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**[PHOTO]**

## **PREFACE**

It is a pleasure for me to present this eighth EU Annual Report on Human Rights. The first Report was published in 1999, during the previous Finnish EU Presidency. During these years the basic objective of the Report has not changed: it is a unique source of information concerning the EU's human rights policies and the action it has taken to implement them. It is also a means to reflect what we in the EU have achieved, whether we have been coherent and consistent enough, and in which areas there might be room for improvement.

This Report covers the period from July 2005 to June 2006. During this time, the international human rights architecture has undergone a major change. In September 2005, the Heads of State and Government gathering at the UN Summit resolved to strengthen the UN human rights machinery with the aim of ensuring effective enjoyment by all of all human rights.

This commitment was followed by a decision in March 2006 to establish the Human Rights Council, mandated to protect and promote human rights. In the context of seeking membership of the Council, important commitments were made by UN Member States. In the inaugural session of the Council, Secretary General Kofi Annan stated that "lack of respect for human rights and human dignity is the fundamental reason why the peace of the world today is so precarious, and why prosperity is so unequally shared". The Human Rights Council was called to open a new era in the human rights work of the United Nations.

In short, therefore, this year has seen a major global commitment to the cause of human rights. What will be the concrete outcome of this pronounced commitment? Will the men, women and children of the world, still too often victims of human rights violations, notice any difference?

The EU has emphasised that the commitments undertaken must imply making a fresh start, and a genuine effort to promote the implementation of human rights on the ground. Human rights are universal, not internal affairs of any state. On the other hand, no country is perfect in terms of human rights, and the EU, too, must be prepared to take a critical look at its contribution in the field of human rights and be open to outside scrutiny.

I am therefore happy that the present Report aims to be quite comprehensive in scope. It covers the EU's external policies, but also internal aspects. It covers bilateral human rights EU policies with regard to third countries, as well as action in multilateral fora. It covers thematic issues and efforts aimed at intercultural dialogue.

There can be no efficient human rights policy without adequate transparency. Human rights policy must be based on interaction between all relevant actors, public institutions and civil society alike. Human rights defenders have a specific role to play at national and international level. I hope this Report can contribute to a meaningful dialogue among all those interested in promoting a result-oriented EU human rights policy.

Mr. Erkki Tuomioja,  
Minister for Foreign Affairs of Finland  
President of the Council of the European Union

## **1. INTRODUCTION**

In accordance with the Treaty on the European Union, the EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. Consequently, the EU shall respect human rights in all its activities, including external relations. The EU regards human rights and democracy as fundamental pillars of enhancing peace and security as well as promoting development objectives.

The period covered by this eighth EU Annual Report on Human Rights is from 1 July 2005 to 30 June 2006. The purpose of this report is to provide an overview of the work of the European Union, through its institutions, in promoting human rights and democracy. An effort is made to cover, to the extent possible, the EU's human rights related activities with regard to third countries, action at multilateral level as well as important thematic issues in order to give a balanced picture of the tools the EU has to promote human rights and democracy. Nevertheless, from the point of view of keeping the text relatively concise and readable, the picture cannot be complete in all areas. More specific information is offered in separate boxes and in the relevant websites mentioned in the annex.

The structure of the present report follows to a great extent the structure adopted last year. Also this year, the report includes a section on the European Parliament's activities to promote human rights and democracy. The EP actively raises human rights related issues, and thereby secures adequate attention to these issues, including by the other EU institutions.

Also, as in previous years, while the report concentrates on external relations, various human rights issues related to developments within the EU's borders are also highlighted. It is of course important from the point of view of credibility that, while the EU actively promotes human rights with regard to third countries, it also applies human rights standards in a coherent and consistent manner in its own policies. Lastly, an effort is made to see the report as a useful tool to evaluate the efficiency and effectiveness of the EU's human rights policies, and also as a means to promote transparency and interaction with civil society.

From the point of view of highlighting specific emphases in the EU's human rights policy during the period covered, the promotion of coherence has been a priority. The EU is an important global player in many ways – in economic terms, with regard to development cooperation, etc. It has a number of tools and instruments that can be used to promote human rights and democracy. The challenge is, taking into account also the Union's institutional structures, how the EU can best use all these relevant instruments in a coherent and consistent manner, thereby conveying a unified and credible message to third countries.

To this effect, mainstreaming of human rights has in particular been emphasised during the period covered by this report. This has in practice included an increased interaction between human rights experts and country-specific teams, and highlighting human rights aspects of important thematic issues such as EU crisis management activities. The EU has developed ways to address issues like women and security or children affected by armed conflict.

In combating terrorism and extremism, the promotion of human rights remains highly relevant. Also initiatives to promote intercultural dialogue, based on universal standards and involving civil society, have been very topical during the year.



Political dialogue is certainly a key instrument in human rights promotion, and through the mainstreaming effort the objective has been to secure the coherent presentation of human rights elements by the EU in the contacts that have taken place with third countries at various levels. This is also relevant with regard to countries with whom the EU has a specific human rights dialogue.

By adopting specific Guidelines on certain issues, the EU has identified priority areas for its human rights policy. On the death penalty, to which the EU is opposed in all cases, the EU has continued to take up individual cases where minimum standards of international law are not fulfilled, and has during the year also specifically looked at countries "on the cusp", i.e. whose policies related to capital punishment are about to change. On torture, the EU has during the year approached countries encouraging them to accede to the relevant international instrument, and to cooperate with the relevant mechanisms, with a view to strengthening international mechanisms aimed at the eradication of torture.

On children and armed conflict the EU has identified certain priority countries where it aims to make a difference on the ground from the point of view of alleviating the suffering of children affected by armed conflict, boys as well as girls in different ways. It has also been important to raise the issue in multilateral fora, and to enhance the EU's own capability to deal with this issue in the context of ESDP (European Security and Defence Policy) operations. On Human Rights Defenders, the fifth Guidelines adopted by the EU, the EU has, during the year covered by the report, launched global campaigns on the freedom of expression and women human rights defenders. As those promoting human rights are too often themselves targeted, the rights of human rights defenders remains a clear priority for the EU.

In the UN context, the negotiations to establish a new Human Rights Council, and subsequently the first session of the new Council have provided an important framework for the EU's multilateral human rights efforts. The EU aimed all along for a Council that would give human rights the central role foreseen by the UN Charter. Although not all elements the EU had lobbied for were included in the final text adopted in March 2006, for the EU the establishment of the UN Human Rights Council is an essential element in further strengthening the UN human rights machinery and represents an important step in the UN reform process. In laying the foundation for future work, the first session of the Council held in June 2006 did achieve positive but also some less welcome results. The new Council is expected to focus on implementation, thus creating a challenge also for the EU to develop innovative working methods and promote coherence between its bilateral activities and action in multilateral fora.

Human rights defenders and victims of human rights violations in different parts of the world expect a lot from the EU. Rightly so: the EU as a value-based community can be expected to further the cause of human rights and democracy with great ambition. This report provides elements to consider how the EU has risen to the challenge.

## **2. DEVELOPMENTS WITHIN THE EU**

### **2.1. Fundamental Rights Agency**

The proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights, submitted by the Commission to the Council on 5 July 2005, has been extensively discussed by the Council's subordinate bodies. Consultations with the European Parliament in the form of a Trialogue have also taken place. Most outstanding questions have been solved. The European Council on 15-16 June 2006 took note of the progress in the discussions on this file and called for the necessary steps to be taken as soon as possible so that the Agency would be up and running as from 1 January 2007.

The Agency would complement the existing mechanisms for monitoring fundamental rights standards at the international, European and national level. It would collaborate closely with relevant organisations and bodies, including the Council of Europe, the OSCE and relevant Community agencies and Union bodies, in particular the European Institute for Gender Equality. If the proposed Regulation is adopted, the Agency should be operational as from January 2007.

## **2.2. Role of SG/HR Personal Representative on Human Rights**

The Council in December 2005 welcomed the strong contribution which the Personal Representative of the Secretary General/High Representative for Human Rights (PR/HR) had made during his first year in office to the coherence and continuity of EU policy. The Council noted in particular the PR/HR's activities to promote further mainstreaming of human rights in CFSP (Common Foreign and Security Policy), and to raise awareness of the EU's human rights guidelines. Concerning additional priorities for 2006, the Council invited the SG/HR to consider the role his Personal Representative can play in supporting EU action within the UN by ensuring that high-level lobbying takes place, and by helping to provide effective follow-up to that action.

In the annex to the Council Conclusions it was confirmed that the nomination of the PR/HR helped to increase the visibility and strengthen the role of the Council Secretariat in its continuing action in the areas of mainstreaming and EU human rights guidelines as well as in participation in dialogues and consultations with third states, the promotion of EU human rights policy in the UN, OSCE and CoE, the dialogue with the EP, in areas of outreach and public diplomacy and special assignments. The significant contribution of the PR/HR was welcomed and four areas

for action for 2006 were suggested for consideration by the SG/HR. Those comprise continued work on mainstreaming, including with Council geographic and thematic working parties and committees; human rights aspects of EU crisis management; ensuring high-level lobbying in support of EU action within the UN; ensuring follow-up to EU resolutions/action within the UN.

Furthermore, the Council stated in its conclusions on the biennial review of the EU Guidelines on Children and Armed Conflict (CAAC) that the appointment of the PR/HR has begun to increase the visibility of human rights issues throughout the system.

