita Ferrero-Waldner
Member of the European Commission responsible for External Relations and European Neighbourhood Policy

1. Introduction

The European Union is based upon and defined by its attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law. The European Union considers that adherence to these principles constitutes the prerequisite for peace and stability in any society. As a global player in many regards, e.g. economically, in terms of its contribution to humanitarian efforts etc., the EU also has a global responsibility to protect and promote human rights.

The purpose of this ninth EU Annual Report on Human Rights, covering the period from 1 July 2006 to 30 June 2007, is to provide an overview of the human rights-related work of the European Union. The report intends to illustrate how the common values on which the EU is based translate into human rights-related activities with regard to third countries, in multilateral fora and in relation to a number of thematic issues.

Although the structure of this report follows to a large extent the same format as last year, this year's edition strives to provide additional focus on analysis in order to offer a more comprehensive and in-depth overview of the impact and effectiveness of EU action in the fields of human rights and democratisation. In order to provide a comprehensive overview, this report presents EU human rights actions both from thematic and country perspectives, leading inevitably to some degree of overlap.

The report also continues, as in previous years, to address human rights developments within the EU, although the focus is on external relations. This is not only a question of coherence, but also of credibility. The Report further includes a section on the European Parliament's activities to promote human rights and democracy.

The EU has developed a number of tools and instruments for the promotion of human rights and democracy, such as political dialogue, démarches, a financial instrument – the European Instrument for Democracy and Human Rights (EIDHR), guidelines, action at multilateral fora etc. The overview of the actions that were conducted in the period under review should also serve as a tool for improving the use of the different tools as well as the coherence between them. Ensuring transparency and visibility is another objective of this report.

Under the period covered by this report, the EU further increased its efforts concerning the implementation of the EU Guidelines on the Death Penalty, on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, on Children in Armed Conflict as well as the EU Guidelines on the Protection of Human Rights Defenders including continued action in support of women human rights defenders. With regard to new initiatives, the EU decided to develop a new set of Human Rights Guidelines on the Rights of the Child which are currently under discussion.

The period covered by this report practically coincides with the first year of functioning of the UN Human Rights Council (HRC), which was to take decisions with a long term impact on its future functioning. During this period, the HRC organized four regular sessions as well as four special sessions, two of which were dedicated to the situation in Palestine, and one each to the situations in Lebanon and in Sudan (Darfur). The EU has actively contributed to the first year of work of the HRC, both in the institution building debates and in the substantive discussions. The EU successfully introduced a resolution on the situation in Darfur whereby the Council created a new implementing mechanism for existing human rights recommendations. Although not all of the EU's objectives could be attained in the outcome of the negotiations on the institutional aspects, the EU – which played an instrumental part in those negotiations - hopes that the results achieved will allow the HRC to develop into a credible and effective body able to fulfill all aspects of its mandate. Of particular importance is the agreed mechanism for a Universal Periodic Review (UPR) of all UN member states, which will ensure regular examination of the human rights record of every country. The future results of the work of the HRC will largely depend on the use that UN member states will make of the framework; the EU is determined to continue engaging in the spirit of the Resolution establishing the HRC.

Another priority, beside the UN-related work, has as in previous years been the mainstreaming of human rights into all aspects of EU policies. In this regard the newly-appointed Personal Representative continued the work of her predecessor, contributing, by interactions with the various EU actors, to the promotion of this mainstreaming effort. A particular focus has also been on integrating the human rights and gender perspective into crisis management operations and missions of the EU.

2. Developments within the EU

2.1. The Fundamental Rights Agency

On 15 February 2007, the Council established a European Union Agency for Fundamental Rights[1]. The Agency came into existence on 1 March 2007, replacing the European Monitoring Centre on Racism and Xenophobia, based in Vienna.

The Fundamental Rights Agency is an independent Community Agency, which deals with fundamental rights issues in the European Union and its Member States tied to the implementation of Community law. The Agency is open to the participation of candidate countries as observers[2]. The Council may also invite Western Balkans countries which have concluded a Stabilisation and Association Agreement with the EU to participate in the Agency as observers. The Agency's objective is to provide the Community institutions and the Member States with assistance and expertise relating to fundamental rights when implementing Community law, in order to support them, when they take measures or draw up courses of action within their respective spheres of competence, in fully respecting fundamental rights. The Agency is empowered to:

- collect, analyse and disseminate objective, reliable and comparable information, develop methods to improve the objectivity and reliability of data at European level and carry out or encourage scientific research and surveys;
- draft and publish conclusions and opinions for the Union institutions and the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;
- publish an annual report on the fundamental rights issues covered by the areas of the Agency's activity, highlighting examples of good practice;
- publish thematic reports based on its research; and
- develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively disseminate information about its work.

The Agency will not carry out systematic and permanent monitoring of Member States for the purposes of Article 7 of the Treaty on European Union (TEU)[3]. Nevertheless, on adopting the Regulation, the Council made a declaration that the Council may seek the assistance of the Agency as an independent actor in procedures pursuant to Article 7 TEU.

The Agency will coordinate its activities with the Council of Europe in order to avoid duplication and to ensure that their activities are complementary. To this end, the Community and the Council of Europe are to conclude an agreement governing cooperation between the Council and the Agency. Moreover, the Council of Europe has appointed an independent person to the Management Board of the Agency. The Agency will also cooperate with other international organisations such as the OSCE/ODIHR and the UN. Furthermore, it will cooperate with national human rights institutions as well as with other Community agencies such as the European Institute for Gender Equality.

The thematic areas of the Agency's activities will be defined by a Multi-Annual Framework covering five years. This Framework will be adopted by the end of 2007. Until the adoption of the Multi-Annual Framework, the Agency is working on the thematic areas of the fight against racism, xenophobia and related intolerance, and may also respond to requests from the Union institutions in other thematic areas.

2.2. The Role of the SG/HR Personal Representative on Human Rights

On 29 January 2007, the Secretary-General/High Representative for CFSP, Javier Solana, appointed Dr. Riina Kionka as his Personal Representative for Human Rights in the area of CFSP. Dr. Kionka is the second person, following Mr. Michael Matthiessen, to take up a function which the European Council welcomed in December 2004, "as a contribution to the coherence and continuity of the EU Human Rights Policy, with due regard to the responsibilities of the European Commission."

With her appointment, the Council Secretariat made a fundamental change in its approach to Human Rights by combining responsibility for Human Rights in the Council Secretariat with that of the Personal Representative role. This double-hatting means that the Personal Representative represents SG/HR Solana in matters related to Human Rights, and as such is engaged in much public diplomacy. On the Council side, however, she also focuses on the bread-and-butter issues of EU Human Rights policy: the mainstreaming of human rights into CFSP and ESDP, human rights dialogues and consultations, implementation of the EU Human Rights and International Humanitarian Law Guidelines, EU Human Rights policy in the UN, the Council of Europe and OSCE.

Since her appointment the new Personal Representative has participated in a number on international conferences and

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1 Regulation (EC) No 168/2007; OJL 53, 22.2.2007, p.1.
2 On the basis of a decision by the relevant Association Council.
3 In the case of a clear risk of a serious breach by a Member State of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.

seminars, among which the EIDHR Annual Conference in Moscow, the Conference "Free Children from War" in Paris, and the Third World Congress against the Death Penalty in Paris in February 2007. Remarks by the Personal Representative at these and other public appearances are available on the website of the Council.[4]

The Personal Representative has also launched an initiative to discuss human rights issues with relevant actors in the Council on a regular basis, starting with all Political and Security Committee (PSC) ambassadors and EU Special Representatives.

The Personal Representative and her staff also met with numerous Human Rights Defenders from different regions, frequently represented the Council at Human Rights Sub-Committee hearings at the European Parliament, exchanged views with relevant officials of the Council of Europe and the OSCE including CoE Commissioner Hammarberg and ODIHR Director Strohal.

In June 2007 the Personal Representative informed the Council Human Rights Working Party (COHOM) of her plans to give human rights a higher political profile, i.e. through a greater involvement of the PSC in the human rights policy. She further stressed the need to explore ways to integrate the human rights and gender policy framework into ESDP operations in a structured, systematic and sustainable way.

At the end of June, she was invited by the PSC to take forward work on a handbook on Human Rights and Gender Mainstreaming in ESDP.

In her first months in office, the SG/HR's Personal Representative for Human Rights also strengthened and consolidated the Human Rights Team in the Council Secretariat. This step came in response to growth in the human rights field as well as to calls by the Member States and the EP for the Council Secretariat to allocate more resources to promoting Human Rights.

2.3. The European Parliament's Actions on Human Rights

The EP has become an important voice on human rights and democracy issues[5]. It contributes to the drafting, implementation and evaluation of policies in the field of human rights through its resolutions, reports, missions to third countries, human rights events, interparliamentary delegations and joint parliamentary committees with third countries, oral and written questions, special hearings on specific issues and its annual Sakharov Prize. Through public discussions in plenary, committees, subcommittees and working groups, it holds the Council and the Commission to account. The President of the EP as well as individual chairs of committees or subcommittees also regularly take up human rights issues with the representatives of third countries, in direct talks or in correspondence.

The Subcommittee on Human Rights within the Foreign Affairs Committee, which was reconstituted at the start of the 6th legislative term under the chairmanship of Hélène Flautre (Greens/ALE), is now established as the centre of discussions on human rights in Parliament. It takes parliamentary initiatives in this sphere and provides a permanent forum for discussions on the human rights situation and the development of democracy in non-EU countries with other EU institutions, the UN Special Rapporteurs and representatives of the UNDP, the Council of Europe, government representatives, human rights activists and NGOs. It also conducts delegation visits to individual third countries, most importantly to the candidate countries to the European Union (i.a. Turkey).

One of its main aims is to contribute to the mainstreaming of human rights issues into all aspects of the external relations of the EU. It has done so inter alia by drafting guidelines for all the EP's Interparliamentary Delegations with third countries.

It makes efforts to monitor and evaluate the implementation of EU instruments in the human rights field. In this regard, the Subcommittee puts particular emphasis on the implementation of the EU Guidelines on human rights matters[6]. During the reporting period, there has been a special focus on the guidelines on the death penalty, the guidelines on torture and the guidelines on human rights dialogues as well as on questions related to immigration and asylum.

In this context the Subcommittee has commissioned several studies: five studies on death penalty (in the Great Lakes region, the Philippines, Singapore, the US and in the Inter-American system) and seven studies on human rights dialogues and consultations (with Iran, China, Russia, Central America, within the framework of the ENP, of the Cotonou Agreement, and a synthetic study). An important study, which led to numerous country visits and investigations by the commissioned expert, was produced on the implementation of the EU Guidelines on torture and other cruel, inhuman or degrading treatment or punishment. This document was presented to the Council's working group on human rights (COHOM) and should lead to practical efforts to upgrade the implementation of the guidelines.

Regarding human rights dialogues and consultations with third countries, the EP Secretariat has been invited to the EU briefings with NGOs and Legal Seminars ahead of the different rounds of the dialogues and has received substantial feedback during the meetings of the Subcommittee on Human Rights after the different rounds, from the Presidency, the Council and the Commission.

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4 http://www.consilium.europa.eu/cms3_fo/showPageasp?id=1193&lang=EN&mode=g.

5 An overview of the main European Parliament's activities in the field of human rights in external relations can be found at http://www.europarl.europa.eu/comparl/afet/droi/default.htm.

6 See Chapter 3.3.

The Subcommittee has furthermore put constant pressure on the EU institutions to achieve an effective implementation of the EU Guidelines on Human Rights Defenders, which were the key element discussed at the last EU-NGO Human Rights Forum which has taken place in Helsinki in December 2006.

In addition to the above-mentioned studies related to the implementation of the EU Guidelines on Human Rights, the Subcommittee has developed its expertise and that of the EU in general by requesting other studies, notably a major one assessing the impact of EP activities in the field of human rights outside the EU which was introduced by many high-level speakers at a seminar held in the EP. Furthermore, the Subcommittee commissioned a set of studies on the external aspects of internal policy, in particular regarding impact of the EU's strategy to combat terrorism as well as of the EU policy in the field of border control and the fight against organised crime on respect for and promotion of human rights and fundamental freedoms in third countries.

A major body for cooperation in the human rights field is the new United Nation's Human Rights Council (HRC) in Geneva, whose creation the EP followed with great interest and expectations: an EP delegation went to Geneva in September 2006 to reiterate support for a strong Council, capable of successfully addressing human rights violations throughout the world, at a time when the various rules of procedures and methods of work were being defined. The EP continued to follow the developments in the first year of work of the Council. In a resolution adopted on 7 June 2007 Parliament called for institutional arrangements within the HRC which would safeguard its ability to address human rights violations effectively. The EP noted that the credibility of the HRC rested on the adoption of such arrangements. The crucial role of Special Procedures in the protection and promotion of human rights was particularly stressed. Nonetheless, Parliament welcomed the ambitious programme the HRC had set itself and the establishment of the arrangements for the calling of special sessions to respond to urgent crises.

Between 10 and 12 June 2007 a Delegation of Members attended the fifth session of the HRC and met with the EU Presidency and Member States' and other ambassadors, Special Rapporteurs as well as with non-governmental organisations.

Throughout the reporting period the Subcommittee on Human Rights held a close dialogue with the President of the HRC and in its discussions focused in particular on the Universal Periodic Review, the membership criteria and the mandates of the Special Rapporteurs.

More generally, the Subcommittee on Human Rights organised a number of exchanges of views and hearings on human rights issues. The topics covered were: transitional justice, the functioning of the International Criminal Court and international criminal justice, corporate social responsibility, human rights in China, the death penalty, the impact of the human rights activities of the European Parliament and the activities of political cartoonists. An annual hearing is devoted to the EU Neighbourhood Policy with a special focus on the implementation of human rights issues in the National Action Plans of one Eastern and one Southern country. Regular exchanges of views were held on Russia (notably with a tribute to Anna Politkovskaya and in preparation of Human Rights Consultations and the EU-Russia Summit, where the EP was represented by its President), and on Uzbekistan and Central Asia.

In the reporting period the EP sent delegations or official representation to numerous events, not least the EU-NGO Human Rights Forum, the third World Congress against the Death Penalty, as well as multilateral conferences organised by the OSCE. In addition it sent delegations to Turkey and to the International Criminal Court.

In a report prepared by MEP Elena Valenciano Martínez-Orozco (PSE) the EP has dealt with the functioning of EU human rights dialogues and consultations with third countries. This report provided a detailed analysis of the different kinds of human rights dialogues and consultations, such as the structured dialogue with China, the consultations with Russia, the new Partnership and Co-operation Agreement based dialogue with Uzbekistan and the political dialogue and possible "Article 96 consultations" conducted with African, Caribbean or Pacific (ACP) countries. The document included recommendations to improve these dialogues, in particular by increasing their transparency and publicity as well as developing EU inter-institutional coherence and enhancing the role of the EP.

As well as the Subcommittee on Human Rights, the Committee on Development holds regular meetings on human rights in developing countries, most recently concerning the north of Uganda or, on specific subjects, such as the situation of the Dalits. The two bodies, in cases of common concern, organise joint meetings or public hearings: e.g. on 5 June 2007 such a hearing analysed the human rights situation in Ethiopia two years after the elections which were monitored by the EU. Another special joint meeting was organised by the Parliament's Conference of Presidents of Political Groups in June 2007, to raise the concerns of the Parliament about the long-lasting conflict situation in Darfur (Sudan). At this occasion, Archbishop Desmond Tutu and Nobel Peace Prize laureate Jody Williams have addressed the Parliament and called on Members of the European Parliament to take concrete steps and act in order to stop the armed conflict and to end the suffering of the people of Darfur.

On the initiative of the Committee on Development the European Parliament adopted a resolution on 12 July 2007 by which it expressed its concern over the human rights situation in Darfur. Member States, the Council and the Commission were called on to assume their responsibilities and make every possible effort to provide effective protection for the people affected by the crisis.

Parliament also has a regular dialogue with the OSCE Parliamentary Assembly and the Council of Europe. In this context, there is a continuing dialogue with the office of the Commissioner on Human Rights of the Council of Europe.

Furthermore Parliament's inter-parliamentary delegations regularly discuss human rights issues with members of parliaments in a variety of countries.

The main forum for political dialogue between the EP and parliamentarians from African, Caribbean and Pacific countries is the EU-ACP Joint Parliamentary Assembly. During the thirteenth session of the Assembly, which took place in Wiesbaden (Germany) from 23 to 28 June 2007, debates were held amongst others on the situation in Zimbabwe and in Darfur. Regarding the latter, a joint ACP-EU resolution was adopted, which called on the international community to build consensus on the next strategic steps.

The Euro-Mediterranean Assembly provides opportunities for a parliamentary dialogue on issues of human rights and democracy with Mediterranean countries. In 2007, the Plenary Session was held on 16 and17 March in Tunisia, and paid special attention to the theme "Dialogue between Cultures". The different committees of the Assembly met more frequently and dealt with issues such as the Arab-Israeli conflict, terrorism, poverty reduction and improving the situation of women in the Euro-Mediterranean countries. The Committee on Political Affairs, Security and Human Rights has established the practice of a standing point on human rights on every agenda.

The European Parliament is also actively participating in election observation missions, thereby further contributing to the strengthening of human rights and democracy in third countries. The practice of choosing a Member of the European Parliament as chief observer for the European Union Election Observation Mission is now well established, as is sending a delegation from the European Parliament for short-term observation to complement these missions. The European Parliament attaches great importance to the issue, which is also expressed in the fact that a separate unit has been established for Election Observation, as part of its External Relations Directorate-General.

At around the same time as this EU Annual Report on Human Rights is adopted by the Council of Ministers, the European Parliament begins drafting its own Annual Report on the human rights situation in the world and EU human rights policy. The last EP Annual Report was drafted by Simon Coveney (EPP-ED) and adopted in plenary in April 2007. The related resolution[7] provided an analysis of the work of the European Union in all its forms regarding human rights and proposals to make the impact more efficient. Topics discussed included the activities of the EU in international organisations, the mainstreaming of human rights into other policy areas including trade and the EU HR dialogues with third countries.

In December 2006, the European Parliament awarded its annual Human Rights Prize, the Sakharov Prize for Freedom of Thought, to Aliaksandr Milinkevich for his fight for democratic rights and political freedoms in Belarus. Mr Milinkevich led mass demonstrations against the unfair presidential elections held in March 2006 and was detained several times for encouraging people to insist upon their fundamental right to freedom of expression and assembly.

An important aspect of Parliament's activities is 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. Besides the aforementioned resolutions, regular démarches are conducted by the President of the Parliament, Chair of the Subcommittee and Chairs of the Delegations. Council, Commission and the governments involved are urged to take action. The reactions of these governments suggest that they are often quite sensitive to criticism by the European Parliament.

Individual cases raised by Parliament include political prisoners, prisoners of conscience, journalists, trade unionists and human rights defenders in jail, harassed or under threat.

During the period of reporting, Parliament denounced in resolutions, inter alia: the repression of the freedom of expression in Russia, the death sentence imposed on five Bulgarian nurses and a Palestinian doctor in Libya, the refusal of the Venezuelan President to renew the broadcasting licence of Radio Caracas Televisión (a major opposition media source in Venezuela); the presumed use of European countries for the transportation and illegal detention of prisoners by the CIA; violence against trade unionists in Cambodia; the disproportionate and excessive use of force by the security forces during the demonstrations of trade unions and civil society which began on 10 January 2007 in Guinea as well as the practice of Islamic Sharia courts in Nigeria, which have jurisdiction over criminal cases in 12 of Nigeria's 36 states, to hand down death sentences and sentences of flogging and amputation. The EP noted with satisfaction the transitional authorities' undertaking to establish democracy in Mauritania and welcomed the referendum resulting in massive approval of the Constitution. Parliament urged the Chinese Government and the Dalai Lama to resume dialogues to resolve the Tibet question and stressed that EU–Uzbekistan relations must be based on mutual respect for the principles of democracy, rule of law and human rights. Serious concern was expressed about the deterioration of the human rights situation in Iran, in particular in view of the imprisonment of so many prisoners of conscience, the sentencing to death and execution of juvenile offenders and abuses concerning minority rights, freedom of religion and the freedom of the press.

During the negotiations on the new financial instruments for external assistance, the European Parliament identified the need for a separate regulation for EU action on democracy and human rights as one of the main priorities, in order to guar-

[7] PE 384.496v02-00.

antee visibility and flexibility, and stressed the importance of having an instrument which can be able to work independently from the consent of the authorities of third countries. During the autumn, intense and fruitful negotiations took place, with (MEP) Hélène Flautre (Verts/ALE) and Edward McMillan-Scott (EPP-ED) as co-rapporteurs for the European Parliament, which i.e. led to the introduction of the new *ad hoc* -measures, providing specific support to Human Rights Defenders, and the possibility to support non-registered civil society organisations. Through the process of democratic scrutiny of the new European Instrument for Democracy and Human Rights, finally established on 20 December 2006, the EP is actively taking part in the discussion on the implementation of this instrument. A specific working group has been set up within the European Parliament to this effect.

In June 2007, the Network of Human Rights Parliamentary Committees of the European Union was inaugurated in Berlin at the initiative of the Chair of the Human Rights Committee of the German Bundestag. The Chair of the EP's Subcommittee on Human Rights participated in the inaugural session together with the SG/HR's Personal Representative for Human Rights.

Issues concerning human rights within the EU fall within the remit of the Committee on Civil Liberties, Justice and Home Affairs which deals with the status of respect for fundamental rights in the EU. The Foreign Affairs Committee and its Subcommittee on Human Rights co-operate closely with this Committee to monitor the external effect of internal policies, especially concerning the issues of asylum and migration and the human rights aspects of trafficking in people and organs. These three parliamentary bodies also continue to follow up the issue of illegal renditions of European and other citizens by several CIA flights which have involved European territory and airspace. Early in 2007 Parliament had adopted the Fava report analysing and strongly condemning these activities.[8] As a follow up of the topic of illegal renditions by the CIA, the Committee on Civil Liberties organised a meeting on May 2007 with Mr. Chertoff, Secretary for Homeland Security issues in the USA and with the German Presidency in order to obtain more information on these issues. The Subcommittee on Human Rights was represented by Sarah Ludford in that meeting.

If EU citizens consider that their fundamental rights have been violated, they can take the matter up with the European Ombudsman or the Petitions Committee of the European Parliament. The Ombudsman deals with complaints relating to the activities of EU bodies, whereas the Petitions Committee examines petitions concerning breaches by Member States of their treaty obligations. Not infrequently, Member States are required to modify their legislation to bring it into line with Community law as a result of subsequent treaty infringement proceedings.

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[8] PE 382.246v02-00.

3. EU Instruments and Initiatives in Third Countries

3.1. Common Strategies, Joint Actions, Common Positions

This section gives an overview and update on Common Strategies, Joint Actions and Common Positions as well as crisis management operations in force during the reporting period.

The aim of **Common Strategies** is to set objectives and increase the effectiveness of EU action by enhancing the overall coherence of the Union's policy. They are adopted by the European Council (Heads of State or Government) to be implemented by the Union in areas where the Member States have important interests in common. No new Common Strategies were adopted during the period of this report.

Joint actions address specific situations where action by the Union is deemed to be required. In the period covered by this report, the EU has adopted a considerable number of joint actions relevant to human rights. These joint actions related primarily to the appointment of EU Special Representatives and to civilian and military crisis management operations.

Crisis management operations: Human Rights Issues and Conflict Prevention

In the field of **conflict prevention**, the EU has continued to develop its instruments for long- and short-term prevention. The Presidency Report to the European Council on EU activities in the framework of prevention, including implementation of the EU Programme for the Prevention of Violent Conflicts, sets out progress in this field.

Mainstreaming of Human Rights and Gender has become more and more important in the context of crisis management operations and missions have become more sensitised towards Human Rights and Gender issues. Human Rights and Gender issues have started to be included systematically in the planning and conduct of all ESDP operations, and subsequently evaluated in the lessons learned processes. The mandates of EUSRs now contain specific provisions to address Human Rights and Gender issues. Dedicated Human Rights and/or Gender advisers have been assigned to an increasing number of missions (EU Police Mission in Afghanistan, EU Military operation in support of the MONUC during the election in the Democratic Republic of the Congo (RDC), EU Police Mission in the Palestinian Territories, Aceh Monitoring Mission). Most recently the functions of adviser on human rights and gender issues were added to EU Security Sector Reform Mission in the RDC and EU Police Mission in the RDC in June 2007 and experienced persons have been appointed.

A compilation of relevant documents in the area of mainstreaming human rights and gender into ESDP was recommended by the PSC as a reference tool for future work on the planning and conduct of ESDP missions and operations, as well as for training purposes. Planning for a future ESDP mission in Kosovo also includes the establishment of a human rights and gender unit.

Gender mainstreaming is an integral element of setting strategic objectives for ESDP missions. The "Checklist to ensure gender mainstreaming and the implementation of UNSCR 1325 in the planning and conduct of ESDP operations" dated 27 July 2006 provides guidance for the planners of missions. In November 2006, the Council adopted conclusions on promoting gender equality and gender mainstreaming in crisis management. In addition, a training seminar on Gender Mainstreaming in ESDP Missions held in Brussels on 30 November to 1 December 2006 was organised for key mission personnel. The Hungarian Ministry of Defence with the support of the Presidency of the EU, also organized a seminar on Gender and ESDP for the staff of Member States and EU institutions in April 2007.

WOMEN, PEACE AND SECURITY

Women are important, but often forgotten, actors in peace processes. Women are often victims of sexual violence and exploitation during wars and armed conflicts and in post-conflict situations. Very few women are deployed in international military and civilian missions and the level of gender awareness training varies among countries providing personnel.

In 2000, the UN acknowledged the special role and needs of women in 2000 when adopting Security Council Resolution 1325 on Women, Peace and Security. During the last two years, the Council has taken actions to ensure that UNSCR 1325 is being implemented within the context of ESDP. In November 2006 the Council concluded i.a. that a gender adviser or a focal point should be appointed for all ESDP missions and operations. Charlotte Isaksson served as the first gender adviser in EUFOR RDC. We have asked her to summarise her experiences and lessons learned.

1. **You were the first gender adviser in a EU military mission. What were your tasks as gender adviser at the Operational Headquarters?**
   My task was to advise the Operational Commander on issues related to women and gender and to build up the gender function in the force structure. The tasks included planning, training and education to support the integration of a gender perspective into the daily work of the operation. Finally I supported and interacted with local women's organisations.

2. **To include a gender perspective is not a goal in itself; it should increase operational efficiency. Can you describe if and how a gender perspective had an impact on the activities of EUFOR RDC?**
   Working with a gender perspective inside a military force clearly supports the work and results of the operation. In particularly it improves the collection and gathering of information and intelligence and supports the objective of gaining credibility among the local population. It is crucial to win the "hearts and minds" of the local population so that they feel trust and credibility in us and our work. In this context, it is vital to work towards the local female part of the population, which has not always been the case in previous missions.

3. **Women's organisation often complain that they are neglected at peace negotiations and that they are ignored by the international military presence. How did EUFOR RDC cooperate with local women's organisation?**
   EUFOR RD CONGO had several meetings and discussions with local women's organisations with the aim of learning about the women's situation, listening to their analyses and their suggestions for the future. The purpose was also to show that the EU strongly supports their work for Gender Equality and Empowerment of Women. EUFOR RDC's cooperation with local women's organisations was perceived in a very positive way and was consolidated by the Minister for Women and the Family after the EUFOR RDC left DRC. We helped some of the women's organisations to connect to international women's organisations and donors. They supported us with valuable information on contacts with different Congolese actors for victims of rape and sexual abuse. EUFOR RDC had no mandate to support these victims, but knew then which local authority to contact for the medical, psychosocial and legal support of victims.

4. **The UN suffered severely from personnel being involved in sexual exploitation and abuse (SEA) in RD Congo a couple of years ago. Since then, actions have been taken to prevent this from happening again. How did EUFOR RDC tackle this risk/problem?**
   The Operation had absolutely zero tolerance on SEA. This was decided upon by the Operational Commander and described in the ordinary Soldiers Card. It was a good way of integrating something "new" into something already existing and fully accepted. The regulations were also explained to the personnel. Approximately 75 people had a special training session on SEA given by experts from MONUC. I am glad to say that we had no reported cases of SEA during the Operation.

5. **All ESDP missions should include a gender perspective and appoint special focal points or advisers. What is your advice to them?**
   To take one step at the time and remember that this is something completely new to most people. The staff must understand how integrating a gender perspective can support them. Once they do it is quite easy, but it will not change over night! It is also important to have a good network.

6. **The Council has stressed the need for gender training. What kind of training did you carry out during the mission and what was achieved?**
   Approximately 300 participants of the force received basic training, where I gave information on the background to the UNSCR 1 325 and specifically focused on why a military operation should integrate a gender perspective and work focused towards local women. My perception was that most people attending the training sessions felt "yes of course, why did we not think about that before?" The training sessions was the first crucial step in the work on integrating gender in this operation.

7. **The EU strives towards an improved gender balance in ESDP operations. Why is it important to increase the number of women in a mission? What was the gender balance in EUFOR RDC?**
   We had 4,5 % women in the Operation. The FARDC has 5 %! It is crucial to have a good gender balance within our operations and missions. Women in the force act as important role models for the local female population. At the same time we demonstrate that it is possible and positive to work together, women and men in a gender-equal way. To show gender equality can help the process of creating gender equality. Moreover, there are tasks which are easier to perform or information easier to access if women work towards local women. Sometimes it can even be impossible for men to approach local women (depending on the cultural and religious context). In our force, it was the experience of some patrols that they were received more aggressively by the local population when they had all-male patrols. When women were included in the team they were received in a more friendly way.

Work has continued to address the issue of **children in armed conflict** and **UNSCR 1612** as a follow-up to the EU Guidelines on Children and Armed Conflict. An implementation strategy[9] has been developed based on the review of progress made towards the implementation of the guidelines. It includes a checklist for the integration of the protection of children affected by armed conflict into ESDP missions. Reporting on children and armed conflict has been further systematised. See chapters 3.3 and 4.3.

Crisis management: operational activities

During the reporting period, operational activity in the field of **crisis management** has continued to expand, both in the civilian and in the military field. The EU is undertaking a wide range of civilian and military missions, on three continents, with tasks ranging from peacekeeping and monitoring implementation of a peace process to advice and assistance in military, police, border monitoring and rule of law sectors. Further missions are under active preparation.

The Aceh Monitoring Mission (AMM), led by Mr Pieter Feith from the EU, was established to monitor the implementation of the Memorandum of Understanding (MoU) signed by the Government of Indonesia (GoI) and the Free Aceh Movement (GAM) on 15 August 2005 in Helsinki, Finland. The AMM successfully completed its mandate on 15 December 2006. Following AMM facilitation, the parties agreed that there are no outstanding disputed amnesty cases. The Indonesian Parliament enacted new legislation on the governing of Aceh and the new act came into effect on 1 August 2006. After a difficult start, reintegration programmes are now underway. The MoU envisaged a Claims Settlement Commission to deal with unmet claims on reintegration funds. The parties have agreed a framework for such a commission, and are continuing to hold discussions.

The AMM was the first ESDP mission to be given an explicit mandate to monitor human rights. This represented a welcome step towards mainstreaming of human rights within ESDP missions. The human rights situation in Aceh is stable. There were no cases of systematic violation of human rights during the course of the mission, and remarkably few serious security incidents. The Government is still discussing the manner in which a human rights court will be established in Aceh, and the ruling by the Constitutional Court has set back the establishment of a Truth and Reconciliation Commission. During the course of its mandate the AMM thoroughly investigated and ruled on complaints and alleged violations of the MoU, ranging from violent, sometimes fatal, incidents to detailed areas of legislation.

The AMM identified several lessons for future missions in the area of human rights: a conceptual effort is required to determine how human rights monitors can contribute to the mission's operations, and mission objectives and tasks should include gender-sensitive language. It is of the utmost importance that all mission staff members should receive adequate human rights training, including on gender issues, as part of pre-deployment training. The presence of a competent Human Rights Adviser offers the opportunity to translate the general guidelines into concrete instructions.

Regions or Missions:

The promotion of democracy, human rights and the rule of law are key areas of focus in the EU's relations with **Iraq**. EU support for constitutional and electoral processes in 2005 was considerable; besides significant funding, the EU also supplied a number of experts to work with the Independent Election Commission for Iraq in the run-up to the December elections. Through its **Integrated Rule of Law Mission for Iraq (EUJUST LEX)**, the EU has provided 45 management and criminal investigation training courses in EU Member States since July 2005, training more than 1100 senior officials from across Iraq's police force, judiciary and penitentiary services. In 2007, EUJUST LEX also began to offer a limited number of Work Experience Secondments in EU Member States. In summer 2006 the EU decided to extend the mission until 31 December 2007. At Iraq's request, the EU is now discussing a further extension into 2008, underlining the EU's continued commitment to supporting the rule of law in Iraq.

In 2006, both the **EU Border Assistance Mission to the Rafah Crossing Point** (RCP) and EUPOL **COPPS** entered their first year of activity. While the RCP registered a period of uninterrupted opening until the 25 June, the Hamas victory at the Palestinian legislative elections in January 2006, and the subsequent Quartet principles brought a scaling down and suspension of EUPOL COPPS activities with the Palestinian Civil Police (PCP). This is because of the direct link in the chain of command between Hamas, the Minister of Interior and the PCP. Furthermore, with the abduction of Israeli soldier Gilad Shalit on 25 June, Israel started a policy of unilateral closure of the RCP, which resulted in the RCP opening only sporadically. The RCP has remained closed since 9 June 2007, following the sweeping armed victory of Hamas in Gaza in June. On the other hand, the dismissal of Hamas from the Emergency Government post-June 2007 allowed for the re-engagement of EUPOL COPPS with the PCP in the West Bank.

Africa

The EU continued its **civilian-military supporting action** for the African Union Mission **(AMIS)** in the Darfur region of **Sudan**. In this framework, the EU is providing continuing military assistance in the form of technical, planning and management support throughout the AMIS command structure. Financial - through the African Peace Facility or bilaterally - and logistic support has also been provided, including the provision of strategic air transport. In addition, the EU currently holds the

[9] 9767/06.

position of Vice Chairman of the Cease Fire Commission which is playing a decisive role in the Darfur Peace Agreement and the EU provides a number of military observers. EU police officers continue to play a key role in building AMIS' civilian policing capacity through support, advice and training to the AMIS police chain of command and police officers on the ground. The EU is also continuing its support for the development of African Union policing capacity and the establishment of a police unit within the AU Secretariat in Addis Ababa.

On two occasions the EU decided to continue both the civilian and military elements of the supporting action for AMIS, following a decision of the African Union's Peace and Security Council to extend the mandate of AMIS. Most recently, the EU decided to extend the supporting action for a period of up to six months, from 1 July 2007. The EU has on various occasions stressed the need to strengthen and expand the peacekeeping mission in Darfur, and in this respect has expressed its strong support for the deployment of the AU/UN Hybrid Operation, in line with the decision of the AU Peace and Security Council on 22 June 2007 and UN Security Council Resolution 1769 (2007), adopted on 30 July 2007.

On 19 April 2007, the EU appointed a new EUSR for **Sudan**, Mr Torben Brylle (Council Decision 2007/238/CFSP[10] and Joint Action 2007/108/CFSP[11]). The work of the EUSR will continue to focus on three key areas: to achieve a political settlement of the conflict in Darfur, assisting the Sudanese parties, the AU and the UN; to ensure the maximum effectiveness and visibility of the EU's support for AMIS; and, to facilitate the implementation of the Comprehensive Peace Agreement (CPA) in Sudan. An important part of the EUSR's mandate is within the sphere of human rights; the EUSR will follow the situation in this sphere and maintain contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region, and the Office of the Prosecutor of the International Criminal Court. The rights of children and women and the fight against impunity are areas specifically mentioned in the EUSR's mandate.

The EU provides **military support** to the African Union Mission in **Somalia (AMISOM)**[12]. The military support element will mainly assist the strategic planning cell of the African Union, including the drafting of the AMISOM deployment plan. The EU has also supported AMISOM financially - through the African Peace Facility and the Stability Instrument as well as through bilateral contributions.

The European Union has consistently shown its support for the transition process in the **Democratic Republic of Congo (DRC)**. On 15 February 2007 the Council appointed a new EUSR for the African Great Lakes Region, Mr Roeland Van De Geer (Joint Action 2007/112/CFSP)[13]. The Secretary-General/High Representative for the Common Foreign and Security Policy (SG/HR) sent a letter to the DRC government dated 11 May 2007 stating the European Union's renewed commitment. Further to earlier missions (EUPOL Kinshasa and EUFOR RD Congo), the EU will now extend its support for the reform of the security sector (SSR) and its interface with the system of justice with EUPOL RD Congo, replacing EUPOL Kinshasa.

The Republic of Moldova (in the following referred to as "Moldova")

Common Strategies

NONE

Joint Actions

The EU Special Representative for Moldova (initially appointed on 23 March 2005) continued his work. A new EUSR, Dr Kalman Mizsei, took office on 1 March 2007 (CFSP/2007/107). His mandate focuses on the EU's contribution to the settlement of the Transnistria conflict. It also includes the fight against the trafficking of human beings and of weapons and other goods, as well as human rights. In addition, the EUSR maintains an overview of all EU activities, notably relevant aspects of the European Neighbourhood Policy (ENP) Action Plan with Moldova.

Common Positions

On 19 February 2007, the Council extended (with technical changes) the Common Position concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova and several high-level Transnistrian officials involved in the closure of Moldovan language schools by force (CFSP/2007/121).

Crisis Management Operations

The European Union Border Assistance Mission to Moldova and Ukraine[14] (EUBAM) continued its work. It is organised by the Commission under Tacis and comprises approximately 100 customs and police officers from EU Member States. In May 2007, the Mission's mandate was prolonged until 30 November 2009.

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10 Council Decision 2007/238/CFSP of 19 April 2007 appointing the European Union Special Representative for Sudan (OJ L 103, 20.4.2007, p. 52-53).

11 Council Joint Action 2007/108/CFSP of 15 February 2007 extending the mandate of the European Union Special Representative for Sudan (OJ L 46, 16.2.2007, p. 63-76).

12 Council Joint Action 2007/245/CFSP of 23 April 2007 amending Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan with regard to the inclusion of a military support element providing assistance to the setting up of the African Union Mission in Somalia (AMISOM) (OJ L 106, 24.4.2007, p. 65-66).

13 OJ L 46, 16.2.2007, p. 79.

14 http://www.eubam.org/

The Head of Mission is double-hatted as Senior Political Advisor to the EUSR for Moldova. In addition, an EUSR Border Team consisting of three people ensures liaison with the EUSR and the Council.

Western Balkans

Ambassador Erwan Fouéré continued to serve as both EUSR and Head of the Commission Delegation in the **former Yugoslav Republic of Macedonia**. His mandate as EUSR focuses in particular on giving advice and facilitation in the political process, coordinating the International Community's efforts in support of the Ohrid Framework Agreement, as well as on closely following security and inter-ethnic issues. He will also contribute to the development and consolidation of respect for human rights and fundamental freedoms in the country.

The EUSRs in **Bosnia and Herzegovina** Christian Schwarz-Schilling and Miroslav Lajcak kept promotion of a coherent and consistent approach to the mainstreaming of EU human rights policy as a priority and coordinated concrete actions in various fields, in particular the promotion of a solution to the problem of certain groups of police officers who have been denied certification.

Since 2003 the European **Union Police Mission (EUPM)**[15] supports as part of the broader rule of law approach in Bosnia and Herzegovina and in the region the establishment of a sustainable, professional and multiethnic police service operating in accordance with European and international standards. This police service should operate in accordance with commitments made as part of the Stabilisation and Association Process with the European Union. EUPM operate in line with the general objectives of Annex 11 of the Dayton/Paris Agreement and its objectives have been supported by the Community instruments. In 2006, EUPM took the lead in the coordination of policing aspects of the ESDP efforts in the fight against organised crime. EUPM assisted local authorities in planning and conducting major and organised crime investigations; ensuring inter alia full respect of human rights and fundamental freedoms.

EU Planning Team Kosovo (EUPT Kosovo) was established to initiate planning of a possible future ESDP mission in the area of rule of law[16]. The ESDP mission will form a crucial part of the EU's enhanced engagement following the status settlement and the consequent termination of UNMIK, with the aim of assisting Kosovo to implement a status settlement, to strengthen the rule of law, and to move Kosovo forwards towards further European integration.