During the period covered by this report the PR/HR contributed to the mainstreaming of human rights in the field of CFSP/ESDP, presenting the issue in seventeen meetings to geographical and thematic Council working parties/committees. He also promoted the EU positions on human rights and humanitarian law issues during the 60th session of the UN General Assembly in autumn 2005 and the 1st session of the new UN Human Rights Council in June 2006. He further participated in two human rights consultations with the Russian Federation as well as two dialogue rounds with China. Through ongoing regular contacts with the Political and Security Committee as well as its contributing committees and working parties, he raised awareness in particular on gender issues and children and armed conflict (CAAC). In the field of civilian crisis management the PR/HR contributed a written advice on the Aceh Monitoring Mission. He met with all EU Special Representatives to promote the mainstreaming of human rights in general and CAAC in particular and updated them on relevant developments when appropriate. He has advocated the inclusion of human rights advisers or at least focal points in the teams of EUSRs as well as in ESDP operations.

The PR/HR has continued to meet a number of human rights defenders and NGOs from the Americas, Africa, Russia, and Asia. As part of his close contacts with the European Parliament he provided briefings and presentations in the Sub-Committee on Human Rights and in human rights related hearings. He has regular exchanges and meetings with all relevant actors of the UN, Council of Europe and the OSCE. The PR/HR contributed a first positive input in the field of high-level lobbying; he called on Ambassadors of various third countries with a view to promoting the EU's position on the creation of the UN Human Rights Council.

Some Member States have appointed Human Rights Ambassadors. In 2006 joint country missions of these Ambassadors took place to Cambodia and the Philippines.

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

The EP is a strong voice for human rights and democracy issues. It contributes to the formulation and implementation of policies in the field of human rights through its resolutions, reports, missions to third countries, human rights events, inter-parliamentary delegations and joint parliamentary committees with third countries, oral and written questions, special hearings on individual questions and its annual Sakharov Prize. The President of the EP also regularly takes up human rights issues with the representatives of third countries.

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 H  l  ne Flautre (Greens/ALE), has established itself as a hub of human rights questions in the Parliament. It takes parliamentary initiatives in this sphere and provides a permanent forum for discussions with other EU institutions, the UN, the Council of Europe, government representatives and human rights activists on the human rights situation and the development of democracy in non-EU countries.

Its main aim is to mainstream human rights issues into all aspects of the external relations of the EU. It has done so inter alia by issuing guidelines for all the EP's inter-parliamentary 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 EU guidelines on human rights matters, in particular the guidelines on human rights defenders and the guidelines on torture. In this context the Subcommittee commissioned a study on the evaluation of EU activities in this field and the implementation of the human rights guidelines. It also held exchanges with the Council of Europe's Commissioner for Human Rights, Mr Thomas Hammarberg, and the UN's Special Rapporteur on Torture, Mr Manfred Nowak.

In June 2006 a Delegation of Members of the Sub-Committee attended the inaugural session of the UN Human Rights Council and met with the EU Presidency and Member States' ambassadors, special rapporteurs, and also with non-governmental organisations.

With regard to the Human Rights Council, Parliament adopted a resolution by which it addresses recommendations to the Commission and the Council for the EU position to be taken in the negotiations regarding the HRC. In the resolution of 16 March 2006 Parliament welcomed the retention of the UNCHR's system of independent "special procedures". It also welcomed the establishment of a universal periodic review (UPR) mechanism and the preservation of the practice of participation of human rights NGOs in the debates. The EP is considering how to interact with the new Human Rights Council in line with the development of the latter.

The World Summit on the Information Society, held in Tunis from 16 to 18 November 2005, was another major UN event to which the EP sent a delegation. The serious constraints experienced by the delegation and other participants, mainly regarding freedom of expression, led to the adoption of a resolution and a debate in plenary on 15 December 2005.

More generally, in the reporting period the Subcommittee on Human Rights organised a number of hearings on human rights issues. The topics covered were: human rights issues in the European Neighbourhood Policy with a special focus on Israel and Egypt, human rights in the Euromed area 10 years after the Barcelona Declaration, South-East Asia, Nepal, femicides in Mexico and Guatemala, EU guidelines on torture and other cruel, inhuman or degrading punishment or treatment, Ethiopia – one year after elections and different EU human rights dialogues with third countries.

In a report prepared by MEP Vittorio Agnoletto (GUE/NGL)<sup>1</sup> the EP has analysed the functioning of the human rights and democracy clauses in agreements with third countries, analysed their shortcomings and made proposals for improving their efficiency. (see chapter 3.6 on human rights clauses)

Besides the Subcommittee on Human Rights, a working group within the Committee on Development holds regular meetings on human rights in developing countries or on specific subjects such as child soldiers or child slaves with both human rights NGOs and representatives of the governments concerned. 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 a variety of countries.

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<sup>1</sup> PE 362.667/v05-00.



The main forum for political dialogue between the EP and parliamentarians from African, Caribbean and Pacific countries is the EU-ACP Joint Parliamentary Assembly. The Euro-Mediterranean Assembly provides opportunities for a parliamentary dialogue on issues of human rights and democracy with Mediterranean countries.

By participating in election observation missions, the EP makes a further contribution to strengthening human rights and democracy in third countries (see chapter 4.10 "Democracy and elections")

The EP carried out an enquiry led by Mr Dick Marty, Rapporteur of the Parliamentary Assembly Committee on Legal Affairs, into alleged secret detentions and unlawful inter-state transfers involving Council of Europe Member States. The European Parliament Temporary Committee was established in January 2006 to survey the alleged use of European Countries by the CIA for the transport and illegal detention of prisoners.

At around the same time as this EU annual report on human rights is published, the EP begins drafting an Annual Report on the human rights situation in the world and EU human rights policy, which in 2006 was drafted by Richard Howitt (PSE). The related resolution<sup>2</sup> provided an analysis of the work of the EU in all its forms regarding human rights and proposals to make the impact more effective. 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.

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<sup>2</sup> PE 368.090/v02-00.

In December 2005, the EP awarded its annual Human Rights Prize, the Sakharov Prize for Freedom of Thought, jointly to *Damas de Blanco* (the Ladies in White) in recognition of their action in favour of the political prisoners in Cuba, to *Hauwa Ibrahim* in recognition of her work as a lawyer defending women and children accused under Sharia law in Nigeria, and to *Reporters without Borders* in recognition of their fight for press freedom in the world.

Damas de Blanco is the name for a group of Cuban women who have been protesting peacefully every Sunday since 2003 against the continued detention of their husbands and sons who are political dissidents in Cuba. They wear white as a symbol of peace and the innocence of those imprisoned. The well-known international organisation Reporters without Borders campaigns for press freedom throughout the world. It also champions the protection of journalists and other media professionals from censorship or harassment. As a Nigerian human rights lawyer, Hauwa Ibrahim represents women who face being stoned to death for adultery and young people facing amputation for theft under Islamic Sharia law.

An important aspect of Parliament's activities is the resolutions on particular human rights violations in specific countries and, in particular, on individual cases, which are dealt with in the monthly debates on urgent subjects. Council, Commission and the governments involved are urged to take action. The reactions of these governments suggest that they are sensitive to criticism by the EP.

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

During the period of reporting, Parliament denounced in resolutions, inter alia: the situation of Tenzin Deleg Rinpoche, the Buddhist Lama imprisoned and sentenced to death in December 2002 on the charge of having participated in some bomb attacks in Tibet; the several cases of imprisonment and violence against journalists, human rights defenders and opposition members in Belarus, namely the situation of Pavel Mazeka, Mikola Markievic and Viktor Ivaskievic, all sentenced to between 6 and 9 months' imprisonment as well as Mikhail Marinich, opposition leader and former Minister for External Economic Relations imprisoned in 2004 for politically motivated charges and released on 14 April 2006; the situation of several political prisoners in Burma (Myanmar), namely Hkun Htun Oo, Chairman of the Shan Nationalities League for Democracy, held in prison since February 2005 and sentenced to 90 years and General Hso Hten, President of the Shan State Peace Council, held in prison since February 2005 and sentenced to 109 years; Mohamed Benchicou, Editor of the newspaper *Le Matin*, sentenced to two years' imprisonment as a victim of a campaign against the freedom of press in Algeria; the case of Dr Ayman Nour, a former journalist and lawyer, leader of Al-Ghad Party and member of the Egyptian Parliament, who was sentenced to 5 years' imprisonment on 24 December 2005 for having been accused of submitting false signatures in order to register his party for the legislative and presidential elections in Egypt; Altynbeck Sarsenbaev, a prominent politician and the co-chairman of the True Ak Zhol opposition party, murdered in Kazakhstan on 13 February 2006; Stanislav Dmitriyevsky, Chief executive for the Russian-Chechen Friendship Society and Editor in chief for the Nizhni Novgorod newspaper "Pravo-zaschita" ("Human Rights Activism") sentenced to a two-year suspended jail term; the arrest of several civil activists in Syria, in particular the lawyer Anwar al Bunni and the writer Michel Kilo; Maître Mohammed Abbou, a well-known Tunisian lawyer and human rights defender, sentenced to three-and-a-half years in jail on 28 April 2005.

The EP has used its budgetary powers to increase substantially the resources earmarked for programmes dealing with democracy and human rights financed under a separate budget chapter, created at the initiative of the EP, the "European Initiative for Democracy and Human Rights" (EIDHR), (see more on EIDHR in chapter 3.7). 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 guarantee visibility and flexibility. The proposal for this instrument was presented by the Commission on the 26th of June 2006.

Issues concerning human rights within the EU fall under 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 cooperate 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.

If EU citizens consider that their fundamental rights have been violated, they can take the matter up with the European Ombudsman, which covers maladministration by EU institutions, or the Petitions Committee of the EP, which covers infringements of the EU law. 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.

An overview of the main EP'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>.

### 3. EU INSTRUMENTS AND INITIATIVES IN THIRD COUNTRIES

The EU has a number of instruments at its disposal to promote human rights in third countries. This chapter gives an overview of other legal and policy instruments during this period.

#### 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.

On 12 December 2005 the Council changed the **Common Position** (2004/622/CFSP amending Common Position 2004/179/CFSP, which concerns restrictive measures against the leadership of the Transnistrian region of the Republic of **Moldova**) concerning restrictive measures against several high-level Transnistrian officials involved in the closure of Moldovan language schools by force. Because the situation has improved and most schools were able to open again, the Council shortened the list of officials under a visa-ban. The new list is contained in Common Position 2005/890/CFSP. On 14 February 2006 the Council prolonged the Common Position concerning restrictive measures against the leadership of the Transnistrian region until 27 February 2007 (2006/95/CFSP) and updated the Annex containing the list of people falling under the visa-ban (2006/96/2006).

### **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.

Following the practice established under previous presidencies, a conference entitled "What future for EU Conflict Prevention? Five years after Göteborg and how to move on" was jointly organised by the Presidency, the European Commission and the European Peace building Liaison Office (EPLO) on 3 May 2006. This conference brought together practitioners and representatives of Member States, the European Commission, the Council General Secretariat, NGOs, civil society, think tanks and academia as well as Members of the European Parliament to share best practice and develop ideas for future EU capacity building in the field of conflict prevention. The Presidency subsequently informed the European Parliament on the outcome of this conference as well as on current work in the field of civilian crisis management.

Work on the mainstreaming of **human rights** into CFSP, including ESDP, has continued – not least through awareness-raising in relevant Council working groups and committees. The chairs of two groups dealing with crisis management<sup>3</sup> as well as an advisor to the Chairman of the EU Military Committee (EUMC) met with the Council Human Rights Working Party. Relevant human rights issues have been increasingly taken into account and integrated, as appropriate, in all phases of operations, especially during the planning phase. The protection of human rights has been addressed by including measures that ensure that the necessary human rights expertise is available. In this respect, the experience from crisis management operations with a particular emphasis on human rights, such as the Aceh Monitoring Mission, should be duly taken into account. It has also been noted that the EU should draw on the expertise of the United Nations. The SG/HR's personal representative for human rights has contributed to this mainstreaming of human rights aspects into EU crisis management.

Work has continued to implement the document on **Implementation of UNSCR 1325** on women, peace and security in the context of ESDP and gender mainstreaming. An exchange of national best practices on gender mainstreaming and the implementation of UNSCR 1325 has taken place which resulted in a call for a check list to be developed to ensure a proper gender perspective through-out the planning process and conduct of ESDP operations. The Institute for Security Studies (ISS) is conducting a case study on the implementation of the UNSCR 1325 in the context of the EU presence in Bosnia-Herzegovina.

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<sup>3</sup> PMG: Politico-Military Group, CIVCOM : Committee for Civilian Aspects of Crisis Management.

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. Based on the review of progress made towards the implementation of the guidelines, an implementation strategy<sup>4</sup> was developed. It includes a check list for the integration of the protection of children affected by armed conflict, to be introduced into ESDP missions. Reporting on children and armed conflict has been further systematised. See chapters 3.2 and 4.3.

Work has begun on considering how the issue of **transitional justice** can be better integrated into EU crisis management, reflecting the importance for sustainable peace and stability of addressing the question of past human rights abuse in transitional and post-conflict situations. In March 2006, the Political and Security Committee (PSC) held a seminar on transitional justice which explored how strategies to confront past human rights abuses in the context of major political transformations could be integrated into EU crisis management. This seminar is being followed by further work aiming at the development of concrete recommendations on integrating transitional justice into EU planning for ESDP operations.

### **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.

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<sup>4</sup> 9767/06.



The EU military operation in Bosnia and Herzegovina (BiH), **Operation ALTHEA**, continues to guarantee a safe and secure environment in the country. During the last six months, increased focus has been put on the reduction and safe storage of the significant amount of excess weapons and munitions held by the armed forces of BiH as well as the BiH population. Cooperation with NATO continues to work well in respect of Operation Althea, in Brussels as well as in BiH, in the context of the "Berlin Plus" arrangements. The former Yugoslav Republic of Macedonia was invited to participate in the operation as the 12th contributing third State.

The Council reviewed operation ALTHEA in June. This review was carried out within the framework of the Single Comprehensive Review of EU activities in BiH. It confirmed that EUFOR should retain current force levels and tasks and stressed the importance of close cooperation between all EU actors in BiH, especially in the area of the fight against organised crime, and highlighted the crucial role of the EUSR in ensuring EU coherence.

The EU continued to demonstrate its commitment to supporting the transition process in the Democratic Republic of Congo (**DRC**), through political action, assistance as well as ESDP (European Security and Defence Policy) operations. As the elections in the DRC drew near, in May the EU carried out a comprehensive review of the EU's external action in the DRC.

Following a request from the UN on 27 December 2005 to deploy **a military force to the DRC to provide support to MONUC (EUFOR RD Congo)** during the electoral process, the Council on 23 March decided to respond positively to the UN request. EUFOR RD Congo will be part of the EU's comprehensive approach in the DRC.

The Council started the military planning of Operation EUFOR RD Congo and, following the adoption of UNSCR 1671, adopted a Joint Action on 27 April appointing Lieutenant-General Karlheinz Viereck EU Operation Commander and Major General Christian Damay EU Force Commander and identifying the Office Head Quarters (OHQ) in Potsdam. The decision to launch the operation was adopted by the Council and preparations have been ongoing in order to reach full operational capability by the date of the first round of the elections, i.e. 30 July 2006.

The DRC authorities have indicated they support the deployment of an EU force to support MONUC during the electoral process and confirmed this agreement in a letter to the United Nations Security Council. Close consultations with the UN have been maintained throughout this process, both with MONUC and with DPKO (The United Nations Department of Peacekeeping Operations). EUFOR RD Congo constitutes a further enhancement of the EU's policy of cooperation with the UN in the field of crisis management. EUFOR RD Congo has a dedicated gender adviser at the OHQ.

The EU has continued its **civilian-military supporting action** to the African Union Mission (AMIS II) in the Darfur region of **Sudan**. EU support to AMIS II was reviewed as part of a Single Comprehensive Review of Sudan, which Council noted in May 2006. The EU is providing continuing military assistance in the form of technical, planning and management support throughout the AMIS II command structure. Financial and logistic support has also been provided, including the provision of strategic air transport. The EU is also continuing to provide the Vice-President of the Cease Fire Commission and a number of EU military observers. EU police officers continue to play a key role in building AMIS II's civilian policing capacity through support, advice and training to the AMIS II 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.

In view of the African Union's Peace and Security Committee decision of 15 May 2006 to transfer its mission to the UN and the signing of the Darfur Peace Agreement on 5 May 2006, the EU decided to continue both the civilian and military elements of the supporting action to AMIS II until 30 September 2006. The EU is considering the appropriate legal and operational framework and the additional resources and capabilities that may be required for this extended EU support action. The EU has stated its readiness to respond swiftly to any requests addressed to it to support the implementation of the peace agreement and to support, as appropriate, the planning for a UN transition.

The EU Rule of Law Mission in **Georgia, EUJUST Themis**<sup>5</sup>, that has been deployed to assist the Georgian government in the development of a strategy to guide the criminal justice reform process terminated on 15 July 2005. This mission was an innovation, representing a new development in the civilian aspects of ESDP, as it was the first rule of law ESDP mission.

The period immediately after the expiry of the mandate of EUJUST Themis was crucial for the momentum gained in the rule of law reforms. On 9 June 2005 the PSC agreed on the modalities of the follow-up to EU support in the implementation of the strategy for reform of the Georgian criminal system.

A reinforced EUSR (EU Special Representative) Support Team, consisting of a rule of law follow-up to EUJUST Themis and a Border Support Team, started its operation on 1 September 2005<sup>6</sup>. The rule of law component of the EUSR office in Tbilisi was responsible for follow-up to the rule of law strategy that EUJUST Themis helped Georgia develop.

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<sup>5</sup> Joint Action 2004/523/CFSP OJ L 228, 29.6.2004, p. 21.

<sup>6</sup> Joint Action 2005/582/CFSP OJ L 199, 29.7.2005, p. 92.

On 1 March 2006, an extended and amended mandate of the EUSR for the **South Caucasus** entered into force, prolonging also the functioning of the Border Support Team until the end of February 2007. The follow-up to EUJUST Themis effectively came to an end at that same date, as a crisis management type operation.

On 20 September 2005, the PSC agreed to the establishment of a European Union Border Assistance Mission to **Moldova** and **Ukraine (EUBAM)**, including through the reinforcement of the team of the EUSR for Moldova, following a joint request of the Ukrainian and Moldovan Presidents. The Mission itself, which started its work on 1 December 2005, is organised by the Commission under the Rapid Reaction Mechanism and later Tacis. It comprises approximately 60 customs and police officers from EU Member States. In July 2006, the mission will be enlarged to approximately 100 staff from Member States. 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 was created, which ensures liaison with the EUSR and the Council (see EUSR Mandate, Joint Action 2006/120/CFSP).