The future ESDP mission will implement its mandate through monitoring, mentoring, and advising, while retaining certain executive responsibilities where needed. The aim, inter alia, of the future ESDP mission will be to assist Kosovo authorities, justice system and law enforcement agencies in developing independent and multi-ethnic judicial authorities, police and custom services, free from political interference, promoting human rights and adhering to international recognized standards and European best practices. Though the human rights and security related situation of non majority communities in Kosovo has shown some improvement over the past years, it still requires specific attention.

Human rights will be mainstreamed horizontally throughout the future ESDP mission which will create a mechanism through the deployment of human rights and gender experts to ensure that the mission will fully respect international human rights standards in the performance of all its activities.

The need to fully implement UNSCR 1325 in the context of ESDP missions, including, inter alia, contacts with local women's groups and inclusion of Gender Adviser functions, has been taken into account in the planning of new and in conducting of the ongoing ESDP missions.

3.2 Action Plans in the Framework of the European Neighbourhood Policy (ENP)

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 and instead strengthening the prosperity, stability and security of all concerned[17]. The ENP applies to the EU's immediate neighbours by land or sea – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine. Through the ENP, the EU offers its neighbours a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). The ENP thus goes beyond existing relationships to offer a deeper political relationship and economic integration. The level of ambition of the relationship will depend on the extent to which these values are effectively shared.

The central element of the European Neighbourhood Policy is the bilateral ENP Action Plan agreed between the EU and each partner. This tool sets out an agenda of political and economic reforms with short and medium-term priorities. The political chapter of each ENP Action Plan covers a wide area of human rights, governance and democratisation issues, with a varying emphasis and differentiation according to the degree of commitment shown by each partner country. As these ENP Action Plans are negotiated with the partner country, the language and content often differs from one to another.

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[15] http://www.eupm.org/

[16] Council Joint Action 2006/304/CFSP of 10 April 2006.

[17] http://ec.europa.eu/world/endp/index_en.htm

These commitments in the Action Plans aim to contribute to key reforms in the area of democratisation (e.g. electoral laws, decentralisation, strengthening of administrative capacity), the rule of law (e.g. 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 (e.g. legislation protecting human rights and fundamental freedoms, enforcement of international human rights conventions, fight against racial hatred and xenophobia, human rights training, enforcement of international conventions on core labour rights). The EU provides substantial technical and financial support for ENP implementation through its external assistance programmes, in particular the European Neighbourhood and Partnership Instrument.

The period under review witnessed the further implementation of seven ENP Action Plans agreed prior to the reporting period (Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine). New ENP Action Plans were approved with Armenia, Azerbaijan, Georgia, Egypt and Lebanon over the course of the reporting period.

The implementation of these Action Plans is jointly monitored through subcommittees, including for some partner countries through dedicated subcommittees on human rights and democracy. Human rights subcommittees have so far been established and sessions held with Jordan (2nd session on 5 March 2007), Morocco (1st session on 16 November 2006) and Lebanon (1st session on 12 March 2007). The informal working group on human rights with Israel held two sessions on 7 June 2006 and 20 February 2007. With Egypt, commitments in the field of human rights under the ENP Action Plan are to be discussed within the Subcommittee on political matters, human rights and democracy, international and regional issues. This Subcommittee has not yet met. With Moldova and Ukraine, human rights issues under the ENP Action Plans are discussed under the auspices of the Justice, Freedom and Security Subcommittees, which met on 21 September 2006 and 14 February 2007 respectively. Negotiations on the terms of reference of the EU-Tunisia Subcommittee on Human Rights are still ongoing.

The EU seeks to further develop the working methods of these new structures, including by focusing on key operational issues, prioritizing and sequencing actions as well as by jointly defining deliverables of the process. Evidently, the effectiveness and the actual outcome of the dialogue largely depend on the willingness of the partner country to implement and enforce its ENP commitments in the fields of human rights and fundamental freedoms.

The Commission's first progress report on the implementation of the ENP[18] (December 2006) noted that the field of governance is perhaps the most difficult in which to achieve and measure progress taking into account the partner countries' different cultures and challenges, levels of commitment and specific ways of addressing the issue. The report highlighted progress by several partners in the reform of electoral systems, judiciary and public-sector governance. The overall picture was considered to be more mixed as regards fundamental rights with less progress by certain partners in addressing issues such as restrictions on press freedom, intimidation of NGOs, political prisoners, ill-treatment in police custody, and extrajudicial killings.

The Commission also proposed in its December 2006 Communication on Strengthening the ENP[19], to establish a Governance Facility to encourage neighbouring countries to go further in their reform processes. The Facility is intended to provide additional support, on top of the normal country allocations, to acknowledge and support the work of those partner countries who have made most progress in implementing the agreed reform agenda set out in their Action Plan. In line with an assessment of progress made in implementing the (broadly-defined) governance aspects of the Action Plans, this funding would be made available to top up national allocations, to support key elements of the reform agenda; this will help reformist governments to strengthen their domestic constituencies for reform. The resources at the disposal of the Facility are indicatively set at EUR 50 million a year for the period 2007-10.

3.3 EU Guidelines on Human Rights

Death Penalty, Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, Children and Armed Conflict, Human Rights Defenders

The EU Guidelines on Human Rights are policy documents adopted by the Council. They cover issues of particular importance to EU Member States: Death Penalty (adopted in 1998); Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2001); Human Rights Dialogues (2001); Children and Armed Conflict (2003), and Human Rights Defenders (2004). They are available in all EU languages, plus Russian, Chinese, Arabic and Farsi from the Council Secretariat website (http://consilium.europa.eu/Human-Rights).

Guidelines are a practical instrument of EU human rights policy. They provide the different EU actors - not only at headquarters, but also in third countries - with elements allowing a sustained action in a number of key areas of concern. During the period under review, the EU has started working on a new set of Guidelines on the Rights of the Child.

In addition, the EU adopted Guidelines on promoting compliance with international humanitarian law (IHL) in December 2005 (Official Journal C 327/4 of 23.12. 2005). The main aim is to set out operational tools for the EU to promote compliance with IHL. Several initiatives have already been taken in the context of the implementation, in particular with regard to raising IHL-related issues in dialogues with third countries.

[18] http://ec.europa.eu/world/enp/pdf/sec06_1504-2_en.pdf.

[19] COM (2006) 726, 04.12.06.

Details of action taken to implement the thematic Guidelines during the period under review are included in Chapter 4 and details on action in the framework of the Human Rights Dialogues Guidelines are found in Chapter 3.5.

3.4. Démarches and Declarations

Démarches on human rights to the authorities of third countries and press statements are important instruments of the EU's foreign policy, and the conclusions of Council meetings may also address human rights issues in that context. Démarches are usually carried out by the Presidency in troika format and in a confidential manner. In addition, the EU makes public declarations calling upon a government or other parties to respect human rights, or welcoming positive developments. These declarations are published simultaneously in Brussels and in the Presidency's capital.

Démarches and declarations are widely used to convey concerns related to human rights. The main subjects tackled by them are 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. Démarches and declarations are also employed in a positive sense. In the period under review the EU welcomed a number of positive developments through declarations, for example, an agreement on the Institution Building Process of the UN Human Rights Council (21 June 2007), the complete abolition of the death penalty in Moldova (17 July 2006). Declarations are also used to convey a message in support of EU priorities: e.g. on the UN International Day in Support of Victims of Torture, the EU issued a statement underlining the priority it attaches to the global eradication of torture and to the full rehabilitation of torture victims. Démarches were made in all regions of the world in the context of the global campaign for freedom of expression.

In addition the EU High Representative for the CFSP occasionally makes statements on key human rights developments, such as ratification of the Rome Statute of the International Criminal Court, HRC action, convictions for the use of child soldiers, etc.

The Union made human rights related declarations concerning inter alia the following countries: Azerbaijan, Belarus, Burma/Myanmar, Colombia, DRC, Eritrea, Iran, Maldives, Nepal, Sri Lanka, Syria, Thailand, Togo, Uzbekistan, Viet Nam, and Zimbabwe.

3.5. Human Rights Dialogues (including Guidelines on Human Rights Dialogues) and Consultations

3.5.1. Human Rights Dialogue with China

In the period covered by this report, two EU-China human rights dialogues and one human rights legal seminar took place. The 22nd dialogue took place in Beijing on 19 October 2006. The 23rd round took place on 15-16 May 2007 in Berlin. China was represented by officials of the Ministry of Foreign Affairs, including their Special Representative on Human Rights, and included officials of other departments. Both meetings were preceded by a meeting at political level during which the EU raised a number of key concerns, stressing in particular the release of prisoners connected with the 1989 events in Tiananmen Square, speedy ratification and implementation of the International Covenant on Civil and Political Rights (ICCPR), reform of the re-education through labour system (RTL) and the importance of allowing for greater freedom of expression, including on the Internet.

The 2006 dialogue had freedom of expression as one of its main themes. The 2007 dialogue focused on reform of the criminal justice system, freedom of expression and freedom of the press, including the Internet. As always, the EU handed over a list of individual cases of concern, on which China provided replies in writing. In line with the benchmarks, specific concerns raised at both dialogues included: ratification of the ICCPR and legislative reforms needed to implement its provisions; rights of ethnic minorities in Tibet and Xinjiang, including the findings of the investigations into the shooting of Tibetans trying to flee Nepal; abolition and application of the death penalty and the need to obtain statistics on its use; the allegation of organ transplants from executed prisoners; reform of the RTL system and similar institutions, without judicial overview, used for misdemeanours; prevention and eradication of torture and rights

"Today in Sierra Leone, the Special Court for war crimes handed down its first convictions against three men from the rebel Armed Forces Revolutionary Council, accused of recruiting and using child soldiers. These convictions are an important step toward ending the exploitation of large numbers of children as soldiers.

This case also sends a signal to other militia leaders still active in other parts of the world that there is no impunity when it comes to recruiting and using child soldiers.

A major milestone in international attempts to end the use of child soldiers, the decision of this UN-backed tribunal reinforces the work of other national and international war crimes courts."

Statement by Dr Javier Solana, EU SG/HR on 21 June 2007

of prisoners; independence of judges, the right to legal counsel and a fair and impartial trial; protection of human rights when countering terrorism; cooperation with the UN, in particular with the newly established Human Rights Council and special procedures and with the OHCHR, UNHCR, ICRC and the ICC. The EU also called on China to apply the principle of "non-refoulement" to North Korean refugees in China in line with China's international obligations. In 2006, the EU also raised the protection of social and economic rights and the independence of NGOs with Chinese interlocutors.

The Chinese side informed the EU of a number of legislative reforms taken or underway, including a review by the Supreme Court of all death penalty cases, a special court for minors, regulations on interrogation and detention and the rights of prisoners in the context of a nationwide campaign to prevent and eradicate torture, the planned reform of the RTL system and the new regulation on organ transplants which came into effect on 1 July 2006. Information was also provided on a series of new regulations regarding, inter alia: legal assistance to vulnerable sections of society, measures to promote democratic governance at village level, new regulations in the field of criminal procedures and the future labour contract law as well as the property law to protect private ownership adopted in March 2007. China also gave an update on progress made towards ratification of the ICCPR but without giving a clear timing regarding ratification.

The Chinese side informed the EU on the implementation of the recommendations of the report of UN Special Rapporteur on Torture, following his visit to China in 2005. Replies were given on questions relating to freedom of expression, Internet, freedom of religion and belief including Falun Gong, and freedom of association and the role of NGOs. Discussion on the rights of persons belonging to minorities showed little common ground and China re-affirmed a hard stance regarding rights for minorities, especially in Tibet and Xinjiang.

With regard to the human rights situation in the EU, protection of migrant workers as well as legal regulations on freedom of expression and freedom of the press were discussed. Concerning cooperation in international organisations, discussions focused on the composition and the institution-building process of the new Human Rights Council. The EU called on China to cooperate in human rights fora on urgent human rights situations.

The EU and Chinese authorities organised a Human Rights Legal Seminar within the framework of the dialogue in Beijing on 16-17 October 2007. The Beijing Seminar focused on the themes of "Freedom of access to information" and "Labour Rights" and produced joint recommendations. The Human Rights Legal Seminar, due to take place in Berlin on 10-11 May 2007, could not be held due to Chinese opposition to the attendance of two NGOs invited by the EU (China refused to participate on the day of the seminar). The themes which would have been discussed in Berlin were "the Right to a Fair Trial" and a follow-up on the discussions at the previous seminar on "Labour Rights". During the dialogue the EU regretted the position taken by the Chinese side and expressed its very clear expectations that such an incident would not be repeated.

In addition to the human rights dialogue, the EU and its Member States continued to push for concrete steps to enhance the effective enjoyment of human rights in China at other EU political dialogue meetings with China, including at the highest political level, as well as through bilateral technical cooperation and exchange programmes. In between dialogue sessions, démarches were carried out on particular cases of concern. Unfortunately the limited action of the Chinese government meant that very few individuals were released early and new names were added to the list of individual cases of concern in the course of the year.

The 24th round of the EU-China Human Rights Dialogue is expected to take place in Beijing in October 2007.

3.5.2. Human Rights Dialogue with Iran

Human rights are an essential element of the EU's overall relations with Iran, as with any other country. Since 2002 the EU has held four sessions of the human rights dialogue with Iran, with the last occurring in June 2004.

The dialogue is based on a number of mutually agreed principles and on concrete benchmarks, which include every area of concern to the EU: Iran's signature, ratification and implementation of international human rights instruments; cooperation with international procedures; openness, access and transparency; and improvements to civil and political rights, the judicial system, the prevention and eradication of torture, criminal punishment, discrimination and the prison system.

The human rights dialogue is primarily a channel to express the EU's concerns to Iran, while Iran also has an opportunity to raise its concerns with the EU. The EU has used the dialogue in the past to raise individual cases, for example prisoners of conscience, and plans to do this again in any future round.

In spite of an agreement between the EU and Iran on revised modalities for the dialogue, in December 2006 Iran withdrew from its participation in the dialogue, as it had done before, following EU's co-sponsoring of the Iran country resolution in the United Nations General Assembly. The EU deplores such a withdrawal and remains committed to a relaunch of the dialogue, provided that Iran confirms its willingness to engage seriously in the process.

See chapter 6.7 for more on Iran.

3.5.3 Human Rights Dialogue with Uzbekistan[20]

Following an Uzbek proposal at the EU-Uzbekistan Cooperation Council on 8 November 2006 to establish a regular

[20] For more information on Uzbekistan see chapter 6.3.

dialogue on human rights in the framework of the Partnership and Co-operation Agreement, exploratory talks took place in Tashkent on 12-14 December 2006.

On 5 March 2007, the GAERC decided to establish a Human Rights Dialogue with Uzbekistan in the framework of the agreement-based Subcommittee, which was then renamed "Subcommittee on Justice, Home Affairs, Human Rights and related issues".

The first round of the EU-Uzbekistan Human Rights Dialogue took place in Tashkent on 9 May 2007. Discussions covered the human rights situation in Uzbekistan and the EU, as well as human rights developments in UN fora and in the OSCE. The EU raised a wide range of concerns about the human rights situation in Uzbekistan, in particular regarding freedom of expression and the media, freedom of religion, the death penalty, prison conditions and access of international bodies to prisons, development of civil society, in particular NGOs and human rights defenders, and reform of the judiciary. The EU also raised a number of individual cases with the Uzbek authorities, in particular detained human rights defenders with Uzbekistan. The Uzbek side for their part, focussed on perceived cases of islamophobia, perceived violations of the rights of persons belonging to minorities, as well as specific aspects of the situation of children in some Member States.

3.5.4. Human Rights Consultations with the Russian Federation[21]

The fourth round of EU-Russia human rights consultations was held in Brussels on 8 November 2006 and the fifth round in Berlin on 3 May 2007.

The aim of these Consultations, which are held at the level of senior officials, is to discuss the situation of human rights and fundamental freedoms in Russia and in the EU, as well as human rights developments in UN fora and in the Council of Europe.

The EU raised a number of concerns about the human rights situation in Russia, in particular regarding freedom of opinion and assembly, especially during the preparations for the forthcoming Parliamentary and Presidential elections, media freedom, including the assassination of journalist Anna Politkovskaya, the situation of Russian non-governmental organizations (NGOs) and civil society following the entry into force of the law on NGO activities and the counter-extremism law, with particular regard to the situation of human rights defenders, as well as respect for the rule of law and the situation in Chechnya and other parts of the Northern Caucasus. The issue of torture was considered in detail during the May 2007 consultations. On both occasions, the EU also raised individual cases with the Russian side.

At Russia's request, the EU provided details of current developments in various EU Member States.

The discussions also focused on the international human rights obligations of the EU and Russia, including co-operation with UN human rights special procedures. Co-operation within the Council of Europe, and especially the implementation of judgments of the European Court of Human Rights, was also covered.

In keeping with its policy closely to involve civil society in human rights dialogues, the EU associated NGOs in the preparation of the consultations and held a meeting with Russian and international NGOs the day before the consultations and de-briefed NGOs on their outcome.

3.5.5 EU-African Union Human Rights Experts' Talks

The EU Presidency and the AU Commission have agreed to hold a first exploratory meeting in September 2007, in view of establishing an EU-AU human rights experts' dialogue in Troika format, as agreed at the sixth EU-Africa Ministerial Troika Meeting in Vienna in May 2006, and confirmed later. EU-AU human rights experts meetings will be an opportunity to assess reciprocal developments in this area, discuss how to implement joint commitments and increase EU-AU coordination in international fora, including the Human Rights Council.

3.6. Troika Consultations on Human Rights with US, Canada, Japan, New Zealand and Candidate Countries

Troika consultations with the US

During the period under review, the EU and the US held two consultations on human rights issues. Partners met on 26 October 2006 in Washington and on 2 March 2007 in Brussels. The first meeting aimed at providing information on and seeking support for thematic and country priorities and to decide on common aims and initiatives. These consultations laid the groundwork for constructive and fruitful co-operation in the framework of the UN General Assembly (UNGA).

At the second meeting, the EU and the US mainly discussed the human rights situation in a number of countries, in particular those which might be subject to a resolution in the UN Human Rights Council or General Assembly, as well as policies vis-à-vis these countries. Furthermore, the EU and US exchanged information on human rights dialogues and consultations with third countries. Both sides expressed an interest in working together in support of human rights defenders. The consultations also enabled a detailed exchange of views on negotiations relating to the institutional building process of the Human Rights Council. Both sides expressed concerns about potential candidates for the 2007 election to the Human Rights Council. The US underlined that the human rights situation in Sudan and Burma remained key priorities.

[21] For more information on Russia see chapter 6.3.

The EU raised its concerns regarding the continued use of the death penalty in the US and the EU reiterated its position that all measures taken in the fight against terrorism must be consistent with international human rights law.

Troika consultations with Canada

EU-Canada human rights consultations took place on 19 September 2006 and on 19 February 2007 in Brussels. Canada and the EU exchanged views on developments in the UN Human Rights Council and the General Assembly and on bilateral human rights dialogues with third countries. In both meetings Canada and the EU discussed the importance of maintaining the UN special procedures and of demonstrating the usefulness of the thematic and country mandates. Canada underlined the importance it attached to gender mainstreaming as a human rights priority and noted that it would shortly present its national action plan on UNSCR 1325 on women, peace and security.

Troika consultations with Japan

EU-Japan human rights consultations took place on 3 October 2006 and 16 March 2007 in Geneva. Japan and the EU exchanged views on developments in the UN Human Rights Council and the General Assembly and on bilateral human rights dialogues with third countries. Japan provided details of the steps which it was taking towards ratification of the Rome Statute of the International Criminal Court. *(Note: see EU statement on Japan's ratification of the Rome Statute, under 4.7)* The EU raised its concerns regarding the continued use of the death penalty in Japan.

Troika consultations with New Zealand

The third round of human rights consultations with New Zealand took place on 28 February 2007 in Brussels. New Zealand and the EU exchanged views on developments in the UN Human Rights Council and the General Assembly. New Zealand underlined the importance it attached to ensuring close co-operation with partners in international fora. While New Zealand expressed its concerns regarding the Draft Declaration on Indigenous Peoples, it stressed its support for initiatives at the UN concerning abolition of the death penalty.

Troika consultations with candidate countries

The annual human rights consultations with the candidate countries – Croatia, the former Yugoslav Republic of Macedonia (FYROM) and Turkey - took place on 20 February 2007 in Brussels. The EU informed the candidate countries about the EU's priorities concerning the promotion of human rights, in particular regarding EU initiatives at the UN level and asked for their support. Croatia, FYROM and Turkey informed the EU about their general human rights policies.

3.7. Human Rights Clauses in Cooperation Agreements with Third Countries

Since 1995, the European Community has sought to insert a human rights clause in all agreements, other than sectoral agreements, concluded with non-industrialised countries. The human rights clause makes human rights a subject of common interest and part of the dialogue between the parties and serves as a basis for the implementation of positive measures on a par with the other key provisions in the 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. Between 1 July 2006 and 30 June 2007 the European Community did not conclude any new agreements containing human rights clauses[22].

In its Resolution of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter, the European Parliament welcomed certain measures taken by the European Union to improve the application of human rights clauses, such as gradually extending human rights Subcommittees to more third countries. The Resolution stressed the need to introduce a mechanism to monitor application of the human rights clause and called for the introduction of a progressive system of penalties for non-compliance with the clause. The Resolution called on the Commission to table a strategic political plan together with a specific legislative initiative for the comprehensive reform of the human rights clause. The Resolution also urged the Council and the Commission to include a human rights clause in all new sectoral agreements, such as trade agreements, so as to foster the promotion, protection and realisation of human rights.

[22] An overview of agreements containing a human rights clause is available at Treaties Office Database of the Commission: http://ec.europa.eu/world/agreements/default.home.do.

The Human Rights Clause

The exact wording of the human rights clause varies slightly between countries. An example of the human rights clause is contained in the 2004 Interim Agreement on Trade with Tajikistan which provides:

Respect for democratic principles and fundamental and human rights, as defined in particular in the Universal Declaration of Human Rights, the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, underpin the internal and external policies of the Parties and constitute an essential element of this Agreement.

3.8. Activities Funded under the European Initiative for Democracy and Human Rights (EIDHR)[23]

Partners of the EIDHR are primarily international and local civil society organisations, without excluding international intergovernmental bodies with special expertise. The EIDHR provides assistance as a complementary but independent global financing instrument which acts without the consent of third country governments and other public authorities. In 2006, its resources amounted to over EUR 133 million, making it possible to fund a wide range of projects in 68 countries. The EIDHR has operated within the framework of four global campaigns defining its thematic scope and priority areas: (1) Promoting Justice and the Rule of Law, (2) Fostering a Culture of Human Rights, (3) Promoting the Democratic Process, and (4) Advancing Equality, Tolerance and Peace.

Activities have been taking place at country, regional and global level. Management of country level projects under the EIDHR (micro-projects) is devolved from the Commission Headquarters in Brussels to the respective Commission Delegations in third countries.

A. Identification, selection and funding of projects.

An overview of the EIDHR projects selected for funding in the period of July 2006-June 2007 is presented in Annex 1.

[23] http://ec.europa.eu/europeaid/projects/eidhr/index_en.htm

As in previous years, the selection of new projects has been carried out in three different ways:

1. Projects identified through global calls for proposals:

Four global calls for proposals were launched during December 2005 and January 2006 with a total amount of EUR 74,6 million drawn from the 2005 and 2006 budgets. The Commission received 776 proposals, the 124 most successful projects being awarded a grant contract in October – December 2006.

2. Projects selected through country specific calls for proposals

Since 2002 there has been a major increase in country specific micro-project schemes with calls for proposals managed by the Commission delegations. In 2006, EUR 30 million was made available for calls for proposals launched by EC delegations in 50 countries, which represented 25 % of all Community assistance under this programme. The country-specific calls are launched to identify projects for smaller scale grants between EUR 10 000-EUR 100 000 and are normally open only to country-based organisations. In this way EIDHR is able to support local civil society and define the precise priorities relevant to each country where these micro-projects are implemented. This led to the signature of about 480 grant contracts for EIDHR micro-projects in 2006.

3. Projects selected without a call for proposals

In 2006, 20 projects were selected without a call for proposals, with an EU contribution of EUR 13 million. Major grants were

The four EIDHR calls for proposals (or campaigns) targeted the following priorities:

1. Promoting Justice and the Rule of Law

Lot 1: The effective functioning of ICC and other international criminal tribunals including their interaction with national justice systems
Lot 2: The progressively restrictive use of the death penalty and its eventual universal abolition
Lot 3: Reinforcement of the work of international human rights mechanisms

2. Fostering a Culture of Human Rights

Lot 1: Advancing the rights of marginalised or vulnerable groups
Lot 2: Prevention of torture
Lot 3: Rehabilitation of victims of torture

3. Promoting the Democratic Process

Lot 1: Underpinning and developing the democratic electoral processes
Lot 2: Strengthening the basis for civil society dialogue and democratic discourse through freedom of association
Lot 3: Strengthening the basis for civil society dialogue and democratic discourse through freedom of expression

4. Advancing Equality, Tolerance and Peace

Lot 1: Combating racism and xenophobia and promoting the rights of persons belonging to minorities
Lot 2: Promoting the rights of indigenous peoples

made to organisations such as the Office of the High Commissioner for Human Rights, the Council of Europe, the OSCE and the international tribunals. The importance of EU Election Observation Missions (EOMs) has grown over the past years and represented 25 % of the EIDHR in 2006, i.e. EUR 30 million was allocated to EOMs.

More information on EOMs can be found in chapter 4.10.

The new European Instrument for Democracy and Human Rights

Within the framework of the comprehensive reform of the European Community's external assistance programmes in 2006, a new independent financing instrument the EIDHR was established. The corresponding legal basis[24] entered into force on 1 January 2007. Succeeding the previous EIDHR, it provides a total amount of **EUR 1 104 million** for the period from 2007 to 2013. It complements Community assistance provided through bilateral development cooperation by contributing to the development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms in non-EU countries. The independence of the EIDHR makes it possible to provide assistance also in situations where there are no development cooperation links to the European Community.

Assistance under the new EIDHR is geared to **support civil society including its organisations and natural persons, as well**. This focus on a partnership with civil society gives this financing instrument its critical profile while it continues to support the multilateral framework for the protection of human rights, justice, the rule of law and the promotion of democracy. Moreover, the EIDHR constitutes the financing basis for all EU Election Observation Missions which have developed into a pivotal means of fostering the democratic process in a country.

In continuity with the preceding EIDHR, **the overall objectives** of the new EIDHR are:

- enhancing the respect for and observance of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human Rights and other international and regional human rights instruments, and promoting and consolidating democracy and democratic reform in third countries, mainly through support for civil society organisations, providing support and solidarity to human rights defenders and victims of repression and abuse, and supporting civil society activities in the field of human rights and democracy promotion;
- supporting and strengthening the international and regional framework for the protection, promotion and monitoring of human rights, the promotion of democracy and the rule of law, and reinforcing an active role for civil society within these frameworks;
- building confidence in and enhancing the reliability of electoral processes, in particular through election observation missions, and through support for local civil society organisations involved in these processes.

The multi-annual **EIDHR Strategy Paper 2007-2010** builds on the vocation to work with, for and through civil society organizations. It is geared to defend the fundamental freedoms which form the basis for all democratic processes, and to help civil society to become an effective force for dialogue, democratic reform and defence of human rights. In this way, it complements and contrasts with the new generation of geographic assistance programmes, which increasingly mainstream democracy and human rights issues, though with a primary focus on public institution building and sector reforms.

Thus, the EIDHR **response strategy** focuses on:

- enhancing respect for human rights and fundamental freedoms which constitute preconditions for the development of civil society activity and any progress towards democracy and the effective protection of the full range of human rights in countries and regions where these freedoms are most at risk;
- strengthening the role of civil society in promoting human rights and democratic reform, in supporting peaceful conciliation of conflicting group interests and consolidating political participation and representation, and developing equal participation of men and women in social, economic and political life through country-based support schemes;
- supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict;

Complementing geographic programmes, the EIDHR programming gives also priority to

- supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy; and
- building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation and the deployment of European Union Election Observation Missions.

The EIDHR Strategy Paper 2007-2010 will be implemented on the basis of **Annual Action Programmes**. Within the framework of these Annual Action Programmes, the Commission will publish Calls for Proposals requesting civil society organisations and other eligible actors to submit proposals for activities under the various objectives of the Strategy Paper.

[24] Regulation (EC) No 1889/2006, OJ L 386, 29.12.2006, p. 1.

B. Evaluations.

The EIDHR has continued to be the subject of much scrutiny and evaluation[25]. Several of the lessons learned have led to specific improvements regarding programming and implementation. There has been a shift from project evaluations to more thematic, programme and methodological evaluations. These evaluations cover a wider range of EIDHR projects and have provided a better overview of its impact. The **thematic** evaluation on **the Abolition of Death Penalty Projects** undertaken between November 2006 and February 2007 covered a portfolio of all EIDHR 28 projects since 1998 (EUR 11,4 million). This evaluation sought to improve the impact of civil society projects aiming at the abolition of death penalty, by strengthening the Commission's ability to draw on lessons learned from past and ongoing operations for future planning, programming and project identification. The evaluation concluded that implementing partners of the Commission have performed well and that the EU has much to be proud of after more than 10 years and over EUR 10 million of support. The report noted that there is a global abolitionist tendency and that this opportunity should not be missed. It also stated that improvements were needed in terms of coherence and a strategic approach to death penalty projects. It is likely that well-positioned and well-designed projects will make significant contributions in the coming years and positively impact on the reputation of the EU in the fight against the death penalty.

The evaluation of **the Network of Schools of Political Studies** (SPS) was carried out from January to May 2007, covering seven of the eight EC-funded SPS, but also giving some consideration to other schools in the network. In total, EC funding for the SPS has represented about EUR 2,1 million since 2002, and covered Albania, Bosnia and Herzegovina, Georgia, Kosovo, Moldova, Russia and the former Yugoslav Republic of Macedonia (FYROM). The SPS project was developed by the Council of Europe as a response to the identified need for democratically-minded political leaders. It has trained many hundreds of people since its inception in Moscow in the 1990s, giving these students an overview of democratic institutions, electoral processes, local democracy and European integration. Women constituted a significant proportion (around 40 %) of the participants. The final evaluation report will be produced in the second half of 2007.

A **comparative evaluation** of the Human Rights Projects and Interventions of the EU in the **Philippines and Cambodia** was conducted in 2007. This was managed by the two Commission Delegations and most of the projects evaluated were EIDHR projects.

Furthermore, an analysis of all **EIDHR projects since year 2000** has been launched. The aim of the desk study is to give a better overview of what EIDHR has supported since year 2000 and how its relevance and impact could be evaluated.

Apart from specific programme or project recommendations, there are a number of generic issues that appear in the recommendations of most of the EIDHR evaluations, where the major ones are: (i) Increased communication with implementing partners during the projects, (ii) Increased sharing between the Commission delegations and Brussels headquarters of information and lessons learned about the implementation of the programme, (iii) Required plan and budget for project monitoring and evaluation systems in the guidelines for calls for proposals, (iv) More systematic monitoring combining project visits by EC task managers with visits by external consultants, and (v) Increased and improved use of logical framework approach and project cycle management. These issues will be addressed to the extent possible during the continued implementation of the EIDHR.

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[25] http://ec.europa.eu/europeaid/projects/eidhr/documents_en.htm#evaluation.

4. Thematic Issues

4.1 The Death Penalty

The EU has actively pursued its policy against the death penalty during the period covered by this report. The EU is opposed to the death penalty in all circumstances and systematically upholds this position in its relations with third countries. It considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

The Guidelines on EU policy towards third countries on the death penalty (adopted in 1998) provide the basis for action of the Union[26]. These guidelines provide criteria for making démarches and outline minimum standards to be applied in countries retaining the death penalty. The EU also presses, where relevant, for moratoria to be introduced as a first step towards the abolition of the death penalty.

General démarches consist in the EU raising the issue of the death penalty in its dialogue with third countries. Such démarches occur particularly when a country's policy on the death penalty is in flux, e.g. where an official or de facto moratorium on the death penalty is likely to be ended, or where the death penalty is to be reintroduced through legislation. Similarly, a démarche or public statement may be made where countries take steps towards abolition of the death penalty. Individual representations are used in specific cases where the European Union becomes aware of individual death penalty sentences which violate minimum standards. These standards hold, inter alia, that capital punishment cannot be imposed on those who were under the age of 18 when committing the crime, pregnant women or new mothers, and persons who are mentally disabled.

In addition the EU made a series of public statements on the death penalty worldwide, including Council conclusions of 22 January 2007 expressing its grave concern over the death sentences against Bulgarian nurses and a Palestinian doctor; and a statement at the Third World Conference against Death Penalty in Paris on 1-3 February 2007.

On 19 December 2006, the EU at the General Assembly of the United Nations for the first time read out a "Declaration against the Death Penalty" signed by 85 States of all regions. This Declaration remained open for signature and has by now been signed by 95 UN member states.

In its resolutions of 1 February and 26 April 2007, the European Parliament reiterated its wish for the worldwide abolition of the death penalty, and called on the EU and its Member States to take diplomatic and political action in support of a universal moratorium, as a first step towards universal abolition. The EU External Relations Council decided on 18 June 2007 that the EU will introduce, in the framework of a cross-regional alliance, a resolution against the death penalty at the 62nd United Nations General Assembly. On 19 June 2007 the Commission adopted a communication proposing to introduce a European Day against the Death Penalty, to be proclaimed jointly by the EU and the Council of Europe, which would coincide with the World Day against the Death Penalty (10 October). (list of EU/international days in the field of human rights, see annex II).

According to Amnesty International's report for 2006, at least 1 591 people were executed worldwide and at least 3 861 people were sentenced to death in 55 countries in 2006. The vast majority of all known executions occurred in China (at least 1 010 executions). Iran had the second highest number with at least 177 executions, followed by Pakistan with 82, Iraq and Sudan each with at least 65, and the USA with 53.

The EU is pleased that 46 of the 47 Council of Europe (CoE) member states have ratified Protocol No 6 to the European Convention on Human Rights concerning the abolition of the death penalty. More than 10 years after its accession to the CoE, the Russian Federation has yet to ratify Protocol 6. As regards Protocol No 13, which bans the death penalty in all circumstances, including in wartime, 39 CoE member states have now ratified it, including 22 EU Member States. It has been signed by a further five EU Member States. Among CoE member states, only Azerbaijan and Russia have not signed it.

Among the positive developments, Rwanda's Parliament voted on 9 June 2007 to abolish the death penalty *(note: the legislative procedure was finalised on 24 July with the adoption of Presidential decree)*. In Kyrgyzstan, the President signed legislation on 27 June 2007 amending the Criminal Code and abolishing the death penalty, following the introduction of a moratorium in 1998.

Information on an external evaluation of the death penalty abolition projects under the European Initiative for Democracy and Human Rights can be found in Chapter 3.8.

Where did the EU carry out démarches on the death penalty ?

General death penalty demarches were carried out in Bahrain, Bangladesh, Burkina Faso, China, India, Indonesia, Iraq, Iran, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Malawi, Morocco, Pakistan, Peru, the Russian Federation, South Korea, Sierra Leone, Tanzania, Taiwan, Tajikistan, Trinidad and Tobago, Turkmenistan, Uganda, USA and Zambia. Individual representations were carried out in China, Egypt, Iran, Iraq, Jordan, Singapore, Sudan, and the USA.

[26] http://ec.europa.eu/comm/external_relations/human_rights/adp/guide_en.htm.

FIGHTING AGAINST CAPITAL PUNISHMENT IN THE USA

The European Union actively supports the fight against the death penalty in the USA. Although the death penalty is a State issue in the US, there are also cases before federal courts.

26 June 2007, the EU submitted an amicus curiae brief to the US Supreme Court on the issue of foreign nationals not being advised of their rights to contact their diplomatic representatives in order to receive legal assistance (and avoid the death penalty in the first place) in the death penalty case of Jose Medellin. Demarches were also submitted to State authorities in five individual death penalty cases in 2007, two for mental disorder and three for breaking a de facto moratorium. Two EIDHR projects have received support in the USA:

(1) The American Bar Association (ABA) has been conducting an ambitious assessment of several State death penalty systems in the USA and documenting how these States are meeting or failing to meet minimum standards of fairness and accuracy.
So far the researchers have found serious deficiencies in each State under review, including but not limited to, inadequate protection against wrongful convictions, inadequate defence for those accused of a capital crime or those already sentenced to death, and significant racial, geographic and socio-economic disparities.

As of July 2007, the ABA had released reports on Alabama, Arizona, Florida, Georgia and Tennessee, and two studies are scheduled to be released in September for the States of Ohio and Pennsylvania. All of these reports have received large amounts of positive press coverage and the attention of State governments, bar associations and defence attorneys.

This has been particularly well illustrated in Florida, where:

- Every major newspaper editorialised in support of the report and its findings;
- Various defence attorneys started to use the report to attack unfair death sentences in the courts;
- The Florida Bar Association decided to make death penalty reform a priority issue;
- The Chief Justice of the Florida Supreme Court indicated a willingness to respond to the report's findings through its rule-making process.

(2) The Death Penalty Information Centre (DPIC) also received EIDHR support for a programme of public education, outreach to the media, and assistance to death penalty organisations in the USA. DPIC has been quoted and cited in over 1 500 news stories since 2004, and appeared on numerous television and radio programmes in the USA.

4.2 Torture and other Cruel, Inhuman and Degrading Treatment or Punishment

In line with the EU Guidelines against Torture adopted by the Council in April 2001[27], the EU has sustained its leadership role and its global action to combat torture and other forms of ill-treatment with initiatives in international fora, bilateral démarches to third countries and substantial support for civil society projects.

During the 61st session 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[28]. In statements at the UNGA session, the EU reiterated the absolute prohibition on torture and other forms of ill-treatment in international law and underlined its concern at the use of torture in several countries and regions. In its annual declaration on the occasion of the International Day in Support of Victims of Torture on 26 June 2007, 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 also seized the occasion of the twentieth anniversary of the entry into force of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) to urge States which are not yet parties to accede without delay to the Convention. It also welcomed the ratification of the Optional Protocol to the Convention (OPCAT) over the past year by Armenia, Benin, Brazil, Cambodia, Liechtenstein, Moldova, New Zealand, Peru, Senegal, Serbia and Ukraine. At present there are 57 signatories and 34 States Parties to OPCAT, with 9 EU Member States which are States Parties while 11 Member States have signed it without ratifying or acceding to the Protocol[29].

In line with the EU Guidelines against Torture, the EU has actively continued to raise its concerns on torture with third countries through political dialogue and démarches. Such contacts

[27] http://www.europa.eu.int/comm/external_relations/human_rights/torture/guideline_en.htm.

[28] UNGA Resolution 61/153; http://www.ohchr.org/english/issues/torture/rapporteur/docs/a_res_61_153.pdf.

[29] See http://www.ohchr.org/english/countries/ratification/9_b.htm.

Where did the EU carry out démarches on torture and ill-treatment?

Albania, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia, Bosnia-Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Cameron, Chile, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Djibouti, Dominican Republic, DPRK, DRC, Ecuador, Egypt, El Salvador, Eritrea, the former Yugoslav Republic of Macedonia, Georgia, Ghana, Guatemala, Guinea Bissau, Haiti, Honduras, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Republic of Korea, Lebanon, Lesotho, Liberia, Malawi, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Niger, Panama, Paraguay, Peru, Philippines, Qatar, Saint Kitts & Nevis, Saint Vincent and the Grenadines, Senegal, Serbia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Syria, Swaziland, Tanzania, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, Uruguay, Venezuela, Yemen and Zambia.

address both torture issues and individual cases relevant to the specific country as well as wider issues. During the period under review, the EU further pursued its policy of raising the issue of torture systematically with all countries under its "Global Action Plan on Torture", inter alia through seven rounds of demarches to around 90 countries worldwide. The EU has also increasingly taken up individual cases, with over 20 interventions concerning such cases having been made over the past year. The countries concerned included Algeria, the Bahamas, Bangladesh, Ethiopia, Nepal, the Philippines and Uzbekistan.

To facilitate informed dialogue, the EU has continued its system of regular confidential reporting on human rights, including on torture, by its Heads of Mission in third countries and has provided Heads of Mission with a checklist designed to provide a solid basis for raising the issue in political dialogue.

The role of trade, in particular goods used in torture, is of critical concern to the EU. The EU Guidelines commit the EU to preventing the use, production and trade of equipment which is designed to inflict torture or other cruel, inhuman or degrading treatment or punishment. Significant progress has now been achieved towards fulfilling this commitment with the entry into force on 30 July 2006 of the EC Regulation on trade in goods which could be used for capital punishment or torture (hereafter "the Regulation")[30] which prohibits the export and import of goods whose only practical use is to carry out capital punishment or to inflict torture and other cruel, inhuman or degrading treatment or punishment. The export of goods which could be used for such purposes is also subjected to authorisation by EU Member State authorities. Member States are to publish annual reports on activities in connection with the Regulation. The EU hopes that other states will introduce similar legislation.

The prevention of torture and the rehabilitation of torture victims was a major priority for funding under the European Initiative for Democracy and Human Rights (EIDHR). EUR 20,5 million was committed for supporting around 40 projects by NGOs worldwide in this field in 2005-06 under the EIDHR campaign "Fostering a Culture of Human Rights", thereby making the EIDHR the leading source of funding for rehabilitation and prevention of torture victims worldwide. The themes selected for support were designed to reinforce EU policy: for example, awareness-raising on OPCAT, investigation into the supply of torture technology and support to the rehabilitation of torture victims. Support for the rehabilitation of torture victims represents a key component of EIDHR funding in the fight against torture. For instance, the EIDHR is currently providing support to torture rehabilitation activities in 41 countries worldwide, including 20 torture rehabilitation centres and networks in 16 EU Member States: Austria, Belgium, Bulgaria, Germany, France, Greece, Hungary, Ireland, Italy, Latvia, the Netherlands, Poland, Romania, Spain, Sweden and the UK.

The EU's long-term commitment to the fight against torture and ill-treatment will be upheld under the new European Instrument for Democracy and Human Rights, which provides for the allocation of EUR 44 million to the fight against torture for the period 2007-2010 (EUR 11 million annually).

4.3 Rights of the Child

Children's rights form part of the human rights that the EU and the Member States are bound to respect under international and European instruments and commitments, in particular the UN Convention on the Rights of the Child (CRC) and its two Optional Protocols, the Millennium Development Goals and the European Convention on Human Rights (ECHR). The EU explicitly recognized children's rights in the European Charter of Fundamental Rights, specifically in Article 24.

The Commission identified children's rights as one of its main priorities in its Communication on Strategic Objectives 2005-2009. This priority was reflected by the issuing, on 4 July 2006, of a Commission Communication entitled **"Towards an EU Strategy on the Rights of the Child"**. The Communication marks the Commission's launch of a long-term strategy to ensure that EU action actively promotes and safeguards children's rights and to support the efforts of EU Member States in this field.

[30] Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degradi ng treatment or punishment (OJ L 200, 30 July 2005).

One of the six objectives of the Communication was the creation of structures and processes of formal EC/EU consultation on policies and actions with regard to children's rights. Among the main actions within this objective was to create an **EU Forum on the Rights of the Child**, bringing together actors involved in children's rights in the EU and globally. The first meeting of the Forum was held in Berlin on 4 June 2007. The strong commitment shown by the participants in the first meeting is a positive sign for future collaboration with all stakeholders, namely the EU Member States, the ombudspersons for children, UN agencies, civil society, the Council of Europe, the European Parliament and the European Commission.

Developments in internal policy

The December 2005 Commission Communication on the new framework of work in the areas of social inclusion and social protection policies within the EU mentions **child poverty amongst the most important policy priorities on which Member States should focus their efforts**. In spring 2006, the European Council asked Member States to take the necessary measures to rapidly and significantly reduce child poverty, giving all children equal opportunities. The spring 2007 European Council reiterated this message and a number of activities are currently being developed in respect of preventing poverty and social exclusion of children within the EU.

The **EU asylum policy** contains specific provisions protecting the rights of children, and in particular unaccompanied minors. Also, the framework programme dealing with solidarity and management of migration flows (2007-2013) in the area of Justice, Freedom and Security, addresses in most of its instruments (the European Refugee Fund, the European Fund for Integration of Third-country Nationals and the Return Fund) directly or indirectly, the **vulnerable situation of unaccompanied minors**.

The Commission is tackling the potential **hazards to children posed by new technologies**. In this connection, it has set up a EUR 45 million programme (Safer Internet Plus 2005-2008[31]), with the protection of children from web-based sexual exploitation as one of its objectives. On 22 May 2007 the Commission issued a communication "Towards a general policy on the fight against cyber crime"[32] which includes provisions to protect children from hazards on the Internet and in electronic media in general. The Commission decision of 15 February 2007 concerning harmonised telephone numbers for services of social value created a special European telephone number for reporting missing children.

Progress has also been made in terms of young people's active participation in society. As a follow-up to the White Paper "A new impetus for European youth" (2001), in July 2006 the Commission adopted a communication on promoting young people's active European Citizenship[33]. The communication puts in place a genuine dialogue between policy makers and young people structured from the local to the European level through regular meetings and events. A concrete example of this dialogue with young people is the European Youth Week, organised for the third time in June 2007.

Children's rights and enlargement

Children's rights form part of the human rights issues which have to be respected by candidate countries as an integral element of the common European values referred to in Article 6 of the EU Treaty. The European Commission has throughout the accession process closely monitored the progress of all the candidate countries in that respect and published the results in its opinions and annual reports. Monitoring continues also with regard to the potential candidate countries in South-East Europe.

Developments in external policy

The EU works actively to promote children's rights within the framework of the United Nations. At the **61st UN General Assembly** (UNGA), the end result of the annual resolution on the rights of the child, led by the Latin American and Caribbean Group (GRULAC), was satisfactory in terms of the record number of cosponsors (120). It also provided a basis for follow-up on the comprehensive study on violence against children, and was spared the numerous paragraph votes of the past few years.

During the period under consideration, the Commission organised several meetings with key stakeholders such as Member States' experts, the UN, the European Parliament and civil society organisations in order to elaborate an **Action Plan on Children's Rights in External Relations** – this document was announced in the 2006 Commission Communication. The document is due to be adopted during the second half of 2007.

In parallel, under the auspices of the German Presidency, the Council Working Party on Human Rights (COHOM) initiated work on a set of new **EU Human Rights Guidelines on Children's Rights**. It was felt that specific guidelines would intensify the political action of the EU in the promotion of children's rights. The guidelines are due to be finalised under the Portuguese Presidency.

During the period under consideration, the EU has **intensified action to implement the 2003 EU Guidelines on Children and Armed Conflict** (CAAC). The Guidelines commit the EU to addressing the short, medium and long-term impact of armed conflict on children, including through monitoring and reporting by EU Heads of Mission, EU Military Commanders and Special Representatives, démarches, political dialogue, multilateral cooperation and crisis management operations.

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[31] Decision No 854/2005/EC of 11 May 2005 of the European Parliament and of the Council adopting a multiannual Community Programme on promoting safer use of the Internet and new online technologies (OJ L 149, 11.6.2005, p. 1).

[32] COM(2007) 267 final.

[33] COM (2006) 417 final of 20.07.2006. The proposals made in this communication were endorsed by Member States in a Council Resolution of 14 November 2006.

On the basis of reports by the Heads of Missions in the 13 CAAC priority countries[34] and other relevant documents, the German Presidency elaborated specific **country strategies for the implementation of the Council Guidelines**. These strategies were adopted by the COHOM on 15 June 2007 and will serve the future EU Presidencies as an additional tool for the planning of EU action on CAAC, and the Heads of Missions in the respective countries as standing instructions to guide future action on CAAC.

Furthermore, a **comprehensive list of current EU CAAC-related projects**, in particular in the 13 priority countries, has been produced in order to facilitate EU and international cooperation[35].

The total amount of EU funding for the projects ongoing in 2007 was approximately EUR 226 million. With this list, which will be regularly updated by the Council Secretariat, the EU has at its disposal a topical database on CAAC-related projects to be used as an additional tool to further harmonise and guide EU action on CAAC.

On 5-6 February 2007 an international conference co-organized by UNICEF and the French Government, entitled "**Free Children from War**", took place in Paris. The genesis for the conference was the review of the "Cape Town Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers in Africa", carried out by UNICEF with financial support from the European Commission through ECHO. At the conference, a political declaration known as the "Paris Commitments" was adopted by representatives of 58 governments around the world (including most EU Member States).

During the same event, a more detailed document setting forth a wide range of principles relating to the protection of children used in armed conflict, their release and successful reintegration into civilian life (the "Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups"), was issued. To further support the "Paris Principles", the EU conducted a **campaign of political démarches** in 11 EU CAAC focus countries, with the objective of encouraging them to take concrete steps to implement the principles at national level.

[34] Afghanistan, Burma, Burundi, Colombia, Cote d'Ivoire, DRC, Liberia, Nepal, Philippines, Somalia, Sri Lanka, Sudan and Uganda.

[35] For EC-funded projects, see http://ec.europa.eu/external_relations/human_rights/child/ac/project_table0607.pdf.

Important references to former child combatants were included in the December 2006 joint European Commission and Council of the European Union **Concept Paper on Disarmament, Demobilisation and Reintegration** (DDR) of former combatants in third countries. The paper recognizes that DDR programmes should cover not just children who carry arms, but also those involved with armed groups in any capacity, e.g. cooks, porters, messengers, etc. DDR programmes must also pay special attention to girls recruited/abducted for sexual purposes, forced marriage and domestic labour.

New financial framework (2007-2013) and children

Concerning children's rights, Objective 2 of the new EIDHR Strategy Paper for 2007-2010 is particularly relevant. Under this objective, the emphasis will be on assisting civil society to develop greater cohesion and to constitute a more powerful force for human rights protection and democracy promotion. There is wide scope for specific activities in the fields of the rights of the child.

Under the thematic programme "**Investing in People**", the Commission will allocate EUR 90 million over the 7-year period towards action focused specifically on children and youth in external action. The idea is to use these funds in a "catalytic" way, by addressing issues such as child labour, child trafficking, children and armed conflict and violence against children. In addition, funds will be used to elaborate a comprehensive toolkit on children's rights and to enhance capacities to more effectively promote children's rights in development cooperation and other external action.

Children and HIV/AIDS

Orphans and vulnerable children affected by HIV/AIDS are subject to increased risks of human rights abuse. The European Commission strongly supported the efforts of the German EU Presidency to put issues related to children and HIV/AIDS high on the political agenda. These efforts led to the endorsement of "Conclusions on HIV/AIDS - Recently Emerging Issues" in April 2007 by the Council of the EU. In the Conclusions, the Council calls upon the Commission and the Member States to address as a priority the vulnerability of children affected by and living with HIV/AIDS, providing support to them and their families and caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection of children orphaned by AIDS through renewed efforts to develop treatment for children.

Child Labour: Strategic Partnership with the ILO

In July 2004 the Commission signed a Strategic Partnership with the ILO, which has preventing child labour as one of its priorities. In this context, during 2005 the Commission agreed with ACP partners an action programme to fight child labour together with the ILO IPEC (International Programme for the Elimination of Child Labour). The action programme, with an overall budget of EUR 15 million, focuses on capacity building, targeted interventions and the legal framework to enhance children being freed up from child labour into primary education.

4.4. Human Rights Defenders

The European Union takes the view that an active civil society and vigorous human rights defenders are essential to ensuring the protection and promotion of human rights worldwide. In order to make its support for human rights defenders more visible and to enhance EU actions in support of human rights defenders, in June 2004 the Council adopted the **EU Guidelines on Human Rights** Defenders, which identify practical ways for the Union to support and assist Human Rights Defenders working in third countries.

The Guidelines make clear that the EU supports the principles contained in the *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*. The Guidelines stress that, although the work of human rights defenders often involves criticism of government's policies and actions, governments should not see this as a negative. The principle of allowing room for independence of mind and free debate on a government's policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights and fundamental freedoms.

In the second half of 2006 the Campaign on Women Human Rights Defenders continued to highlight specific protection needs of women human rights defenders while strengthening the engagement of EU diplomatic missions in this field. The campaign was successfully run in 62 countries around the world (see table below).

The 8th Annual NGO Forum on Human Rights in Helsinki in December 2006, devoted to *Mainstreaming Human Rights and Democracy in European Union Policies*, focused in one of its workshops on the specific challenges with which women human rights defenders are confronted.

The interactive and lively discussions concluded that a gender-specific approach should be taken into account when implementing the EU guidelines on Human Rights Defenders. Moreover, the workshop suggested that EU mission staff should receive more training on human rights defenders and gender-related aspects.

In 2006 the Council reviewed the implementation of the Guidelines on human rights defenders and adopted Conclusions which set out sixty-four recommendations to improve awareness and implementation of the Guidelines. Practical measures which missions should take include translating the Guidelines into local languages, devising local strategies for the promotion of the Guidelines, designating a focal point for human rights defenders, inviting human rights defenders to meetings at missions, organising joint press conferences with human rights defenders, establishing rotation routines for trial observation, undertaking visits to human rights defenders in remote regions and giving particular attention to the situation of women human rights defenders.

To follow up these conclusions, EU Missions around the world have been requested to develop local strategies for the implementation of the Guidelines. In the first half of 2007, the Council has conducted an examination of 50 local strategies which have already been completed and this work is ongoing. The local strategies have shown that there are several possible ways of enhancing support for human rights defenders, including improved internal and external exchange of information on the Guidelines and stepping up outreach activities to better

Objectives of the 2006 Campaign on Women Human Rights Defenders

- To ensure that women are equally entitled to exercise the right to defend human rights and all the other rights afforted to them in the UN Declaration on Human Rights Defenders, as well as in all other international human rights instruments;
- To adress the specific risk women human rights defenders face when undertaking human rights work;
- To raise awareness for the specific protection needs of women human rights defenders;
- To help develop and strengthen networks of women human rights defenders;
- To give recognition, visibly and support to the contribution of women to building and strengthenng a culture of human rights.

Campaign on Women Human Rights Defenders - Specific target countries

Afghanistan, Albania, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Brazil, Burundi, Chad, Chile, China, Colombia, Democratic Republic of Congo, Ecuador, Egypt, Equatorial Guinea, Guatemala, Honduras, India, Iraq, Israel/ Occupied Palestinian Territories, Ivory Coast, Jamaica, Lebanon,Liberia, Libya, Kazakhstan, Kenya, Kyrgyzstan, Maldives, Malaysia, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Burma/Myanmar, Nepal, Nigeria, Pakistan, Paraguay, Peru, Philippines, Russian Federation, Serbia, Singapore, Sierra Leone, Sri Lanka, Thailand, Tunisia, Turkey, Turkmenistan, Uganda, Uzbekistan, Venezuela, Vietnam, Zambia, Zimbabwe

establish and maintain contacts with human rights defenders. The EU hopes that the development of local strategies for the protection of human rights defenders will mark a further step towards ensuring that human rights defenders can conduct their invaluable work without intimidation.

- Démarches

A survey on "emergency" visas for human rights defenders in grave danger has shown that EU Member States do not have any special regulations which would apply to such cases, with the exception of Spain and Ireland which have set up special schemes or programmes for visas for human rights defenders. However, nearly all Member States have the possibility of issuing "emergency" visas for humanitarian reasons or of granting asylum. For short-term visas, e.g. to attend human rights conferences within the EU, EU Member States applying the Schengen acquis follow the pertinent Schengen rules and decide whether to issue a visa on a case-by-case basis.

The EU is committed to taking up individual cases of concern at different political levels. Most pertinent are bilateral political dialogues, various forms of human rights dialogues (see chapter 3.5.) and consultations, and démarches and declarations (see also chapter 3.4.). From July 2006 to June 2007 the EU carried out more than 150 démarches and other actions in favour of mostly individual human rights defenders in third countries.

Providing support for, protection of, and assistance to human rights defenders figures among the main objectives of the new EIDHR financing instrument, which entered into force on 1 January 2007.

The EIDHR Strategy Paper for 2007-2010 provides specific financing to the amount of EUR 16 million over the next four years for civil society projects in favour of human rights defenders and for timely response to urgent protection needs of individual human rights defenders.

4.5 Women's Rights and Gender Equality

The EU has a long-standing commitment to promoting gender equality, and plays an active role on the international stage. Since the 1995 4th World Conference on Women in Beijing, the EU has actively sought to integrate the priorities and needs of women and men in all key policies. The process is reinforced by specific measures, programmes and projects to support the empowerment of women.

With the adoption of the **Roadmap for equality between women and men** on 1 March 2006, the Commission defined its priorities and its framework of action for promoting equality in the period up to 2010, thus continuing its task of promoting gender equality and ensuring that all its policies contribute to that objective. Detailed follow-up reports are compiled on an annual basis.

Developments in the EU

2007 is the **European Year of Equal Opportunities** for all. The gender dimension is incorporated into the activities at the European and national levels.

The Commission aims to improve knowledge and analytical capacity in the field of justice, freedom and security by the adoption of comparable systems of statistics in Europe. On 7 August 2006 it adopted a communication on an EU strategy to measure crime and criminal justice[36], which envisages the development of gender-based statistics in the fields of human trafficking (2007), violence against women and domestic violence (2008). The Daphne III Programme (2007-2013)[37] adopted on 20 June 2007, will support efforts by NGOs, institutions and authorities to eliminate gender-based violence.

The **Community database on the role of women and men in the decision-making process** continued, in 2006, to ensure the gathering, analysis and dissemination of data at European level.

In June 2006 the legislative framework for gender equality improved considerably with the adoption of a Directive which simplifies and updates existing Community legislation on the **equal treatment of women and men as regards employment**. In October 2006 the Commission launched a formal consultation among the social partners on the possible thrust of Community action regarding the reconciliation of professional, private and family life.

The Regulation creating a **European Institute for Gender Equality** was adopted in December 2006. The Institute, located in Vilnius, is required to provide significant technical support for the development of policies on equality between women and men.

The EU and the UN

The focus of the **51st session of the Commission on the Status of Women** (26 February - 9 March 2007) was the elimination of violence and discrimination against girls. The EU played an important role in promoting the Beijing Platform for Action in this forum and, more particularly, in the drafting of the Agreed Conclusions on the Elimination of Discrimination and Violence against the Girl Child. In its statement, the EU emphasised the need to ensure the full implementation of international standards and commitments with regard to violence against women and girls.

Gender Equality and Women's Empowerment in Development Cooperation

On 8 March 2007 the Commission adopted a communication entitled "**Gender Equality and Women's Empowerment in**

[36] "Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006 – 2010".

[37] Decision N:o 779/2007/EC, OJ L 173, 3.7.2007, p. 19–26.

Development Cooperation", as part of a series of EU policy initiatives aiming to coordinate and harmonise the development assistance of Member States and the Commission. The main objective of the document is to provide guidance on ways of promoting gender equality through the new aid modalities, specifically budget support. It reinforces the twin-track approach of gender mainstreaming and gender-specific actions, provides guidelines on how to make gender mainstreaming more efficient, and proposes a list of priority specific actions in different domains.

On the basis of the communication, the Council of EU foreign and development ministers on 15 May 2007 adopted conclusions on gender equality and women's empowerment in development cooperation. These conclusions show a continued and strengthened commitment from all EU Member States towards integrating gender equality into development cooperation.

Istanbul Framework of Action

For the first time since the creation of the Euro-Mediterranean Partnership, the Euro-Mediterranean partners came together at a special **Ministerial Conference on Gender Equality** ("Strengthening the role of women in society") in Istanbul on 14-15 November 2006 and agreed upon a framework of action for the promotion of women's rights and gender equality in the civil, political, social, economic and cultural spheres over the next five years. The implementation of the Istanbul framework of action will be evaluated on a yearly basis, covering the 37 Euromed countries and the Commission. A EUR 5 million regional programme funded by the European Neighbourhood and Partnership Instrument will contribute to the effective implementation of the Istanbul ministerial conclusions.

Thematic programmes and EIDHR (2007-2010)

The new thematic programme **Investing in People** contains a separate financial envelope (EUR 57 million) for funding EC actions in the area of promoting gender equality and the empowerment of women. The funds available will be allocated through calls for proposals from eligible organisations and by direct agreements with selected partners. Priority areas will include the implementation of international commitments at country level, capacity building of women's NGOs and strengthening the statistical capacity of governments in order to use gender disaggregated indicators and data.

The EIDHR includes the equal participation of men and women as a specific theme under its Objective 2 "Strengthening the role of civil society in promoting human rights and democratic reform, in supporting conflict prevention and in consolidating political participation and representation".

EC/UN Partnership for Development, Peace and Security

In April 2007 the European Commission started a 3-year **partnership with UNIFEM** to build partner country capacity and improve accountability for gender equality. The initiative uses regional and national approaches, with a specific focus on women in peace building and the implementation of UNSCR 1325. It will involve focused activities in 12 countries. Knowledge and documentation generated through the activities in these countries will be used to inform people in other partner countries and globally through numerous mechanisms, such as a specific web page and a gender help desk.

Projects promoting gender equality and women's rights outside the EU

The Commission funds projects promoting gender equality through the community's external cooperation instruments; in this respect a particularly relevant instrument has been the EIDHR. With respect to gender equality, in 2006 the EIDHR focused on themes such as the equal treatment and the physical integrity of women, including harmful traditional practices such as female genital mutilation and gender-based violence in conflict zones. Under these themes, in 2006 the Commission selected for funding projects in Bangladesh, Colombia, Egypt, Haiti, Jordan, Russia and Somalia. In addition, regional projects were selected for funding in the Mediterranean and Middle East region and the Central Asia region. The total budget of these projects was about EUR 6 million.

"*We will work to achieve an increase in the number of women in paid employment, stronger social inclusion, and a reduction in disparities between rural and urban women. The measures identified in the Plan of Action will help create more equal opportunities and remove obstacles for women to work. They will ensure that women receive equal treatment in social security systems and health services, and that they can enjoy greater access to education and vocational training. Preventing discrimination between girls and boys in education and ensuring their equal access to science and technology in schools is also a crucial part of this process.*"

Benita Ferrero-Waldner, Commissioner for External Relations

Euro-Mediterranean Ministerial Conference

'Strengthening the Role of Women in Society'

Istanbul, 15 November 2006

The Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children, Tripoli, 22-23 November 2006 - General Principles

- Trafficking in human beings, within and between states, is a scourge which states are determined to address.
- Measures to prevent and combat trafficking in human beings should be based on respect for human rights, including protection of victims, and should not adversely affect the rights of victims of trafficking. Special attention should be given to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The best interest of the child, including as recognised in existing international conventions, shall be considered paramount at all times.
- The empowerment of women and girls through national policies is an important part of combating trafficking. A gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in human beings.
- Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies under stress as well as non-inclusive societies, corruption, lack of education and human rights violations including discrimination, increased demand for sex trade and sex tourism are among the root causes of trafficking in human beings and must be addressed.

4.6 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)[38], and the subsequent EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (December 2005), adopted by the Council[39] in accordance with the Hague Programme on Strengthening Freedom, Security and Justice in the EU. Both documents advocate a multidisciplinary approach to trafficking which is not limited to law enforcement strategies but includes a broad array of prevention and victim support measures. A human rights-based approach ommitment to maximise existing policies and to develop additional ones. The recently established European Forum for the Rights of the Child also contributes to strengthening EU action in the field of child trafficking.

The Commission has prepared a report[40] on the Member States' measures to comply with the Council Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography. It can be stated that Member States now dispose of specific criminal law provisions incriminating the sexual exploitation of children and child pornography, and provide for effective, proportionate and dissuasive penalties.

During the period under review, there have been several initiatives aimed at tackling the challenges of migration, including those linked to human trafficking. A major breakthrough has been the adoption of the "Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children" at the EU-Africa Ministerial Conference on Migration and Development in Tripoli (22-23 November 2006). This action plan stresses the commitment to core human rights conventions and lists human rights violations, including discrimination, among the root causes that need to be addressed.

The lack of reliable and comparable data is one of the greatest challenges in combating trafficking in human beings in different countries concerned by this phenomenon. In line with the EU Action Plan of 2005, the Commission Communication on developing an EU strategy to measure crime and criminal justice[41] provides for the setting up of pilot groups to examine the possibility of establishing common guidelines for the collection of data, including comparable indicators in the area of trafficking in human beings. The objective is to develop harmonised definitions and associated indicators in order to facilitate greater comparability of data across EU Member States on the crime area under consideration. The result of this pilot project will be available by the end of 2007.

Various EU projects are underway to prevent and combat trafficking in human beings and the exploitation of persons, in particular women and children, within the EU and in third countries. The new financing programme "Prevention of and Fight against Crime" – as part of the General Programme "Security and Safeguarding Liberties" – (2007-2013) specifically includes anti-trafficking policy. Moreover funds will also be available under other geographic and thematic instruments (such as the Development Cooperation Instrument, on the Stability Instrument). Other specific financing programmes

38 COM(2005) 514 final.
39 OJ C 311, 9.12.2005, p. 1.
40 To be adopted in autumn 2007.
41 COM(2006) 437 final.

have proven to be an effective tool in the fight against trafficking, such as Daphne III (2007-2013) – specifically targeting violence against children, young people, women and groups at risk – and Safer Internet Plus (2005-2008).

The forthcoming launch of the annual EU Day on Anti-Trafficking (October 18) is an important symbolic step in the EU's longstanding commitment to preventing and fighting trafficking in human beings, which aims at raising awareness of the phenomenon throughout the EU. The first EU Anti-Trafficking Day in October 2007 will be launched at a conference in Brussels and through other initiatives in the Member States.

4.7 The International Criminal Court (ICC) and the Fight against Impunity

The EU is determined to work towards the prevention of crimes of international concern and the ending of impunity for perpetrators of such crimes. To this end, the EU has consistently expressed strong political support for the functioning of the International Criminal Court (ICC), including through the conclusion in 2006 of an EU-ICC Agreement on Cooperation and Assistance and the continued implementation of the 2003 EU Common Position and 2004 EU Action Plan on the ICC.

The objective of the Common Position[42] is to support the effective functioning of the ICC and to advance universal support for the ICC by promoting the widest possible participation in the Rome Statute. Article 2(1) of the Common Position provides:

"*the European Union and its Member States shall make every effort to further this process by, inter alia, raising the issue of the widest possible ratification, acceptance, approval or accession to the Rome Statute and the implementation of the Statute through démarches and statements, and in negotiations or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.*"

In line with the EU Common Position, the ICC has been on the agenda of many major summits and political dialogues with third countries throughout the reporting period. And the EU has continued to carry out démarches in third countries to encourage the ratification of the Rome Statute and the Agreement on Privileges and Immunities, and to discourage states where possible from signing bilateral non-surrender agreements. In this regard it was disappointing that Montenegro signed a bilateral non-surrender agreement with the US in April 2007 that is inconsistent with the EU Common Position and Guiding Principles. For the first time, the ICC sub-area of the Council Working Group on Public International Law held a meeting with John B. Bellinger III, Legal Adviser at the US State Department. This took place in June 2007 and provided a useful opportunity for the EU and the US to exchange views on ICC matters in general, including on the question of bilateral non-surrender agreements.

The EU Action Plan supplements the Common Position. Among other objectives, it puts in place a system of national focal points and an EU focal point within the EU institutions to coordinate EU policy on the ICC. It also stipulates that:

[t]he ICC should be mainstreamed in the EU external relations. In this respect, the ratification and implementation of the Rome Statute should be brought up as a human rights issue in the negotiation of EU agreements with third countries.

Accordingly, in 2006 the European Commission negotiated the insertion of ICC clauses into European Neighbourhood Policy Action Plans with Armenia, Azerbaijan, Georgia, Lebanon, and Egypt. Draft ICC clauses are currently being negotiated in Cooperation Agreements with Singapore, Thailand, Malaysia, the Philippines, Brunei Darussalam, Vietnam and South Africa. The PCA with Indonesia was endorsed by the Council in June 2007, is expected to be signed by both parties in autumn 2007. It contains an ICC clause committing Indonesia to accede to the Rome Statute. Negotiating mandates for Cooperation Agreements with the following countries also include draft ICC clauses: Ukraine, the Russian Federation, China, Iraq, the Andean Community (Bolivia, Colombia, Ecuador and Peru) and Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama). The revised Cotonou Partnership Agreement, which now contains an ICC clause, was adopted by the Council on 25 June 2005 and is in the process of being ratified by member states.

The Rome Statute of the ICC received its 104th ratification during the reporting period with the adhesion of Chad in November 2006. In addition, the National Diet of Japan decided in April 2007 to adopt legislation enabling the country to accede to the Rome Statute on 1 October 2007. The EU played an

[42] 2003/444/CFSP.

Where did the EU carry out démarches to promote the universality and integrity of the Rome Statute ?

Angola, Benin, Cameroon, Cape Verde, Central African Republic, Guinea-Bissau, Madagascar, Mozambique, Seychelles; Bahrain, Iran, Kuwait, Morocco, Yemen; Afghanistan, Indonesia, Japan, Malaysia, Nepal, Philippines, Vietnam; Bahamas, Bolivia, Chile, Guatemala, Jamaica, Nicaragua, Peru, El Salvador, St Lucia, Suriname; Albania, Armenia, Azerbaijan, Kazakhstan, Turkey, Turkmenistan, Ukraine.

EU Presidency Statement on Japan's ratification of the Rome Statute of the International Criminal Court (27 April 2007)

The Presidency of the European Union warmly welcomes today's decision taken by the parliament of Japan to accede to the Rome Statute of the International Criminal Court. Japan's ratification marks a further significant step forward in the international community's efforts to combat impunity for war crimes, crimes against humanity and genocide. We hope that Japan's accession will encourage other countries in Asia to consider a representation at the Court.

The European Union has long supported Japan's ratification of the Rome Statute and is convinced that Japan will make a highly valuable contribution to the Court's work.

On this occasion the Presidency would like to reiterate the European Union's commitment to the universality and integrity of the Rome Statute and calls upon states which have not yet done so to accede to the Rome Statute in due course.

important role in the 5th Assembly of States Parties of the ICC in finding agreement on the scale of assessments for Japan's contribution to the ICC's budget, which was influential on Japan's decision to ratify. The EU welcomed the ratification of the Rome Statute by such a significant country[43]:

Further milestones for the ICC in the reporting period include the issue of warrants for the arrest of five Lord's Resistance Army leaders at the beginning of July 2006; the opening of proceedings against Thomas Lubanga Dyilo – a former leader of a militia group in the North Eastern Ituri district of the Democratic Republic of the Congo – on charges of enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities; the submission of evidence by the Prosecutor in February 2007 showing that Ahmad Muhammad Harun, former Minister of State for the Interior of the Government of the Sudan, and Ali Kushayb, a leader of the Militia/Janjaweed, jointly committed crimes against humanity and war crimes against the civilian population in Darfur between August 2003 and March 2004, and the subsequent issue by the Pre-Trial Chamber of warrants for their arrest; and the opening in May 2007 by the Prosecutor of a fourth investigation into alleged crimes that occurred in the context of an armed conflict between the government and rebel forces in the Central African Republic between 2002 and 2003.

During the reporting period, the Member States organised numerous initiatives on the ICC. These included holding conferences, seminars and exhibitions in Helsinki, the Hague, Sana'a, Tokyo, Sierra Leone, Bucharest, Abu Dhabi, and Nottingham. In May 2007 the Turin Conference on International Criminal Justice brought together many high-level actors in the field of international criminal justice. The conference considered the legacy of international tribunals and other forms of internationalised criminal justice, through the analysis of their case-law and practice; the development of international criminal and procedural law since the adoption of the Rome Statute; the Review Conference of the Rome Statute; and the definition of the Crime of Aggression. In June 2007 the Nuremberg Conference "Building a future on Peace and Justice", noted that the fight against impunity, culminating in the Rome Statute of the ICC, had changed the parameters for the pursuit of peace and that there was an emerging norm in international law that amnesties cannot be conceded for war crimes, crimes against humanity and genocide. In addition, the Member States continued to support and contribute to the "Inter-sessional meeting of the Special Working Group on the crime of aggression" (whose fourth session was held in June 2007).

Throughout the reporting period, the Commission – through the European Initiative on Democracy and Human Rights (EIDHR) – and the Member States continued to finance the work of the Coalition for the International Court and Parliamentarians for Global Action, whose efforts are invaluable in promoting the ratification and implementation of the Rome Statute and monitoring the work of the ICC. The Commission continued to fund the Clerkship and Visiting Professionals Programme of the ICC. Member States continued to fund organisations such as the International Criminal Law Network and the Institute for International Criminal Investigations. Member States also provided contributions to the ICC's Trust Fund for Victims and to the Least Developed Countries Trust Fund, the latter being a fund to help delegations from least developed countries to attend meetings of the Assembly of State Parties.

The Commission and Member States also provided political and financial support to ad hoc tribunals such as the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, the Special Court for Sierra Leone (which started the trial of Charles Taylor on 4 June 2007 and delivered its first judgement on 21 June 2007), and the Extraordinary Chambers of the Courts of Cambodia (ECCC) also known as the Khmer Rouge Tribunal.

4.8. 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 the fight against terrorism. Effective counter-terrorism measures and the protection of human rights are not conflicting but complementary and mutually reinforcing goals.

[43] Japan lodged its instrument of ratification on 17th July 2007.

The EU reaffirmed in statements in various United Nations forums the importance of ensuring respect for human rights in the fight against terrorism. The Presidency, speaking on behalf of the European Union at the launch of the UN Global Counter-Terrorism Strategy at the UN General Assembly in September 2006, noted that the EU was particularly pleased that the Strategy reaffirmed that the promotion and protection of human rights for all and the rule of law were essential to all components of the Strategy. The Presidency underlined that it was imperative that all measures against terrorism complied with international law. In a statement delivered to the Sixth Committee of the UN General Assembly in October 2006 under the item *Measures to eliminate international terrorism*, the Presidency stressed that all measures against terrorism must respect the rule of law and be in accordance with human rights law, international humanitarian law and refugee law.

The EU discussed the need to respect human rights law when countering terrorism with many partners. Legal Advisers from the EU Member States and EU institutions continued their dialogue with the US Department of State on counter-terrorism and international law, discussing improved ways of safeguarding human rights in the fight against terrorism. At the EU-US Summit in April 2007, EU and US agreed: "Consistent with our common values, we reaffirm our long-standing commitment to ensure that efforts taken to combat terrorism comply with our obligations under international law including human rights law, refugee law, and international humanitarian law. We will continue and deepen our ongoing dialogue on international law principles relevant to our common fight against terrorism which has contributed to a better understanding of our respective legal frameworks and should help us to work together to combat terrorism."[44]

In December 2006 the following Conclusions were adopted by the Council: "The Council reiterates that human rights, refugee law and international humanitarian law have to be respected and maintained when combating terrorism. The Council will continue to follow closely developments with regard to human rights in combating terrorism and take adequate measures for their protection. The EU remains firmly committed to the absolute prohibition of torture, cruel, inhuman or degrading treatment and punishment. It guides our own actions and we raise our concerns with third countries. The existence of secret detention facilities where detained persons are kept in a legal vacuum is not in conformity with international humanitarian and human rights law."[45]

On 14 February 2007 the European Parliament adopted a resolution on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners. (See also Chapter 2.3. The European Parliament's actions on human rights.)

4.9 Human Rights and Business

In the context of globalisation, the growing influence of non-state actors, such as transnational corporations, raises key questions concerning the role and responsibilities of these actors with regard to human rights, both at the national and the international level. In the recent period, this issue has increasingly come to the fore and has led to considerable debate on the linkage between human rights and business, already explicit in the Universal Declaration on Human Rights which in 1948 called on "every individual and every organ of society" to strive to promote respect for these rights and fundamental freedoms. The EU has been closely involved in this crucial discussion and has supported various initiatives in this field, notably at the UN level and in relation to the notion of Corporate Social Responsibility (CSR). The EU is also committed to ensuring that its trade policy positively impacts on the respect of human rights worldwide by contributing to decent work and sustainable development, including through bilateral trade agreements.

In the period under review, the EU closely followed the work of the UN **Secretary-General's Special Representative on the issue of human rights and transnational corporations and other business enterprises**, Mr John Ruggie, who on 9 Febru-

[44] EU-US Summit Declaration 2007.

[45] Council Conclusions, 11 December 2006.

Solidarity among European citizens with the victims of terrorist acts and their family members

On 7 July 2006 the European Commission adopted a **Preparatory Action** to finance projects to provide social or psychological support to help the victims of terrorist acts and their family members to recover from their experiences. The Preparatory Action also provides for support for improved legal assistance and advice to victims and their families. It also envisages the financing of projects to mobilise the public against terrorism in all its forms. In 2006, EUR 1 800 000 was made available under the Preparatory Action to finance projects.

11 March marks the anniversary of the 2004 Madrid attacks, the most deadly terrorist assault in Europe, and a "European Day for the victims of terrorism". It is a day of remembrance, an occasion to express solidarity with the victims of any terrorist attack: those who lost their lives or who still bear the mental and physical scars of such violence, and with their families. This European Day is also an opportunity for society and institutions in Europe to reflect on how the terrorist threat can be addressed and prevented, and how the security of all citizens can be better protected.

ary 2007 released his first report to the Human Rights Council. This report, which was supplemented by four addenda and an additional report entitled "Human Rights Impact Assessments - Resolving Key Methodological Questions", considered the issues of the state duty to protect, corporate responsibility and accountability for international crimes, corporate responsibility for other human rights violations under international law, soft law mechanisms and self-regulation. The EU actively participated in the interactive dialogue on the basis of this report at the 4th session of the Human Rights Council on 28-29 March 2007.

The EU has sought to strengthen the sustainable development dimension of **bilateral trade negotiations** and to promote core labour standards in bilateral agreements. Trade incentives have also been used as a means of encouraging respect for the main international human/labour rights, environmental protection and governance principles, in particular through the EU "Generalised System of Preferences Plus". The European Commission continued to work with civil society and the business sector with a view to promoting the Decent Work Agenda globally (see chapter 4.11 Economic, Social and Cultural Rights).

In line with the Commission Communication on 'Implementing the partnership for growth and jobs: making Europe a pole of excellence on corporate social responsibility'[46], the EU continued to promote **CSR** globally with a view to maximising the contribution of enterprises to the achievement of the UN Millennium Development Goals. The cooperation between the ILO and the EU also contributed to the promotion of social aspects of the EU Corporate Social Responsibility (CSR) agenda at international level. In the course of the reporting period, employers, workers and governments sought to considerably reinforce ILO efforts in the field of CSR, including in global supply chains. The promotion of sustainable enterprises was one of the 3 issues of the annual ILO conference (June 2007). The Commission financed through its 6th Framework Programme the RARE research project on the sustainability impact of CSR ("Rhetoric and Realities - Corporate Social Responsibility in Europe"), which was held in Brussels on 27 June 2007.

In addition, the EU contributed to the work undertaken in the OECD Investment Committee. This Committee is responsible for the overview of the implementation of the **OECD** Guidelines for Multinational Enterprises on the implementation of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones[47]. Weak governance zones represent some of the most difficult investment environments in the world for international business and the risk of human rights abuses are a real challenge in such areas. The Risk Awareness tool addresses, among other things, the need to observe international human rights instruments and the human rights challenges related to the management of security forces.

[46] Implementing the Partnership for Growth and Jobs: Making Europe a pole of excellence on CSR (COM(2006)136 final of 22.03.2006.

[47] The Risk Awareness Tool, adopted by the OECD Council on 8 June 2006, is available on: www.oecd.org/dataoecd/26/21/36885821.pdf.

4.10 Democracy and Elections

The promotion of democracy is a cornerstone of EU foreign and security policy. The consolidation of democratic institutions and the respect and the promotion of the rule of law and human rights constitute key objectives of the EU's partnership with third countries.

The EU supports democracy throughout the world through a multitude of instruments including political dialogue with partner countries and external assistance, as set out in details in other parts of this report. This chapter focuses on elections, which constitute a cornerstone in building a democracy. It provides information on the very practical contribution of the EU to the mechanics of democracy through election observation and other 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.

During the last decades the process of democratisation has manifested itself in many countries by the holding of multiparty elections. However elections do not yet 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. In many cases governments, electoral management bodies, political parties and other authoritative bodies lack the necessary experience or knowledge to deliver and guarantee genuine and credible elections. In order to support the conduct of elections in accordance with international standards and best practices, the EU has been providing electoral assistance in many countries around the world.