**The Aceh Monitoring Mission (AMM)**, led by Mr Pieter Feith from the EU, has been established to monitor the implementation of various aspects of the peace agreement set out in 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 European Union, together with five contributing countries from ASEAN (Thailand, Malaysia, Brunei, Philippines and Singapore), and Norway and Switzerland, are providing monitors for the peace process in Aceh (Indonesia).

Following a brief interim presence (IMP) since the signing of the MoU, the AMM was officially launched on 15 September 2005, covering an initial period of 6 months. On 27 February 2006, the EU Council extended the duration of the mission for a further 3 months until 15 June 2006. The presence of AMM is based on an official invitation from the Government of Indonesia and enjoys the full support of the leadership of the Free Aceh Movement (GAM).

A human rights component, including human rights observation, was for the first time included in the Aceh Monitoring mission, representing a welcome step towards mainstreaming of human rights within ESDP missions. The AMM is undertaking this mission in order to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh. This has been made all the more important by the terrible tsunami disaster of 26 December 2004 and the suffering it inflicted on the Acehnese people. The EU and ASEAN fully respect the territorial integrity of Indonesia and see the future of Aceh as being within the unitary state of the Republic of Indonesia.

The objective of the AMM is to assist the GoI and the GAM in their implementation of the MoU. This includes the following tasks: monitor the reintegration of active GAM members; monitor the human rights situation and provide assistance in this field in the context of the tasks set out in the above points; monitor the process of legislation change; rule on disputed amnesty cases; deal with complaints and alleged violations of the MoU; establish and maintain liaison and good cooperation with the parties.

As part of the AMM's tasks the decommissioning of GAM armaments and the relocation of non-organic military and police forces was fully completed on 5 January 2006. In accordance with the MoU, the GAM handed over all of its 840 weapons to AMM and on 27 December

2005 it officially disbanded its military wing (TNA). Likewise the GoI has fulfilled its commitments by relocating its non-organic military and police. The number of police and military (TNI) forces remaining in Aceh are within the maximum strength of 14 700 for the TNI and 9100 for the police, in accordance with the MoU.

The AMM does not take on a negotiation role. Should this be needed during the implementation process, it will be the responsibility of the two parties and the original facilitator, i.e. the Crisis Management Initiative (CMI).

The mission, whose headquarters are in Banda Aceh, has established a monitoring capability through 11 District Offices geographically distributed throughout Aceh: Sigli, Bireuen, Lhokseumawe, Langsa, Tapaktuan, Blang Pidie, Meulaboh, Calang, Banda Aceh, Kutacane and Takengon.

The AMM numbers approximately 80 international unarmed personnel, of which almost 2/3 come from EU Member States as well as Norway and Switzerland, and slightly more than 1/3 from the five participating ASEAN countries. AMM is completely impartial by nature and does not represent or favour any of the parties.

It comprises personnel with expertise in the whole range of competencies needed to fulfil the tasks of the mission. AMM is a civilian and not a military mission. Some monitors will have a military background as this is necessary to perform certain technical tasks implied by the mission. Monitors conduct their monitoring tasks by patrolling and communicating with both parties, and by carrying out inspections and investigations as required.

## **EU Special Representatives (EUSRs)**

The EUSR for **Moldova**, Ambassador Adriaan Jacobovits de Szeged, who was initially appointed on 23 March 2005, continued his work. 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 from and through Moldova. In addition, the EUSR maintains an overview of all EU activities, notably relevant aspects of the ENP (European Neighbourhood Policy) Action Plan with Moldova, which was signed at the EU-Moldova Cooperation Council on 22 February 2005. On 20 February 2006, the EUSR's mandate was prolonged by one year until 28 February 2007.

Until 28 February 2006 the EUSR for the **South Caucasus**, Ambassador Heikki Talvitie, and as of 1 March 2006<sup>7</sup> his successor, Ambassador Peter Semneby, continued to assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule of law, democratisation, human rights, good governance, development and poverty reduction.

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<sup>7</sup> Joint Action 2006/121/CFSP OJ L 49, 21.2.2006, p. 14.

On 18 July 2005, the EU appointed a new EUSR for **Sudan**, Mr Pekka Haavisto (Joint Action 2005/556/CFSP)<sup>8</sup>. The work of the EUSR has focussed on three key areas: the implementation of the comprehensive peace agreement (CPA) in Sudan, the Darfur peace talks in Abuja and the oversight of the EU's civil-military supporting action to the African Union (AU) Mission in Darfur (AMIS). Human Rights constitute an important part of the mandate of the EUSR, who follows the situation in this area and maintains regular 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. In this respect, the mandate of the EUSR emphasises in particular the rights of children and women and the fight against impunity in Sudan.

The EUSR for **Central Asia**, Ambassador Ján Kubiš, continued his work until 5 July 2006. He contributed to the implementation of the EU policy objectives in the region, which include promoting good and close relations between the countries of Central Asia and the EU, contributing to the strengthening of democracy, rule of law, good governance and respect for human rights and fundamental freedoms in Central Asia as well as enhancing EU's effectiveness in the region, including closer coordination with other relevant partners and international organisations, such as the OSCE.

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<sup>8</sup> Council Joint Action 2005/556/CFSP of 18 July 2005 appointing a Special Representative of the European Union for Sudan (OJ L 188, 20.7.2005, p. 43-45).



### **3.2. 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, covering issues of particular importance to EU Member States, have been adopted by the Council since 1998. These Guidelines cover the death penalty (adopted 1998); Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 2001); Human Rights Dialogues (adopted 2001); Children and Armed Conflict (adopted 2003), and Human Rights Defenders (adopted 2004). They are available in all EU languages, plus Russian, Chinese, Arabic and Farsi from the Council Secretariat website (<http://ue.eu.int/Human-Rights>). In May 2005, the Council Secretariat also produced these Guidelines in booklet form, in English and in French<sup>9</sup>.

Concerning the Children and Armed Conflict Guidelines, the Human Rights Working Party has during the reporting period submitted a biennial review of the Guidelines, made a series of recommendations, which were endorsed by the Council in December 2005, and revised its list of priority countries. On 7 April 2006, the Council issued a strategy for the implementation of the CAAC Guidelines. Within the framework of the human rights defenders guidelines, EU has launched a worldwide campaign on freedom of expression and women human rights defenders and has also submitted the first biennial review of the implementation of the guidelines on human rights defenders.

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<sup>9</sup> Details of sales and subscriptions available at <http://publications.eu.int>.

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 3.4.

### **3.3. 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 meetings of the Council may equally address human rights issues in that context. Démarches are usually carried out in a confidential manner, either in "Troika" format or by the Presidency. In addition, the EU can make public declarations calling upon a government or other parties to respect human rights, or welcoming positive developments. These declarations are published simultaneously in Brussels and in the Presidency's capital.

Démarches and declarations are widely used to convey concerns related to human rights. The main subjects tackled by them are protection of human rights defenders, illegal detention, forced disappearances, the death penalty, torture, child protection, refugees and asylum seekers, extra-judicial executions, freedom of expression and of association, and the right to a fair trial, free and fair 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, the elections in Afghanistan, in particular the participation of women (18 Sept 2005), the adoption of the resolution establishing the Human Rights Council (16 March 2006), the abolition of the death penalty in the Philippines (26 June 2006), the prolongation of the

mandate of the Office in Colombia of the UN High Commissioner for Human Rights (26 June 2006). Declarations are also used to convey a message in support of EU's 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. In the context of the global campaign for freedom of expression démarches were made in all regions of the world.

In the period under review, the EU has further carried out démarches throughout the world to seek support for the human rights aspects of UN reform as well as for the Rome Statute of the ICC. In addition, démarches concerning human rights have been made inter alia on: Algeria, Angola, Burundi, Cambodia, China, DRC, Indonesia, Iran, Iraq, Japan, Kuwait, Libya, Nepal, Pakistan, Philippines, Russia, Saudi Arabia, Sudan, Trinidad and Tobago, Uganda, USA, Uzbekistan, Vietnam and Yemen.

During the same period, the Union made human rights related declarations concerning inter alia the following countries: Algeria, Belarus, Burma/Myanmar, Cambodia, China, Colombia, Cuba, DRC, Egypt, Gambia, Iran, Iraq, Kyrgyzstan, Maldives, Mexico, Nepal, Russia, Syria, Tajikistan, Togo, Tunisia, Turkey, Turkmenistan, Uganda, USA, Uzbekistan, Yemen and Zimbabwe.

### **3.4. Human Rights Dialogues (including Guidelines on Human Rights Dialogues) and Ad Hoc Consultations**

#### *3.4.1. Human Rights Dialogue with China*

The EU and China have held human rights dialogues for almost 11 years, guided by benchmarks set by the Council. The human rights situation, and the impact of the dialogue upon it, was evaluated by the Council in October 2004, resulting in Council Conclusions and oral briefings to the European Parliament and to NGOs. The overall assessment of developments showed a mixed picture of progress in some areas and continuing concerns in others. On the one hand, the Council acknowledged that China has made considerable progress over the last decade in its socio-economic development and welcomed steps towards strengthening the rule of law, while urging China to ensure effective implementation of such measures. On the other hand, the Council expressed concern that, despite these developments, violations of human rights continued to occur, these including restrictions on freedom of expression, freedom of religion, freedom of assembly and association, a lack of progress in respect for the rights of persons belonging to minorities, continued widespread application of the death penalty, and the persistence of torture. All in all, the Council considered the dialogue a valuable instrument and an important element of overall EU-China relations and endorsed proposals for improving the dialogue and the accompanying expert seminars aimed at encouraging tangible results on the ground.

In the period covered by this report, two dialogues and two seminars took place. The 20th dialogue took place in Beijing on 24 October 2005 and was preceded by a Troika visit to Xinjiang. The 21st round took place on 25-26 May 2006 in Vienna. The EU was represented by the Council Working Party on Human Rights Troika, which was assisted by the High Representative's Personal Representative on Human Rights. 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 2005 dialogue had freedom of religion as one of its main themes. The 2006 dialogue focused on freedom of expression, in particular on 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 ICCPR and legislative reforms needed to implement its provisions; rights of ethnic minorities in Tibet and Xinjiang; abolition and application of the death penalty and the need to obtain statistics on its use; the allegation of organ transplants from executed prisoners was raised for the first time in 2006, reform of the RTL system and similar institutions, without judicial overview, used for misdemeanours; prevention and eradication of torture and rights 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 2005, attention was paid also to the protection of social and economic rights and the independence of NGOs.

The Chinese side informed the EU of a number of legislative reforms taken or under way, 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 nation-wide campaign to prevent and eradicate torture, the planned reform of the RTL system and the new regulation on organ transplants coming 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 and new regulations in the field of criminal procedures. China also updated on progress made towards ratification of the ICCPR.

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, and on the follow-up to the visit of the UN High Commissioner for Human Rights Louise Arbour. Familiar 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. China raised concerns about racism and xenophobia in the EU. Discussion on the rights of persons belonging to minorities showed little common ground. The visit of the Troika to Xinjiang allowed for meetings with a wide variety of representatives, including of the Muslim minority, but largely confirmed EU concerns. Through the dialogue these different views were openly discussed.

The EU and Chinese authorities organised two human rights seminars within the framework of the dialogue, one in London on 12-13 December 2005 and one in Vienna on 22-23 May 2006. The London Seminar focused on the theme "Ratification and Implementation of the ICCPR, articles 14 and 9", and in particular the recommendation of steps to be taken by China to bring its legislation into alignment with these articles. At the Vienna seminar, academia, officials of the EP, the National People's Congress, representatives of Member States' foreign ministries and various Chinese ministries and of NGOs discussed "the implementation of recommendations by international human rights mechanisms (Treaty Bodies' recommendations and the special procedures) and human rights education".

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 EU is in regular contact with other countries maintaining a human rights dialogue with China, through the "Berne process".

The 22nd round of the EU-China Human Rights Dialogue is expected to take place in Beijing in October 2006. See chapter 6.4 for more on China.

### 3.4.2. *Human Rights Dialogue with Iran*

Human rights are an essential element of the EU's overall relations with Iran, as with any other country. The human rights dialogue, which was the first to be set up in accordance with the 2001 EU Guidelines on Human Rights Dialogues, is one of the EU's tools to promote human rights there. Although a lot remains to be done in Iran in the field of human rights, the EU believes that engaging with Iran is a way to encourage those who want to promote reforms there.

Since 2002 the EU has held four sessions of the human rights dialogue with Iran, with the last occurring in June 2004. An evaluation of the dialogue in 2004 found that since the start of the dialogue there has been little or no progress against the EU's benchmarks. Despite Iran's failure to engage effectively, the EU remains open to discussing human rights, including by means of the dialogue process. The EU saw a need to attain a renewed commitment from the Iranian authorities to improve respect for human rights and promote the rule of law in the country and also the need to adjust the modalities of the dialogue with a view to enhancing its effectiveness. With regard to the latter, negotiations are ongoing

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.



A broad range of participants were associated with these dialogues including the Government, the judiciary, academics, and civil society. The human rights dialogue is primarily a channel to express the EU's concerns to Iran, while there is also opportunity for Iran 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 at the next round. A crucial element of the dialogue is the opportunity for mutual assessment and review.

See chapter 6.5 for more on Iran.

#### *3.4.3. Human Rights Consultations with Russia*

Agreement on the holding of Human Rights Consultations was reached, on a proposal by the EU, at the EU/Russia summit in The Hague on 25 November 2004. After a first round in Luxembourg on 1 March 2005 the second round was held in Brussels on 8 September 2005, and the third one in Vienna on 3 March 2006.

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 the EU and in Russia, as well as international human rights issues, in an open and constructive manner.

Discussions covered Russia's international obligations and cooperation in UN human rights fora, in particular UN reform and cooperation with UN Special Mechanisms. In the March 2006 round, the follow-up to the (February 2006) visit of the UN High Commissioner on Human Rights Louise Arbour to Russia, was discussed. Cooperation in the Council of Europe, including the implementation of decisions and recommendations of the Council of Europe (inter alia Gil-Robles report, ECHR judgments, Protocols), and the OSCE were also covered.

The EU raised specific concerns about the human rights situation in Russia, notably the situation in Chechnya, the situation of human rights defenders, including specific cases, the independence of the media and freedom of expression, respect for the rule of law and human rights protection in the armed forces, as well as other issues. The phenomena of racism and xenophobia were particularly emphasised during the March 2006 Consultations, when the situation of NGOs after the entry into force of the law on NGOs was also discussed.

The EU closely associated NGOs in the preparation of the Consultations, and de-briefed them on their outcome. Prior to the 3 March 2006 Consultations, the EU and Russian delegations visited the Vienna-based European Monitoring Centre on Racism and Xenophobia. See chapter 6.1.3 for more on Russia.

#### *3.4.4. Other human rights dialogues (Cotonou Article 8)*

One of the notable changes introduced by the EU-ACP Partnership Agreement of Cotonou (2000), is the strengthening of the political dimension through enhanced dialogue. Making this dialogue a major pillar in the partnership reflects the growing importance of political issues within the EU-ACP relationship. Article 8 lays down the principal provisions relating to a normal state of affairs, but other provisions on political dialogue are found in Articles 96, 97 and 98 (grave violations). The Agreement came into force on 1 April 2003, and guidelines for conducting this dialogue were approved by the ACP-EC Council of Ministers in May 2003.

One of the objectives of the dialogue is to promote a stable democratic environment, and topics to be included are the so-called essential and fundamental elements of Cotonou: human rights, democracy, the rule of law, governance, peace and security, gender, ethnic or racial discrimination, cultural issues. Civil society, non-state actors, and the opposition should be included in the talks whenever possible; and the process should be transparent and continuous.

Examples of countries in which the parties have initiated an Article 8 dialogue are Angola, Botswana, Burkina Faso, Congo (Brazzaville), Gabon, Ghana, Kenya, Nigeria, Senegal, South Africa, Swaziland, Mauritania, Mozambique, Uganda and Zimbabwe. It is to be carried out with regional organisations as well, such as the AU, SADC and ECOWAS.

### **3.5. Troika consultations on Human Rights with the US, Canada, Japan, New Zealand and Candidate Countries**

#### **Troika consultations with the US**

The EU and the US held consultations on human rights issues prior to the UNGA Third Committee on 16 October 2005 in Washington and on 16 February 2006 in Brussels. The meetings were used to provide information on and seek support for thematic and country priorities and to decide on common aims and initiatives. These consultations laid the groundwork for constructive and fruitful cooperation in the framework of UNGA.

The EU and the US discussed the human rights situation in a number of countries, in particular those possibly subject to a resolution, as well as respective policies vis-à-vis these countries. They provided an update on human rights dialogues and consultations with third countries. Both sides expressed an interest in working together in defence of human rights defenders. They also held an in-depth exchange of views on negotiations relating to the establishment of the Human Rights Council.

The consultations provided a good opportunity to discuss differences in approach. The EU raised concerns regarding the death penalty, focusing in particular on executions of juvenile offenders and mental illness cases. On both occasions, there was a frank discussion on the impact of counter-terrorism measures on international efforts to promote human rights protection, touching inter alia on the legal situation of prisoners in Guantánamo Bay and the issue of rendition. The EU asked the US to react positively to the request by the UN Special Rapporteurs to visit Guantánamo Bay and other places where alleged terrorists are being held. The US provided information concerning cases pending before the US courts regarding Guantánamo and confirmed that they would issue a response to the report of the US Special Rapporteur to Guantánamo. The US raised concerns relating to anti-Semitism in Europe. They also asked for EU support for the Community of Democracies.

### **Troika consultations with Canada**

Consultations on human rights with Canada took place prior to the UNGA Third Committee on 17 October 2005 in Washington and on 20 February 2006 in Brussels. The meetings focused on cooperation during the Third Committee as well as on the establishment of the UN Human Rights Council.

The EU and Canada further exchanged views on the need to improve coordination between like-minded countries. In a discussion about UN reform Canada underlined that mainstreaming of the human rights dimension in the overall UN system was essential.

### **Troika consultations with Japan**

EU-Japan consultations on human rights took place in October 2005 in New York and in June 2006 in Geneva. Japan stressed the importance it attached to coordination with the EU and was keen to be informed about the EU-China dialogue and the EU-Russia consultations.

Japan reminded the EU that according to a 2004 enquiry more than 80% of the population were in favour of maintaining the death penalty; in the light of this result, Japan considered a discussion about the abolition of the death penalty would not be very successful.

### **Troika consultations with New Zealand**

During the consultations on human rights in March 2006 in Brussels, New Zealand stressed its wish to strengthen cooperation with the EU. New Zealand underlined that one of its key initiatives focused on the Rights of the Child.

### **Troika consultations with candidate countries**

The annual exchange of views took place on 8 March 2006 in Brussels. The EU informed candidate countries Croatia, FYROM and Turkey of its active support for the establishment of the Human Rights Council and other priority issues in the field of human rights, and asked their support for EU initiatives. Croatia, FYROM and Turkey informed the EU about their general human rights policy.