Election observation, in particular long-term observation, as conducted in the framework of EU Election Observation Missions (EOMs), provides a specific opportunity for an election process to be assessed according to these 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 that apply 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.

Election Support

The EU is one of the leading global actors in terms of providing and financing electoral assistance; the approach followed is outlined in the 2000 Commission Communication on Elec-

tion Assistance and Observation.[48] In recent years there has been a significant increase in both the volume of funding and the complexity of electoral assistance support provided. Important complementarity exists between the objectives of electoral assistance and election observation. The European Commission is working to ensure greater synergy between the two activities. Both, the evaluation of electoral assistance projects and the EOMs' recommendations are taken into account for the benefit of future electoral assistance interventions. This dual form of EU election support constitutes a significant contribution to the promotion of governance and development objectives.

Election Observation and Assessment

Since the Communication of 2000, which defined a coherent and effective policy for election observation, EU involvement in this field has become increasingly professional and visible[49].

A total of 57 European Union EOMs and ten special support missions have been deployed to all continents, with the exception of the OSCE region, where the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is in the lead. With EU EOMs and OSCE/ODIHR missions using the same methodology and a very similar approach towards assessing electoral processes, a de facto division of labour has been established between the EU and the OSCE in terms of election observation.

The European Commission, the European Parliament and the OSCE/ODIHR have endorsed the Declaration of Principles for International Election Observation, and have established a fruitful working relationship over the past years.[50]

The purposes of EU EOMs are 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 assess electoral processes against international standards for democratic elections, drawn from the fundamental freedoms and political and civil rights established by international legal instruments. These 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 have also been assessing whether elections have been conducted in line with a number of 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.

Between July 2006 and June 2007, 12 EU EOMs and two election support missions were deployed, mostly using EIDHR funding (see table below). All missions adhered to the Declaration of Principles for International Election Observation Missions commemorated at the United Nations in October 2005[51].

EU EOMs

Mexico

An EU EOM to Mexico, headed by Mr Jose Ignacio Salafranca Sanchez-Neyra MEP, deployed 75 observers throughout the country in order to observe the 2 July 2006 presidential and parliamentary elections. The EU EOM concluded that the elections were generally competitive and transparent, demonstrating a firm commitment on the part of Mexican citizens to the strengthening and consolidation of democracy. The EU EOM also expressed its confidence in the electoral authorities responsible for the organisation of an electoral process characterised by high levels of transparency, impartiality and professionalism in accordance with international standards for the holding of democratic elections.

Bolivia

An EU EOM to Bolivia, headed by Ms Monica Frassoni MEP, deployed more than 100 observers across the country to observe

48 COM (2000) 191.

49 The Communication was endorsed by the Council and European Parliament in 2001.

50 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, MEP Delegations and, in exceptional circumstances, Commission support through the Rapid Reaction Mechanism and the EIDHR.

51 http://ec.europa.eu/europeaid/observer/declaration_of_principles_code_of_conduct_en.pdf.

the 2 July 2006 Constituent Asssembly elections and referendum on regional autonomy. These polls were widely considered to mark a key milestone in the country's democratic development and opened the door to extensive changes in the balance of political, economic and social power which were under debate during 2006-2007 in the Constituent Assembly. The EU EOM concluded that the electoral process complied with international standards and national legislation, especially in the areas of freedom of expression and transparent election administration. The high participation of Bolivian voters was welcomed. A number of shortcomings were observed by the EOM, notably in relation to information to the electorate on the election process, voter registration and voting procedures. However these shortcomings were not considered to substantially affect the overall positive assessment.

Democratic Republic of Congo

General Philippe Morillon MEP was Chief Observer of the EU EOM deployed to observe the presidential, legislative and provincial elections of 29 July and 31 October 2006 in the Democratic Republic of Congo. From the deployment in November 2005 of an EOM for the constitutional referendum of 18 December 2005, the EU EOM was on the ground almost without interruption for a period of 14 months up to 15 December 2006. This enabled the EOM to thoroughly follow the different aspects of the electoral process, including the critical results tabulation process. The EOM constituted not only the lengthiest but also the largest election observation mission deployed so far by the EU (300 observers on election days, including a European Parliament observation delegation headed by Mr Jürgen Schröder MEP.

In its final report the mission highlighted the attachment shown by the Congolese electorate to the democratisation process in turning out to vote in large numbers and in peace, as well as the orderly and appropriate management of the electoral process by the National Independent Electoral Commission, supported by the United Nations Mission in the Democratic Republic of Congo (MONUC) and other EU-cofinanced international assistance, overcoming considerable logistical and operational constraints.

While election days proceeded in a calm and orderly manner, the pre- and post-election period, in contrast, was marred by intimidation and localised violence. Hence, basic international standards such as freedom of expression, freedom of assembly and freedom of movement, as well as equitable access to the public media were affected. With a view to future electoral processes, the EOM has recommended among other things that the financing of political parties and campaigning be regulated and that an independent media supervisory authority be put in place.

Yemen

An EU EOM headed by Baroness Nicholson of Winterbourne MEP was deployed from 11 August to 11 October 2006 to observe the presidential and local elections of 20 September 2006.

The EU EOM concluded that the 2006 presidential and local elections in Yemen saw an openly-contested electoral process take place, which represents a notable development in this region. It further concluded that the elections represented an important milestone in the democratic development of Yemen. However, the elections also highlighted a series of serious shortcomings in the post-election period and administrative structures that undermined key aspects of the democratic process relating *inter alia* to the lack of publication of results and non-transparent procedures for tabulation, as well as the misuse of state resources for electoral purposes. Another negative aspect was the serious under-representation of women as voters and candidates, thereby excluding women as full participants in the democratic process.

Zambia

An EU EOM headed by Ms Annemie Neyts-Uyttebroek MEP was deployed from 5 September to 29 October 2006 to observe the presidential, parliamentary and local elections of 28 September 2006.

The EU EOM concluded that while the elections were generally well-administered, largely peaceful and offered voters a wide range of candidates to choose from in a genuinely competitive process, the processes related to counting, tabulation and the transmission of results encountered numerous problems. This contributed to a decline in confidence among some actors during the final stages of the elections.

Nicaragua

An EU EOM headed by Mr Claudio Fava MEP was deployed to Nicaragua to observe the presidential and parliamentary elections of 5 November 2006. The EOM was joined by a European Parliament observation delegation headed by Mr Emilio Menendez del Valle MEP.

The emergence of political forces which provided the electorate with a wider range of choice made these elections the most important to be held in Nicaragua since 1990. In its final report, the Mission concluded that the elections were peaceful, competitive and adequately administered. The campaign was largely incident-free and was conducted in an atmosphere of respect for freedom of expression, association and assembly. However, significant reforms are required to improve the legal framework for elections and strengthen the institutional capacity and independence of the election administration.

Mauritania

Ms Marie Anne Isler Béguin MEP headed the two EU EOMs deployed to Mauritania from October 2006 until April 2007; first for the legislative and municipal elections (19 November and 3 December 2006) and secondly for the presidential elections of 11 and 25 March 2007. The Mission was joined by a

European Parliament observation delegation headed by Mr Alain Hutchinson MEP.

Previously, a two-person expert mission followed the constitutional referendum of June 2006. This electoral cycle symbolised the gradual transition from military rule to civilian power under a democratically-led President and Parliament in Mauritania.

The EU EOM highlighted the efficient conduct of the elections and the willingness of the electoral authorities to improve electoral procedures on the basis of lessons learned from previous elections, including through recommendations formulated by the EU EOM. In general, the state authorities, including the media, remained impartial during the electoral process. In its final report, the EU EOM also commended the transparency of the electoral process and the plurality of choice offered to the electorate. While the elections were assessed as generally meeting international standards for democratic elections, the EU EOM identified a number of areas for improvement, including liberalisation of the audiovisual media landscape, political party regulation, implementation of the legislation on campaign financing, and codification of electoral legislation.

Venezuela

An EU EOM to Venezuela, headed by Ms Monica Frassoni MEP, observed the Presidential elections of 3 December 2006. The EOM was joined by a European Parliament observation delegation headed by Mr Manuel Medina Ortega MEP.

The EU EOM concluded that the electoral process complied in general with international standards and with national legislation as regards the management of the electoral administration and the electronic voting system. The EU EOM also underlined the high turnout in the Presidential elections, as well as the peaceful environment in which they were held. However, the EU EOM observed persistent problems during the campaign, such as the widespread institutional propaganda in favour of incumbent President Hugo Chavez. Similarly, the Mission noted the participation of public servants in the campaign and an imbalance in the political coverage offered by both public and private media. These shortcomings should be addressed with a view to future elections in Venezuela.

Indonesia (Aceh)

In the context of support for the peace process triggered by the agreement signed in August 2005 between the Government of Indonesia and the Aceh Free Movement, an EU EOM headed by Mr Glyn Ford MEP was deployed from 29 October until 22 December to observe the elections for Governor and district administrators in Aceh. The EOM was joined by a European Parliament observation delegation headed by Mr. Jürgen Schröder MEP. A reduced mission returned to Aceh on 1 February 2007 to observe the second round of elections on 3 March 2007 for administrators in two of the 21 districts.

The EU EOM's assessment was that "generally, the electoral process occurred in accordance with international standards for democratic elections". As regards future elections, the EU EOM recommended that electoral regulations should be reviewed, notably with regard to restrictions on the eligibility of candidates to stand, the right to vote (members of the armed and police forces being excluded) and complaints and appeals procedures.

Bangladesh

An EU EOM headed by Mr Alexander Graf Lambsdorff MEP was deployed to Bangladesh for the parliamentary elections scheduled to take place in January 2007. However, the mission was suspended as the conditions for democratic elections were not in place, and the elections were subsequently postponed. Despite the suspension, the mission prepared a comprehensive set of recommendations that were received positively by the Bangladeshi authorities.

Nigeria

An EU EOM headed by Mr Max van den Berg MEP was deployed to Nigeria to observe the State elections of 14 April and the federal elections of 21 April 2007. The EOM was joined by a European Parliament observation delegation headed by Mr John Attard-Montalto and Mr Vittorio Agnoletto MEPs.

As these were the third general elections since the transition from military to civilian rule in 1999, they were widely considered to be a crucial test of the commitment of the Nigerian authorities to strengthening democracy. In its preliminary statement, the mission concluded that the elections had fallen far short of basic international and regional standards for democratic elections. They were marred by poor organisation, lack of essential transparency, widespread procedural irregularities, significant evidence of fraud and voter disenfranchisement. At least 200 people were killed in election-related violence. This was all the more regrettable since the elections were held in an improved atmosphere in which freedoms of expression and assembly were broadly respected during campaigning and the judiciary played a generally positive and independent role.

East Timor

On one of its longest missions, the EU EOM, under the leadership of Chief Observer Mr Javier Pomés Ruiz MEP, was present in the Democratic Republic of Timor-Leste for four months, from 15 March to 14 July 2007, to observe both the two-round Presidential and one-round parliamentary elections, which were administered by Timorese institutions for the first time since the declaration of the independence of the country in 2002. In total, the EU EOM deployed 36 observers from 19 EU Member States. The EOM was joined by a European Parliament observation delegation headed by Ms Ana Maria Gomes MEP.

According to the EU EOM's evaluation, the elections were highly significant steps towards establishing strong democratic institutions. The preliminary statements issued after each round by the EU EOM had positive impacts on the electoral process as the mission's findings and proposals were considered and implemented, at least partially, by the Timorese election bodies. The preliminary statements issued after the second round of the Presidential elections included a comprehensive set of short- and long-term recommendations.

Expert Missions

Guyana

The Commission deployed two election experts to Guyana to follow the general elections on 28 August 2006. The objective was to provide strategic analysis and report to the Commission and EU Member States on the electoral process and to provide inputs for confidence-enhancing initiatives and crisis-prevention before, during and after the elections. The experts were deployed from 14 August to 15 September 2006 and made a number of recommendations for an EU follow-up in the field of election assistance in Guyana. The experts were funded through the Rapid Reaction Mechanism.

Madagascar

The Commission deployed four election experts to Madagascar in view of the Presidential elections scheduled for 3 December 2006. The experts provided strategic analysis and reported to the Commission and EU Member States on the electoral process. The mission was funded through the Rapid Reaction Mechanism. The elections were reported to have been conducted in a calm and peaceful manner with high voter participation. A number of recommendations were made to improve the conduct of future elections.

During the reporting period, the EU devoted increased efforts to following up the findings and recommendations of EU EOMs, in particular through their inclusion in EU declarations, political dialogue, cooperation programmes, and 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 EU also continued to support efforts to consolidate a European approach to election observation among EU practitioners, and with EU partner countries. Funding was provided to the Network of Europeans for Electoral Support (NEEDS) project, implemented by a group of specialist European institutions

Election Observation Missions (EOMs) / Election Expert Missions: July 2006 – June 2007

Country	Head of EOM	Total Budget	Number of participants EOM/ Expert Mission1
Mexico	José Ignacio Salafranca Sanchez-Neyra, MEP	EUR 2 474 034	75 Observers (9 in the Core Team and 66 LTOs)
Bolivia	Monica Frassoni, MEP	EUR 1 790 000	75 Observers (9 in the Core Teamand 66 LTOs)
Democratic Republic of Congo	General Philippe Morillon, MEP	EUR 7 700 000	103 Observers (13 in the Core Team, 30 LTOs and 60 STOs)
Yemen	Baroness Nicholson, MEP	EUR 3 200 000	91 Observers (11 in the Core Team, 40 LTOs and 40 STOs)
Zambia	Annemie Neyts-Uyttebroek, MEP	EUR 2 900 000	92 Observers (8 in the Core Team, 36 LTOs and 48 STOs)
Nicaragua	Giovanni Fava, MEP	EUR 3 300 000	106 Observers (10 in the Core Team, 26 LTOs and 68 STOs)
Mauritania	Marie Anne Isler- Béguin, MEP	EUR 3 000 000	65 Observers (5 in Core Team, 20 LTOs and 40 STOs)
Venezuela	Monica Frassoni, MEP	EUR 2 150 000	126 Observers (10 in the Core Team, 36 LTOs and 80 STOs)
Indonesia (Aceh)	Glyn Ford, MEP	EUR 2 400 000	80 Observers (8 in the Core Team, 36 LTOs and 36 STOs)
Bangladesh	Graf Alexander Lambsdorff, MEP	EUR 3 000 000	Suspended
Nigeria	Max van den Berg, MEP	EUR 6 000 000	138 Observers (8 in the Core Team, 70 LTOs and 60 STOs)
East Timor	José Javier Pomés Ruiz, MEP	EUR 2 123 000	36 Observers (7 in the Core Team and 29 LTOs)
Guyana	N/A	EUR 51 000	Expert Mission: 2 experts
Madagascar	N/A	EUR 101 000	Expert Mission: 4 experts

in the field of elections, to conduct a comprehensive training programme for EU observers (Long-Term Observers) and experts (Core Team Members) and organise regional meetings and technical assistance for domestic election observers. Over the reporting period, NEEDS carried out ten specialized training sessions for over 234 long-term observers and experts, convened a meeting with the election observation focal points from the Member States and organized regional seminars for domestic observers in Latin America (July 2006, Buenos Aires, Argentina), Europe (December 2006, Bratislava, Slovakia) and North Africa/Middle East (March 2007, Casablanca, Morocco). Technical assistance in media monitoring for domestic observer groups was provided in Ecuador. Furthermore, the NEEDS project worked to revise the EU Election Observer Handbook and the Handbook on International Election Standards[52].

During the reporting period the Commission has carried out an evaluation of the NEEDS project. That evaluation is currently being considered in order to prepare for the launch of a new project in the second half of 2007.

Election Assistance

Since the adoption of the Communication on "Election Assistance and Observation", there has been a significant increase in the volume of funding and in the complexity of the electoral-assistance operations. In the period 2000-2007 the EU has provided more than EUR 400 million for electoral-assistance projects in more than 50 countries, as well as increasing its response to the challenge of supporting electoral processes in post-conflict situations such as those in the Democratic Republic of Congo and Haiti.

In the last two years, the Commission has also been reshaping its approach, rethinking the way electoral assistance is delivered and taking a leading role in efforts to favour long-term support strategies prior to supporting ad hoc projects aimed at specific electoral events. In the light of these developments, a Methodological Guide on Electoral Assistance was published in October 2006[53]. The purpose of this Guide is twofold: on the one hand, it offers Commission staff and others seeking knowledge of particular Community electoral-assistance issues a "hands-on" and operational tool that can assist throughout all the stages of the project-management cycle. On the other hand, it aims to develop a specific and strategic operational framework in the field of electoral assistance by looking beyond the immediate electoral event and introducing the concept of an "Electoral-Cycle Approach". This approach includes assistance for:

- the capacity and institution building of national election-management bodies (EMBs) and election-jurisdiction bodies;
- specific activities such as voter registration and the organisation of elections;
- domestic election observation and media monitoring groups;
- civic and voter education by EMBs or civil society; and
- international or regional organisations involved in electoral support.

Assistance to State authorities, including election-management bodies, is provided through the geographical cooperation funds, such as the Development and Cooperation Instrument, the European Neighbourhood and Partnership Instrument and the Instrument for Pre-Accession. Support to NGOs involved in electoral assistance can also come from these instruments as well as from the EIDHR. In addition, in cases where elections have been called in post-conflict situations, support for elections has been provided through the Rapid Reaction Mechanism and now under the Instrument for Stability.

Election-assistance projects supported by the EU through the Commission between July 2006 and June 2007 include:

- support for the Congolese Independent Electoral Commission (Democratic Republic of Congo) in preparing the 2008 local elections. The EC is contributing EUR 3 million to a trust fund managed by the UNDP.
- a contribution of EUR 20 million to the UNDP-managed basket fund for the Nigerian Electoral Cycle 2007-2011
- support for a digital national voter register in Madagascar where the EC is contributing EUR 1,2 million to a trust fund managed by the UNDP.
- a contribution of EUR 13,6 million to the electoral cycle in Togo through a UNDP-managed trust fund.
- a contribution of almost EUR 7 million in support for voter registration with biometric data in Guinea Conakry
- a contribution of EUR 1,5 million to the electoral cycle in East Timor through a UNDP-managed trust fund.
- a contribution of EUR 1,5 million to the planning of elections in Tanzania through a UNDP-managed trust fund.

Most of the EU assistance to electoral processes has been channelled through contributions to basket funds established and implemented by the UNDP, which has the role of coordinating electoral assistance at country level between national and international actors.

4.11 Economic, Social and Cultural Rights

The European Union attaches the same importance to economic, social and cultural rights as to civil and political rights, bearing in mind the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, as confirmed by the 1993 World Conference on Human Rights held in Vienna. Both categories of rights stem from the inherent dignity of the human person and the effective implementation of each right is indispensable for the full implementation of others. This link is particularly explicit in the UN Convention on the Rights of the Child to which all European Union Member States

[52] http://www.needs-network.org/publications.html.

[53] http://ec.europa.eu/europeaid/projects/eidhr/EC_Methodological_Guide_on_Electoral_Assistance.pdf.

adhere, as well as in the recently adopted International Convention on the Rights of Persons with Disabilities.

In the period under review, the EU welcomed the adoption, without vote, of a Resolution on economic, social and cultural rights at the 4th session of the UN **Human Rights Council (HRC)**, on 23 March 2007. The EU continued to follow closely the discussions within the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) with a view to establishing a complaints mechanism under the Covenant. The EU also followed with interest the work carried out by the Committee on Economic, Social and Cultural Rights, including the discussions on Articles 2 and 9 of the Covenant (non-discrimination and the right to social security respectively). The EU fully supports the process, initiated by the HRC in March 2007, of rectifying the legal status of the Committee, with the aim of placing it on a par with all other treaty-monitoring bodies.

The EU has supported several **UN mandates dealing with economic, social and cultural rights**, namely the Special Rapporteurs on education, housing, physical and mental health, food, toxic and dangerous products and wastes, internally displaced persons, indigenous peoples and the Independent Expert on extreme poverty. The EU welcomes the valuable contributions these Special Rapporteurs make towards the promotion and protection of human rights in the discharge of their respective mandates including a better understanding of the scope and obligation regarding these rights.

The understanding of economic, social and cultural rights has deep links with inclusive and equitable **development**[54]. Significantly, six of the eight Millennium Development Goals (MDG) put a strong emphasis on human and social development. The EU has consistently underlined its commitment to the right to development and has placed itself at the forefront of the international effort to achieve the MDGs through its commitment to increase the effectiveness and volume of aid in the run-up to the September 2005 UN Summit and the subsequent adoption of the European Consensus on Development[55] in December 2005. This commitment is reflected inter alia in the EU's new EUR 17 billion Development Cooperation Instrument (DCI) adopted on 18 December 2006. The DCI is aimed at supporting actions within the following areas of cooperation:

- supporting the implementation of policies aimed at poverty eradication and at the achievement of the Millennium Development Goals;
- addressing the essential needs of the population with priority given to primary education and health;
- promoting social cohesion and employment;
- promoting governance, democracy, human rights and support for institutional reforms.

The EU is committed to promoting **employment, social cohesion and decent work** for all in EU external policies, bilateral and regional relations and dialogues, including EU cooperation programmes with third countries and regions. This policy includes encouraging and facilitating the ratification and implementation of the International Labour Organisation (ILO) Conventions on core labour standards and other Conventions that have been classified by the ILO as up to date, through technical cooperation and through close cooperation with the ILO. Following the ratification by three EU Member States of the ILO Convention on Minimum Age (No 138) during the period under review, all core ILO labour Conventions have now been ratified by all EU Member States.

The EU is particularly committed to promoting the Decent Work Agenda, as stated in the EU Council Conclusions on Decent Work for all adopted on 1 December 2006. These conclusions, based on a European Commission communication on "Promoting decent work for all – The EU contribution to the implementation of the decent work agenda in the world[56]", provide a strategy and orientations for mobilising the EU policies in order to contribute to the promotion of the universal objective of decent work for all, as defined by the ILO.

In the reporting period, the EU has further intensified its cooperation with the **ILO**, which constitutes a key global player in the area of employment and social affairs. For instance, the EU supports the strengthening of the ILO supervisory system and has intervened in the ILO International Labour Conference and the Governing Body on a regular basis in connection with very important cases of violation of core labour standards. During the period under review, the EU notably intervened on cases in Belarus, Zimbabwe and Burma (Myanmar). In addition, the Community has introduced social-development objectives in its most recent bilateral, regional and inter-regional agreements.

These agreements contain a commitment by both parties to recognise and promote social rights, including respect for the ILO core Conventions on fundamental labour rights.

Since 1998, the Community has been granting **trade preferences** under the Generalised System of Preferences (GSP) special incentive scheme for the protection of labour rights. This special incentive is offered on request to those developing countries that ensure ILO core labour rights are respected. Under the new GSP+ scheme, which entered into force on 1 January 2006, a new GSP incentive for sustainable development and good governance provides additional tariff preferences for vulnerable countries which have signed and effectively implemented a number of international conventions on protection of the environment, on good governance and on human and labour rights, including the eight core ILO Conventions on labour rights. The GSP+ scheme replaces several previous special incentive schemes.

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54 See chapter 4.12 The Right to Development.

55 OJ C 46, 24.2.2006, p. 1.

56 Communication of 24 May 2006, http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/675&format=HTML&aged=0&language=EN&guiLanguage=en.

Support for the free trade union of Burundi, COSYBU (2004-06), a project funded under the European Initiative for Democracy and Human Rights (EIDHR)

This EIDHR project, implemented by the Italian NGO ISCOS-Cisl, aimed at strengthening the political role and the effectiveness of the Burundi Trade Union - COSYBU (Union Confederation of Burundi) in order to increase the level of respect for fundamental labour rights and to support the overall democratic process in the country.

The specific objectives of the project were:
- to increase the capacity and role of COSYBU;
- to professionalize the trade-union cadres in their role as negotiators and defenders of workers' and human rights;
- to transfer the instruments and knowledge necessary for increasing their role as promoters of peace and the development of their own country.

This 2-year project (EUR 400.000), which started in Spring 2004, provided for a series of training courses for specific trade-union cadres, as well as training for trainers. Areas covered by the training included organisation processes, labour legislation, social dialogue, international cooperation, debt and globalisation and communication methodologies. About 50 trade-union cadres from different categories participated (50 % of the beneficiaries are women). Once the training was concluded, they continued the training courses for other workers.

As one of the concrete results of this project, the beneficiaries on completion of the training activities created their own Trade-Union Education Association (A.Fo.Sy), which has now been formally recognised by the local Government.

Currently, some 180 developing countries and dependent territories are granted the basic GSP. In addition, 15 vulnerable countries have been granted GSP+ benefits for a 3-year period (2006-2008) including five Andean countries (Bolivia, Columbia, Ecuador, Peru and Venezuela), six Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama), Moldova, Georgia, Mongolia and Sri Lanka.

In exceptional cases including serious and systematic violations of any of the eight ILO Conventions on core labour standards, the EU GSP scheme allows for the temporary withdrawal of trade preferences. Under the current GSP Council Regulation, the assessments of ILO supervisory bodies can trigger an investigation into whether GSP temporary withdrawal is justified. With effect from 21 June 2007, the EU Council temporarily withdrew access to the EU GSP preferential arrangement from Belarus for serious and systematic violations of the ILO Conventions Nos 87 and 98 concerning Freedom of Association and the Right to Organise and to Bargain Collectively. The temporary withdrawal of GSP from Myanmar (Burma), decided by the EU in March 1997, remains in force since the serious and systematic violations of this Convention by that country have not ceased.

4.12 The Right to Development

The EU has consistently underlined its commitment to the right to development as set out in the Vienna Declaration and Programme of Action of 1993. That commitment is articulated through the development cooperation partnerships and agreements that have been established with countries throughout the world, for example the Cotonou Agreement between the EU and the African, Caribbean and Pacific (ACP) countries.

At the eighth session of the UN Working Group on the Right to Development (February-March 2007), the EU underscored the primary responsibility of States to create the national conditions conducive to the fulfilment of this right. That can best be achieved by applying a human-rights perspective to national development plans and global partnerships, which stress the universality, indivisibility, inter-relatedness and interdependence of all human rights. The EU strongly supports the partnership between developed and developing countries set out in the Monterrey Consensus, which states that while 'Each country has primary responsibility for its own economic development; national development efforts need to be supported by an enabling international economic environment'.

The Working Group (WG) is mandated by the UN Human Rights Council to monitor and review progress in the promotion and implementation of the right to development and to review reports and other information submitted by States and international or non-governmental organisations. It has begun work on analysing international partnerships for development and innovative mechanisms, such as the African Peer-Review Mechanism (strongly supported by the EU), which was found by the WG to integrate the normative framework of the 1986 Declaration on the Right to Development and allow for progress in this area.

The conclusions of the eighth session of the WG, agreed by consensus for the first time, recognised the need to move away from conceptual debates and work on implementation criteria. The analysis of concrete applications of the right to development by means of screening partnerships on the basis of specific criteria has proved to be a productive and positive exercise. These criteria will be progressively refined and will turn into a useful tool for incorporating the essential elements of the right

to development into operational frameworks. The EU-ACP Cotonou Partnership Agreement will be the next one to be analysed, in the course of 2007, by the WG, whose mandate was extended for a further two years.

In 2007 the Commission also disbursed the funds earmarked for the Governance Initiative for ACP countries. The aim of this initiative is to further promote a reform agenda in EU partner countries, in areas which include human rights, democracy and the rule of law. A total of EUR 3 billion have been granted under this initiative in additional financial support to countries ready to commit themselves to plans containing relevant, ambitious, and credible measures and reforms. The plans are produced by partner countries and focus on attainable results, with the ultimate objective of reducing poverty and promoting sustainable development. They will also provide benchmarks in the human rights and democracy areas that the EU will monitor and discuss with the country by means of political dialogue.

The EC also participated in the Governance Network of the OECD Development Assistance Committee (DAC), which drafted an "Action-Oriented Policy Paper on Human Rights and Development", adopted by the DAC on 15 February 2007. This paper sets out guiding principles for both more effective promotion and protection of human rights and the integration of human-rights principles into development processes in a more systematic way.

4.13. Freedom of religion and belief

The EU's human rights policy encompasses freedom of thought, conscience and religion or belief, which is enshrined in various international human rights instruments, such as the Universal Declaration of Human Rights (article 18), the UN Covenant on Civil and Political Rights (article 18) and the European Convention on Human Rights and Fundamental Freedoms (article 9). Moreover, the EU Charter of Fundamental Rights makes clear that everyone has the right to freedom of thought, conscience and religion (article 10) and that cultural, religious and linguistic diversity should be respected (article 22).

The EU is actively engaged in discussions on freedom of thought, conscience and religion with a broad range of countries and has raised the issue in a number of political dialogue meetings, inter alia with China. The EU voices its concerns regarding religious freedom and related intolerance and discrimination via demarches and public statements.

As regards the EU's relations with Asia, the ASEM process (Asia-Europe Meeting) is committed to promoting dialogue and building harmony among different religions and faiths. The First and Second ASEM Interfaith Dialogue Meetings (2005-2006) in Bali and Larnaca had brought together religious leaders, senior officials, intellectuals and media from ASEM partners. The third ASEM Interfaith Dialogue Meeting focusing on "Deepening interfaith dialogue for peace, development and harmony" took place in China in June 2007, resulting in the Nanjing Statement, which takes forward the agenda defined at the two earlier meetings. The Netherlands will host the fourth Dialogue Meeting in 2008.

During the period under review, the Presidents of the European Parliament, the European Council and the European Commission met with faith leaders to discuss the topic "Building a Europe based on human dignity". This meeting with leading representatives of the three monotheistic religions was held in May 2007 at the initiative of European Commission President Barroso. Together with European Council President Angela Merkel and European Parliament President Hans-Gert Pöttering, President Barroso co-hosted the discussions, which were attended by 20 leading representatives of the Christian, Jewish and Islamic faiths in Europe. Similar meetings had been held in 2005 and 2006 at the invitation of President Barroso, but this was the first time that such a gathering took place under the auspices of the Commission, the European Parliament and the Council Presidency.

In line with its commitment to fight all types of discrimination, the EU has taken action against intolerance and discrimination based on religion or belief, in particular in the UN fora. During the period under review, the EU took action both at the UN General Assembly (UNGA61) and at Human Rights Council (HRC4).

The EU introduced to the 61st session of the UN General Assembly its customary resolution on the Elimination of all forms of intolerance based on religion or belief (A/RES/61/161). The consensus around this text was maintained, and a record of 99 cosponsors were gathered. The UNGA resolution reaffirmed the importance of freedom of thought, conscience and religion or belief in the international human rights system and in the lives of individuals. It expressed concern about serious instances of intolerance and discrimination on the grounds of religion or belief in various forms. It highlighted the role of both education and dialogue as constructive means to enhance knowledge and mutual understanding and thereby bring durable solutions to the tensions that still remain in this regard. The resolution contained provisions dealing with the protection of freedom of religion or belief by states and encouraged the efforts of all actors in society to promote tolerance. It also expressed firm support to the work of the UN Special Rapporteur on freedom of religion or belief.

As in previous years, the EU voted against the UN General Assembly Resolution on Combating defamation of religions (A/RES/61/164), since the text was not in line with fundamental principles guiding the EU approach. In its explanation of vote at the UN Third Committee, the EU underlined its genuine commitment to promoting the principles of tolerance and respect, in particular the elimination of all forms of intolerance and discrimination based on religion or belief. It expressed its concerns regarding the general approach, conceptual framework and terminology

Extract from the UN General Assembly Resolution on the Elimination of all forms of intolerance and of discrimination based on religion or belief

"The General Assembly,…

10. Urges States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

    (a) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;
    (b) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;
    (c) Undertaking all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

11. Invites Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding;

12. Emphasizes the importance of a continued and strengthened dialogue among and within religions or beliefs, including as encompassed in the dialogue among civilisations, to promote greater tolerance, respect and mutual understanding;

13. Also emphasises that equating any religion with terrorism should be avoided, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

…"

of the Resolution and believed that a broader, more balanced and firmly rights-based text would be best suited to addressing the issues underlying the Resolution. The EU noted that it did not see the concept of "defamation of religions" as a valid one in a human-rights discourse. International human-rights law protected primarily individuals in the exercise of their freedom of religion or belief and not the religions as such. Members of religions or communities of belief could not be viewed as mere particles of homogenous and monolithic entities. Moreover, discrimination based on religion or belief, which was a serious violation of human rights, needed to be addressed comprehensively. The EU recalled that discrimination based on religion or belief was not confined to any one religion or belief, or to any one part of the world.

On the occasion of the 25th anniversary of the UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief of 25 November 1981, a commemoration meeting[57], endorsed by the UN Special Rapporteur on freedom of religion or belief, was organized in Prague to highlight the importance of promoting freedom of religion or belief. This event was attended by UN representatives, representatives of 52 governments, human-rights organizations and experts. It was an opportunity to discuss issues such as the relationship between freedom of religion and freedom of belief. Although the UN Declaration is not legally binding, it sets out a valuable set of norms, lending itself both as a yardstick to measure compliance by governments and as a tool to promote respect and tolerance, and is a reference document for the work of the UN Special Rapporteur on freedom of religion or belief.

4.14 Intercultural dialogue

The EU is strongly committed to promoting intercultural dialogue both within the Union and with third countries. The combined effect of the successive enlargements of the EU, the increased mobility resulting from the single market, old and new migratory flows, more significant exchanges with the rest of the world through trade, education, leisure and globalisation in general, is increasing interactions between European citizens and all those living in the EU, and the various cultures, languages, ethnic groups and religions in Europe and beyond.

The Commission's Communication[58] of May 2007 on the role of culture in a globalising world affirmed the central role of culture

[57] http://www.1981declaration.org.

[58] COM(2007) 242 final.

in the process of European integration and proposed a cultural agenda for Europe and for its relations with third countries.

The Communication was complemented by an accompanying Commission Staff Working Paper[59], which described the many ways in which the EU supports culture.

There are three major objectives that together form a cultural strategy for the European Institutions, the Member States, and the cultural and creative sector:

1. Promotion of cultural diversity and intercultural dialogue;

2. Promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy; and

3. Promotion of culture as a vital element in the Union's international relations.

At a time when the EU is looking forward to the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Communication also addressed the external dimension of European culture. It recognised the need for a European strategy for culture that is both open to diversity within Europe and at the same time open to the world. The Communication proposed measures to make culture an even stronger part of political dialogue with partner countries and regions around the world, promoting cultural exchanges and systematically integrating culture in development programmes and projects.

The European Council of June 2007 welcomed the efforts to improve the continued and deepened cooperation at EU level and between Member States in the area of integration and intercultural dialogue. The European Council welcomed, in particular, the Council Conclusions of 12 June 2007 on the strengthening of integration policies in the EU by promoting unity in diversity. It emphasised the importance of further initiatives to facilitate the exchange of experiences on integration policies of the Member States.

During the period under review, an intensive preparation of the European Year of Intercultural Dialogue in 2008 established by a Decision[60] of the European Parliament and of the Council in December 2006 has been under way. Civil society has been closely associated in the preparation and will be actively involved in the year itself. As part of the preparations for the year, the Commission issued a call for ideas for promoting intercultural dialogue in Europe[61] and organised a conference in November 2006 on intercultural dialogue aiming at selecting, promoting and exchanging best practices which demonstrate the relevance of intercultural dialogue in the framework of Community programmes[62]. The website of the European Year[63] aims at involving partners from civil society.

Furthermore, intercultural dialogue will be integrated as a horizontal and trans-sectoral priority into relevant Community policies, programmes and actions. This objective has been implemented both for programmes relating to culture, education, youth and citizenship and in a number of other areas such as employment, social affairs, equal opportunities, external relations and development aid.

Intercultural dialogue is an integral part of the EU's relations with third countries. The Euro-Mediterranean Partnership (Barcelona Process) illustrates this. The third chapter of Euro-Mediterranean cooperation on social, cultural and human affairs has experienced considerable development in recent times. Efforts are constantly being made to improve the Euro-Mediterranean dimension of intercultural communication. To this end, a Euro-Mediterranean conference on the "Media and intercultural understanding: challenges and responses" was organised in Berlin in June 2007. The participants, representing a cross-section of government, institutional, media and civil society interests, proposed statements on key aspects of intercultural communication, addressed to both the media and those who work in it, and to wider interests that affect the operation of the media.

The Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures[64] based in Alexandria, Egypt, has the role of a catalyst for regional initiatives aiming at enhancing understanding and cooperation. The Foundation promotes the dialogue between cultures and contributes to the visibility of the Barcelona Process through intellectual, cultural and civil-society exchanges. Its main objective is to bring people and organisations from both shores of the Mediterranean closer to each other and to help bridge the gap between them. Particular importance is given to the development of human resources, while youth is the main target group. Another priority is the promotion of tolerance among people by furthering exchanges between members of the diverse civil societies. The Foundation hosts 37 national networks established by the Euro-Mediterranean partners.

Another example is the ASEM (Asia-Europe meeting) process. Apart from the official ASEM meetings, nearly 100 initiatives have been implemented over the past decade, including numerous expert-level, thematic working meetings and symposia, often involving the business communities and civil-society groups of the two regions. Subjects covered have extended from the initial emphasis on economy to include human rights, rule of law, global health threat, sustainable development, and intercultural and interfaith dialogues.

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59 SEC(2007) 570.

60 Decision No 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the European Year of Intercultural Dialogue (2008). OJ L 412 of 30 December 2006.

61 http://ec.europa.eu/culture/eac/dialogue/contributions/call_idea_en.html.

62 http://ec.europa.eu/dgs/education_culture/dialogue/index_en.html.

63 http:/// www.interculturaldialogue2008.eu.

64 www.euromedalex.org.

Intercultural dialogue has also been discussed in an ASEAN Regional Forum context at the 5th Inter-sessional meeting on counterterrorism and transnational crime in Singapore in May 2007. The EU presentation in the meeting focused on the role of the media in enhancing intercultural dialogue and on the role of regional organizations (notably ASEM) in this area.

The EU is active in cultural and intercultural matters within multilateral fora such as the UN. The entry into force of the UNESCO Convention on the protection and promotion of the diversity of cultural expressions on 18 March 2007 is a fundamental step, to which the EU has greatly contributed. As parties to the Convention, the Community and its Member States have committed themselves to strengthening the cultural pillar of global governance and sustainable development, notably through enhancing international cooperation.

Culture is a key element in the EU's cooperation with the Council of Europe, which includes the joint implementation of the European Heritage Days as well as joint activities in the Western Balkans.

The Commission, and several EU Member States, continue to participate actively in the Group of Friends of the Alliance of Civilizations. The Alliance was launched by the Prime Ministers of Spain and Turkey, along with former UNSG Kofi Annan, at the end of 2005 with the objective of identifying ways to address the problem of cross-cultural polarisation and recommending actions to counter it. The High-level Group of twenty eminent personalities presented to the UN Secretary General (UNSG) and to the Prime Ministers of Spain and Turkey its report on an "Alliance of Civilisations" in Istanbul on 13 November 2006. The start of its operational phase was marked by the appointment of the High Representative, Mr. Jorge Sampaio, and the publication of an implementation plan. The EU participants are preparing to take part in the first Annual Forum of the Alliance, scheduled for January 2008 in Spain.

4.15 Asylum, Migration, Refugees and Displaced Persons

Migration, asylum and refugee issues figure among the priority areas of the EU policies within the EU and in its external relations. The EU stresses the need to continue implementation of the Tampere and Hague programmes on Justice and Home Affairs and to work on what is to succeed them in order to further strengthen Europe's internal security as well as the fundamental freedoms and rights of citizens.

Events involving migration flows to the EU have demonstrated the need to make rapid progress in developing a comprehensive European migration policy based on common political principles, capable of taking account of all aspects of migration (the migration and development agenda, legal migration, integration, international protection of refugees, border control, readmission and the fight against illegal migration and human trafficking), founded on a genuine partnership with third countries and fully integrated into the Union's external policies.

Progress has been made creating new partnerships and implementing priority actions focusing on Africa and the Mediterranean. In 2006 the EU held two ministerial conferences, the Euro-African Conference on Migration and Development (Rabat, 10-11 July) and the EU-Africa Conference for Migration and Development (Tripoli 22-23 November), in which genuine partnerships, based on an integral approach to migration, were established. Along the last few months the EU has sent several missions to Africa and taken concrete cooperation steps with African and Euromed partners, as part of the Global Approach to Migration. Work on the follow up of these initiatives is being taken forward and intensified.