### 3.6. Human Rights clauses in cooperation agreements with third countries

Since the Commission's 1995 Communication *On the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries*, a clause providing that respect for human rights and democratic principles constitutes an essential element of the agreement has been included as a standard clause in all agreements with third countries, except for sectoral agreements and agreements with industrialised countries. Under this clause, sanctions may be put in place in response to serious violations of human rights or of the democratic process. However, the principal role of the clause is to provide the EU with a basis for positive engagement on human rights and democracy issues with third countries. To this end, the Commission has established human rights sub-committees and working groups with a number of countries. The process of extending human rights sub-committees to all European Neighbourhood Policy countries continued with the first meeting in June 2006 of the working group on human rights and minorities with Israel.

In February 2006, the EP adopted a resolution on the human rights and democracy clause in EU agreements, based on a report prepared by Vittorio Agnoletto MEP. The resolution called, *inter alia*, for the standard wording of the human rights clause to be revised, for the clause to be extended to all new agreements and for the EP to play a greater role in the application of the clause. In response, the European Commission outlined several measures to improve the application of the clause, such as gradually extending human rights committees to more third countries and giving human rights greater prominence in the mandate of Heads of Commission Delegations in third countries.

### **3.7. Activities funded under the European Initiative for Democracy and Human Rights**

The EIDHR is a programme specifically designed to promote Human Rights, Democracy and the Rule of Law mainly through cooperation with civil society organisations but also in partnership with some key international organisations. It is managed by the European Commission. In the years 2005 and 2006 its resources amounted total to over EUR 251 million, making it possible to fund a wide range of projects in 68 countries and covering priority areas through four Campaigns:

(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.

At the end of June 2006, the EIDHR was supporting more than 1 000 projects around the world, covering the full range of priorities as set out in the basic regulations and in the programming document. Activities have been taking place at country level, regional level, and globally. Management of EIDHR country level projects is decentralised from Brussels to EC Delegations.

#### **Identification, selection and funding of projects.**

As in previous years, new projects were selected in three different ways:

##### *i) Projects identified through global calls for proposals*

To achieve greater clarity and coherence of the programmes, four thematical campaigns were set. Hence four global calls for proposals were launched in December 2005 and January 2006. An approximate amount of EUR 74,8 million has been made available. The four calls (or Campaigns) targeted the following priorities:

*1. Promoting Justice and the Rule of Law:*

Lot 1: The effective functioning of the 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<sup>10</sup>

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 peoples belonging to minorities<sup>11</sup>

Lot 2: Promoting the rights of indigenous peoples<sup>12</sup>

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<sup>10</sup> See also chapter 4.2.

<sup>11</sup> See chapters 4.15 and 4.17.

<sup>12</sup> See chapter 4.18.



The Commission will award grants to most of the successful proposals between October and December 2006.

*ii) Projects selected through country-specific calls for proposals*

For 2005-06, an amount of EUR 66 million was made available for calls for proposals launched by EC delegations in 54 countries. Such country-specific calls are launched to identify projects for smaller scale grants between EUR 10 000 and EUR 100 000 ("micro-projects") and are normally open only to country-based organisations. In this way the EIDHR is able to support local civil society and define the precise priorities relevant to each country where micro-projects are implemented. In 2005, 229 new project grants were awarded by EC delegations for EIDHR micro-projects.

*iii) Projects selected without a call for proposals*

In 2005, 17 projects were selected without a call for proposals, with an EU contribution of EUR 15,59 million. Major grants were made to organisations such as the Office of the High Commissioner for Human Rights, Council of Europe, OSCE and the international criminal tribunals. An additional specific envelope of EUR 10 million was allocated to 3 projects focusing on Human Rights in Iraq. A further EUR 26 million was allocated to Election Observation Missions. More information on election observation missions can be found in chapter 4.10.

A list of projects funded from the EIDHR budget during the reporting period can be found at Annex 1.

## Evaluations

During 2005 and 2006 six evaluations were carried out on the EIDHR. Three of them are of particular relevance in the context of this report – one thematic, one regional, and one methodological.

This **thematic** evaluation focused on the relevance and effectiveness of EIDHR projects dealing with the **fight against racism, xenophobia and the promotion of minorities' rights** (excluding indigenous peoples). The evaluators reported that the majority of the 17 projects selected showed substantial results, undoubtedly improving the lives of those who are victims of racism and discrimination. It was further reported that the EIDHR programme reached some of the most vulnerable members of discriminated communities in some of the most challenging environments in the world (see more details in Chapter 4.15 "Racism, xenophobia, non-discrimination and respect for diversity").

The **regional programme** evaluation in South America (**Programa Andino de derechos humanos y democracia**) included five country projects and two regional projects. Its purpose was to assess the overall regional approach of the programme and consider the relevance, efficiency, effectiveness, impact and sustainability of the projects. The objectives of the programme were relevant to the human rights situations in Andean countries. The evaluation concluded that the programme's regional approach had been partly achieved. It further concluded that there needs to be a stronger local ownership from the design to the implementation and a regional coordinating body in order for a programme to develop a regional character. In order to benefit from a programme's regional approach, it was recommended that the programme addresses problems that exist in the entire region. Only then can it provide significant opportunities for productive synergies based on common themes and issues.

One objective of the **methodological** evaluation **Generating Impact Indicators – EIDHR**, was to provide the EIDHR with country-level indicators for each one of its four main Campaigns.

Indicators for each Campaign were developed with the purpose of improving the monitoring and measuring of the project and programme results. As a result, a selection of indicators was included in the EIDHR 2005-2006 calls for proposals; these specify what kind of results the Commission is expecting from EIDHR funded projects. A guide to developing project indicators is now also available on the EIDHR website.<sup>13</sup>

### **The new Democracy and Human Rights Instrument**

The Commission made at the end of June 2006 its Proposal for a Regulation of the European Parliament and of the Council on establishing a new separate financing instrument for the promotion of democracy and human rights worldwide, called: European Instrument for Democracy and Human Rights. This new instrument would replace the current EIDHR, which is based on two regulations that will expire at end of 2006. The proposal is a part of the package of new financial instruments for the years 2007-2013 and it is planned to be discussed and adopted later in 2006.

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<sup>13</sup> [http://ec.europa.eu/comm/europeaid/projects/eidhr/index\\_en.htm](http://ec.europa.eu/comm/europeaid/projects/eidhr/index_en.htm)

### 3.8. Analysis of the effectiveness of EU instruments and initiatives

The EU is committed to **mainstreaming human rights and democratisation** into EU policies and choices, in order to achieve a more informed, credible, coherent, consistent and effective EU human rights policy. The EU aims to make better use of the wide range of sources of information available as well as **improve follow up** to actions taken such as démarches. Improving the follow-up to human rights action will further help the EU to take up the challenge of dealing in a coherent way with human rights in different fora.

The EU has during the year made a conscious effort to **enhance coherence** by better organising its "tool-box" for the promotion of human rights. The EU has become more aware of the various means it can use (such as démarches, guidelines, dialogues, development cooperation etc), and tried to promote coherent and consistent use of these tools. The establishment of the post of the Personal Representative of the SG/HR on Human Rights is a concrete input to these efforts, and has proven useful from the point of view of promoting mainstreaming and continuity.

However, the challenge of coherence remains. There is still room for improvement to have coherence and the mainstreaming of human rights as an all-embracing tool in policy implementation. The EU is a complicated structure, and issues related to competences and the roles of various actors need to be taken into account. Nevertheless, delivering a coherent message is a key to being credible and achieving results in terms of promoting human rights on the ground. The work to promote coherence will need to be an on going effort.

Better possibilities to integrate human rights into the Union's policies have increased the demand to promote various practical tools (such as manuals, check lists, indicators etc.) for human rights mainstreaming and policy coherence.

One element of seeking an optimal use of the different tools in the tool-box has been to seek a **balance between persuasion and critical action** as well as choosing instruments that include incentives as well as restrictive measures; building an environment of trust, creating an open exchange of views and offering to provide assistance while at the same time indicating clearly when red lines have been crossed. Again here, it is important for the EU to be seen as using the same standards in its actions with various countries and regions.

Démarches taken during the reporting period, which have been followed-up on, have shown in a short-term impact assessment both success and sometimes lesser or no effect. In many cases, EU actions have had direct influence as dissidents have been freed and punishments reduced. In general, evaluating the efficiency of the EU's human rights action is not easy and also a long-term view is needed. Démarches on, for instance, individuals facing the death penalty naturally seek to alter the sentence of the individual concerned but at the same time also convey the message of the EU's general line of promoting abolition in all countries, and may thus also produce results in the longer term.

As it is clear that the EU cannot work by itself, the EU has aimed to improve the coherence between EU action at bilateral and multilateral level as well as **improve cooperation** with NGOs and other actors while **enhancing transparency and openness**. Constant interaction with civil society representatives has already become an important feature of the EU's human rights policy. For instance, the Annual EU NGO Forum held in London on 8 and 9 December 2005 was as a successful event in bringing together NGO representatives, academics, individual human rights defenders and governmental officials.

#### **4. THEMATIC ISSUES**

##### **4.1. 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 the Union's action<sup>14</sup>. These guidelines provide criteria for making representations 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.

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<sup>14</sup> [http://ec.europa.eu/comm/external\\_relations/human\\_rights/adp/guide\\_en.htm](http://ec.europa.eu/comm/external_relations/human_rights/adp/guide_en.htm).

General representations 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 EU becomes aware of individual death penalty sentences which violate minimum standards. These standards provide, 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, persons who are mentally disabled or were not allowed a fair trial.

During the period covered by this report, the EU raised the question of the death penalty in general with the governments of Belarus, China, Indonesia, Iran, Japan, Jordan, Kenya, Kyrgystan, Malawi, Papua New Guinea, Philippines, Russia, Sierra Leone, South Korea, Taiwan, Tajikistan, Tanzania and Uganda. The EU carried out individual representations in Afghanistan, Egypt, Indonesia, Iraq, Iran, Kuwait, Libya, North Korea, Pakistan, the Palestinian Authority, the Philippines, Sudan, USA, Uzbekistan, Saudi Arabia and Yemen.

In addition, the EU made a series of public statements on the death penalty worldwide, including a declaration on 5 September 2005 deploring the use of the death penalty in Iraq, on the occasion of the International Day against the Death Penalty on 10 October 2005, on 2 December 2005 expressing deep regret on the occasion of the 1000th execution in the USA since the reinstatement of the death penalty in 1976, and on 17 January 2006 welcoming the complete abolition of the death penalty in Mexico and on 26 June 2006 in the Philippines.

According to Amnesty International's report for 2005, over 2, 00 people were executed worldwide and 5 186 people were sentenced to death in 53 countries in 2005. The vast majority of all known executions occurred in China (at least 1 770 executions). Iran had the second highest number with at least 94 executions, followed by Saudi Arabia with at least 86 and the USA with 60.

The EU is pleased that 45 of the 46 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, 36 CoE member states have now ratified it, including 20 EU Member States. It has been signed by a further seven. Only Armenia, Azerbaijan and Russia have not signed it.

Among the positive trends concerning the death penalty was the fact, that the following countries abolished the death penalty for all crimes in the period of reporting: Liberia, Mexico and the Philippines. In Uzbekistan on 1 August 2005, President Karimov signed a decree abolishing capital punishment with effect from 1 January 2008. In Kyrgyzstan, the statutory moratorium on executions, in place since 1998, was extended for one more year on 29 December 2005.



## **THE EUROPEAN UNION WELCOMES THE ABOLITION OF THE DEATH PENALTY IN THE PHILIPPINES**

### **Abolishing the death penalty in the Philippines**

In 1987, the Philippines was the first Asian country to abolish the death penalty for all crimes. However, the death penalty was reintroduced by Congress in 1993 for 46 different offences. Executions were then carried out until the introduction in 2001 of a de facto moratorium on executions. In April 2006, President Arroyo commuted all death sentences to life imprisonment and on 6 June, the Congress voted a law providing for abolition of the death penalty, which was signed by President Arroyo on 24 June 2006.

### **The role of the European Union**

In line with the EU Guidelines on the death penalty, the European Union has been actively supporting efforts by local legislators, public officials and civil society activists for the abolition of the death penalty in the Philippines, inter alia through individual and general representations, awareness raising activities and support to abolitionist groups. In December 2005, the European Union organised in partnership with the Commission for Human Rights in the Philippines a series of "Human Rights Dialogues on the Death Penalty and Restorative Justice" in Cebu, Davao and Manila. These sought to focus increased attention on the approach of restorative justice and to advocate for the unconditional and immediate abolition of the death penalty in the Philippines. The European Commission has also financially supported a number of activities by NGOs and universities to sustain an ongoing advocacy campaign as well as specific projects (e.g. a forensic DNA analysis programme with the University of the Philippines; support to an anti-death penalty campaign by the Philippines MGO, Free Legal Assistance Group/FLAG). The European Union also carried out numerous formal démarches in Troika format and informal démarches with the Ministry of Foreign Affairs of the Philippines.

## **Declaration by the Presidency on behalf of the European Union on the complete abolition of the death penalty in the Philippines**

"The European Union warmly welcomes the signing by President Arroyo on 24 June 2006 of the legislation abolishing the death penalty in the Philippines. The EU strongly hopes that this decision will encourage other countries in the region to follow suit.

The European Union considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. It reaffirms its objective of working towards universal abolition of the death penalty.

The European Union looks forward to strengthening cooperation with the Philippines towards promoting our common objective of the universal abolition of the death penalty.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia\* and the former Yugoslav Republic of Macedonia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration."

*\* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*

#### 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<sup>15</sup>, the EU has sustained its action to combat torture with initiatives in international fora, bilateral representations to third countries and substantial support for individual projects.

During the 60th session of the UN General Assembly (UNGA) Denmark submitted resolutions on torture which were adopted by consensus with co-sponsorship by all EU member states<sup>16</sup>. In statements at the UNGA session, the EU reiterated the absolute prohibition on torture and other cruel, inhuman and degrading treatment or punishment in international law and underlined its concern at the use of torture in several countries and regions. EU representatives observed and reported on the examination of third-country reports during the 35th and 36th sessions (7-25 November 2005; 1-19 May 2006) of the UN Committee Against Torture<sup>17</sup>. In its annual declaration on the occasion of the International Day in Support of Victims of Torture on 26 June 2006, the EU specifically welcomed the entry into force on 22 June 2006 of the Optional Protocol to the Convention Against Torture (OPCAT), which will institute a complementary system of national and international visiting mechanisms to inspect places of detention. This represents a milestone towards the establishment of an effective and innovative preventive mechanism at the universal level. At present there are 51 signatories and 21 ratifications of OPCAT, with 17 signatories and 7 ratifications by EU Member States<sup>18</sup>.

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<sup>15</sup> [http://www.europa.eu.int/comm/external\\_relations/human\\_rights/torture/guideline\\_en.htm](http://www.europa.eu.int/comm/external_relations/human_rights/torture/guideline_en.htm).

<sup>16</sup> UNGA Resolution 60/148; Statement on the entry into force of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Human Rights Council, June 2006.

<sup>17</sup> See <http://www.ohchr.org/english/bodies/cat/cats35.htm> and <http://www.ohchr.org/english/bodies/cat/cats36.htm>.

<sup>18</sup> see <http://www.ohchr.org/english/law/cat-one.htm>.

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 address both individual cases and wider issues. During the period under review, the EU further pursued its policy of individual cases. On the basis of a thorough review of the implementation of the guideline undertaken at the end of 2004, the EU is implementing a programme of raising the issue of torture systematically with all countries, including through four rounds of démarches to around 60 countries worldwide (see list below). These rounds have focused on countries which had not ratified United Nations Convention against Torture (UNCAT)<sup>19</sup>, countries whose initial reports to the UNCAT committee are overdue and a round of démarches to countries that have not responded to requests to visit from the UN Special Rapporteur on Torture. The main purpose of the démarches is, however, to raise and discuss torture issues and cases relevant to the specific country. It is during the current reporting period that the implementation of the EU Guidelines on Torture has really progressed.

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

Afghanistan, Algeria, Andorra, Antigua & Barbuda, Bahamas, Bangladesh, Barbados, Belarus, Botswana, Brunei, Burma, Burundi, Cape Verde, Chad, Cook Islands, Comoros, Dominican Republic, DPRK, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Guyana, Guinea, India, Indonesia, Iran, Israel, Jamaica, Kiribati, Laos, Lebanon, Lesotho, Madagascar, Malaysia, Marshall Islands, Mozambique, Nauru, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Rwanda, Samoa, São Tomé & Príncipe, San Marino, Saudi Arabia, Seychelles, Singapore, Solomon Islands, Somalia, Sudan, Suriname, St Kitts & Nevis, St. Lucia, Tajikistan, Thailand, Tonga, Trinidad & Tobago, Tuvalu, Uzbekistan and Vanuatu.

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<sup>19</sup> CAT Signatories: 74, Parties: 141. See <http://www.ohchr.org/english/law/cat.htm>

To facilitate informed dialogue, the EU has instituted a 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.

#### **What is the content of EU démarches on torture?**

Common elements to be included in all EU démarches:

- In the resolutions on torture and other cruel, inhuman and degrading treatment or punishment adopted by the 60th General Assembly of the United Nations and at the 61st session of the UN Human Rights Commission in 2005 *[appended; to be handed over]* the world has once again firmly condemned all forms of torture and other cruel, inhuman and degrading treatment or punishment, which must not take place under any circumstances. The EU firmly supports this position. The resolutions were adopted by consensus.
- The prevention and eradication of all forms of torture and other cruel, inhuman or degrading treatment or punishment across the world is a priority for the EU. The position of the EU is further elaborated in its guidelines on torture *[appended; to be handed over]*.

*As applicable to States which have not responded positively to requests from the Special Rapporteur to visit:* The EU strongly supports the efforts of the UN Special Rapporteur on Torture and Cruel, Inhuman or Degrading Treatment or Punishment to prevent and eradicate torture. Thus all EU states have issued standing invitations to all UN Special Procedures, including the Special Rapporteur on Torture. The EU understands that the Special Rapporteur has requested to undertake a fact-finding visit in *state x*. Considering the importance of such visits for the prevention of torture, the EU strongly supports the request and encourages *state x* to respond favourably to the request.

- The EU and its Member States support and adhere to international and regional instruments for the protection against torture, including the UN Convention against Torture. The Convention establishes global measures for the protection of freedom from torture *as applicable to states which are not parties to UNCAT* and the resolutions urge all States that have not yet done so to become parties to the Convention as a matter of priority. The EU is therefore concerned that *state x* has not yet ratified/adhered to it. The EU strongly urges the competent authorities of *state x* to seriously consider doing so. It is important to note that the Convention only covers events taking place after ratification/accession. A State Party is not responsible under the Convention for previous events.