In addition to the already existing dialogue and cooperation on migration issues with the EU's Eastern and South-Eastern neighbours, the Commission's Communication[65] of 16 May 2007 on applying the Global Approach to Migration to the Eastern and South-Eastern regions neighbouring the EU presented proposals to further intensify and coordinate cooperation on migration with the countries of those regions as well as with Asian countries from which the Eastern migratory flows also originate. The European Council of June 2007 has called on the Member States and the Commission to ensure that adequate human and financial resources are allocated, within the existing financial framework, in order to enable the timely implementation of the comprehensive migration policy.

Closer cooperation with third countries in managing migration flows is becoming increasingly important. In its Communication of 16 May 2007 on circular migration and mobility partnerships, the Commission proposes specific mobility partnerships on migration with third countries, which could contribute to a more coherent migration policy combining measures aimed at facilitating well-managed legal migration opportunities and their benefits – while respecting Member States' competences and the specific needs of their labour markets – with measures aimed at fighting illegal migration, protecting refugees and tackling the root causes of migration, while at the same time impacting positively on development in countries of origin. The European Council has proposed that the possibility of mobility partnerships should be further explored as well as possibilities for circular migration.

Convinced that illegal employment is one main pull factor driving illegal immigrants, the European Council has underlined the importance of the Commission' proposal, presented in June 2007, for a Directive providing rules to avoid the illegal employment of third country nationals.

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[65] COM(2007) 247 final.

European solidarity and fair sharing of responsibilities are among the founding principles guiding Europe's activities in managing the EU's external borders. The principles of solidarity and fair sharing of responsibilities also have to take into account the burden arising from the rescue of migrants at sea. The European Council has reaffirmed the need for the Union's capacity to contribute to the management of the external borders of the Member States to be reinforced, and has underlined the importance of continuing to strengthen the capacity of FRONTEX for this purpose. Joint operations at the Member States' external borders are contributing to the fight against illegal migration and to saving lives and must therefore be maintained. An agreement has been reached on the establishment of Rapid Border Intervention Teams, the launching of the Coastal Patrol Network, and the creation of a centralised "toolbox" of technical equipment available to the Member States.

As part of the comprehensive European migration policy, the Common European Asylum System will be realised by the end of 2010. Common standards and procedures are being drawn up in the field of visa and migration policy and with regard to checks on persons at external EU borders. Biometric passports, visas and residence permits are being introduced as part of these efforts. The Commission's Green Paper[66] on the future Common European Asylum System outlined the main issues at stake and invited constructive suggestions to take these issues forward. On the basis of a comprehensive consultation, a policy plan will be issued in the first quarter of 2008.

The European Council will review the state of implementation of the comprehensive migration policy in December 2007 on the basis of the Commission's interim progress report on the application of the Global Approach to Migration to Africa and the Mediterranean, as well as first progress on the application of the Global Approach to Migration to the Eastern and South-Eastern regions neighbouring the European Union.

In the framework of its external assistance programmes, the Commission has launched a new programme to cooperate with third countries in the areas of migration and asylum with a budget of EUR 380 million for 2007-2013. Building on the experiences of its predecessor, AENEAS, the new thematic programme "Migration and asylum" will seek to support third countries in their efforts to ensure better management of migratory flows in all its dimensions. The focus will be countries along Southern and Eastern migratory routes towards the European Union, although other migratory routes as well as South-South migrations will also be covered. In addition, horizontal initiatives will address migration and development, labour migration, asylum and refugee protection, smuggling and trafficking in human being as well as illegal immigration.

The EU participated in the **High-Level Dialogue on International Migration and Development** (HLD), which took place on 14 and 15 September 2006 at UN Headquarters in New York. 132 countries were represented, many at high level. The EU considered this dialogue as a success, in that it enabled States to discuss an issue that was previously deemed too sensitive to discuss in the UN context. The HLD addressed the positive and negative impacts of migration and its relationship with development, including the issues of remittances, the brain drain and the fight against illegal human trafficking. There was also a general recognition of the link between poverty reduction and the promotion of governance and respect for human rights. The EU Presidency stressed the importance of cohesive and coordinated responses on migration in bilateral, regional and multilateral fora.

The EU welcomed the creation of the **Global Forum on Migration and Development**, which was announced by the UN Secretary General at the HLD. This standing forum, which is not officially part of the UN system, aims to allow UN member states to share ideas and discuss best practices and policies related to international migration, and to how this phenomenon ties in with global development.

In the context of the strategic partnership agreement of 15 February 2005 between the Commission and the **United Nations High Commissioner for Refugees** (UNHCR), a meeting at senior officials' level was held in Brussels on 1 September 2006. This meeting provided an opportunity for a useful exchange and the coordination of views on refugee protection in migration flows, with a particular focus on Morocco/Maghreb; the protection of internally displaced persons and how to bridge the relief-to-development gap with particular focus on Liberia; lessons learned in crisis situations, and how to strengthen EC-UNHCR early warning mechanisms and advocacy for refugee protection with particular focus on Sudan and Central Asia.

4.16 Racism, Xenophobia, Non-discrimination and Respect for Diversity

Racism and xenophobia are incompatible with the principles upon which the EU is founded. EU institutions have repeatedly rejected and condemned all their manifestations. The EU, within the limits of the powers conferred on it by the Treaties, determinedly pursues a clear policy of fighting these phenomena, both within its borders and in the context of its external action.

In 1997, Article 13 of the Amsterdam Treaty gave the European Union a legal base on which to develop "appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". Using these powers the Council of the European Union has adopted the Racial Equality Directive (2000/43/EC) and the Employment Framework Directive (2000/78/EC).

[66] COM(2007) 301 final.

During the period under review, the EU Member States have made further progress in implementing these two Directives, which prohibit direct and indirect discrimination, as well as harassment, on grounds of religion and belief, age, disability and sexual orientation in the employment field, and on grounds of racial or ethnic origin in a range of fields (employment, social protection, education and access to goods, services and housing etc). These Directives have raised significantly the level of protection against discrimination across the EU. In some countries, this has involved the introduction of an entirely new, rights-based approach to anti-discrimination legislation and policy.

Since some Member States have incompletely transposed these Directives or are late in doing so, the Commission has launched infringement procedures against them. Moreover, formal requests have been sent to 14 Member States to fully implement EU rules banning discrimination on the grounds of race or ethnic origin (2000/43/CE). The Commission is also continuing to study whether national legislation in the Member States correctly reflects the Directives. In addition, it is supporting a range of complementary actions to raise awareness and to train judges, lawyers and representatives of civil society in the principles of non-discrimination law.

The Commission plans to undertake an in-depth study into the relevance and feasibility of possible new measures to complement the current legal framework.

A study of national anti-discrimination laws carried out for the Commission in 2006 concluded that all Member States have legal rules going beyond what is already required under European legislation. However, there is a considerable variation in the type of rules in place and their scope. Higher protection tends to be granted against discrimination on the grounds of religion and sex, while discrimination on the grounds of sexual orientation, disability and age is less covered outside the field of employment. A Eurobarometer survey in January 2007 showed that 64 % of Europeans believe discrimination is widespread in their country and 51 % think that not enough is being done to combat the problem.

The Commission has also announced that it will put forward new initiatives in 2008 to prevent and combat discrimination outside the labour market based on gender, religion, belief, disability, age or sexual orientation.

The "2007 European Year of Equal Opportunities for All" is the centrepiece of the European Commission's framework strategy for non-discrimination and equal opportunities. Activities during the thematic year are carried out at both European and national level. The aim of the Year is to inform people of their rights, to celebrate diversity and to promote equal opportunities for everyone in the Union, be it in economic, social, cultural or political life. Other new initiatives include the creation of a high-level advisory group to look at integration in social and labour markets by ethnic minorities, including the Roma[67].

On the basis of the Commission's proposal, on 18 December 2006 the European Parliament and the Council adopted the decision to designate 2008 the European Year of Intercultural Dialogue (see Chapter 4.14 on intercultural dialogue).

Pending the lifting of some Parliamentary reservations, the Council reached a general approach on the Framework Decision on combating racism and xenophobia on 19 April 2007. The purpose of the Framework Decision is to ensure that racism and xenophobia are punishable in all Member States by effective, proportionate and dissuasive criminal penalties. The proposal for a Framework Decision was presented by the Commission in November 2001. However, several years' of stalemate followed, with the Member States unable to reach agreement on the Framework Decision, the main obstacle being difficulties in finding the right balance between freedom of expression and repression of racist behaviour. The draft Framework Decision criminalises intentional conduct such as incitation to violence or hate towards a group of people or a person belonging to a group, defined on the basis of race, colour, descent, religion, national or ethnic origin, as well as the public denial or gross trivialisation of crimes against humankind and war crimes. It addresses every form of racism without listing specific groups of people which could be victims of racist conduct. Member States will ensure that such conduct is punishable by criminal penalties of a maximum of at least between one and three years of imprisonment. The Framework Decision will not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles, including freedom of expression and association. After its adoption, Member States will have two years to comply with the Framework Decision.

The Council established the European Union Agency for Fundamental Rights on 15 February 2007.[68] The Fundamental Rights Agency is the legal successor of the European Monitoring Centre on Racism and Xenophobia (EUMC). This Vienna-based agency became operational on 1 March 2007. Until the adoption of the first Multiannual Framework determining its thematic areas of activity, the FRA's work will include racism, xenophobia and related intolerance (see Chapter 2.1. on the Fundamental Rights Agency).

The FRA conducts its regular data collection activities through RAXEN, an EU-wide network of national focal points, on the basis of common guidelines for all EU Member States. It also conducts research and analysis which is essential to a proper understanding of the extent and development of manifestations of racism, xenophobia and anti-Semitism in the EU. The findings and results are published in its Annual Report and other publications, such as comparative reports on key thematic areas.

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[67] Commission Decision 2006/33/EC of 20 January 2006.

[68] OJ L 53, 22.2.2007.

Within the period under review, the earlier EUMC published inter alia the following reports[69]: (1) Racism, Xenophobia and the Media: Towards respect and understanding of all religions and cultures (Conference report) (2) Annual Report 2006: Situation regarding Racism and Xenophobia in the Member States of the EU (3) Anti-Semitism: Summary overview of the situation in the European Union 2001-2005 and (4) Muslims in the European Union: Discrimination and Islamophobia. More information about the activities of the EUMC is available in the report "Activities of the EUMC on Racism and Xenophobia in 2006".

In the external relations context, the EU is actively engaged in efforts within the United Nations to tackle racism and discrimination. During the 61st session of the United Nations General Assembly (UNGA), the European Union made a statement in the 3rd Committee on the elimination of racism and racial discrimination. The EU is also constructively participating in the preparatory process of the Durban Review Conference which will take place in 2009, within the framework of the General Assembly. Implementation of the existing norms should be the focus of that Conference.

In the OSCE framework, through EU coordination, the Commission and the EU Member States work actively and regularly to obtain 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. In this respect, the Human Dimension Implementation Meeting organised by OSCE/ODIHR on an annual basis in Warsaw is a valuable platform for the Commission and the EU Member States.

The EU raises racism and xenophobia issues in its political dialogues with third countries, for example Russia and China. These issues have also been mainstreamed in cooperation strategies; for example, under the European Neighbourhood Policy Action Plans, the partner countries commit themselves to cooperation to combat all forms of discrimination, religious intolerance, racism and xenophobia. In December 2006, the Commission organised a seminar with Israel on Racism, Xenophobia and anti-Semitism. The seminar was held in the framework of the EU-Israel ENP Action Plan.

The fight against racism, xenophobia, and discrimination against minorities and indigenous people is a priority for funding under the European Initiative for Democracy and Human Rights (EIDHR). The theme has been included in general and specific calls for proposals to select projects for funding. A call for proposals covering this theme was launched in 2006. A total of 19 projects were selected for funding for an overall amount of EUR 8,8 million, providing concrete follow-up to the Durban Declaration and Programme of Action of 2001. In addition 4 targeted projects were selected for funding of around EUR 2,2 million.

Through EIDHR funds, the EU supports the United Nations High Commissioner for Human Rights 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. Project activities include awareness-raising campaigns and seminars, the provision of advice through technical cooperation projects with governments, and research and analysis. The main partners are UNDP, UNESCO, the World Bank, the ILO and other international organisations, as well as human rights institutions and civil society organisations.

4.17 Rights of Persons Belonging to Minorities

The EU is committed to fully respecting the human rights of all persons, including those belonging to minorities. The EU Charter on Fundamental Rights calls for the protection of cultural, religious and linguistic diversity, while the Treaty on the European Union upholds the principle of full enjoyment of rights and freedoms without discrimination, including association with a national minority, as set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 14). Furthermore, Article 13 of the Treaty establishing the European Community allows the Community to take appropriate action to combat discrimination based, among other things, on ethnic origin.

The year 2007 has been designated by the European Commission as the European Year of Equal Opportunities[70]. Each Member State has established a National Implementing Body which has developed a national strategy explaining how the Year will address discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation in their respective countries. At European level, there is a wide information and promotional campaign, as well as conferences and events including a launching event for the Year at the first ever Equality Summit under the German Presidency and a Closing Conference under the Portuguese Presidency; a number of surveys will also be published by the Commission which will feed into debates at EU and national level. At both national and European levels, activities are being organised around the Year's four key objectives: rights, representation, recognition and respect. EUR 7,65 million has been allocated to fund activities at national level, with a further 50 % of national co-financing leading to an overall budget of some EUR 15 million.

Among developments at European level during the reporting period was the establishment of the High Level Advisory Group of Experts on the social integration of ethnic minorities and their full labour market participation; the first meeting of the

[69] Fundamental Rights Agency (Publications): http://fra.europa.eu/fra/index.php?fuseaction=content.dsp_cat_content&catid=1.

[70] http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/647&format=HTML&aged=0&language=EN&guiLanguage=en.

Working Group took place in February 2006, and the group's report and recommendations will be submitted by December 2007. The work of the group introduces greater scope for the EU to further develop its understanding of minority issues and to ensure they are addressed in its policies.

The membership criteria for countries wishing to join the EU, as laid down at the Copenhagen European Council in 1993, specifically include the respect for and protection of minorities:

"*Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities*".

Accordingly, in 2006 and the first half of 2007, particular attention continued to be paid to persons belonging to minorities within the context of the EU enlargement process, as well as in relation to the Stabilisation and Association process with the Western Balkans countries[71]. Key progress to be noted was the accession of Montenegro to the Council of Europe Framework Convention on the Protection of National Minorities[72].

In this context, the record of the acceding and candidate countries (Turkey, Croatia, and the former Yugoslav Republic of Macedonia) continued to be assessed in reports presented by the European Commission to the European Parliament and to the Council, with Roma communities identified as some of the most vulnerable. These reports, which are aimed at measuring progress made by candidates towards accession, also contain precise recommendations to the candidate countries with a view to improving their practices. The current and future pre-accession financial instruments provide EU funding to promote non-discrimination and equal opportunities in countries that are preparing for membership of the EU.

Looking outward to the EU's role in third countries, the promotion and protection of the rights of persons belonging to ethnic and religious minorities continued to be a key feature of external relations. Minority rights continued to be raised with several third countries within the framework of the human rights dialogues that the EU conducts with them. Within development cooperation several projects targeting minorities have been initiated, such as assistance to the pre-school education of ethnic minorities in the Central Highlands of Vietnam. At the same time increasing attention has been paid to ensuring that the rights of persons belonging to minorities are properly mainstreamed into all relevant development cooperation interventions. This is for example the case with support for education, which would naturally include support for the bilingual education of minority children. Finally, a number of projects tailored to the promotion of minority rights were funded by the European Initiative for Democracy and Human Rights (EIDHR) in Albania, Bosnia and Herzegovina, Georgia, India, Israel, Kazakhstan and Uganda, as well as Turkey.

At UN level, the work of the Independent Expert on minority issues[73] is a valuable source in informing the EU's approach to minority issues in relations with third countries. The EU also continues to follow with interest the UN Working Group on Minorities and is actively involved in the work of international organisations dealing with minorities issues, such as the OSCE and its Office of the High Commissioner on National Minorities, as well as the Council of Europe's European Commission against Racism and Intolerance (ECRI) and the Commissioner for Human Rights.

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71 Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro.

72 The text of the Convention can be found at: http://conventions.coe.int/treaty/en/Treaties/Html/157.htm.

73 Ms Gay McDougall was appointed as the Independent Expert on minority issues in 2005 by the UN Commission on Human Rights under Resolution 2005/79.

Joint Council of Europe/European Commission programme: Equal rights and treatment for Roma in South Eastern Europe

A grant of EUR 275 000 has been given to this project under the European Initiative for Democracy and Human Rights. The overall objective of the project is to promote tools for the efficient implementation of National Strategies for Roma in South East Europe, through training on participative monitoring and evaluation mechanisms of national programmes/action plans for Roma, as well as through an awareness-raising campaign to fight against stereotypes and prejudices towards Roma.

Main activities include needs assessment seminars on monitoring and evaluation, training and mentoring, setting up an awareness-raising campaign website, and the promotion of school and other civil society projects combating prejudices and negative stereotypes against Roma.

The project is being implemented in close collaboration with other international actors, involving inter alia EC delegations, OSCE field missions and Council of Europe field offices, and taking into account other initiatives. The project started in December 2005 for a period of 2 years.

THE UN DISABILITY CONVENTION

The EU was fully engaged in the negotiations in the UN General Assembly on the International Convention on the Rights of Persons with Disabilities, which opened for signature in New York on 30 March 2007[1].

The successful conclusion of these negotiations constituted a landmark for the European Community in that it has the opportunity to become, for the first time ever, party to a comprehensive UN human rights convention. The Convention thus represents the first human rights convention to be negotiated and signed by the Commission on behalf of the Community on matters falling under Community competence. Like all the signatories to the Convention, the Commission and Member States are currently engaged in preparing for the ratification/conclusion process and will have to carry out a detailed policy review in order to determine the exact impact of the Convention, including in the field of external relations and development cooperation.

In terms of its content, the Convention represents a significant change: it establishes disability as human rights issue and not only as a social welfare matter. It will benefit 650 million persons with disabilities around the world, including 50 million Europeans.

The UN Convention will provide a robust basis in international law for raising the issue of disability in EU human rights dialogues with third countries that have ratified the Convention; it will also supply a clear framework for engaging in policy dialogue with our partners in development cooperation on the issue of disability.

1 http://www.ohchr.org/english/law/disabilities-convention.htm.

4.18 Persons with Disabilities

The European Union's commitment to persons with disabilities is expressed inter alia in Article 26 of the EU Charter on Fundamental Rights: "*The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.*"

During the reporting period, the EU continued to demonstrate its commitment to promoting and protecting the rights of disabled people in Europe in line with the European Union Disability Strategy[74]. This strategy places emphasis on dignity, fundamental rights, protection against discrimination, fairness and social cohesion. The implementation tool for this strategy is the European Disability Action Plan (2003-2010)[75] which has three main focuses: access to individual rights; elimination of barriers which prevent people with disabilities from exercising their abilities, including accessibility barriers; and mainstreaming of disability issues in the broad range of Community policies which have an impact, directly or indirectly, on the situation of people with disabilities.

Cooperation between the European Commission and Member States is facilitated by the EU Disability High Level Group, which brings together Member States and Commission representatives, representatives of people with disabilities and stakeholders on a regular basis to continue the development of synergies in disability policies at EU level. Cooperation is further facilitated by awareness-raising initiatives such as the Commission cycle of policy conferences which take place every year on the European and International Day of Disabled People on 3 December, and Presidency conferences which are held on a regular basis.

The EU believes that people with disabilities should be involved in the planning, monitoring and evaluation of policy and practice concerning disability. As such, it continues its dialogue with the European Disability Forum (an umbrella organisation representing European Disability NGOs and National Disability Councils) and social partners (employers' associations, trades unions and workers' associations, plus associated civil society organisations relating to the world of work) in efforts towards the active inclusion of people with disabilities. The issue of disability was also addressed by the EU in the framework of the European Year of Equal Opportunities in 2007[76].

The commitment of the EU to promote and protect the rights of disabled persons outside its borders is reflected inter alia in the Commission's development policies and programmes. Between 2000 and 2006, there were 160 projects (worth approximately EUR 100 million) targeting persons with disability in development cooperation. One of these was the International Development and Disability Consortium' project, implemented

74 http://ec.europa.eu/employment_social/disability/strategy_en.html.

75 The Commission presents a Disability Report every two years to consider progress in the implementation of the European Disability Strategy and to address the subsequent phase of the Action Plan. A first report was published in November 2005. http://europa.eu.int/comm/employment_social/news/2003/oct/com650_final_en.html.

76 See chapter 4.17 Rights of persons belonging to minorities.

in partnership with several NGOs, on "Breaking the cycle of poverty and disability in Development Cooperation". In the framework of this project, on 20 and 21 November 2006, a "European Conference on the UN Convention on the Rights of Disabled Persons" was organised in Brussels, and an "EU disability and development mapping report" will be published. The Commission Communication on the thematic programme for human and social development "Investing in People", and the Strategy Paper for the Thematic Programme 2007-2013, explicitly refer to people with disabilities.

4.19 Indigenous Issues[77]

The period under review has been marked by a groundbreaking event for the world's indigenous peoples: the adoption of the UN Declaration on the Rights of Indigenous Peoples by the Human Rights Council in its first substantial session on 29 June 2006. This Declaration was the result of more than 20 years of negotiations in the UN framework, involving in an innovative process for the UN standard setting practice, indigenous representatives on an equal footing with representatives of UN Member States.

The EU considered the Declaration a valuable addition to the UN instruments for the promotion and protection of human rights and declared that the text represented the best achievable outcome of this process. Together with a wide range of countries, the EU voted unanimously in favour of the Declaration. Upon approval, the Human Rights Council submitted the Declaration for adoption to the General Assembly.

However, the text was not adopted as expected in November. Instead, in December a procedural resolution was adopted by the 3rd Committee of the UNGA according to which the decision was taken "to defer consideration and action on the … Dec-

[77] An overview including the main EU documents related to indigenous issues can be found at http://ec.europa.eu/external_relations/human_rights/ip/index.htm.

EIDHR: Capacity Building for Indigenous Peoples at the United Nations

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 (http://www.docip.org/anglais/welcome.html).

This three-year project, funded by the EIDHR with a grant of EUR 950 000, aims to enhance the efficiency of the different UN bodies that address the rights of at least 370 million people.

The project is carried out notably through the following activities:

(a) Organising technical secretariats at the UN during the conferences, in close cooperation with the Office of the High Commissioner on Human Rights;

(b) Providing translation and interpretation services in English, French, Spanish and Russian as well as adequate IT equipment, contacts etc;

(c) Publishing logistical information in four languages prior to sessions;

(d) Collecting, compiling and distributing records of these international processes and managing a network that brings together documentation centres that address indigenous issues;

(e) Providing training on how to document human rights violations;

(f) Publishing a quarterly that is the only quadrilingual source of information on indigenous issues at the international level;

(g) Transferring skills to indigenous human rights activists in francophone Africa, particularly women, to enable them to reproduce, at the local and regional level, doCip's activities such as managing documentation centres and hosting technical secretariats, particularly during pan-African indigenous peoples' conferences or during sessions of the African Union.

Documentation, information and contacts are also available to diplomats, members of Parliament, national and international officers, NGOs and researchers.

laration … to allow time for further consultations thereon"[78]. The EU expressed its concerns that reopening the Declaration would disrupt the compromise reached through inclusive negotiations and therefore seriously put the Declaration at risk altogether. The EU voted against the deferral.

Since then informal exchanges have been going on in the UN framework with the aim to find a compromise solution on outstanding issues that would allow the adoption of the text in the General Assembly before the end of the sixty-first session (envisaged date 13. September 2007), in line with the commitment taken by world leaders at the 2005 World Summit[79].

The EU has continued supporting the UN Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous People. This support has also materialized in an ongoing project with the Office of the High Commissioner for Human Rights for the implementation of his recommendations relating to Mexico and Guatemala. The project, which received a grant of 800,000 € under the European Initiative for Democracy and Human Rights (EIDHR), has been qualified by the Special Rapporteur in a study he presented at the fourth session of the Human Rights Council[80] as an example of "best practice" that could be applied to other countries.

Several EC-supported actions targeting indigenous peoples either directly or as a crosscutting issue are currently ongoing. In a programme launched in early 2007 to support the strengthening of the justice sector by combating impunity in Colombia, the indigenous peoples as such were not directly targeted. However, as a result of mainstreaming indigenous peoples' rights into the programme design, more than 150 000 indigenous people will eventually benefit from the programme. As an example of a project directly targeting indigenous peoples it is worth mentioning a project launched in late 2006 to protect and promote the political, economic, social and cultural rights of Dhanuk, Thami and Surel Janajatis living in two districts in Nepal. This project is funded through an EIDHR grant to Care Denmark, in partnership with the Nepal Federation of Indigenous Nationalities (NEFIN).

In line with the commitments contained in the European Consensus on Development[81], the promotion of the rights of indigenous people has been incorporated into the Community's cooperation instruments and in Country and Regional Strategy Papers. Specific references can be found notably in the Regulations establishing the financing instruments for Development Cooperation (DCI), for the European Neighbourhood and Partnership (ENPI), for the promotion of Democracy and Human Rights (EIDHR) and for Stability (SI).

[78] A/RES/61/178.
[79] A/RES/60/1 para 127.
[80] A/HRC/4/32/Add.4 of 26 February 2007.
[81] Joint EU Development Policy Statement, OJ C 46, 24.2.2006, p. 1.

4.20 Right to Privacy and to the Protection of Personal Data

On 6 October 2006, the EU and the United States completed negotiations on an interim Agreement on the processing and transfer of passenger name record (PNR) data by air carriers to the US Administration. The interim Agreement provides legal certainty by replacing the Agreement of May 2004 between the European Community and the US, following the judgment by the Court of Justice of the European Communities of 30 May 2006. The interim agreement enables PNR data in the reservation systems of air carriers to continue to be transferred to the US in the same way as under the previous Agreement. The US Administration may access PNR data from air carriers' reservation/departure control systems located within the territory of the EU Member States electronically, in accordance with specific undertakings the system will be replaced in due course by one under which airlines will send the required data to the US. The US Administration will continue to process PNR data received and treat data subjects concerned by such processing in accordance with undertakings given in 2004.

On 23 and 24 October 2006, the European Commission organised a Conference on International Transfers of Personal Data, jointly with the independent EU Advisory Body on Data Protection and Privacy, namely the Article 29 Data Protection Working Party, and the United States Department of Commerce's International Trade Administration.

At its session on 21 and 22 November 2006, the Article 29 Working Party adopted Opinion 10/2006 (WP 128) on its findings in the SWIFT case. SWIFT is a worldwide financial messaging service which facilitates international money transfers. SWIFT stores all messages for a period of 124 days at two operation centres, one within the EU and one in the USA; a form of data processing referred to in this document as "mirroring". The messages contain personal data such as the names of the payer and payee. After the terrorist attacks of September 2001, the United States Department of the Treasury ("UST") issued subpoenas requiring SWIFT to provide access to message information held in the USA. SWIFT complied with the subpoenas, although certain limitations to UST access were negotiated. The matter became public as a result of press coverage in late June and early July 2006. The Article 29 Working Party emphasised in its opinion that even in the fight against terrorism and crime, fundamental rights must remain guaranteed. It insisted therefore on the respect of global data protection principles. As a Belgian-based cooperative, SWIFT is subject to Belgian data protection law implementing the EU Data Protection Directive 95/46/EC. Financial institutions in the EU using the SWIFT service are subject to national data protection laws implementing the Directive in the Member States within which they are established.

Data protection issues affect everyone, but are not always well understood. That is why the Commission supported the Coun-

cil of Europe's initiative to raise the profile of data protection by declaring 28 January 2007 "Data Protection Day".

On 7 March 2007 the Commission adopted a Communication on the follow-up of the Work Programme for better implementation of the Data Protection Directive 95/46/EC. Looking back on the actions that have been taken and examining the current situation, the Commission concluded that the Directive lays down a general framework that is substantially appropriate and technologically neutral. Its harmonised set of rules ensures a high level of protection throughout the EU and has brought considerable benefits for citizens, business and authorities.

A number of actions will be undertaken to improve its implementation and harvest its full potential. Member States are now being urged to ensure proper implementation and to iron out any existing inconsistencies. To set the record straight on how the Directive should be implemented, the Commission will lay out its own views through an interpretative Communication. The Article 29 Working Party has a key role to play by harmonising the national practices of Supervisory Authorities. Efforts should continue to ensure that all national data protection authorities are completely independent and have sufficient powers and resources to exercise their tasks. The privacy implication of new technologies will be examined under the ongoing review of the e-privacy directive to assess whether specific legislative measures are necessary, and a Commission Communication on Privacy Enhancing Technologies (PETs) will aim at further increasing the trust of consumers.

Accordingly, on 2 May 2007 the Commission adopted a Communication with the purpose of identifying the benefits of Privacy Enhancing Technologies (PETs). In order to reap the full potential of on-line services for citizens and European businesses, people must have sufficient confidence that the information collected about them will be properly used. To ensure that breaches of the data protection rules and violations of an individual's rights are not only something forbidden and subject to sanctions under existing legal provisions, but also technically more difficult, the Commission puts forward a set of actions aimed at developing and promoting the use of "Privacy Enhancing Technologies". To support the development of PETs, cooperation mechanisms are put forward to identify the need for and technological requirements of PETs in an evolving technological environment, and research by the public and private sectors is encouraged. To support the use of available PETs by data controllers, their use by industry and public authorities is promoted, and standardisation and coordination of national technical rules on security measures for data processing are envisaged. To encourage consumers to use PETs, their awareness must be raised and their informed choice be facilitated by the use of "privacy seals".

On 12 June 2007, the Council adopted conclusions concerning the Framework Decision on the protection of personal data under the framework of police and judicial cooperation in criminal matters. The Council concluded that the Framework Decision will build upon the Council of Europe's existing minimum data protection principles. Moreover, the Council announced that it will examine all solutions suggested by the European Parliament. The Commission regretted that the Framework Decision had not yet been adopted, and intends to reach a political agreement as soon as possible and at the latest by the end of 2007.

5. EU action in international fora

5.1. 61st Session of the UN General Assembly

The UNGA Third Committee (social, humanitarian and cultural affairs) was in session from 2 October to 22 November 2006. In total, 60 resolutions were considered by the Third Committee. The total number was similar to the previous year. Of these resolutions, half were adopted without a vote, 25 were voted upon, three were withdrawn[82], one fell to a "no-action motion"[83], (i.e. a decision preventing discussion on an issue which has been raised in a resolution) and one was referred to the Fifth Committee[84]. This indicates a slight increase of voting on resolutions. In addition, eight resolutions dealt with by Third Committee delegates were considered directly in the UNGA Plenary.

The EU continued to play a very active role in the work of the Committee. The EU Presidency delivered a total of 39 public statements in the Committee, including general statements, introductions, explanations of vote and of position, and statements against "no-action motions". The EU as a whole, including individual Member State initiatives and some in co-sponsorship with countries from other regions, tabled 13 resolutions in the Committee. Four of these draft resolutions were subject to and adopted after a vote.

The EU presented two resolutions on the human rights situation in a specific country, on **Burma/Myanmar** and **DPRK**. The resolution on DPRK was made jointly with Japan and adopted by a large majority. The resolution on Burma/Myanmar was passed after a defeated no-action motion. Canada presented a resolution on **Iran**, and the USA resolutions on **Belarus** and **Uzbekistan** (not adopted due to a "no-action -motion"), all of which were co-sponsored by the EU. The outcome of country-specific resolutions can be considered a success, particularly in light of the climate against country resolutions that seemed to prevail before and at this session. Although only one of them was passed, the fact that "no-action motions" continue to be presented remains a concern. Concern is also raised by "reprisal resolutions", which are motivated by political rather than genuine human rights concerns.

The EU was, as in the previous session, the main sponsor of the two thematic resolutions: on **Religious Intolerance**, the consensus result of last year was repeated, and gained a record 99 co-sponsors, all the more important as several different resolutions served to demonstrate that there were some fundamental differences of approach on issues related to human rights and religion. In accordance with the agreed rotation, the resolution on the **Rights of the Child** was led this year by GRULAC (Latin American and Caribbean Group). The EU and GRULAC unity on the resolution was maintained, it gained a record number of 120 co-sponsors and avoided a lengthy paragraph vote. The resolution was adopted by a vote of 176 in favour to one (USA) against.

The EU led a cross-regional **statement on the death penalty**, delivered in the UNGA Plenary, which gained a total of 85 signatories and provided a useful basis for further analysis regarding possible initiatives in this field.

The national initiatives of EU Member States were also successfully adopted, including Violence against Women (NL/FR), Torture (DK), and Crime Prevention (IT), Regional Arrangements for Human Rights (BE), and an initiative on CERD (BE/SI), and the biennial Nordic initiative on Summary and arbitrary executions (SE).

Additional new elements in the work of the Committee were the discussion on Programme 19 (strategic framework of OHCHR budget 2008-2009) and the developing relationship between the Third Committee and the Human Rights Council, which exceptionally had its session partly at the same time as the Committee.

5.2. The United Nations Human Rights Council

The UN Human Rights Council, UN Reform

At the UN summit in September 2005, Heads of States and Government resolved to establish a Human Rights Council (HRC) to replace the Commission on Human Rights. The details of how the HRC would operate, its mandate, functions and working methods were left to be worked out by the UN General Assembly (GA) as soon as possible during its 60th session. On 15 March 2006 GA Resolution 60/251 on the establishment of a Human Rights Council was adopted. The EU participated very actively throughout the negotiations. From the outset the EU has aimed for a Council that would be equipped with the status, mandate, structures and membership necessary to give human rights the central role envisaged by the Charter of the UN. The EU has supported proposals that would make the new Council a genuine improvement in relation to the previous Commission on Human Rights (CHR). In particular, the EU was lobbying for the new Council to be a standing body, able to address human rights issues and situations as they occur, with real flexibility in the way the Council works, and a focus on dialogue, cooperation and assistance for addressing human rights shortcomings. The EU also placed great emphasis on the

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82 The situation of Lebanese children (Cuba on behalf of NAM); inadmissibility of human rights violations through the practice of secret detention and unlawful transfers while countering terrorism (Belarus); the Report of the Human Rights Council (Namibia on behalf of the African Group).

83 The situation of human rights in Uzbekistan (USA).

84 Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body (transmitted by ECOSOC).

continuing participation of NGOs and Special Procedures in the new Council, by building on the achievements of the CHR.

The last and purely procedural session of the CHR was held on 27 March 2006 and lasted for only half a day. Out of 47 members elected to the HRC, eight were EU Member States: France, Germany, UK, Finland, the Netherlands, Poland, Romania, and the Czech Republic. Since then, the Council has conducted five regular sessions as well as four special sessions dedicated to the situation in Palestine, Lebanon and Darfur. While all these sessions dealt with a number of substantive issues, throughout the period July 2006 – June 2007 the Council also worked on the completion of the **institution-building process**, including the review of existing CHR mandates as well as the arrangements for the so-called Universal Periodic Review envisaged in GA resolution 60/251. The **HRC**, both in substantive and procedural terms, was therefore a top priority for the EU in 2006-2007.

In the period under review, the Human Rights Council held four regular sessions and four Special sessions.

The inaugural session of the Human Rights Council took place from 19 to 30 June 2006 in Geneva. The **2nd regular session** was held from 18 September to 6 October, and resumed from 27 to 29 November 2006. The Council had on its agenda a large number of important substantive issues, as the Special Procedures were due to present their reports after the inaugural session's focus on launching the new institutions. The EU felt this would provide a good basis for addressing both thematic issues and country situations and tried to work under the guidance of the President of HRC to achieve a common outcome for the session, being relatively restrained in its own initiatives. However, in general the atmosphere of the session was still quite confused, as new ways to deal with issues were being sought. 46 draft proposals were submitted, of which seven were submitted by the EU or EU Member States, and the Council did not have sufficient time to act on them. The Council then decided, on an exceptional basis, to continue to consider the draft resolutions in a resumed 2nd session when the Council was scheduled to meet for the 3rd regular session. The Council therefore adopted only three decisions in the first part of its 2nd session. These were adopted by consensus. 19 resolutions/decisions were acted upon in the resumed session, the majority of which were adopted by consensus, one was rejected by a vote (the EU amendment to the decision on Darfur[85]) and five were adopted by a vote, including a decision on Darfur submitted by the African Group. All the other resolutions including the EU's text on Sri Lanka were either deferred to later sessions or withdrawn.

The **3rd regular session** was held from 29 November to 8 December 2006. The session was held on an exceptional basis right after the UNGA 3rd Committee. It was meant to focus mainly on issues related to institution building. For that reason the EU decided not to present its own initiatives in the session. The Council considered seven resolutions/decisions, of which four were adopted by consensus and three were adopted by a vote. The EU chose to abstain on a follow-up resolution sponsored by the countries of the Organisation of the Islamic Conference (OIC) on the situation in the Occupied Palestinian territories and to support the adoption, without a vote, of a further follow-up text by the OIC on the Commission of Inquiry on Lebanon which had been set up by the 1st special session of the Council. However, the EU was not able to support two African texts on preparations for the Durban Review Conference and the Comprehensive Follow-Up of the Durban Conference, as these did not adequately reflect the corresponding GA resolution and would have prejudiced the outcome of the follow-up process.

The opening session of the Council's **4th regular session** (12 to 30 March 2007) was attended by Foreign Minister Frank Walter Steinmeier of Germany representing the EU Presidency. This session again focussed on the situation in **Darfur**, while otherwise, in view of the ongoing institution-building process, being marked by general restraint of delegations regarding the number of initiatives tabled. By this session, the EU had clearly established itself, despite its numerical minority, as a major actor, successfully raising a number of important issues such as Darfur and the question of **the death penalty**, and addressing the situation of human rights in a number of countries in the framework of the continued interactive dialogue with the UN High Commissioner for Human Rights and many of the Special Procedures. In the framework of a so-called "related debate", the EU also prompted a half-day meeting concentrating on the deteriorating human rights situation in **Zimbabwe**. On **Darfur**, the Council adopted without a vote a joint EU-African text that took note of the High Level Assessment Mission's report, provided an unequivocal description of the situation in Darfur, and created an innovative mechanism involving thematic mandates that will, over the coming months, look at ways and means to improve the human rights situation on the ground by implementing the 115 recommendations on Darfur that have been pronounced within the UN system. The text also enables follow-up action by the HRC. The adoption by consensus of the resolution on Darfur should be seen as one of the known successes of the first year of the HRC. The Council also adopted by resolutions on the Right to Development (tabled by Cuba on behalf of the countries of the Non-Aligned Movement) and Religious Intolerance (tabled by the EU). A competing one-sided OIC text on "Defamation of Religions" was adopted with only half the Council's votes (with the EU voting against). As to the situation in Sri Lanka, the EU was once again constrained to defer its initiative to one of the upcoming sessions of the Council.

The first year of the Council came to a close with the **5th regular session** (11 to 19 June 2007) and the conclusion of the **institution-building process** through the adoption, without a vote, of a "package" outlining the future architecture of the Council. Throughout this process, i.e. in the three working groups (covering the mechanism for a Universal Periodic Review (UPR), Special Procedures/Code of Conduct, the new Expert Advice Body, the new Complaints Procedure, Agenda/Annual Programme of Work, and Working Methods/Rules of Procedure)

[85] A/HRC/2/L.48, rejected by a vote of 20 in favour, 22 against and four abstentions.

that were mandated to negotiate the elements of a package under the guidance of facilitators, as well as during the ensuing informal consultations chaired by the Council's President, Ambassador de Alba of Mexico, the EU maintained a high profile and insisted on the creation of efficient and credible mechanisms for the Council. In this regard, the EU forcefully pleaded, inter alia, for a UPR mechanism based on a number of benchmarks, for the maintenance of all thematic and country mandates, for a Code of Conduct that would not infringe on the independence and qualification of Special Procedures, and for a permanent agenda item entitled "Human Rights Situations that require the Council's attention."

Despite severe opposition and its own numerical minority in the Council, most of the EU's stated goals could be achieved. However, the EU could not prevent the termination of the country mandates on Belarus and Cuba, as well as the creation of a permanent agenda item focussing exclusively on the situation in the Occupied Palestinian Territories (which, in the EU's view, should have been subsumed under the agenda item on Human Rights Situations). A final problem was the last-minute insistence of one country to introduce a two-thirds majority for the adoption of country resolutions, which was only overcome after the Council called on authors of country resolutions, to secure the broadest possible support for their initiatives (preferably 15 Council members). Although it is not entirely happy with the result of the institution-building process, the EU believes that the Council now has a sufficient structural basis to fulfil its mandate as set out in GA resolution 60/251. Notwithstanding the need for the Council to still agree on a number of technical arrangements during its **6th session** (10 to 28 September 2007), the EU expects the HRC to operationalise the mechanisms at its disposal and to revert to more substantive issues requiring its attention.

The Council also held four special sessions.

The UN Human Rights Council (HRC) held its **1st special session**[86] from 5 to 6 July 2006 on the rights situation in the Occupied Palestinian Territory at the request of the Group of Arab States. The special session was held right after the Council's inaugural session (19to 30 June 2006). Although the debate in the plenary was conducted in a constructive atmosphere, the final draft resolution introduced by the Organization of the Islamic Conference (OIC) presented the situation in an unbalanced manner, addressing concerns relating only to one party, and was thus unacceptable for the EU. In spite of the EU voting against the resolution, it was adopted with a clear majority. By adopting the resolution, the Council decided to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard.

[86] GA Resolution 60/251 provides for the possibility of a HRC special session at the request of 1/3 of the Council membership.

The **2nd special session** was held on 11 August 2006 on the situation of human rights in Lebanon at the request of the Group of Arab States. The Council decided to urgently establish and immediately dispatch a high-level inquiry commission to the region. The EU voted against this resolution, stressing that the EU has expressed its utmost concern at the Lebanese and Israeli civilian casualties and human suffering, but the resolution was one-sided and failed to address the protection and promotion of the human rights of all. The EU regretted that despite repeated requests no genuine discussions took place on the text of the draft resolution.

The **3rd special session** was held on 15 November 2006 on the human rights situation in the Occupied Palestinian Territory, including the recent military action in northern Gaza and Beit Hanoun, at the request of the Group of Arab States. The Council decided to dispatch urgently a high-level fact-finding mission to Beit Hanoun. The EU vote on the draft resolution was split, as six EU Member States voted against and one abstained. The President of the Council nominated Archbishop Desmond Tutu to lead the mission together with Professor Christine Chinkin. However, the mission was not able to travel to the area as the requests for visas were refused.

The **4th special session** was held from 12 to 13 December 2006 on the human rights situation in Darfur at the initiative of the EU, joined by the African Group and a total of 35 Council members. Since the first session of the Council, the EU had focused on the need to act on the grave human rights situation in Darfur. However, a compromise on a meaningful resolution could not be reached during the regular Council sessions and the special session was further prompted by strong statements on the situation by the UN Secretary General and the High Commissioner for Human Rights. The special session was characterised by the broad participation of NGOs and human rights defenders from the region. It was the first special session to include an open process of negotiations on the outcome, which was adopted by consensus. The Council decided to dispatch a High-Level-Assessment Mission composed of five experts and the Special Rapporteur on the situation of human rights in Sudan, Sima Samar, to Darfur. Unfortunately, the Mission under the leadership of Nobel-laureate Jody Williams, although able to conduct research in Chad and in Ethiopia, was not allowed into Sudan. It nevertheless presented a substantive report to the Council's 4th regular session, thus paving the way for further action by the Council.

The second elections to the Council took place on 17 May 2007, with Slovenia and Italy being elected for the first time, and the Netherlands being re-elected. In addition to these countries, France, Germany, Romania and the United Kingdom are currently members of the Council.

As this first year of the Council has shown, the transition from the Commission on Human Rights to the Human Rights Council has not been easy, nor has it automatically furthered the cause of human rights within the UN system. Despite the fact that the EU is in a minority in the Council, it has nevertheless established

itself as a key/influential actor in all aspects of the Council's work. The Council's repeated action on Darfur indicates the growing readiness of the Council to tackle human rights violations in all regions, and the EU remains hopeful that the implementation of the institution-building package will contribute to the realisation of the Council's ultimate objectives.

5.3. The Council of Europe

The EU and the Council of Europe (CoE) share the same values and pursue common goals with regard to the protection and the promotion of democracy, respect for human rights and fundamental freedoms, and the rule of law. The EU's aim remains to enhance cooperation in these priority areas, as was again underlined at the Council of Europe Summit in Warsaw on 17 May 2005.

To that end, a Memorandum of Understanding between the EU and the CoE was agreed and signed in May 2007. This political agreement forms a new framework for political dialogue. It also clearly defines the focal areas for cooperation (as listed above) as well as institutional arrangements to implement it. Implementation has already started: as an example, the EU has started to invite the Commissioner for Human Rights of the CoE to attend Council's meetings at working level on a regular basis, together with the Special Representative of the EU for Human Rights, to take stock of our respective activities, avoiding overlap and increasing synergies.

The CoE and the EU share deep and increasing concern for the future of the European Court of Human Rights. The rapidly increasing backlog of cases of the Court can only be addressed by the ratification of Protocol 14 to the European Convention of Human Rights, which provides for the necessary streamlining and simplification of procedures. All CoE Member States have ratified the Protocol, apart from Russia, where in December 2006 the Duma failed to vote in favour. The EU fully supports the CoE in its strong appeals to Russia to abide by its obligations as a CoE Member State, and indeed has raised and will continue to raise this issue at the highest level with the Russian authorities until it is solved. However, no progress has been made until now.

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

The EU welcomed the fact that after lengthy discussions at the December 2006 Brussels Ministerial meeting of the OSCE (under Belgian Chairmanship), the exercise "Strengthening the effectiveness of the OSCE" was brought to a close. Although several pragmatic improvements were suggested and some already implemented, the EU felt that this inward-looking discussion generally distracted from the real tasks of the OSCE in the field. There, cooperation of the EU and its Member States with the OSCE remains excellent overall. The EU will continue to stand by the OSCE in its efforts to enhance security in its entire area; for the EU that not only implies a crucial role in politico-military matters (e.g. with regards to "frozen conflicts"), but also the promotion of democracy and the rule of law as well as the promotion and protection of human rights and fundamental freedoms in all participating States. The EU continues to defend the full autonomy of the OSCE field institutions and of the ODIHR to that end.

The EU places particular value on the extensive commitments made by participating States in the OSCE Human Dimension. The EU made frequent statements at meetings of the Permanent Council concerning human rights issues in, among others, Russia, Turkmenistan, Kazakhstan, Uzbekistan and Belarus. The EU played an active role in the December 2006 Brussels Ministerial Council of the OSCE, which brought the exercise 'Strengthening the effectiveness of the OSCE' to a close. The sixth OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, held in Bucharest 6-8 June 2007, reviewed and assessed the implementation of existing commitments related to tolerance and non-discrimination in OSCE participating states.

The EU believes that the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw, which assesses performance by the participating States of their human dimension commitments, plays an especially important role as it enables discussion between NGOs and government officials on a basis of equality. The EU participating States played an active role in the HDIM, both by taking the floor in plenary sessions and organising side events.

6. Country-focused issues

6.1. EU Candidate and Potential Candidate Countries

The prospect of EU membership continues to act as a powerful incentive for candidate and potential candidate countries to undertake political and economic reforms. This is particularly important in the fields of democracy, governance and human rights: the massive strides taken by them in introducing democratic systems, safeguarding minority rights or developing free media are testimony to the powerful pull of the EU. The prospect of EU integration is now acting as a spur to reform in the candidate (Turkey, Croatia and the former Yugoslav Republic of Macedonia) and potential candidate countries of the Western Balkans.

Turkey: The reform process has continued, and past reforms have continued to produce positive results on the ground. However, it remains crucial to step up efforts and to ensure full and effective implementation of reforms in order to guarantee the irreversibility and sustainability of the process. Further efforts are needed, particularly in areas such as freedom of expression, where a significant number of cases are still brought against individuals for non-violent expression of opinion. Legislation needs to be brought into line with European standards. As regards prevention of torture and ill-treatment, there was a further decrease in reports in this area. However, some cases are still reported outside detention centres and the fight against impunity needs to be reinforced. On freedom of religion there is a need to enhance tolerance and address the difficulties faced by the non-Muslim religious minorities. On minority rights and cultural rights, including Roma, Turkey's approach remains restrictive. Other areas to be addressed include women's, children's and trade union rights. The European Union will continue to closely monitor the situation on the basis of the Accession Partnership and through the annual Progress Reports.

As regards **Croatia**, close monitoring of human rights and fundamental freedoms compliance has continued. The Stabilisation and Association Council on 10 April 2006 underlined once more that progress in the accession negotiations will depend on the fulfilment of Croatia's obligations under the Stabilisation and Association Agreement, as well as the implementation of the Accession Partnership, which include respect for human rights as an essential element. Furthermore, at the General Affairs and External Relations Council on 11 December 2006, the Union recalled that Croatia should continue to cooperate fully with the International Criminal Tribunal for the former Yugoslavia. The Union also called on Croatia to intensify its reform process and address the shortcomings identified in the annual Progress Reports and throughout the accession process, particularly with regard to judicial and public administration reform, refugee return, minority rights, the fight against corruption and economic reform.

As regards **the former Yugoslav Republic of Macedonia**, the Stabilisation and Association (SA) Council on 11 December 2006 underlined that a constructive and inclusive dialogue between all political forces in Parliament on important reforms would be essential. The SA Council recalled that the sustained implementation of the letter and spirit of the Ohrid Framework Agreement, based on the broadest possible political agreement, would remain essential in the process of European integration. Welcoming the results achieved so far in the decentralisation process, the EU called for a strong commitment by the Government and the municipalities to address the remaining challenges. It also underscored the need for further sustained progress with regard to equitable representation. The Union also called for continuous efforts to ensure full implementation of the reform programmes for the judiciary and the police and emphasised that corruption remained widespread and warranted continuous and effective implementation of adopted measures and a strong and sustained political commitment.

The countries of the **Western Balkans** are part of the **Stabilisation and Association process (SAp)**[87]. Progress of each country towards the EU depends on its own merits in meeting the accession criteria[88] and the conditions set for the SAp, including financial assistance, and the conclusion and implementation of Stabilisation and Association Agreements. Preconditions for moving forward in the SAp are 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. Since 1 January 2007, Community assistance is provided by the Instrument for Pre-Accession Assistance (IPA)[89]. SAp conditionality is monitored through annual Progress Reports prepared by the Commission. The next Progress Reports will be published in November 2007.

Apart from Political Dialogue Troika meetings at the level of foreign ministers and the ministerial EU-Western Balkans forum, the EU has established various fora to discuss regularly - inter alia - human rights issues with the countries of the region: the Stabilisation and Association Council meetings with Croatia and the former Yugoslav Republic of Macedonia; the Enhanced Permanent Dialogue (EPD) with Serbia and with Montenegro; the SAp Tracking Mechanism (STM) with Kosovo; the Reform

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[87] Croatia, the former Yugoslav Republic of Macedonia being candidate countries and Bosnia and Herzegovina, Montenegro, Serbia and Albania being potential candidate countries.

[88] Stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities; the existence of a functioning market economy; the capacity to cope with competitive pressure and market forces within the Union; and the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

[89] OJ L 210, 31.7.2006, p. 82–93.

Progress Monitoring (RPM) with Bosnia and Herzegovina and the Working Party with Albania.

European Partnerships[90], modelled on the Accession Partnerships[91], provide each country with guidelines towards further European integration. The Partnerships identify short- and medium term priorities and obligations to be fulfilled and are updated on a regular basis. Human rights and the protection of minorities constitute a political requirement of these partnerships. The Western Balkan countries mirror the Partnerships by drawing up national action plans for implementation, which provide a clear agenda against which progress can be measured. EU financial assistance is directed to priorities set out in the Partnerships.

Regional cooperation remains essential to long-term stability, economic development and reconciliation in the Western Balkans and is one of the conditions of the SAp. So is full cooperation with the **International Criminal Tribunal for the former Yugoslavia (ICTY)**. In this way the SAp addresses past human rights violations. The European Union will continue to support the ICTY's work until it has been completed, presumably in 2010.

Common Positions have been adopted in the past aiming to support the effective implementation of the mandate of the ICTY by imposing an assets freeze on indicted fugitives and a travel ban on persons assisting ICTY indictees to evade justice. These Common Positions have been extended and updated, most recently by the Council on 23 July 2007[92].

The Commission resumed negotiations on the Stabilisation and Association Agreement (SAA) with Serbia on 13 June 2007 following a clear commitment by Serbian authorities supported by concrete actions, regarding cooperation with the ICTY[93]. The Council welcomed progress made by Serbia and underlined that full cooperation with the ICTY is a precondition for the conclusion of negotiations. The EU continues to monitor the situation regarding human rights and the situation of minorities in Serbia.

Regarding **Kosovo**, recommendations on respect for human rights, the protection of the communities and the right to return are included in the European Partnership for Kosovo as a precondition for further progress in the Stabilisation and Association process. Within the negotiations on Kosovo Status, the EU advocates arrangements offering a high level of protection of human and minority rights. In post-Status Kosovo the EU is ready to enhance its engagement, in particular through an ESDP operation in the area of the rule of law. The protection of human and minority rights will be a key priority of this engagement.

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[90] OJ L 35, 7.2.2006 (Albania, Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Serbia and Montenegro including Kosovo). After independence of Montenegro the Council adopted a European Partnership with Montenegro - OJ L 20, 27.1.2007.

[91] OJ L 55, 25.2.2006, p. 30 (Croatia).

[92] OJ L 192, 24.7.2007, p. 30.

[93] The SAA negotiations with Serbia were put on hold by the Commission in May 2006 due to Serbia's lack of cooperation with the ICTY.

On 15 March 2007 the Commission initialled the SAA with **Montenegro**. The Council intends to sign the Agreement in October 2007. The EU supports the Council of Europe and Venice Commissions recommendations regarding a high level of protection of human rights and freedoms, including minority rights, in the draft Constitution for Montenegro.

The SAA with **Albania** was signed on 12 June 2006. The trade-related provisions under the Interim Agreement entered into force on 1 December 2006. The Political Dialogue Troika meeting took place in June 2007. Progress has been achieved in the fight against corruption (incl. adoption of a strategy for 2007-2013). However, there are deficiencies in political dialogue between the parties which delay the reform process. No progress has been made in addressing the OSCE/ODIHR recommendation on electoral reform. Further efforts are needed to improve the situation in the judiciary and to strengthen independence of judges. Cases of ill-treatment by the police during arrest are still frequent. Freedom of expression is guaranteed by the Constitution, but many media are subject to political and economic interests.

Technical SAA discussions with **Bosnia and Herzegovina** were completed in December 2006. The Agreement will be initialled as soon as BiH has made sufficient progress on a number of key issues, in particular police reform and cooperation with ICTY. BiH has ratified all the major UN and international human rights conventions but implementation still needs to improve. Socially vulnerable people, people with disabilities as well as children and minorities, particularly the Roma, are still penalised by a fragmented legal and financial framework. Greater efforts are needed to start implementation of the 2005 National Roma Strategy.

6.2. The European Neighbourhood Policy (ENP)

The EU continued its regular dialogue on human rights with **Armenia**, **Azerbaijan** and **Georgia** in the framework of the institutional structures set up by the three Partnership and Cooperation Agreements and within the priorities for action defined in the three ENP Action Plans. Discussions took place notably at the three Cooperation Committees in October 2006 and at the Cooperation Councils on 14 November 2006. During the EU Foreign Ministers Troika Mission which visited the South Caucasus on 2 and 3 October 2006 human rights issues were also discussed.

In the framework of the ENP Action Plans which are now being implemented, both sides agreed to achieve closer political cooperation and dialogue on the basis of their common values, i.e. respect for human rights and fundamental freedoms, democracy, rule of law, good governance and international law. The three ENP Action Plans contain a specific section on human rights and fundamental freedoms with concrete actions to be implemented.

Following the escalation of tension between Russia and Georgia, a EU Troika démarche was made in Moscow on 13 October 2006. On 17 October 2006, the Council adopted Council conclusions on Russia-Georgia relations. The Council expressed its grave concern at the measures adopted by the Russian Federation against Georgia and at their economic, political and humanitarian consequences.

The Council urged the Russian Federation not to pursue measures targeting Georgians in the Russian Federation. It called on both parties to act in a manner consistent with their international commitments and obligations.

The EU also expressed its concerns at the situation of the freedom of the media in Azerbaijan in a declaration by the Presidency on behalf of the EU that was issued on 20 December 2006. During 2007, the EU has kept the situation of the freedom of the media in Azerbaijan under close review.

Following the discussions in the Political and Security Committee on 6 December 2006, an EU expert team consisting of a EUSR team, Commission representatives and experts from EU Member States visited Georgia (13 to 22 January 2007), including Abkhazia and South Ossetia. The expert team recommended the adoption of measures relating to the protection of the rights of all minorities in Georgia, for the positive impact that they could have on the ethnic minorities living in Georgia's breakaway regions.

An EU Troika démarche concerning the case of a 14-year old (Mr Zerekidze) sentenced to seven years imprisonment was conducted at the Georgian Foreign Ministry on 2 May 2007.

The EU-**Moldova** Action Plan contains a section on Human Rights and fundamental freedoms. Implementation of the Action Plan is continuing.

The EU followed closely the case against Mr Pasat, former Minister of Defence of Moldova, and other similar cases. Mr Pasat was released on 9 July 2007.

The EU welcomed Moldova's ratification of the Optional Protocol to the UN Convention against Torture in July 2006. The Moldovan authorities began work on establishing a National Preventive Mechanism in accordance with the Protocol.

On 19 June 2007, the President of the Republic of Moldova, Vladimir Voronin, visited Luxembourg on the occasion of the EU-Moldova Cooperation Council. Main issues discussed were the need for further domestic reforms, especially in human rights, rule of law, and freedom of media, the recent local elections, and the settlement of the Transnistria conflict.

The EU - Ukraine ENP Action Plan contains a section on democracy, rule of law, human rights and fundamental freedoms. **Ukraine** took a marked step towards democracy in connection to the so-called Orange Revolution of 2004. In March 2006, Ukraine held parliamentary elections, which were widely considered to be in line with international standards on free and fair elections. A key achievement has been the increase in the freedom of the media. Ukrainians now have a wide source of competing media outlets at their disposal, functioning without state interference.

All in all, there has been clear progress, albeit that much work is still needed to secure the independence of the judiciary. The need for further judicial reform has been consistently underlined at all key EU - Ukraine political dialogue meetings. The EU has also consistently urged Ukraine to take the necessary legislative and constitutional steps in order to ratify the provisions of the Rome Statute of the International Criminal Court.

The human rights situation in **Belarus** has remained poor, precluding the country's entry into the ENP. The Union remains open to engaging with Belarus, including through the ENP, but Belarus has not shown itself ready to take concrete steps towards democratisation, which would enable the development of closer EU-Belarus relations. In November 2006, the Commission published a non-paper titled "What the EU could bring Belarus" to demonstrate the benefits ENP could bring the country and its population. The possibilities and requirements for improved Belarus-EU relations have been consistently raised by the EU Presidency, Troika and the Contact Point of the EU High Representative for CFSP in their contacts with the Belarusian authorities. The existence of political prisoners remains a reality in Belarus, as does the continued harassment of civil society and opposition activists. The situation regarding the freedom of the media in Belarus remains a cause for concern. The EU continues to support efforts to provide independent media sources to Belarus, mainly through radio and television broadcasts from neighbouring countries.

Some political prisoners were released in the spring of 2007, mainly towards the very end of their sentences. Among those still in prison is Aliaksandr Kazulin, former opposition presidential candidate, who was sentenced in 2006 for a five-year prison term for leading a peaceful demonstration. The EU Presidency Ambassador was allowed to visit him in prison in April 2007.

With little change in Belarus, in April 2007 the EU rolled-over its restrictive measures targeted at certain Belarusian officials responsible for violation of democratic rights, especially in the context of the fundamentally flawed presidential elections in March 2006 .

The EU also noted with regret that the January 2007 local elections fell short of international and European standards for free and fair elections.

Human rights in the **Occupied Palestinian Territory** suffered further setbacks during the reporting period, in particular as regards the right to life and personal security and the right to personal freedom and safety (especially relating to arrest, detention, search procedures, and torture and ill-treatment during

interrogation). In general, both Palestinian and Israeli authorities are responsible for violations.

The security situation deteriorated considerably as a result of ongoing actions by the Israeli Defence Forces (including incursions, demolitions and increased obstacles to access and movement), attacks against Israel and intra-Palestinian violence, which marked the first half of 2007 and culminated in the Hamas takeover of the security apparatus of the Gaza Strip in mid-June.

The EU has concerns about Israeli actions, in particular as regards the protection of civilians and including targeted killing, limitations to family reunifications, administrative detentions, house demolitions, shelling of vital public infrastructure (such as the Nuseirat power plant in Gaza in July 2006) and the levelling and destruction of agricultural land. These activities had far-reaching consequences for the access of large parts of the population to basic commodities and services and for basic rights, such as freedom of movement and access to health and education, in particular in Gaza. The EU has repeatedly urged Israel to ensure that any action is in accordance with international humanitarian law. The intra- Palestinian violence linked to the frequent skirmishes in Gaza degenerated to levels previously unseen, including deliberate killings, torture and kidnappings.

During the reporting period the EU suspended its contacts with the Hamas Government (March 2006 to February 2007) and in the subsequent National Unity Government (March 2007 to June 2007) limited them to the few selected Ministers who explicitly accepted Quartet Principles. This led to a suspension of the bilateral dialogue on the promotion of human rights between the EU and the Palestinian Authority.

The EU continued to raise its serious human rights concerns with **Israel** in the framework of the relevant political dialogue meetings. The EU-Israel informal working group on human rights was used for a thorough discussion and examination of human rights issues. The working group met for the second time on 20 February 2007 and provided the opportunity to discuss issues such as minorities, respect for human rights, including respect for religious freedom and belief, settlement expansion, administrative detention including individual cases, international humanitarian law, as well as questions relating to the UN Human Rights Council. Both Israeli government officials and EU representatives engaged in a meaningful dialogue on these issues at expert' level.

Furthermore, a first bilateral seminar on the fight against racism, xenophobia and anti-Semitism, focusing inter alia on legal matters, education and anti-Semitic propaganda, including in the media, was held on 7 December 2006.

Algeria is coming out of a period of great political instability resulting from ten years of terrorism and civil war. Through the national reconciliation policy launched by the President and approved by referendum, Algeria hopes to further advance in the restoration of peace and security. Terrorist acts however continue sporadically, in particular after the allegiance of the Salafist Group for Preaching and Combat (GSPC) to Al Qaeda at the end of 2006. This is countered by repressive action by the security forces. Against this background, Algeria has declared its intention to keep the state of emergency in place. The EU has called for it to be lifted and appealed that it should not lead to restrictions in the exercise of certain fundamental freedoms such as the right of public assembly.

Following Presidential elections in 2004, legislative elections were held on 17 May 2007. They confirmed the majority for the three parties composing the Presidential alliance, but were characterised by the lowest electoral turnout in history, reflecting a certain mistrust of the population in the functioning of the political system and a sense of reality due to the lack of power of the National Assembly. An amendment to the Algerian Constitution was initially planned for 2006. Among other things, it was criticised for allowing the President to run for office indefinitely and for increasing his powers, reinforcing further the Presidential character of the Algerian political system. In Algeria today, all the institutions and procedures of a democracy are officially present; however, in reality, the system does not enable true participation by the citizens in the political process.

The question of disappeared persons has been of constant concern to the EU. An important gesture by Algeria was the signature in February 2007 of the International Convention for the Protection of All Persons from Forced Disappearance. At national level, the issue has been addressed in the National Charter for Peace and Reconciliation. The EU has called on Algeria for the implementing acts to ensure that the rights of the victims and their families are fully preserved, including the right of expression and legal recognition of their associations. These issues were raised by the EU at the last meeting of the EU-Algeria Association Council on 24 April 2007. The EU also called for Human Rights defenders to be able to express freely and without intimidation their opinions on the matter and regretted that an international seminar on the question was prevented from taking place in Algiers in February 2007.

Freedom of the press has been greatly consolidated, in particular in the written media. Algeria enjoys a relatively free press and a high number of private newspapers. Acts of intimidation and oppression against journalists, including some incriminated under the Criminal Code, continue however. The EU has called for the strengthening of the statute of the journalists and media bodies and has offered its advice.

Regarding the situation of women, some progress was made, notably the proportion of women, though still underrepresented, participating in the Algerian economy. The EU hopes that the establishment of a National Council for Women on 8 March 2007, on the occasion of the International Women's Day, will bring about further improvements, in particular to the

civil status of women - the revised Family Code keeping them in an unequal legal situation compared with men. The National Council for Women is meant to advise the relevant Ministry on the preparation of strategies and programmes.

Following the entry into force of the EU-Algeria Association Agreement in September 2005, the EU and Algeria now dispose of an appropriate framework allowing them to consolidate their dialogue on this and other matters and to identify areas for cooperation.

The EU-**Egypt** subcommittee on human rights and democracy, international and regional issues was established following the adoption of the EU-Egypt Action Plan in March 2007. The first meeting of the subcommittee will be convened in November 2007. The EU hopes that this dialogue will allow both parties to discuss human rights issues in an open and constructive manner.

The EU hopes that Egypt's election to the UN Human Rights Council on 17 May will convince Egypt of the need to ensure that its domestic practice complies with international treaties and obligations as well as with pledges Egypt made in its campaign for election to the HRC.

The constitutional amendments of April 2007 provided for devolution of powers from President to Prime Minister and Parliament. Yet observers considered the changes were mainly aimed at preserving the status quo and limiting the access of the Muslim Brotherhood to the political arena. The amendments also provided for the replacement of the state of emergency by a new anti-terror law under preparation. The EU urged Egypt to ensure that the forthcoming law abides by international standards on human rights.

Contrary to the expectations of greater political liberalisation in the aftermath of the 2005 elections, the EU has serious concerns at the trend of continued arrest and prosecution of political opponents, including the Muslim Brotherhood. The EU is also very concerned about the number of complaints of torture, administrative detention and the mistreatment of detainees. While independent and opposition newspapers are flourishing and the media more outspoken, the authorities are increasing their control over the internet, including through the harassment of bloggers. There have been complaints on restrictions on freedom of religion, particularly through the harassment of converts or the refusal to amend their civil records.

The EU-**Jordan** ENP Action Plan adopted in 2005 contains a comprehensive chapter on political reforms and human rights. Jordan was the first ENP country to organise a subcommittee on human rights and democracy. Through this subcommittee, a positive dialogue is now established with the government. The second dialogue meeting in March 2007 benefited from the presence of the National Council for Human Rights (NCHR). The NCHR has gained a reputation for independence and critical approach, as is evident also from its 2006 report.

In the period covered by this report, Jordan has made progress on the political chapter of the ENP Action Plan, including on human rights. Jordan has adopted a number of laws with relevance to human rights and fundamental freedoms, such as the laws on municipalities, political parties, anti-corruption commission, financial disclosure as well as press and publications. The Government took a positive step by publishing most of the human rights instruments in the Official Gazette in 2006. As a result, they are enforceable in court and supersede the national legislation. Legislative initiatives are not, however, always effectively translated into tangible progress and laws are not fully implemented. In order to increase the relevance of international conventions they still need to be effectively transposed into domestic law.

Civil society has been allowed to develop in Jordan, and care should be taken that this achievement is safeguarded. As regards the electoral framework, no progress was made on reform of the general elections law, though the NCHR urged the Government to replace the current "one man, one vote" system. The NCHR expressed the hope that the new legislation would result in wider representation of the people, more justice in the distribution of electoral constituencies, and a wider base for political participation.

Freedom of speech and freedom of thought are generally respected but restrictions exist. Two editors of Jordanian magazines were tried after republishing the Danish cartoons, and two members of the House of Representatives were tried after they extended condolences on the death of Al-Zarqawi to his family.

The UN Special Rapporteur on Torture, Mr Nowak, visited Jordan in June 2006 and denounced systematic ill treatment of prisoners. Since then, the government published the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the Official Gazette. In November 2006 all security units received written instructions that banned torture and stressed the inadmissibility of resorting to force under any circumstances subject to criminal liability. Independently of the Nowak report, King Abdullah II had ordered the closure of Al-Jafr prison, the detention centre with the worst reputation.

Jordan has reduced the number of crimes that can be sanctioned with the death penalty and has applied a moratorium except for cases of terrorism.

Violence against women, particularly domestic violence and so-called "honour crimes", remains a matter of serious concern.

Lebanon's overall human rights record remains mixed, despite improvements since the withdrawal of Syria in 2005. Civil and political rights are generally respected, however major difficulties relate to the practices of the judiciary and the security apparatus, the weak Rule of Law, inefficient administration and corruption. Reform prospects in the fields of democratisation,

human rights and governance have been slowed by political instability, including the 2006 conflict between Israel and Hezbollah and subsequent political stalemate, which has severely limited government and legislative activity.

Following the adoption of the EU-Lebanon Action Plan in January 2007, a sub-committee on Human Rights, democracy and governance has been established, and has started a substantial and regular dialogue on human rights issues and political reform. It should enable the EU to build good channels of communication with Lebanese authorities on human rights issues and help in implementing reforms.

Freedom of speech and of the media is respected, despite examples of intimidation and harassment of journalists and broadcasters, including assassinations. A large number of NGOs operates in the field of democracy and human rights and the Ministry of Interior is generally cooperative in registering and allowing/tolerating their activity. However, certain NGOs or human rights activists that have challenged aspects of the Lebanese political system e.g. in the fields of Palestinian refugees, governmental detention centres or conditions of domestic workers have been subject to trial, harassment and/or intimidation.

Especially the situation of Palestinian refugees and of an increasing number of Iraqi refugees and migrant workers remains a concern. In regard to the Palestinians, living conditions are extremely difficult and, despite the establishment of a Lebanese/Palestinian Dialogue Committee and adoption by the government of a camp improvement initiative, Palestinian refugees still cannot properly access the labour market and are not permitted to own property.

There are concerns over the human rights situation in **Libya**. In particular, the EU observes a number of obstacles to the respect of political and civil rights, in particular regarding freedom of expression and association. The retention of the death penalty is also a matter of concern and, in this connection, the case of the Bulgarian and Palestinian medical personnel. After the solution of the latter, the EU is willing to strengthen relations with Libya and to deepen dialogue and co-operation on all issues of common concern. In this context, the EU is committed to start a constructive dialogue with Libya on the issues of human rights, rule of law and governance in order to encourage and accompany Libyan reforms.

Morocco vigorously pursued the implementation of its reform and modernisation project including the advancement of greater political rights and fundamental freedoms. The EU supports the project through the bilateral ENP Action Plan. In recognition of the steps taken and to encourage further progress, at the end of 2006 the EU provided Morocco with an additional financial envelope from the Democracy Facility.

The EU was pleased that the first meeting of the "EU-Morocco Subcommittee on Human Rights, Democratisation and Governance" was held on 16 November 2006. It served to initiate deeper dialogue on a wide range of topics and to identify some areas for common action. It covered issues relating to democracy and the rule of law, the strengthening of administrative capacity with a view to improving application of legislative measures, the functioning of the judicial system and the fostering of human rights and fundamental freedoms. The meeting was prepared on the Moroccan and EU side by prior consultations with civil society actors. Representatives of the Moroccan Consultative Council for Human Rights, the Royal Institute for the Amazigh Culture and other Moroccan bodies and institutions participated along with government officials in the meeting itself.

One of the priority areas of action for the Moroccan Government was the preparation of the legislative elections on 7 September 2007 and the setting up of the electoral legislative framework. With a view to consolidating respect for and promotion of human rights at national level, an inter-Ministerial Committee has been set up to examine implementation of international human rights conventions. In the follow-up, during the reporting period Morocco withdrew a number of reservations and acceded to some optional protocols, contributing thus also to reinforcing application of certain key international human rights instruments. Further progress was also made in implementing the recommendations of the Justice and Reconciliation Commission ("Instance Equité et Réconciliation") drawn up in its report of November 2005, in particular through the payment of reparation to the victims, the adoption of the law prohibiting the use of torture, the withdrawal of the reservation on Article 20 of the UN Convention against Torture and the recognition of the competence of the Committee against Torture. The EU supports the implementation of the recommendations and has provided financial support to that effect. It has also called for follow-up to be given to the recommendations on the revision of the Constitution, including abolition of the death penalty. The internal debate on the latter is continuing. In the meantime, Morocco has maintained a moratorium for several years. The introduction of independent regulatory authorities, the increasing role of the Constitutional Council, the reform of the Nationality Code pursuant to the reform of the Family Code (in particular to enable children of Moroccan women married to foreigners to acquire Moroccan nationality), the new law on the liberalisation of the audiovisual sector and an increasingly active civil society are other positive examples. Work needs to continue with regard to the modernisation of administration and the judiciary to allow for effective application of the legislative measures taken. Problems subsist also with the Press Code which is currently under revision. The EU is calling for further efforts in this field in particular with regard to decriminalising crimes of opinion and offering better protection to journalists and media bodies. The EU has also invited Morocco to safeguard freedom of association and freedom of assembly. Problems continue to arise in relation to public demonstrations, in particular if linked to the Western Sahara issue.

Western Sahara. The EU continued to follow developments regarding the Western Sahara issue closely. It continued to make its voice heard on the humanitarian aspects linked to the conflict. The issue was discussed in the political dialogue with Morocco at the occasion of the Association Committee on 17 November 2006 as well as in the Subcommittee on Human Rights, Democratisation and Governance and in the Reinforced Political Dialogue on 14 December 2006. It was also discussed with Algeria at the meeting of the Association Council on 24 April 2007.

There continued to be human rights problems relating to freedom of expression and assembly, access to the territory under Moroccan administration and to the refugee camps in the Tindouf area on Algerian soil under the control of the Polisario Front.

On the other hand, there was movement on the political side thanks to the initiative presented by Morocco and the proposal of the Polisario Front. This permitted the UN Security Council in its Resolution 1754 adopted on 30 April 2007 to open a negotiation process under the auspices of the United Nations, with the hope that a just, lasting and mutually acceptable political solution can be achieved in direct talks by the parties. It is hoped that this will eventually also solve the remaining human rights problems.

The **Syrian** authorities are traditionally reluctant to discuss human rights with outside interlocutors, including the EU. They invoke national sovereignty and the lack of an appropriate institutional framework such as the EU-Syria Association Agreement – which is still pending for signature on the EU side. However, the EU's aim is to make discussion of human rights common place with Syria. Although progress is slow, increased willingness within the Ministry of Foreign Affairs to discuss human rights related issues on a case by case basis is considered a positive development. Likewise, EU representatives are now granted regular access to trials at the State Security Court, the Military Court and the Criminal Court.

During the reporting period, the human rights situation in Syria has not improved. The authorities reiterate promises of greater political liberalisation on a regular basis, the last opportunity being President al-Assad's investiture speech of 17 June 2007. These usually include the relaxation of the Emergency Law, the adoption of a multi party law, the granting of citizenship to stateless Kurds. However, to date, allegedly for security reasons, none of these has been transformed into action and the project of a National Council for Human Rights for the creation of which the government had requested assistance from the EU was frozen. The Emergency Law in force since 1963 continues to limit citizens in the exercise of their civil and political rights guaranteed under domestic and international law.

In a period of general elections, the EU could observe increased restrictions on freedom of speech, association and assembly. While private media are developing, the authorities have tightened their control of the Internet, rendering websites critical of government policies inaccessible. Human rights defenders, political opponents, and civil society activists were under constant threat of travel bans, arbitrary detention by the security services, incommunicado detention and torture. Their families were also subject to intimidation. Prominent civil rights activists arrested in 2006 as well as students and young men suspected of belonging to Islamist groups were sentenced to harsh sentences, up to twelve years imprisonment.

The EU Presidency organised a demarche in March 2007 to raise individual cases. It has also issued several public statements to denounce disproportionate sentences and called on Syria to respect freedom of opinion and the right to a fair trial as laid down in the International Covenant on Civil and Political Rights ratified by Syria in 1969. The EU was particularly concerned that human rights defender Anwar al-Bunni was sentenced to five years in prison for denouncing torture and poor prison conditions, and to a fine for allegedly not respecting Syrian law when setting up a training centre for civic rights co-funded by the European Initiative for Democracy and Human Rights. The centre was closed before starting operations and no solution could be found with the authorities on reopening it. Other EIDHR-funded projects have also faced severe implementation difficulties, the authorities challenging the legality of activities.

Since the beginning of the Iraq war, Syria has generously welcomed displaced people. Their number increased dramatically in 2006 and at the beginning of 2007. To help Syria cope with this massive influx of refugees, the EU and 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.

Tunisia has committed itself in the framework of the Association Agreement concluded with the European Union, to respect democratic principles and fundamental human rights. Moreover, by signing up to the European Neighbourhood Action Plan, Tunisia has subscribed to the values of democracy, the rule of law, good governance and respect for human rights. The European Union wishes to conduct a dialogue on these matters, notably in the framework of the relevant Subcommittee of the Association Agreement. Both sides have continued the on-going negotiations to reach an agreement on the establishment of the EU-Tunisia Subcommittee on Human Rights, Democratization and Governance, foreseen in the Action Plan. Despite the fact that the Tunisian Constitution guarantees the respect for human rights, including freedom of expression, freedom of opinion and freedom of the press, in practice we are observing problems in these areas. The EU is also concerned about the situation of human rights defenders and human rights organisations. In a public statement, the EU expressed it regrets regarding the cancellation at a very short notice by the Tunisian authorities of an international conference on employment in the Euro-Mediterranean area which was to have taken place in Tunis

on 8-9 September 2006. The implementation of four EU-funded projects in the field of human rights and civil society (EIDHR and Decentralised Cooperation) has been blocked since 2003. Although the European Union, in its statement for the fourth Association Council with Tunisia in January 2005, underlined the necessity to reinforce the endeavours for the respect of human rights and, in particular, the freedom of expression, there has been no significant progress during the reporting period. The EU, within the context of its bilateral relations as well as in the political dialogue with Tunisia, will continue to raise its concerns about the respect of human rights in the country.

6.3. Russia and Central Asia

Although human rights in **Russia** are guaranteed by the Constitution, and despite Russia's participation in many international human rights conventions, the EU continues to have concerns about the human rights situation in Russia, in particular regarding freedom of opinion and assembly, freedom of the press, the situation of Russian non-governmental organisations (NGOs) and civil society, respect for the rule of law and the situation in Chechnya and other parts of the North Caucasus.

Having agreed at the EU-Russia Summit in The Hague in November 2004 to start a regular human rights dialogue, EU-Russia consultations on human rights are now held twice a year. During the period covered by this report, a fourth round of Consultations was held in Brussels on 8 November 2006, and a fifth round in Berlin on 3 May 2007 (see chapter 3.5.4 for more details).

In the run up to the Parliamentary and Presidential elections in December 2007 and March 2008 respectively, the exercise of the right to freedom of opinion and expression will be a particularly important indicator of Russian democracy. However, the space for peaceful exercise of the right to freedom of expression and assembly appears to be shrinking. Despite Russia's relatively liberal legislation on demonstrations, local authorities have been undermining or obstructing attempts to stage demonstrations, either by refusing agreement on the time and place of a demonstration, or by intimidating and arresting participants and journalists. This was the case for the so-called "Marches of Dissenters" in Moscow (16.12.2006), St. Petersburg (6.3.2007) , and Nizhni Novgorod (24.03.2007) where requests to hold demonstrations were turned down. When protestors tried to demonstrate nonetheless, police broke up the demonstrations with a clearly disproportionate use of force. This included intimidation and the arrest of foreign journalists. The ban on the Moscow "Gay Pride" parade in May 2007 and the subsequent use of force against demonstrators is another case where citizens' rights were apparently infringed.

The media are also subject to increasing state control. A number of newspapers, as well as television and radio stations, have been closed or have passed under the control of the state. Some of these developments were probably due to financial and economic processes (such as strategic acquisitions of liberal media by companies loyal to the authorities) but the overall result is nevertheless worrying. The Presidential decree of 15 March 2007 establishing a new super-agency to regulate the media and the Internet, including licensing broadcasters, newspapers and Web sites and overseeing editorial contents, gives cause for concern.

Murders of journalists in Russia continue to be a worrying problem. According to independent data, five journalists were killed in Russia in 2006. The EU has raised the well-known case of Ms Anna Politkovskaya, who was murdered on 7 October 2006 outside the entrance to her apartment in Moscow, as well as that of Mr Ivan Safronov, who plunged to his death from a window in his apartment building in early March 2007. Murders of journalists have a chilling effect on media freedom, in particular as most killings remain unsolved.

The situation of Russian non-governmental organizations (NGOs) and civil society is becoming increasingly difficult. In particular, the amendments to NGO legislation which came into force in April 2006 gave greater powers of control to the authorities and increased reporting obligations for NGOs. Many NGOs, especially smaller ones, are forced to spend a lot of time on paperwork instead of focusing on their core activities. The new reporting obligations also increase costs for NGOs, in particular for accounting and legal advice. NGOs receiving foreign funding are under particular scrutiny, while foreign NGOs have been forced to reregister using a cumbersome process. The EU is concerned that the new NGO legislation could have a negative impact on the legitimate activity of civil society organisations in Russia. Similar concerns have been voiced by the Secretary General of the Council of Europe.

A number of laws and provisions adopted in the general context of combating terrorism restrict freedom of opinion and expression, in particular for opposition forces, NGOs and the media. The Law against Extremism, which was amended in August 2006 has tightened measures against extremism. The broad definition of extremism contained in the Law allows it to be applied to a wide variety of political activities.

Although Russia is in the process of pushing through comprehensive judicial reforms, the judicial system especially at lower courts level, does not sufficiently respect human rights and demonstrates a lack of independence. Most rulings by the European Court of Human Rights against Russia are the result of the failure of the Russian administrative system to implement decisions taken by Russian courts. There are reports of state interference aimed at obstructing applications by Russian citizens to the ECHR, the most alarming of which concern ECHR applications in cases linked to the conflict in the Northern Caucasus. In many cases concerning disappearances and killings in this region, applicants have been severely threatened by persons apparently related to the security forces, in order to make them withdraw their applications. Furthermore, the failure of

the Russian parliament (Duma) to ratify Protocol 14 of the Council of Europe on the ECHR, which is essential to guarantee its future functioning in face of an ever-increasing workload, threatens to undermine the functioning of the Court.

The situation in the Northern Caucasus continues to be of grave concern. Abductions, extra-judicial killings and torture remain common, despite a marked reduction in the number of disappearances reported from Chechnya. Investigations into cases involving allegations of ill-treatment, disappearances and unlawful detention are rarely carried out in an effective manner and the number of convictions for such crimes remains very low, resulting in a climate of impunity. The EU is concerned at the high number of claims that the forces under the command of President Kadyrov are responsible for most human rights violations reported in Chechnya. There are many reports of the existence of unofficial detention camp facilities used by law enforcement personnel for arbitrary arrests and interrogations.

Russia is the only Member State of the Council of Europe which does not routinely give its consent to the publication of reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). On 13 March 2007, the CPT in an unprecedented move used its powers to issue a public statement concerning Chechnya without Russia's agreement to do so. The CPT also stated that resort to torture and other forms of ill-treatment by members of law enforcement agencies and security forces continues and Russian authorities had failed to properly investigate alleged complaints. The statement noted that although there had been progress on some issues, such as material conditions of detention, the Russian authorities had consistently refused to engage in a meaningful manner with the CPT on core issues. This was qualified by the CPT as a failure by Russia to cooperate. In particular, the CPT noted that it had uncovered a number of secret detention facilities in Chechnya. Russia has continued to refuse to admit the UN Special Rapporteur on Torture; the EU urged Russia to invite the Special Rapporteur according to his normal terms of reference.

The EU has continued to raise Human Rights issues in Cooperation Committee and Cooperation Council meetings with **Central Asian countries**, as well as in the meetings in other formats where such agreements are not in place. The EUSR for Central Asia, Pierre Morel, has continued to raise human rights issues during his visits to the region and in his bilateral contacts. In the recently adopted EU Strategy for Central Asia, the EU expressed its desire to establish Human Rights dialogues with all Central Asian countries.

Kazakhstan has engaged positively in discussions on human rights but the EU has made it clear that it expects further progress in the fields of democratisation, freedom of the media, freedom of assembly, independence of the judiciary and the rule of law. There have been positive developments, but obstruction against opposition parties, harassment of members of the opposition, and restrictions on freedom of the media remain of considerable concern. The EU will continue to review the situation closely, taking into account the results of the Parliamentary elections on 18 August 2007, where ODIHR in its preliminary report welcomed progress, but still mentioned serious concerns and with a view of reaching a consistent position concerning Kazakhstan's bid for the OSCE Chairmanship in 2009.

The EU has systematically raised its concerns over the grave human rights situation in **Uzbekistan**, notably regarding prosecution of human rights defenders and journalists and opposition members, the closure of NGOs, restrictions on religious freedom, severe prison conditions and restrictions on international access to prisoners, and tight control over the media. Key international NGOs, such as Human Rights Watch, continue to face accreditation problems for their office staff. Uzbekistan refuses to fully cooperate with UN Special Procedures, such as the Special Rapporteur on Torture who reported that torture is still prevalent in Uzbekistan.

The EU repeatedly called on Uzbekistan to review the situation of a substantial number of imprisoned human rights defenders, and expressed its serious concern regarding their prison conditions and state of health. On the case of Mrs. Tajibajeva, the EU was informed by the Uzbek authorities that she had received medical treatment.

Subsequent to the EU's call for an immediate review of the sentences against Umida Niazova and Gulbahor Turaeva, their sentences were transformed by the Appeal Court into parole sentences so that both women were released from prison.

On 13 November 2006 the Council reviewed restrictive measures against Uzbekistan, which had been imposed on 3 October 2005 on the grounds of Uzbekistan's refusal to allow an independent international enquiry into the Andijan events in May 2005. Under the review, the Council decided to continue the visa ban for another 6 months and the arms embargo for another 12 months. The Council decided, however, to reinstate technical meetings under the PCA with the aim of promoting, through dialogue, the compliance of Uzbekistan with the principles of respect for human rights, the rule of law and fundamental freedoms. As a consequence, Uzbekistan organised two rounds of talks between the EU and Uzbek experts on the Andijan events in December 2006 and in April 2007 and agreed to enter into a Human Rights Dialogue with the EU, the first meeting of which took place on 9 May 2007. During the subsequent sanctions review on 14 May 2007, 4 out of 12 individuals on the visa ban-list were removed from the list. Sanctions will be reviewed this autumn.

Uzbekistan also approved recently new pieces of legislation which will lead, starting from January 2008, to the abolition of the death penalty and to the adoption of a series of legal guarantees commonly known as "habeas corpus".

The EU remains concerned about numerous human rights violations in **Turkmenistan**. After the elections of the new President in February 2007, the EU expressed the hope that this would pave way for internal reforms, in particular in the fields of human rights and democracy. The EU called on the new President to free political prisoners and to guarantee adherence to international human rights standards; it also offered its assistance in implementing these reforms. The EU intends to discuss these issues in more detail in the forthcoming round of the EU-Turkmenistan Human Rights *ad hoc* dialogue , scheduled to take place in September 2007.

The EU welcomed the latest rounds of constitutional reform in the **Kyrgyz Republic** and the country's decision to abolish the death penalty. The EU, however, remains concerned about the slow reform process in the country and the social situation of large parts of the population.

The EU encouraged **Tajikistan** to continue on its road to stabilisation. The EU underlined that the fight against corruption should not result in stifling the growth of civil society. The EU regretted that the Presidential elections on 6 November 2006 did not fully meet international standards and called upon Tajikistan to make improvements to that end. As to the introduction of the new laws on NGO and religious activities the EU voiced concerns that the application of these laws could lead to curbing the activities of the civil society and the freedom of religious activities in Tajikistan.

6.4. Africa

Following the adoption of the EU-Africa Strategy "The EU and Africa: towards a strategic partnership", by the European Council of December 2005, much attention was devoted to the promotion of human rights, the rule of law and good governance. These issues are addressed through a strengthened political dialogue with each and every country in Africa, flanked by practical approaches such as support to the consolidation of civil society, the strengthening of parliaments, programmes for decentralisation that strengthen the voice and power of municipalities. Serious violations of human rights, the rule of law or democratic processes have continued to be addressed through consultations under Article 96 of the Cotonou Agreement with Guinea, Mauritania, Togo and Zimbabwe. Progress can be observed in Guinea, Togo and Mauritania, while relations with Eritrea and Zimbabwe continue to be problematic. Council Conclusions on Governance were adopted in October 2006, underlining that a holistic approach on governance also entails mainstreaming of human rights and fundamental freedoms, good governance and rule of law to all policy sectors and an EU governance initiative will support reforms in African countries as well as the Africa Peer Review Mechanism.

The Ouagadougou political agreement of 4 March 2007 has brought new hope for permanent peace in **Côte d'Ivoire**. The European Union has called on the parties to make progress on crucial issues, namely: identification of the population, demobilisation, disarmament and reintegration and the holding of free, democratic and transparent elections as soon as possible. However, the continued humanitarian and socio-economic crisis in Côte d'Ivoire, including the grave human rights situation, continues to be of concern. There are still large numbers of internally displaced people throughout the country and the socio-economic situation, particularly in the western and northern areas remains dire. The EU will continue to address these concerns through its participation in the international follow-up mechanism foreseen in the Ouagadougou Agreement.

The elections held in the **Democratic Republic of Congo** (DRC) in 2006 marked the end of the transition process and enabled the first multi-party national and provincial assemblies and governments to be formed in 2007. The EU continues to support the consolidation of democracy, the rule of law and good governance, with the reform of the security sector as a priority. The EU is closely following developments in Eastern Congo and has witnessed a serious deterioration of the security and human rights situation adding considerably to the suffering and the grievances of the local population and threatening the consolidation of peace in the DRC. This situation is largely due to persistent ethnic divisions, the continuous presence of foreign rebel groups and military factions (including the Forces Armées de la République Démocratique du Congo, or FARDC), developments that have led to a large number of internally displaced persons and severe fragility of public authority in the region. The EU will continue its dialogue with the Government of the DRC and other countries in the region, with a view to promoting a comprehensive political solution to the Kivu crisis, and avoiding military escalation.

The European Union remains deeply concerned about severe violations of basic human rights and the situation of political prisoners in **Eritrea**. It has issued a declaration on September 18, 2006 urging the Government of the State of Eritrea to disclose evidence of their place of detention, detention conditions and health status. The European Union urged the Government of the State of Eritrea to either bring charges against those detained and instruct a due and open process with legal representation or to unconditionally release them.

Respect for human rights and the rule of law, and the promotion of multi-party democracy, are key concerns in relations with **Ethiopia**. The EU has called on the government to stop the harassment of the opposition and civil society organisations, and to carry out a permanent and inclusive dialogue with the opposition to implement democratic provisions in practice. Concern has also been expressed about the freedom of the press, government interference in the operation of private media, and the high numbers of detained journalists. The EU has also remained worried about the human rights situation related to internal conflicts such as in the Ogaden, and about the difficulties encountered by human rights defenders in carrying out their work. Despite an EU request for a de facto moratorium, the death penalty continues to be practised in the country.

The trial against opposition leaders, newspaper editors and journalists, and representatives of civil society organisations was followed with special attention. EU representatives in Addis Ababa have regularly raised the situation of the detainees with the Ethiopian government, on occasions directly with Prime Minister Meles Zenawi in the framework of the political dialogue based on Article 8 of the Cotonou agreement. They have pressed for information on the whereabouts of the detainees to be given to the families and to ensure their access to legal counsel and humanitarian treatment.

They have also expressed to the Ethiopian authorities their deep concern about the trial, including the weakness of the evidence presented against the accused. An independent observer, funded by a Member State, has followed the trial on behalf of the EU since its beginning, together with representatives of the diplomatic community.

Since the election of President Johnson-Sirleaf, the rule of law situation has dramatically improved in **Liberia**, allowing the UN Security Council to terminate the restrictive measures on timber and diamonds from Liberia. Liberia was admitted as of 4 May 2007 to the Kimberley Process Certification Scheme. The only sanctions still in force are the arms embargo and travel restrictions on certain individuals have been extended for a further period of twelve months.[94]

The EU welcomes the following positive developments during the reporting period: the holding of democratic elections in **Mali**, which were completed in a transparent and peaceful manner, in **Lesotho** and in **Senegal**. In **Mauritania**, where the EU observed the process, the elections were equally well conducted and allowed for a smooth transition to democracy, closing a long chapter of autocratic rule in the country[95].

The European Union (EU) was disappointed that the elections held on 14 and 21 April in **Nigeria** did not represent significant progress compared to the 2003 elections in spite of the improvements provided for in the 2006 Electoral Act. The EU expressed deep concern to the Government about the many irregularities which marred the exercise and about violent incidents surrounding the elections which saw many victims[96].

The EU is concerned about the situation in **Somalia**. It has expressed its dismay at the humanitarian situation, in particular in the capital Mogadishu and in the southern part of the country, and called on all parties to the conflict to comply with international humanitarian law. The EU-troika has explicitly raised this issue with the President of Somalia, Abdullahi Yusuf Ahmed. The respect for human rights has also been raised with the President, in particular indiscriminate arrests of innocent people and the use of capital punishment.

The EU remains deeply concerned at the continuing conflict in the Darfur region of **Sudan** and the violations of human rights and international humanitarian law taking place there. The Council repeatedly condemned the continuing violations of the cease-fire by all parties, particularly the violence directed at the civilian population and the targeting of humanitarian assistance. It has also reminded the leadership of the Sudanese Government of its collective and individual responsibility to protect its citizens from all violence and to guarantee respect for human rights.

Similarly, the EU welcomed the establishment of a High-Level Assessment Mission to Darfur by the UN Human Rights Council (HRC) and deeply deplored the Sudanese Government's initial attitude of non-cooperation with the Mission, preventing it from entering Sudan. In April 2007, the Council was able to welcome the adoption by the 4th session of the HRC of a resolution that highlighted the seriousness of the human rights violations committed in Darfur and set up an independent group of high-level experts to foster the implementation of recommendations the HRC and the human rights mechanisms on Darfur. The Council has urged the Government of Sudan to cooperate fully with this group. In the later phase of the reporting period, Sudan showed some willingness to cooperate.

The EU strongly supports the principle that those violating the human rights of civilians must be held responsible. In this context, the EU reiterated its support for the ICC in its efforts to end impunity for atrocities committed in Darfur. Following the issuing of arrest warrants by the Court against two individuals on 2 May 2007, the EU urged the Sudanese Government to comply with the requests for their extradition.

In the framework of the Article 8 political dialogue with Sudan, a regular EU-Sudan Human Rights Dialogue addresses, among other questions, the issue of torture.

The EU also maintained its focus on the situation in northern **Uganda**, reaffirming its strong support for the Juba talks between the Government of Uganda and the Lord's Resistance Army (LRA). In its conclusions of 18 June 2007, the Council welcomed the appointment of former President of Mozambique, Joaquim Chissano, as the UN Secretary General's Special envoy for LRA affected areas. It also welcomed the contribution of the African Union and underlined the importance of reaching a peace deal that provides peace and security to the local community and is compatible with the Rome Statute of the International Criminal Court. The EU has welcomed the improvements in the security and humanitarian situation in Northern Uganda since the start of the talks, while at the same time recognising that up to one million people remain displaced. It has also urged the Ugandan Government to prioritise its assistance focused on long-term recovery and development in northern Uganda.

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94 Council Common Position 2007/93/CFSP of 12 February 2007 modifying and renewing Common Position 2004/137/CFSP concerning the restrictive measures imposed against Liberia (OJ L 41, 13.2.2007, pp 1718).

95 See chapter 4.10.

96 See chapter 4.10.

Regarding Uganda as a whole, the Council has underlined the importance of strengthening the democratisation process and respect for human rights and the rule of law. The EU has expressed concerns regarding what it perceives as certain negative tendencies related to the deterioration of the rule of law and the independence of the judiciary. The human rights violations committed in relation to the case against the People's Redemption Army suspects and the forced disarmament process in the Karamoja region are particular source of concern.

The EU has continued to follow closely the human rights situation in **Zimbabwe**, which has continued to deteriorate during the period under review. The EU repeatedly made public statements to denounce the brutal treatment of opposition figures, human rights activists, and ordinary citizens exercising their right to freedom of expression, association and assembly. In February 2007, due to the absence of progress in the human rights situation in the country, the Council renewed Common Position 2007/120/CFSP, first adopted in February 2002 (2002/145/CFSP), concerning restrictive measures against Zimbabwe. Following the repressive police action against a peaceful prayer rally in Harare in March, the Council also decided to add two more names to the visa ban list, identified as two of the police officers responsible. The restrictive measures consist of a ban on entry into the EU and a freeze on financial assets for individuals who engage in activities which seriously undermine 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.

On 28 and 29 March 2007 a SADC Summit took place in Dar es Salaam. The Summit followed the violent events in Zimbabwe, where leaders of the opposition and civil society members were beaten up by the police for trying to take part in a peaceful prayer rally. The Summit mandated South Africa's President Mbeki to facilitate dialogue between the opposition and the Government of Zimbabwe and report back to the SADC troika on progress. The Summit also appealed for the lifting of all forms of sanctions against Zimbabwe, despite of the absence of any EU economic sanctions. On 23 and24 April 2007 the Council discussed recent developments in Zimbabwe and adopted conclusions, where it welcomed the mandate given to President Mbeki and stated that it stood ready to support the SADC initiative, if called upon to do so.

6.5. The Americas

The EU is concerned by the lack of improvement in the human rights situation in **Central America**. It has notably reviewed the security situation and policies in the countries most affected by violence, especially **Guatemala**, **Honduras** and **El Salvador**. At the Ministerial Meeting of the San José Dialogue that took place in Santo Domingo (Dominican Republic) on 19 April 2007 both the European Union and Central America emphasized the importance of the promotion and protection of human rights. The European side recalled its position on the abolition of the death penalty, and highlighted the various programmes it supports in Central America to promote and spread human right principles and values, as well as the instruments to guarantee them. Furthermore, Human Right issues were raised in political dialogue meetings with Central America.

During the past year the EU reiterated its concern over the human rights situation in **Colombia**. The EU called upon all illegal armed groups to engage sincerely in the search for a negotiated solution to the internal armed conflict, stressing the necessity to reach a humanitarian agreement while the conflict continues. The Council repeated its demand that the illegal armed groups that still detain hostages release them immediately and unconditionally and demanded that they refrain from any future kidnapping.

In numerous contacts with Colombian authorities, the Council stressed that the enactment of the Justice and Peace Law must take into account the principles of truth, justice and reparation in accordance with internationally agreed standards. The Council was of the opinion that if effectively and transparently implemented, the Law would make a positive contribution to the search for peace in Colombia. The EU confirmed its willingness to work closely with the government, institutions and civil society of Colombia, as well as with the UNHCHR and others in monitoring the implementation of the Law.

In its conclusions on an EU policy on **Cuba**, adopted in June (10578/1/07 REV 1), the Council deplored that the human rights situation has not fundamentally changed, despite a decrease in the number of political prisoners and acts of harassment. The Cuban Government continues to deny its citizens internationally recognized civil, political and economic rights and freedoms. The EU once again urged the Cuban Government, also in Cuba's capacity as a member of the Human Rights Council, to release unconditionally all political prisoners, and reaffirms that this issue constitutes a key priority in its policy towards Cuba.

The EU also reiterated its call on the Cuban Government to grant freedom of information and expression and invites the Cuban Government to cooperate on this matter.

All those peacefully committed to freedom, democracy and respect for universal human rights may be assured of the solidarity and continued support of the EU. The EU will continue to pursue its dialogue with Cuba's civil society and to offer to all sectors of society practical support towards peaceful change in Cuba. In this context, the Council stressed the EU's worldwide policy of support to Human Rights Defenders according to the respective EU Guidelines.

In the case of **Guatemala** more specifically, the EU has repeatedly expressed concerns in relation to the attacks against human rights defenders and their organizations as well as for the general context of violence and impunity of its perpetrators. The EU appealed for the strengthening of the institutions of the

judiciary and encouraged the creation of the UN-sponsored CICIG (International Commission against Impunity), ratified by Congress in August 2007.

The EU continues to support the UN Security Council's peacekeeping operation in **Haiti**, MINUSTAH, whose mandate also includes the promotion and protection of human rights.

The EU appreciates the efforts made by **Mexico** in promoting and defending human rights at multilateral level and has continued its regular dialogue notably through the instruments provided under the EU-Mexico Association Agreement. In line with the EU Guidelines on Human Rights Defenders, the EU has closely followed the situation of human rights defenders. In particular, the EU has observed with concern the attacks against the life and the freedom of expression of journalists, in particular from community radios, and the case of investigative journalist Lydia Cacho, who received threats in relation to her work against trafficking in human beings.

Regarding the social conflict and unrest in the state of Oaxaca, the EU has expressed its desire that all parties reach a peaceful solution.

Regarding allegations of serious human rights violations in Oaxaca and Atenco, the EU has expressed its concern and desire that all cases of human rights violations be thoroughly investigated.

The EU manifested its concern on a number of legislative projects aimed i.e. at expanding the scope of the death penalty were under discussion. The EU's concern included the potential legal consequences in view of **Peru's** commitments under the San José Pact, notably the exclusion from the Inter-American human rights system. The EU continues to follow these developments closely.

The EU noted that the presidential elections of 3 December 2006 in **Venezuela** took place in a peaceful and transparent atmosphere and that the results were accepted by all those involved. The EU reiterates its determination to support consolidation of democracy and good government in Venezuela, as well as alleviation of poverty, inequality and exclusion.

The EU has noted with concern that the Government of the Bolivarian Republic of Venezuela decided to let the broadcasting licence for Radio Caracas Television (RCTV) expire on 27 May without holding an open competition for the successor licence. The EU recalled the promises made by the Venezuelan authorities regarding an open competition and a tender process for that same licence.

The EU shares with the Bolivarian Republic of Venezuela a belief in democratic values. Freedom of speech and freedom of the press are essential elements of democracy. The European Union expects therefore that the Bolivarian Republic of Venezuela will uphold these freedoms and support pluralism in the diffusion of information.

6.6. Asia

During the reporting period, the EU repeatedly urged the Government of **Burma/Myanmar** to embark on a course of national reconciliation and transition to legitimate civilian rule, and to accelerate the country's development. The ongoing violations of human rights and detention of political activists in Burma/Myanmar have been the object of several EU declarations or Presidency statements and meetings with the Burmese authorities and other third states. For example, on 24 May 2007 (just before the renewal of her house arrest) the EU called for the release of the leader of the National League for Democracy and Nobel Peace Prize laureate Daw Aung San Suu Kyi. The EU further urged the government to embark on a course of national reconciliation and democratic transition and to allow the country to develop.

The EU also raised the human rights situation in Burma/Myanmar with the Burmese authorities at several occasions in regional and multilateral meetings (ASEAN Regional Forum in Kuala Lumpur, 28 July 2006, ASEM Summit in Helsinki, 10 September 2006, EU-ASEAN Foreign Ministers' meeting in Nuremberg, 14 and 15 March 2007, ASEM Ministerial on 28 and 29 May in Hamburg), and used bilateral meetings to communicate the EU's concerns. The EU regularly consults with Asian partners and other states regarding the situation in the country.

The EU noted the agreement between the Burmese government and the ILO on the treatment of complaints about forced labour in the country. However, the EU remains concerned about the restrictions placed on some international organisations. This concerns in particular the working conditions for the ICRC, which fulfils an important role in securing principles of international humanitarian law. The EU addressed the temporary closure of ICRC offices in December 2006 in a public declaration.

In April 2007 the EU renewed for a further 12 months its Common Position on restrictive measures against individuals in Burma/Myanmar who benefit most from misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy. It adopted Council conclusions on that occasion.

The 61st UNGA Third Committee adopted a resolution presented by the EU on Burma/Myanmar (*see chapter 5.1 for details*).

The EU observed the human rights situation in **Cambodia** closely and repeatedly raised the treatment of human rights defenders with the authorities, in particular the killing of a trade union official in February 2007. It was concerned about the

freedom of association for non-governmental organisations and carried out a démarche regarding the threat of expulsion against the Open Society Justice Initiative (OSJI). The EU followed the local elections very closely, also in view of the question of whether it should monitor the upcoming national elections in 2008. The 4th EC-Cambodia Joint Committee, which took place in Brussels in May 2007, was preceded by the first meeting of an EC-Cambodia sub-group on legal reform, good governance and human rights, set up under the provisions of the human rights clause of the Partnership and Cooperation Agreement with Cambodia. The purpose of the sub-group is to create a forum for non-confrontational exchange on human rights and to broaden mutual understanding on issues of mutual concern, with a view to triggering positive change on the ground.

The EU remained seriously concerned about continuing reports of systemic, widespread and grave violations of human rights in the **Democratic People's Republic of Korea (DPRK)**. First-hand evidence is almost impossible to obtain; EU missions are refused permission to visit judicial, security or penal institutions, and external observers are denied access.

DPRK refused to engage substantively with the EU on its concerns, citing successive CHR and UNGA Resolutions (see chapter 5.1), and has declined to co-operate with the UN Special Rapporteur on Human Rights, Prof. Vitit Muntharbhorn.

DPRK maintains that there can be no progress on human rights until the EU refrains from tabling resolutions against DPRK at UN fora. The EU has in turn declined to accept pre-conditions for the resumption of the Human Rights Dialogue, suspended in 2003.

Human rights concerns have been raised during each of the four EU Troika visits (Director's level) in recent years. During the Troika-visit of March 2007 the subject of Human Rights was brought up again by the European side but there was no sign of any substantial movement.

In January 2007 a local Troika demarche was undertaken in order to seek DPRK's adherence to the UN Convention against Torture (UNCAT). The Ministry of Foreign Affairs strictly refused the idea of becoming a party to this Convention.

The EU addressed the situation in **Fiji** in the autumn of 2006, urging Fijian military forces to respect the result of the general elections of May 2006 (observed by an EU Electoral Observation Mission) and to subordinate themselves to the elected civilian government. It then condemned the military coup on 5 December 2006 which amounted of a breach of "essential elements" of the Cotonou Agreement - human rights, democratic principles and the rule of law - and thus triggered a mandatory consultation procedure.

In April the "Article 96 consultations" were completed successfully, with the Fijian government committing itself to lifting the state of emergency / martial law swiftly and to holding elections within 2 years. The high incidence of human rights violations in the months just after the coup has now lessened, but the EU is keeping developments in the country under close watch and is pressing for the implementation of all the commitments agreed to redress the situation, notably those relating to the adoption of a roadmap for democratic elections.

In **Indonesia** the EU recognised a great improvement in the situation in the province of Aceh and commended the parties to the conflict for their commitment to peace and respect for human rights. The Aceh Monitoring Mission, a key task of which was human rights monitoring, was able to leave in December 2006 as the situation in the province was then and still remains relatively stable. The EU observed the December provincial elections, which overall were fair and free[97]. The EU remains strongly engaged in Aceh through a very substantial reconstruction and development programme, which also foresees support for institution-building in the judicial field and for a human rights court in the province should it be established. In general, the EU is pleased with the commitment of the government to address human rights issues. However, on a practical level, the EU remains concerned about the human rights situation and inter-religious relations in certain regions such as Papua and Central Sulawesi. The EU has made démarches on the death penalty in Indonesia, also regarding the three "Poso Christians" who were executed in September 2006. It remains concerned about the continuing difficulties in bringing perpetrators of serious human rights violations to justice. In the reporting period the EU completed negotiations on a new Partnership and Cooperation Agreement with Indonesia, which contains an essential element human rights clause, an ICC clause and a human rights cooperation clause[98]. On the basis of the latter, the EU and Indonesia launched discussions on the establishment of a human rights dialogue.

Laos continues to be a very controlled one-party state with restrictions on a number of civil and political rights and unsatisfactory prison conditions. The EU raised the situation of Lao Hmongs a number of times with the authorities, pointing to the need to find a possible solution to the long-standing Hmong ethnic minority issue and the resulting refugee situation in Thailand. The EU offered to help to reintegrate these Hmongs into Lao society through a development cooperation package. The issue of the 27 "missing" children was addressed in a Ministerial bilateral; the fate of most of them has been clarified in the meantime. The EU also made a declaration addressing the situation of Hmong refugees in Thailand, calling on the government to cooperate with UNHCR and countries willing to accept Hmongs for resettlement.

Despite the good general development in the **Philippines** over the past few years and the positive news of the abolition of the death penalty last year, the EU has been more and more

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97 See chapter 4.10.

98 See chapter 3.7.

alarmed in recent months by reports of extra-judicial killings affecting political activists, journalists, human rights defenders, judges and lawyers. The EU has not only repeatedly called on the government to show political resolve and leadership on this issue but also sent experts to the country to assess how EU assistance could help the authorities to address the problem. While the mission was met with openness and cooperation, it noted that a reduction in the incidence of extra-judicial killings would require a number of structural and legal changes and an investment in capacity building. More generally, work remains to be done in the Philippines to implement the existing human rights conventions, covenants and treaties. The EU also follows developments in Mindanao closely.

The EU immediately condemned the military coup in **Thailand** on 19 September 2006 and called repeatedly, in public statements and private representations, for a speedy return to democracy, early elections as well as the swift lifting of martial law and of all restrictions placed on political parties, associations and the media. The EU discontinued bilateral Ministerial-level visits to and from Thailand while using meetings in multilateral settings to seek a dialogue with the interim government at Ministerial, senior official and working level. The EU has noted with satisfaction that the interim government has so far respected the timetable for the return to democracy set out after the coup and is following the referendum and elections very closely. The EU has also remained in close contact with the Thai authorities over the situation in the South which remains serious and is prepared to step up cooperation to help stabilise the region.

The EU continued to pay close attention to **Timor-Leste** after the deterioration in its internal security situation in spring 2006. The EU supports the new UN mission to Timor Leste and recognises the ongoing contribution made by Portugal to the security presence. The European Commission intensified its assistance to the country, with a particular focus on institutional capacity-building, and supported efforts to reconcile the conflicting parties. The EU monitored both the Presidential elections in April/May and the parliamentary elections at the end of June 2007, and will follow political developments in the coming months very closely[99]. The EU has raised the issue of the high number of remaining internally displaced persons with the authorities and looks forward to an early resolution of this particular problem.

Whereas the government had shown a more lenient stance towards political opposition during 2006, the EU noted with great concern the arrest of several peaceful human rights defenders in **Vietnam** in the spring of 2007 and the severe sentences handed down to them. Overall, the EU regretted Vietnam's regression on civil and political rights in 2007 compared with 2006, which contrasts worryingly with the overall positive development of Vietnam in greater economic openness and socio-economic progress, and might affect the country's international credibility. Yet the EU noted that the Vietnamese authorities recognise that human rights are still "work in progress" in the country and that there are discrepancies between the law and actual practice, in particular in the areas of freedom of expression and the treatment of human rights defenders and their families. The EU-Vietnam human rights dialogue at local level was continued with a constructive and friendly meeting in June 2007. In addition, the EC-Vietnam sub-group on administrative reform, governance and human rights held its second meeting in November 2006. The sub-group was set up under the provisions of the human rights clause of the EU-Vietnam Partnership and Cooperation Agreement. The purpose of the sub-group is to create a forum for non-confrontational discussion on human rights and to broaden mutual understanding on issues of mutual concern, with a view to triggering positive exchanges on the ground. As a result of the meeting further aspects of human rights cooperation with Vietnam are being pursued.

China: see chapter 3.5 Human Rights Dialogues and Consultations

Japan: see chapter 3.6 Troika Consultations on Human Rights

South Asia

The European Union is one of the most important international partners of **Afghanistan**. Not only is the EU one of the top donors to the country, but the political partnership between the two sides has been growing since the EU-Afghanistan Joint Declaration of 16 November 2005. That document identified human rights as one of the main priorities for cooperation under the bilateral relationship. This was reflected in the discussions that took place at the second annual EU ministerial Troika with Afghanistan, held in Berlin on 29 January 2007. It is also reflected in the ongoing activities of the Office of the EU Special Representative and the European Commission Delegation in Kabul. Both have been active in their support of the Afghanistan Independent Human Rights Commission (AIHRC), and have made representations to the Afghan authorities in a number of individual cases. Particular efforts have been devoted to working with the Afghan Parliament, not least to address issues raised by its resolution for amnesty of former combatants and to ensure freedom of the media. The European Council noted the need for continuing efforts on human rights in its conclusions of 15 December 2006. 2007 marks the beginning of two complementary initiatives which are a tangible expression of the EU's commitment to fostering the development of a democratic, secure and sustainable Afghan State: EUPOL, launched on 15 June, is to assist the Afghan government in working towards an Afghan police force that respects human rights and operates within the rule of law. At the same time the EC justice reform project got under way, aimed at institutional reform of the country's key justice institutions, the Ministry of Justice, the Supreme Court and the Attorney General's office.

[99] See chapter 4.10.

As part of the EU's strategy to contribute to the strengthening of democratic values in **Bangladesh**, an EU Election Observation Mission was deployed for the parliamentary elections scheduled to take place in January 2007. However, the mission was suspended as the conditions for democratic elections were not in place, and the elections were subsequently postponed. Despite the suspension, the Mission prepared a comprehensive set of recommendations that were received positively by the Bangladeshi authorities.

The EU maintained its heightened vigilance towards the situation in Bangladesh. Following the declaration of a state of emergency on 11 January 2007, the EU issued its own declaration on 15 January 2007 urging the full restoration of civil and political rights at the earliest opportunity. As the situation became clearer, the EU sent a second Troika of Regional Directors to visit Dhaka on 6 to 9 June 2007 (the first visit took place in January 2006). This again delivered a number of targeted messages to the caretaker government and civil society, and repeated earlier EU calls for the early establishment of a National Human Rights Commission, which has been pending for several years. In addition to extending significant support to efforts to establish the conditions for credible parliamentary elections by the end of 2008, the EU is closely monitoring the political reform process in Bangladesh, including the drive against corruption, with a particular emphasis on Bangladesh's compliance with international human rights obligations. To this end, the EU has regularly raised human rights concerns with the Bangladesh authorities, including individual cases.

The EU sent its first ever Troika to visit **Bhutan** on 13 and 14 November 2006, at the level of Regional Directors. This welcomed moves to introduce a Constitution offering guarantees for fundamental and human rights, and urged Bhutan to make progress towards signature of the main international human rights conventions. It also raised the question of Bhutanese refugees in Nepal.

The EU's relations with **India** continued to develop within the framework of the Joint Action Plan agreed in New Delhi on 7 September 2005. This foresees cooperation covering a wide range of policy areas, including democracy and human rights. Under this heading it was agreed to continue dialogue on human rights in multilateral and bilateral settings, with the objective of building greater mutual understanding. The EU Troika and its Indian counterparts held their third human rights dialogue in New Delhi on 12 December 2006. One outcome of this meeting was agreement by both sides to hold a one day experts seminar on minorities in India and the EU. This seminar took place in New Delhi on 16 March 2007. The EU is continuing steps to strengthen this dialogue, and is also continuing cooperation with India at the UN Human Rights Council.

The EU continued to follow the process of political reform in the **Maldives**. As this continued its course, the EU was moved to issue two declarations on 2 October and 9 November 2006, calling on government and opposition to pursue their dialogue and to avoid any steps endangering the political reform and democratisation process. Since then the EU has continued to monitor developments, including through a visit to Malé in June 2007 by a Troika of EU Ambassadors.

The EU warmly welcomed the political changes in **Nepal** that took place during the period. An EU declaration on 10 November 2006 greeted the signing of the agreement to form an inclusive interim government in Nepal. This step came just ahead of the visit to Nepal by an EU Troika of Regional Directors from 15 to 17 November 2006, which was able to form a very full view of the situation, and to urge all sides to move ahead with measures to improve respect for human rights. Some months later, another declaration on 4 April 2007 welcomed the formation of the interim government. Throughout the period the EU continued its support for the OHCHR mission in Nepal. The EU also strongly supported the creation and work of UNMIN, the UN Mission In Nepal. The EU has consistently pressed for human rights to receive appropriate attention in preparations for a Constituent Assembly. Particular concerns to be addressed are issues of impunity, the role of children in the conflict, and the rights of minorities.

As in previous years, the EU has devoted particular attention to **Pakistan**, highlighting to the government the importance of the rule of law as a basic prerequisite for the protection of human rights. This was a particular subject raised at the Troika meeting of Political Directors held in Helsinki on 22 November 2006. More generally, the EU continued to pursue its policy of active engagement with Pakistan. This gave rise to the EU-Pakistan Joint Declaration of 8 February 2007, which foresees a regular dialogue on human rights and good governance. The EU-Pakistan Joint Commission, held in Islamabad on 24 May 2007, agreed to create a special sub-Commission on human rights (among others) and this is due to meet in the coming months.

The EU followed with dismay the deteriorating human rights situation in **Sri Lanka**. The EU continued to play its part as one of the Co-Chairs of the 2003 Tokyo Conference, and continued to support the role of Norway as facilitator in the peace process. Unfortunately, however, both the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) have declined to respect the 2002 ceasefire. Instead, there has been a pattern of worsening attacks on civilians while the perpetrators of atrocities have continued to benefit from a culture of impunity. The EU has sought to support the President's Commission of Inquiry, and has been a contributor to the IIGEP (International Independent Group of Eminent Persons), but remains convinced that the IIGEP cannot replace an international human rights monitoring mechanism.

6.7. The Middle East

Serious violations of human rights have continued to occur in **Iran**. There has been little or no progress in the EU's main areas of concern since the last Annual Report; in many respects the situation has worsened. Use of the death penalty is frequent, including in the case of child offenders. Freedom of expression is severely restricted. Reports of torture are frequent. Human rights defenders continue to report harassment and intimidation. Iran's treatment of religious and ethnic minorities and economic and social discrimination against them continues to be of great concern to the EU. The EU remains concerned at the lack of effective action to reform the laws, institutions and official practices that allow human rights violations to occur.

EU representatives have raised human rights concerns with the Iranian authorities on many occasions during the period. The subjects discussed have included the imposition of sentences of death or lashing on juvenile offenders, execution by stoning, the authorities' harassment of people reporting or expressing their opinions peacefully, and the persecution of religious minorities, especially concerning the Bahá'í and the Sufi community, and the reappearance of confirmed cases of amputations, despite the moratorium announced on this practice. The EU has also voiced its concern at the severe restrictions on the freedom of expression and of the press, including the closure of newspapers, the clampdown on web-bloggers and the detention of political prisoners.

There have been no sessions of the EU-Iran human rights dialogue in the period of this Report (see chapter 3.4.2 for more information). In December 2006, all EU Member States co-sponsored a resolution on human rights in Iran at the United Nations General Assembly. The resolution expressed serious concern at continuing violations of human rights, and called on Iran to abide by its freely undertaken international obligations.

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**, as outlined in the June 2006 Commission Communication "Recommendations for renewed engagement with Iraq". The Communication 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. Through its Integrated Rule of law Mission for Iraq (EUJUST LEX), the EU continued to provide training in EU Member States for senior officials from across Iraq's police force, judiciary and penitentiary services at Iraqi request. Given the plight of the internally displaced and refugees, EC funding has also been provided for humanitarian support to address this situation.

In September 2005, the EU and Iraq signed a Joint Declaration on Political Dialogue. The EU has used this dialogue to promote the EU's human rights objectives and to raise its concerns regarding human rights in Iraq. The EU expressed its disappointment at the reintroduction of the death penalty in Iraq in September 2005, and has repeatedly called for its abolition since then.

In June 2006, the European Council welcomed the new Iraqi government's programme for its commitment to upholding the rule of law, promoting national unity and reconciliation, and reaffirmed the EU's willingness to assist Iraq in these areas.

The EU supported the International Compact with Iraq (ICI), which was launched on 3 May 2007 in Sharm El Sheikh, Egypt. The Compact is a reform programme in the socio-economic areas as well as on political and security issues with Iraqi commitments including on human rights and the rule of law.

In **Saudi Arabia**, certain positive developments can be registered over the past year, for instance the publication of the first report of the "Saudi National Society for Human Rights" and the discussion of the report among the public and the media. Public awareness of human rights issues in Saudi Arabia appears to be increasing, and the EU wishes to continue dialogue with Saudi Arabia on these matters. Serious concerns over the human rights situation in Saudi Arabia remain, however, and the EU has continued to raise these concerns with the Saudi authorities, bilaterally as well as within the meetings with the Gulf Cooperation Council. The EU's concerns relate in particular to the steep increase in executions over the last 12 months, as well as the application of the death penalty in general.

7. Analysis of the effectiveness of EU Actions and Instruments

Assessing the effectiveness of EU instruments and initiatives

The European Union has developed a wide range of instruments for the promotion and protection of human rights, such as guidelines, declarations, dialogues or troika consultations and the EC instrument for financing civil society projects in the fields of human rights and democracy. During the reporting period the EU has made further efforts towards enhancing the coherence of its human rights policy, in particular by improving the consistent use of these instruments and by better monitoring and evaluating the adequate use of the various means at its disposal.

Guidelines

With regard to the existing EU Guidelines, the EU has further striven to strengthen their implementation by a number of initiatives during the period under review.

An important action has been taken in the context of the **Guidelines on Human Rights Defenders** when EU Missions worldwide were invited to develop consistent local strategies in order to increase protection of this vulnerable group. Furthermore, numerous demarches on individual cases of concern have continued to be one of the key activities of the EU during the period under review. The European Union also sought to apply a particular focus to enhancing the awareness to the situation of women human rights defenders and the need to assure their protection.

Under the **Guidelines on Torture**, the EU made steady progress towards the completion of its global campaign against torture, addressing all UN Member States. On the basis of the results of this campaign, the Torture Guidelines will be reviewed. EU member states co-sponsored a resolution at UNGA on this topic, confirming its policy. The EU further raised its concerns on torture with third countries through political dialogue and demarches, addressing both the existence of torture as such, as well as relevant individual cases. The prevention of torture and the rehabilitation of torture victims was a major priority for funding; the EIDHR remained the leading source of funding for rehabilitation of torture victims worldwide.

With the aim to increase effectiveness of the EU **Guidelines on children in armed conflic**t, several initiatives have been taken, such as developing country strategies for specific focus countries as well as action in relation with third countries aiming at promoting the principles adopted at the Paris Conference in February 2007.

Sustained action was taken on the issue of the **death penalty** according to the EU's guidelines which contributed to advance the agenda for abolishing the death penalty worldwide. Beside regular demarches and public statements, the EU supported - through the EIDHR - a number of civil society-led projects on public education, outreach to the media and assistance to anti-death penalty organisations.

In addition, the EU has launched work on new Guidelines aiming at the protection and the promotion of the **rights of the child**, following a comprehensive approach, including the participation of relevant NGOs and other stakeholders.

Dialogues

In its relation with certain third countries, the EU considers dialogue as the preferred means of interaction on human rights issues, setting conditions for a fruitful co-operation and building relations of trust, but also defining rules for such a dialogue. Encouraging countries to live up to their international human rights obligations and to ensure the basic rights and freedoms of people within their jurisdiction is the principle behind the implementation of human rights instruments, and in particular of human rights dialogues. This includes the integration of human rights issues consistently and proactively in dialogues established in the framework of cooperation agreements, such as the Cotonou agreement and the ENP. Although it is too early to assess the outcome of human rights dialogues developed in the context of ENP, the EU believes that the further deepening of the human rights component of this policy which has started in the period covered by this report will contribute to the overall strengthening of human rights in the European Neighbourhood.

Against the background of this approach, the EU continued its human rights dialogue with China and the human rights consultations with Russia.

As concerns dialogues with other third countries, a major step has been taken by initiating and setting up a new human rights dialogue between the EU and Uzbekistan. The aim to establish a human rights dialogue with each of the Central Asian countries, in the framework of the Central Asia Strategy, remains a challenge to be met by the EU in the coming months. Although this debate is still ongoing, it is a major development and one step further toward advancing the promotion and protection of human rights in this part of the world.

Relations with the European Parliament

The study on "the impact of the resolutions and other activities of the European Parliament in the field of human rights outside the EU" commissioned by the European Parliament's Subcommittee on Human Rights provides valuable elements to be integrated in the overall analysis of the effectiveness of EU actions.

As regards relations with the **European Parliament**, dialogue has been increased during the reporting period. On several occasions, the EU Presidency answered invitations of the EP Subcommittee on Human Rights to inform its members on ongoing EU human rights policy actions.

The European Parliament's initiative to enhance cooperation with national parliamentarians with a view to improve transparency and coordination in the monitoring of human rights policies is highly appreciated by Member States. In this regard, the recent creation of a Network of human rights committees of EU Member States' parliaments represents an important step for opening channels of interparliamentary communication and cooperation.

Human Rights mainstreaming into EU foreign policy

A horizontal view, even if it is rather brief and non-exhaustive, shows that the volume of the EU´s human rights related activities in different parts of the world has become quite significant. The different Council committees dedicated to geographic regions regularly discuss country and region specific human rights issues. The Personal Representative of the SG/HR for Human Rights has for instance visited these committees with a view of helping to highlight the implementation of the priorities and guidelines for the Union's human rights policy in the regional context.

During the period under review Human rights issues have been integrated in a more systematic way in political dialogue meeting and other high level meetings between EU and third countries. In the context of ESDP, a relatively new area for human rights mainstreaming, the EU has further intensified its efforts aiming at fully integrating human rights and gender, and believes that these efforts are contributing to the overall efficiency of ESDP missions.

These developments once more underscore the importance of continued efforts to promote the mainstreaming of human rights, and the coherence and consistency of the policies and actions of the EU and its Member States in the field of human rights. Failures or inconsistencies in this respect would undermine the credibility of our policies.

Furthermore, looking at the EU´s policy at country level highlights the very close linkage between human rights work and the promotion of democracy. The issues are closely interlinked in terms of substance, and work to promote these objectives should not be separated. The close interaction with civil society and human rights defenders must also be highlighted in this context.

EU action in international fora

During the period under review the EU's efforts in multilateral fora were mainly focussed on the newly created UN Human Rights Council. Ensuring efficient EU participation and the integration of EU positions in the work of the HRC remained a serious challenge in view of the numerically decreased representation of the EU in this body as compared to the former UN Commission on Human Rights. As shown by the strong role it played in the institution building process, the EU is working, with some success, to overcome this strategic disadvantage, and has managed to firmly establish itself as a major actor within the HRC.

To this end, the EU undertook a number of steps. Firstly, it managed to use the "cooperation and dialogue" approach in order to make consensus acceptable to most HRC members. In the institution building process EU unity was key to the strength of the EU as an actor in UN *fora* . Consequently, by remaining firm and united, the EU contributed to achieving a result not comprising all of the EU's goals, but representing an acceptable compromise under the given circumstances opening the way for the HRC to develop into a credible and effective body. Secondly, the EU chose to participate in the HRC's debates through the Presidency as well as through supporting contributions by Member States, using a policy of "one message, many voices", thus making maximum use of the available speaking time. Enlarging the practice of internal burden-sharing also significantly improved the active presence of the EU in all discussions.

Regarding the Sudan/Darfur resolution adopted during the HRC's 4th session, the firm position adopted by the EU revealed once more to be successful, especially with the good cooperation achieved with other delegations, in a cross regional effort aimed at improving the situation. In this context, the burden sharing, and cross-regional cooperation proved to be valuable assets.

The first year of the work of the HRC was characterized by considerable unpredictability, even confusion. At the same time, the lack of a fully set agenda gave the possibility to take fresh approaches and consider the working methods of the HRC in a more flexible manner. The interactive dialogues with Special Rapporteurs and the High Commissioner for Human Rights gave a new format for meaningful discourse of which the EU actively made full use. The possibility to raise 'other issues' gave an opportunity to bring up relevant human rights concerns. New focus on follow-up provides a possibility to have a results-based approach. However the HRC's standing nature placed significant demands on delegations and NGOs struggling to cope with the tremendous workload and time constraints. On the other hand this lent the EU the possibility to work in a more consequential manner, following up on issues more continuously.

It was important for the EU that the HRC could consider human rights issues in substantive terms, while at the same time focusing to build up effective institutions that are the long term basis for the HRC's work. The EU was committed to dialogue and genuine cooperation with others in order to achieve these objectives. In part this dialogue reached its aims, with the EU's

work on Darfur being again a good example of a meaningful process that has a potential to benefit of the standing nature of the Council. However, the overall relationship between the HRC and its parent body, the UNGA and its 3rd Committee, still raises questions.

The EU further contributed actively to the work of the UNGA Third Committee, where a common EU position was exceptionally maintained in all votes on resolutions. Concrete outcomes can be considered rather successful, including standard setting (the Third Committee related adoption of the Convention on disabilities and the adoption of the Convention on enforced disappearances) and advancing in some fields of the UN work on human rights (continued country focus, torture and other forms of ill-treatment, religious intolerance, violence against women, violence against children) .

For the first time the EU read out a "Declaration against the Death Penalty" supported by 85 UN member states of all regional groups, at the 61st General Assembly of the United Nations. This Declaration remained open for signatures and was subsequently signed by a total of 95 UN member states. After this success, the EU launched a world-wide campaign to garner further support for this Declaration as well as to sound out possible support for a resolution against the death penalty at the UNGA, sponsored by a cross-regional alliance. The EU's effort led to a decision at GAERC of 18 June to sponsor such a resolution at the 62nd UNGA.

In addition, the endorsement of the Convention on enforced disappearances and the high number of co-sponsors for the initiative on violence against women were considered as positive results. Team work, outreach and burden sharing have shown to be key elements for the success and need to be further developed in upcoming sessions.

8. Conclusions

The European Union is convinced that the effective promotion and protection of human rights and fundamental freedoms is essential to achieve sustainable development, peace and stability for all. In fact the European Security Strategy (ESS) makes this clear: "The quality of international society depends on the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. 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."

As highlighted throughout this report, the EU attaches the utmost importance to the promotion and protection of human rights in its external relations and in international fora. In this regard, although much remains to be done in the field of human rights, the present report demonstrates that the EU is increasingly active in the work put forward in this area.

The appointment of Dr. Riina Kionka as the Personal Representative for Human Rights of the Council's Secretary General, Javier Solana, succeeding to Mr. Michael Matthiessen, is further evidence of the EU's resolve to give high-level profile to its external human rights policy.

However, a systematic approach to promoting human rights is, at its core, a team effort. For instance, this report is the result of teamwork. Human Rights experts from many Member States, from the Commission and the Council Secretariat have contributed to this 9th Annual Report.

Next year, major challenges will be presented to the European Union, both internally and externally, namely after the establishment of the bodies and mechanisms of the Human Rights Council. The EU welcomes the spirit of constructiveness and engagement of all 27 Member States in the commitment to further strengthen the promotion and protection of human rights for all.

ANNEX I

OVERVIEW OF PROJECTS SELECTED FOR SUPPORT UNDER EIDHR BETWEEN 1 JULY 2006 AND 30 JUNE 2007

I/ Projects selected through Global Calls for Proposals

Support for the abolition of the death penalty

Organisation	Project Title	Country	Max. EC contribution
PENAL REFORM INTERNATIONAL UK LGB	Global Action to Abolish the Death Penalty	Worldwide	EUR 423 190
THE DEATH PENALTY PROJECT LTD	Assistance for prisoners under sentence of death in Uganda	Uganda	EUR 590 460
ENSEMBLE CONTRE LA PEINE DE MORT ASSOCIATION	Développement du mouvement abolitionniste mondial.	Worldwide	EUR 300 000
THE GREAT BRITAIN CHINA CENTRE	Moving the debate forward: China's use of the Death Penalty	China	EUR 708 621
ACTION POUR LA PROMOTION ET LA DEFENSE DES DROITS DES PERSONNES DEFAVORISEES	Initiatives locales contre la peine de mort en République Démocratique du Congo : campagne de sensibilisation des masses populaires et des acteurs clés, assistance juridique aux prévenus encourant la peine de mort et aux prisonniers condamnés	DR Congo	EUR 791 358
COMUNITA DI S EGIDIO ACAP ASSOCIAZIONE CULTURA ASSISTENZA POPOLARE	Soutien aux sociétés civiles en marche vers l'abolition de la peine de mort	Worldwide	EUR 377 816

Prevention of torture

Organisation	Project Title	Country	Max. EC contribution
FEDERATION INTERNATIONALE DES DROITS DE L'HOMME ASSOCIATIONS	Support for local human rights groups in their mobilisation to prevent torture in the framework of the fight against terrorism	Worldwide	EUR 968 000
THE REDRESS TRUST LIMITED	Implementing the Newly Adopted Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law	Worldwide	EUR 699 341
WORLD ORGANISATION AGAINST TORTURE ASSOCIATION	Preventing torture and other forms of violence by acting on the root causes found in the failure to respect economic, social and cultural rights	Worldwide	EUR 803 627
HUMAN RIGHTS FOUNDATION OF TURKEY HRFT	Review of legislation on torture and implementation of it during the EU harmonisation process in Turkey; training, providing legal services and raising public awareness in order to prevent torture in Turkey	Turkey	EUR 186 074
INSTITUTO PERUANO DE EDUCACIÓN EN DERECHOS HUMANOS Y LA PAZ ASOCIACIÓN	Educación, sensibilización y difusión de practicas de prevención de la tortura, para autoridades políticas, militares, policiales y lideres sociales	South America	EUR 764 034
FOND PRAVO MATERI	Independent expert examination of servicemen's deaths: has the PACE criticism not been heard yet?	Russia	EUR 292 514
ASIAN CENTRE FOR HUMAN RIGHTS CHARITABLE TRUST	National Campaign for Prevention of Torture in India	India	EUR 297 983
PENAL REFORM INTERNATIONAL UK LGB	Prevention of Torture in Georgia	Georgia	EUR 313 491
REHABILITERINGS-OG FORSKNINGSCENTRET FOR TORTUR FORENING	Ratification and implementation of the Optional Protocol to the Convention against Torture in Bangladesh, Cambodia, Sri Lanka and the Philippines	Bangladesh, Cambodia, Sri Lanka, Philippines	EUR 383 993
GROUPE HAITIEN DE RECHERCHES ET D'ACTIONS PEDAGOGIQUES FONDATION	Système d'alerte en vue du respect des droits des enfants maltraités et torturés	Haiti	EUR 454 115
AVOCATS SANS FRONTIERES - BELGIQUE ASBL	Prévenir la pratique de la torture dans la région des Grands Lacs (République Démocratique du Congo, Burundi, Rwanda, Ouganda)	DR Congo, Burundi, Rwanda, Uganda	EUR 996 000
DEVELOPMENT FUND OF CAUCASIAN MINERAL WATER REGION (CMW)	Stop Violence Against People!	Russia	EUR 156 969
ASSOCIATION LIBANAISE POUR L'EDUCATION ET LA FORMATION	Torture prevention and monitoring in Lebanon	Lebanon	EUR 153 150
FREEDOM HOUSE KOZOSSEGI SZOLGALTATOES DEMOKRACIAFEJLESZTO KOZHASZNUTARSASAG	Combating Torture in Central Asia	TACIS region	EUR 762 596

Rehabilitation of victims of torture

Organisation	Project Title	Country	Max. EC contribution
ASSOCIATION PARCOURS D'EXIL	ESSOR : Elargissement et renforcement des structures de soins à Paris et en région	France	EUR 1 349 396
SVENSKA RÖDA KORSETS CENTRALSTYRELSE	Enhanced Red Cross Rehabilitation Services in Sweden for Victims of Torture and their families	Sweden	EUR 925 810
EXILIO, HILFE FUER FLUCHTLINGE UND FOLTERUBERLEBENDE EV	Fostering the rehabilitation of torture victims in rural areas	Germany	EUR 506 113
IRCT INTERNATIONAL REHABILITATION COUNCIL FOR TORTURE VICTIMS	Advanced professionalisation through training in key areas of health services for torture victims	Worldwide	EUR 753 474
SOCIETY FOR SOCIAL RESEARCH, ART AND CULTURE (SOSRAC)	Comprehensive Rehabilitation of Torture Victims and creating resources in Asia	India	EUR 701 530
ASSISTANCE CENTRE FOR TORTURE SURVIVORS-ACET FOUNDATION	Providing and Enhancing Quality Rehabilitation Services for Second Generation Victims of Torture	Worldwide	EUR 610 000
ASSOCIATION PRIMO LEVI	Soins et soutien aux victimes de la torture, sensibilisation et formation pour développer une prise en charge adaptée des victimes de la torture sur le territoire national	France	EUR 1 493 468
AFRICAN CENTRE FOR TREATMENT AND REHABILITATION OF TORTURE VICTIMS LIMITED	Cross Cultural Partnership Against Torture	Worldwide	EUR 957 268
GEORGIAN CENTER FOR PSYCHO-SOCIAL AND MEDICAL REHABILITATION FOR TORTURE VICTIMS	Improvement of Rehabilitation Services for Torture Survivors in Georgia	Georgia	EUR 428 868
ASOCIACIÓN EQUIPO DE ESTUDIOS COMUNITARIOS Y ACCIÓN PSICOSOCIAL	Tortura: Prevención y Rehabilitación en el contexto multicultural de Guatemala	Guatemala	EUR 850 813
RESTART ASSOCIATION	Rehabilitation Program for torture survivors	Lebanon	EUR 348 693
SACH JSC	Rehabilitation Program for Victims of Torture in Pakistan	Pakistan	EUR 150 000
KENTRO ANAPTYXIS KAI EKPAIDEFSIS EVROPAIKI PROOPTIKI	Capacity Building and Social Rehabilitation of victims of torture in NWFP Pakistan	Pakistan	EUR 444 000
EL NADIM CENTER FOR THE PSYCHOLOGICAL MANAGEMENT AND REHABILITATION OF VICTIMS OF VIOLENCE	Management and Rehabilitation of victims of torture in Egypt	Egypt	EUR 180 676
ZA REHABILITACIJU ZRTAVA TORTURE CENTAR ZA ZRTVE TORTURE	Rehabilitation of torture survivors, enhancing civil society network and strengthening of reconciliation process in B&H	Bosnia and Herzegovina	EUR 293 577

ASSOCIATION OF CITIZENS VIVE ZENETUZLA	Centre for therapy and rehabilitation	Bosnia and Herze-govina	EUR 681 000
CORDELIA ALAPITVANY A SZERVEZETT EROSZAK ALDOZATAIERT	Psycho-social Rehabilitation of Torture Victims in Hungary	Hungary	EUR 300 480
AL-KHIAM REHABILITATION CENTER FOR VICTIMS OF TOR-TURE ASSOCIATION	Medical, Social and Psychological Assistance for Victims of Torture	Lebanon	EUR 642 000
ASSOCIATION MEDICALE DE REHABILITATION DES VIC-TIMES DE LA TORTURE	Création d'une unité de Kinésithérapie au profit des victimes de la torture	Morocco	EUR 150 000
FORUM DES ACTIVISTES CON-TRE LA TORTURE ASBL	Rehabilitation of torture victims in the Great Lakes Region of Africa	Rwanda	EUR 168 000

Combating impunity through international justice

Organisation	**Project Title**	**Country**	**Max. EC contribution**
STICHTING HUMANISTISCH OVERLEG MENSENRECHTEN	Learning, Linking, Acting against enforced disappearances	Worldwide	EUR 637 116
INTERNATIONAL COMMIS-SION OF JURISTS ASSOCIATION	Supporting and Strengthening the Treaty Bodies in advancing implementation by states of their international human rights legal obligations.	Switzerland	EUR 508 053
WORLD ORGANISA-TION AGAINST TORTURE ASSOCIATION	Promotion de la justice et de l'Etat de droit par le renforcement des contributions des ONG aux travaux des organes des traités	Worldwide	EUR 676 032
THE KHMER INSTITUTE OF DEMOCRACY ASSOCIATION	Victim and Witness Protection (VWP) Standards for the Khmer Rouge Tribunal (ECCC) and Beyond	Cambodia	EUR 400 000
THE BBC WORLD SERVICE TRUST	Communicating Justice	Uganda, Burundi, DRC, Liberia Sierra Leone	EUR 950 000
STICHTING WERLEDVERBOND VAN WERELDFEDERALISTEN	Promoting increased universality and support-ing the implementation of the complementarity principle of the Rome Statute of the International Criminal Court	Worldwide	EUR 1 000 000
ISTITUTO SUPERIORE INTER-NAZIONALE DI SCIENZE CRI-MINALI FONDAZIONE	Fighting Impunity and Promoting International Justice	Worldwide	EUR 715 876
FONDATION HIRONDELLE MEDIA FOR PEACE AND HUMAN DIGNITY	Agence d'information, de documentation et de formation (AIDF) auprès du Tribunal pénal international pour le Rwanda (Agence de Presse Hirondelle)	Rwanda	EUR 750 000
COMITATO NON C'E PACE SENZA GIUSTIZIA ASSOCIAZIONE	Complementarity and the impunity gap: the role of non-judicial, quasi-judicial and neo-traditional accountability mechanisms	Worldwide	EUR 550 000

STICHTING OXFAM NOVIB	Extraordinary Chambers (EC) and International Criminal Court (ICC) Justice Project	Cambodia	EUR 950 000
THE INSTITUTE FOR WAR AND PEACE REPORTING (IWPR) LBG	International Criminal Court Reporting Project (Uganda, Sudan and DRC)	Uganda, Sudan, DR Congo	EUR 809 039

Support for democracy, good governance and the rule of law

FRIEDRICH NAUMANN STIFTUNG	Enhancing the legal framework of associations in the Arab world through national dialogue and empowerment of civil society	Mediterranean region	EUR 721 890
KONRAD-ADENAUER-STIFTUNG EV	Strengthening critical social and political reporting in Uzbekistan	Uzbekistan	EUR 900 240
HEINRICH BOELL STIFTUNG EV	Building public confidence and maximising participation of disadvantaged groups in democratic processes through transparent elections in Georgia.	Georgia	EUR 319 930
GROUPE DE RECHERCHE ET D'ECHANGES TECHNOLOGIQUES	Renforcement des médias audiovisuels de RDC, du Congo-Brazzaville, du Burundi et du Rwanda	Subsaharian Africa	EUR 796 884
FOUNDATION ALPE	Fostering Civil Integration Through Education and Freedom of Expression	Georgia	EUR 302 356
SOCIAL DEVELOPMENT AGENCY VZW	Démocratie et syndicalisme, Evolution démocratique du syndicalisme dans les pays du Maghreb et du Mashreq	Mediterranean region	EUR 324 084
EUROPEAN UNIVERSITY AT ST PETERSBURG	Inter-Regional Electoral Network of Assistance in Russia (IRENA)	Russia	EUR 673 370
STICHTING OXFAM NOVIB	Practising Democracy from the Village up to the Capital: Promoting Participatory Democracy by Strengthening Local Communities	Egypt	EUR 787 014
CAUCASUS INSTITUTE FOR PEACE DEMOCRACY AND DEVELOPMENT FOUNDATION	Independent Media for Civil Integration	Georgia	EUR 479 576
FORUM DES ALTERNATIVES-MAROC ASSOCIATION	Pour une observation citoyenne des élections	Morocco	EUR 197 152
CLUB DE MADRID PARA LA TRANSICIÓN Y CONSOLIDACIÓN DEMOCRÁTICAS ASOCIACIÓN	Strengthening dialogue and democratic discourse through freedom of association in the Mediterranean and Middle East region	Mediterranean region	EUR 845 342
THE INSTITUTE FOR WAR AND PEACE REPORTING (IWPR) LBG	Cross Caucasus Journalism Network	Georgia	EUR 956 763
CLUB DE MADRID PARA LA TRANSICIÓN Y CONSOLIDACIÓN DEMOCRÁTICAS ASOCIACIÓN	Underpinning and Developing Democratic Electoral Processes through the empowerment of women Parliamentarians and Leaders in Sub-Saharan Africa	Sub-Saharan Africa	EUR 770 065
EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK	Monitoring the Freedom of Association in the EuroMed Region	Mediterranean region	EUR 431 945
SOROS FOUNDATION KYRGYZSTAN	Support of Civil Initiatives in the Transition Period	Kyrgyzstan	EUR 305 914

CHERNIHIV PUBLIC COMMITTEE OF HUMAN RIGHTS PROTECTION	Promoting Freedom of Association and Campaigning for the Public Interest in Belarus	Belarus	EUR 178 990
EUROPEAN CENTER FOR NOT FOR PROFIT LAW	Strengthening the Legal Framework for Citizen Action through Freedom of Association	TACIS region	EUR 464 328
STICHTING HIVOS	Improving civil society media access by increased journalistic professionalism and strategic use of media tools in Africa	Zambia, Uganda, Tanzania, Mozambique, South Africa, Zimbabwe	EUR 1 000 000
ASSOCIATION REPORTERS SANS FRONTIERES	Protection du pluralisme médiatique en période électorale	Worldwide	EUR 420 000
OLOF PALMES INTERNATIONELLA CENTRUM	Promoting Freedom of Expression and Civil Society Involvement in Developing Democratic Media Legislation in Sudan	Sudan	EUR 831 000
KONRAD-ADENAUER-STIFTUNG EV	La promotion de la liberté associative dans la 3ème République en RDC	DR Congo	EUR 815 612
INSTITUT PANOS AFRIQUE DE L'OUEST ASSOCIATION	Appui au secteur de la radiodiffusion communautaire en Afrique de l'Ouest : Cadres législatifs et renforcements de capacités	Western Africa	EUR 483 504
SEARCH FOR COMMON GROUND VZW	Promotion de la liberté d'expression au Burundi	Burundi	EUR 707 575
SEARCH FOR COMMON GROUND VZW	Appui au processus démocratique en Côte d'Ivoire	Ivory Coast	EUR 875 170
ISTITUTO SINDACALE PER LA COOPERAZIONE ALLO SVILUPPO ONLUS	Projet pour l'instauration et la promotion d'un dialogue social entre le Gouvernement, les employeurs et les travailleurs a travers leur représentants au Burundi	Burundi	EUR 403 198
FUNDACION PAZ Y TERCER MUNDO	Promoción del acceso a los medios de comunicación social por parte de las comunidades de la región norte de Guatemala, con énfasis en el acceso de mujeres, jóvenes y pueblos indígenas	Guatemala	EUR 419 506
SYFIA INTERNATIONAL ASSOCIATION	Bien informer pour favoriser la démocratie et l'Etat de droit	Central Africa	EUR 395 759
OXFAM GB LBG	Appui Pour la Participation de la Société Civile et la Démocratisation en Haïti	Haiti	EUR 600 000
MOUVEMENT DES FEMMES HAITIENNES POUR L EDUCATION ET LE DEVELOPPEMENT MOUFHED ASSOCIATION	Appui à la formation citoyenne des femmes et populations défavorisées	Haiti	EUR 200 000
MOSCOW GROUP OF ASSISTANCE TO IMPLEMENTATION OF HELSINKI ACCORDS	Consolidating civic efforts for democracy against dictatorship	Russia	EUR 298 206
MINORITY RIGHTS GROUP LBG	Enhancing Batwa leadership in Burundi, the Democratic Republic of Congo, Rwanda and Uganda	Burundi, DR Congo, Rwanda, Uganda	EUR 629 792
INSTITUT PANOS AFRIQUE DE L'OUEST ASSOCIATION	Human Rights Society Organisations and Communication in Sierra Leone (HRSOC)	Sierra Leone	EUR 240 000
LIGUE TUNISIENNE POUR LA DEFENCE DES DROITS DE L'HOMME (LTDH)	Projet de Restructuration de la Ligue Tunisienne pour la Défense des Droits de l'Homme	Tunisia	EUR 100 518

Support for promoting the rights of indigenous peoples

Organisation	Project Title	Country	Max. EC contribution
CARE INTERNATIONAL UK	Derechos, Gobernabilidad y Democracia Inclusiva de los Pueblos Indígenas Amazónicos Fronterizos	Ecuador	EUR 711 398
FONDAZIONE TERRE DES HOMMES ITALIAONLUS	Fortalecimiento de la Identidad Indígena y Ampliación del Acceso a los Derechos Fundamentales en 8 Provincias de Ecuador	Ecuador	EUR 407 847
MOVIMIENTO DE DESARRAIGADOS ORGANIZADO PARA EL DESARROLLO INTEGRAL EN EL DEPARTAMENTO DEL NORTE DE QUICHE ASOCIACIÓN	Fortalecimiento de Aplicación del Derecho Indígena Ixhil, Consolidación de Autoridades Comunitarias, Mediación y Regulación de Conflictos	Guatemala	EUR 280 000
STICHTING CARE NEDERLAND	Promoting Rights and Social Inclusion for Terai Dalits in Nepal	Nepal	EUR 720 000
STICHTING HIVOS (HUMANITARISCH INSTITUUT VOOR ONTWIKKELINGSSAMENWERKING)	Asamblea Constituyente para Profundizar la Democracia	Bolivia	EUR 1 000 000
ASSOCIAZIONE COOPERAZIONE INTERNAZIONALE	Fortalecimiento de los pueblos indígenas y originarios de Bolivia en el ejercicio eficaz de sus derechos	Bolivia	EUR 827 027
CARE FRANCE	Derechos, Identidad Cultural y Participación de Pueblos Indígenas Amazónicos : El caso del Pueblo Aguaruna	Peru	EUR 468 729
PELASTAKAA LAPSET RY	Rights of children of indigenous communities in Southern Rajasthan	India	EUR 727585

Support for promoting the rights of minorities and for combating discrimination and xenophobia

Organisation	Project Title	Country	Max. EC contribution
BIRO ZA LJUDSKA PRAVA TUZLA	Dialogues	Bosnia and Herzegovina	EUR 153 441
WORLD VISION OF IRELAND	Advance Human Rights for Roma minority in Bosnia and Herzegovina	Bosnia and Herzegovina	EUR 392 310
"THE FOUNDA-TION OPEN SOCIETY INSTITUTE-MACEDONIA"	Living in Multiethnic Environment – Citizens with Equal Rights, Opportunities and Protection	FYROM	EUR 979 983
CENTAR ZA OBRAZOVNE INICIJATIVE STEP BY STEP UG	Education for Social Justice	Bosnia and Herzegovina	EUR 153 829
PILI ALAPITVANY	Promoting Anti-Discrimination Laws and Practice in Bosnia and Herzegovina	Bosnia and Herzegovina	EUR 282 707
EUROPEAN DIALOGUE LIMITED	Strategies for Achieving Rights for the Roma minority in Bosnia and Herzegovina	Bosnia and Herzegovina	EUR 295 277
INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS	Support and Protection of Human Rights Defenders: National, Regional and International Dimensions	TACIS region	EUR 516 934
ASOCIACIÓN PARA LA PROMO-CIÓN SOCIAL ALTERNATIVA MINGA	Garantías y Protección para los Defensores y Defensoras de Derechos Humanos en Colombia	Colombia	EUR 645 600
ASSOCIATION POUR LE DEVELOPPEMENT ECONOMIQUE REGIONAL	Re-enforcement of Grassroots Dalit organisations in South India for the protection of fundamental Dalit rights and for awareness campaigns concern-ing an effective consideration of rights	India	EUR 377 118
CHRISTIAN AID	Civil Society approach towards achieving equality and the realisation of the rights of scheduled castes in India	India	EUR 762 033
ASSOCIATION POUR LE DEVELOPPEMENT ECONOMIQUE REGIONAL	De l'action Educative et de Sensibilisation aux Droits des Indiens dans L'Etat du Ceara au dével-oppement du respects des Droits de l'Homme au Brésil	Brazil	EUR 357 188
COORDINADORA NACIONAL DE DERECHOS HUMANOS ASOCIACION	Construyendo Igualdad en la Diversidad	Peru	EUR 400 000
SAVE THE CHILDREN FUND	Opening Educational Opportunities to Quechua Rural Girls in the Department of Huancavelica (Peru)	Peru	EUR 407 610

Children's and Women's Rights

Organisation	Project Title	Country	Max. EC contribution
STICHTING TERRE DES HOMMES NEDERLAND	Enhancing capacity to address trafficking, especially in children, from a human rights perspective in Southeast Asia, Southeast Europe and Latin America	Worldwide	EUR 999 996
ASSOCIACAO DIREITOS HUMANOS EM REDE	Black Women's Right to Health in Brazil	Brazil	EUR 252 266
ANNA ASSOCIATION NO TO VIOLENCE	Women's Rights – Human Rights	Russia	EUR 160 000
MOVIMENTO PER L'AUTOSVILUPPO L'INTERSCAMBIO E LA SOLIDARIETA	Advancing Women Rights: promoting attitudes against gender-based violence through strengthening the capacities of civil society organisations	Egypt	EUR 299 862
COOPERAZIONE PER LO SVILUPPO DEI PAESI EMERGENTI ONLUS	Somali women's FGM Eradication Plan	Somalia	EUR 999 970
GROUPE D'APPUI AUX RAPATRIES ET REFUGIES ASSOCIATION	Renforcement des capacités de lutte contre le trafic des femmes et des enfants des Comités de Droits Humains du Réseau Jeannot Succès	Haiti	EUR 557 301
STICHTING CARE NEDERLAND	Promoting Rights of the Disadvantaged by Preventing Violence Against Women (PROTIRODH)	Bangladesh	EUR 800 000
PELASTAKAA LAPSET RY	Promoting the Right of a Child to be Protected from Violence: Towards a national plan of action on protecting children from violence in Ethiopia, Kenya, Somalia and Eritrea	Ethiopia, Kenya, Somalia, Eritrea	EUR 846 841
HEINRICH BOELL STIFTUNG EV	"A life without violence and discrimination is possible!": Regional campaign to protect women from domestic violence	Mediterranean region	EUR 661 867
EESTI NAISUURIMUS JA TEABEKESKUS MTU	NGO and Governmental Cooperation Across the South Caucasus to Develop a Joint Response to Trafficking in Women and Children	TACIS region	EUR 480 000
CORPORACIÓN MEDIOS PARA LA PAZ	Promoción de un Entorno social favorable para la reintegración de niñas, niños, adolescentes vinculados y desvinculados al conflicto armado colombiano	Colombia	EUR 224 000
FUNDACIÓN SOCIAL COLOMBIANACEDAVIDA	Oportunidades para la Paz: escenarios alternativos para la prevención de la participación de niños, niñas y adolescentes en la guerra	Colombia	EUR 297 042
CORPORACIÓN VINCULOS	Fomento de la Cultura de los Derechos Humanos para evitar el reclutamiento de niños, niñas y jóvenes al conflicto armado en Colombia	Colombia	EUR 343 775
CORPORACIÓN DE PROMOCIÓN POPULAR	Campaña de documentación, educación y opinión publica hacia una cultura de respeto a los derechos de los niños y las niñas en zonas de conflicto en Colombia, incidente en la formulación y aplicación de políticas publicas relacionadas con el tema	Colombia	EUR 461 369
CARE INTERNATIONAL UK	KARAMA: freedom from violence	Egypt	EUR 799 239

Regional Human Rights Masters Programmes

Organisation	Project Title	Country	Max. EC contribution
UNIVERSIDAD ANDINA SIMÓN BOLÍVAR	Maestría Latinoamericana en Derechos Humanos y Democracia	South America	EUR 387 586

Election Training

Organisation	Project Title	Country	Max. EC contribution
STICHTING NEDERLANDS INSTITUUT VOORZUIDELIJK AFRIKA	National civic and electoral education programme in Angola	Angola	EUR 1 000 000

II/ Projects selected through Country Calls for Proposals

Country specific calls for EIDHR micro-projects were concluded for the following countries: Albania, Algeria, Angola, Armenia, Bangladesh, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Burundi, Cambodia, Colombia, Côte d'Ivoire, Cuba, DR Congo, Ecuador, Egypt, Ethiopia, the former Yugoslav Republic of Macedonia, Georgia, Guatemala, Haiti, Indonesia, Israel, Jordan, Kazakhstan, Kyrgyzstan, Laos, Lebanon, Mexico, Morocco, Mozambique, Nepal, Nigeria, Pakistan, Peru, Russia, Rwanda, Serbia and Montenegro, Sri Lanka, Sudan, Tajikistan, Tunisia, Turkey, Uganda, Ukraine, Venezuela, Vietnam, West Bank and Gaza, Zimbabwe.

III/ Projects selected without a call for proposals[100]

Organisation	Project Title	Country	Max. EC contribution
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	Promotion and Protection of Human Rights in Northern Uganda	Uganda	EUR 800 000
COUNCIL OF EUROPE	Enforcing the rights of the child and reintegrating children at risk into society	Russia	EUR 200 000
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	Renforcement des capacités nationales de promotion et de protection des droits de l'homme au Togo	Togo	EUR 800 000
COUNCIL OF EUROPE	Enhancing the capacity of legal professionals and law enforcement officials in Russia to apply the European Convention on Human Rights (ECHR) in domestic legal proceedings and practices	Russia	EUR 950 000
COUNCIL OF EUROPE	Network of Schools of Political Studies	Worldwide	EUR 650 000
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	Achieving Women's Human Rights: Working for greater protection and empowerment	Worldwide	EUR 800 000

[100] Excluding the Election Observation Missions.

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	Effective implementation of the Durban Declaration and programme of action	Worldwide	EUR 600 000
UNITED NATIONS DEVELOPMENT PROGRAMME	The ACE Practitioners' Network	Worldwide	EUR 950 000
ORGANIZATION OF AMERICAN STATES	Promoting racial tolerance and securing equality of traditionally excluded groups in Latin America	Latin America	EUR 650 000
COUNCIL OF EUROPE	Kyrgyzstan and Kazakhstan: Assistance in the preparation of a comprehensive constitutional reform	Kazakhstan	EUR 100 000
ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE	Strengthening Human Rights in Central Asia	Kazakhstan	EUR 224 814
COUNCIL OF EUROPE	Fostering a Culture of Human Rights	TACIS region	EUR 995 000
UNITED NATIONS DEVELOPMENT PROGRAMME	"Promotion of Equality, Tolerance and Peace through the dissemination of the Comprehensive Peace Agreement and of the Transitional Legal Framework in Southern Sudan"	Sudan	EUR 700 000
SPECIAL COURT FOR SIERRA LEONE	Victims Justice and Legacy Project	Sierra Leone	EUR 594 708
COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES	Enhancing the Role of National Human Rights Institutions in the Development of an ASEAN Human Rights Mechanism	Philippines	EUR 900 000
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA	Information, Education and Communication in support of ICTR mandate	Rwanda	EUR 600 000
UNITED NATIONS ORGANISATION	Mise en place d'un réseau de la société civile pour la protection des victimes et témoins en R.D.Congo	DR Congo	EUR 473 467
UNITED NATIONS CHILDREN'S FUND	Protection of Children from Violence, Abuse and Exploitation in Zimbabwe	Zimbabwe	EUR 800 000
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA	Outreach programme for the ICTY - International Criminal Tribunal for the former Yugoslavia	Worldwide	EUR 950 000
INTERNATIONAL CRIMINAL COURT	Strengthening the International Criminal Court	Worldwide	EUR 796 983

ANNEX II

EU/INTERNATIONAL DAYS IN THE FIELD OF HUMAN RIGHTS

DATE	DAY
6 February	International Day of Zero Tolerance against Female Genital Mutilation
8 March	International Women's Day
21 March	International Day for the Elimination of Racial Discrimination
8 April	International Roma Day
3 May	World Press Freedom Day
17 May	International Day against Homophobia
18 October	EU Day against Trafficking in Human Beings
20 June	World Refugee Day
26 June	International Day in Support of Victims of Torture
9 August	International Day of the World's Indigenous People
10 October	World Day Against the Death Penalty
20 November	Universal Children's Day
25 November	International Day for the Elimination of Violence against Women
3 December	International Day/EU Day of Disabled People
10 December	Human Rights Day

ANNEX III

Further Information Websites

Further information about the EU's human rights policy is available at:
http://www.consilium.europa.eu/human-rights
http://ec.europa.eu/external_relations/human_rights/intro/index.htm
http://www.europarl.europa.eu/comparl/human_rights/

As mentioned in this report, there are a number of International Organisations which are involved in human rights work. Their websites provide further detail on their actions in this field:
United Nations; www.un.org

International Labour Organisation; www.ilo.org
UN Office of the High Commissioner for Human Rights; www.unhchr.ch
International Criminal Court; www.icc-cpi.int
Council of Europe; www.coe.int
European Court of Human Rights; www.echr.coe.int/echr
Organisation for Security and Co-operation in Europe; www.osce.org
African Union; www.africa-union.org
Organisation of American States; www.oas.org

There are a number of international NGOs which provide a wealth of information on human rights issues across the globe on their various websites, including:
Amnesty International; www.amnesty.org
Human Rights Watch; www.hrw.org
International Federation of Human Rights (FIDH); www.fidh.org
The International Committee of the Red Cross; www.icrc.org

European Commission

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