- *As applicable:* The EU welcomes that *state x* has ratified UNCAT and attaches great importance to its implementation. Article 19 of UNCAT requires all countries that have ratified the Convention to report to the UN Committee Against Torture (CAT) on the measures they have taken to give effect to their undertakings under the Convention within one year after its entry into force for that country. It also requires these countries subsequently to submit periodic reports every four years on new measures taken. The EU is concerned that *x*'s initial report to CAT is long overdue. The EU considers the fulfilment of this reporting obligation as a central obligation under UNCAT and encourages *x* to submit its report to CAT as a matter of priority.

- *As applicable:* In this regard the EU would also like to point out that the UNGA resolution on torture calls upon the UN High Commissioner for Human Rights to continue to provide, at the request of Governments, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to CAT.

- *As applicable to states, which are parties to UNCAT:* Furthermore, the EU invites *state x* to make the declarations provided for in Articles 21 and 22 of UNCAT concerning inter-state and individual communications.

- *As applicable to states, which are parties to UNCAT*: The EU also asks *state x* to give early consideration to signing and ratifying the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP/CAT), which intends to prevent torture through monitoring of places of detention, rather than reacting to it after the occurrence.
- EU action on torture is global. No individual country or group of countries is singled out.

The role of trade, in particular goods used in torture, is of critical concern to the EU and has been the subject of a report by the UN Special Rapporteur on Torture<sup>20</sup>. 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 in fulfilling this commitment. On the 27 June 2005 the EU adopted a Regulation on trade in goods which could be used for capital punishment or torture (hereafter the Regulation)<sup>21</sup> 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 subject to authorisation by EU Member State authorities. Member States are to publish annual reports on activities in connection with the Regulation. Once in force on 30 July 2006, this Regulation will represent an important contribution to the EU's effort in preventing and eradicating torture and ill-treatment in third countries and will serve to reinforce the global fight against torture. The EU hopes that other states will introduce similar legislation.

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<sup>20</sup> available at: <http://www.ohchr.org/english/issues/torture/rapporteur/index.htm>.

<sup>21</sup> OJ L 2000, 30.7.2005. Council Regulation (EC<sup>o</sup> 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 degrading treatment or punishment.

The prevention of torture and the rehabilitation of torture victims is a major priority for funding under the (EIDHR). EUR 22,6 million was committed for supporting civil society projects in this field in 2005-2006 under the EIDHR campaign "Fostering a Culture of Human Rights", thereby making the EIDHR one of the world's leading sources of funding in this field. The themes selected for support are 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. The EU's long-term commitment to the fight against torture and ill-treatment will be upheld under the future European instrument for democracy and human rights for 2007-2013 (see chapter 3.7 for more on EIDHR).

See also chapter 4.8 "Human rights and terrorism".

#### **4.3. Rights of the child (including Children and Armed Conflict)**

Children's rights form part of the human rights that the EU and the Member States are bound to respect under international and European treaties, in particular the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols, including also the Millennium Development Goals (MDGs) and the European Convention on Human Rights (ECHR). The EU explicitly recognised children's rights in the European Charter of Fundamental Rights, specifically in Article 24.



## **Developments in internal policy**

The Commission identified children's rights as one of its main priorities in its Communication on Strategic Objectives 2005-2009. In this context, the Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities decided in April 2005 to launch a specific initiative to advance the promotion, protection and fulfilment of children's rights in the internal and external policies of the EU. This initiative was put in place through the preparation of a Commission Communication entitled "Towards an EU Strategy on the Rights of the Child". The drafting process, which included several rounds of consultations with external partners such as UNICEF, the Council of Europe and NGOs specialised in children's rights, was finalised in June 2006 and the communication issued on 4 July 2006.

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. Through the Communication, the Commission adopts for the first time a broad-brushed approach to children's rights, covering policies that range from development cooperation and employment to health and education.

The EU Strategy is structured around seven specific objectives: the capitalisation of ongoing activities; the mainstreaming of children's rights throughout the Commission's policies and programmes; the identification of future priorities and the launching of a wide consultation in order to develop a long-term strategy on children's rights; promoting children's rights in external relations (e.g. within the framework of the UN); establishing effective communication on children's rights; increasing the capacity on children's rights and putting in place efficient coordination

and consultation mechanisms. Under the last heading, the Commission will set up a European Forum on Children's Rights as a platform for exchange; establish a formal Inter-Service Group (that will replace the existing informal group); and appoint a Coordinator for Children's Rights to facilitate cooperation between services and improve communication on children's rights.

Child poverty, passing from one generation to another, has come increasingly to the fore in the Union's social inclusion process, the Open Method of Coordination on poverty and social exclusion. The objectives underpinning the process refer to the need to move towards the elimination of social exclusion among children and give them every opportunity for social integration. The majority of Member States have thus made child poverty a priority issue in their successive national action plans and the implementation reports.

The December 2005 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. At the 2006 Spring European Council, the Heads of State and Government asked Member States to take the necessary measures to rapidly and significantly reduce child poverty, giving all children equal opportunities, regardless of their social background.

Further developments in internal policy during the period under review include the issuing of the Commission Communication "Common Agenda for Integration"<sup>22</sup> on third-country nationals in the EU, emphasising that specific attention must be paid to the situation of migrant youths and children, for example in order to ensure that they fully benefit from the education system. Two important Directives had to be implemented by the Member States within the period covered: the Directive on family reunification<sup>23</sup> laying down the conditions for exercising the right to family reunification for spouses and minor children and the Directive on long-term residents<sup>24</sup>, stipulating that once a Member State has granted long-term resident status, the resident's children must benefit from an equal treatment with nationals, especially as regards education and vocational training.

The Commission proposed a Directive on common standards and procedures for returning illegally staying third-country nationals<sup>25</sup>, including many provisions to protect children. The overall principle is that the "best interests of the child" should be a primary consideration of Member States when implementing return programmes.

In the Community Code on the rules governing the movement of persons across borders<sup>26</sup>, specific attention must be paid to ensure that minors do not leave the territory against the wishes of the person(s) having parental care of them. The Schengen Information System (SIS) contains alerts on missing persons with specific reference to minors.

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<sup>22</sup> COM(2005) 389, 1.9.2005.

<sup>23</sup> Council Directive 2003/86 of 22.9.2003.

<sup>24</sup> Council Directive 2003/109 of 25.11.2003.

<sup>25</sup> COM(2005) 391, 1.9.2005.

<sup>26</sup> Regulation (EC) No 562/2006 of 15.3.2006.

The Commission is tackling the potential hazards to children of new technologies such as mobile phone services. In June 2006, it published a consultation document on child safety and mobile phone services<sup>27</sup> to gather feedback on this issue and determine whether new action is necessary at EU level. The Commission set up a EUR 45 million programme (Safer Internet Plus 2005-2008<sup>28</sup>) which builds on an earlier Safer Internet programme<sup>29</sup> (1999-2004). One of the programme's aims is to protect children from web-based sexual exploitation.

On 18 October 2005, the Commission adopted the Communication "Fighting trafficking in human beings: an integrated approach and proposals for an action plan"<sup>30</sup>. The communication pays particular attention to child trafficking. Further to this Communication the Council adopted an EU action plan against trafficking in human beings<sup>31</sup> on 1 December 2005 (see chapter 4.6. for more details on trafficking in humans).

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<sup>27</sup> Commission services working document "Child safety and mobile phone services", [http://europa.eu.int/information\\_society/activities/sip/si\\_forum/mobile\\_2005/index\\_en.htm](http://europa.eu.int/information_society/activities/sip/si_forum/mobile_2005/index_en.htm).

<sup>28</sup> 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).

<sup>29</sup> The original EUR 38,3m Safer Internet programme financed over 80 projects to: create a safer environment via a European network of hot-lines to report illegal content; encourage self-regulation and codes of conduct; develop filtering and rating systems; and encourage awareness actions.

<sup>30</sup> COM(2005) 514.

<sup>31</sup> EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (OJ C 311, 9.12.2005).

In respect to issues of family law, the Commission's activities exceed the borders of the EU, particularly as part of the Euro-Mediterranean Partnership and the European Neighbourhood Policy (ENP). The issue of parental responsibility, with particular reference to child abduction, has been raised in the context of the former and the five-year World Program that was launched at the Euromed Ministerial Meeting in November 2005 includes as an objective the provision of practical solutions to family conflicts. The objective will be implemented through a regional programme (2007-2010). As part of the ENP, the Commission is actively promoting bilateral cooperation in the field of family law, seeking in particular to help provide solutions to family disputes over issues of parental responsibility.

### **Children's rights and enlargement**

Membership of the EU requires among other criteria that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. 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 Commission's "regular reports on candidate countries" progress towards accession", which draw on all available sources of information including reports by the UN and other international organisations as well as NGOs, have underlined concerns on issues such as the particular exposure to poverty, exclusion, social stigma and discrimination of Roma children and adolescents, children in childcare institutions, trafficking of children, abuse of the international adoption system and child labour.

Furthermore, as regards financial assistance, the Commission has always given high importance to projects that aim to improve the situation and rights of children in candidate countries, particularly in the area of childcare, education or specific assistance to disadvantaged groups such as Roma. During the last few years more than one third of a total amount of almost EUR 100 million PHARE funds for Roma communities were targeted at improvement of education. In Romania, since the end of 2000, a multi-annual Phare programme, with a total value of EUR 59,5 million has started to support the efforts of the Romanian government to reform child protection and finance the closure of large old-style childcare institutions by replacing them with alternative child protection services. Significant progress has been made: some 90 large institutions were closed and replaced by over 300 alternative child protection services. This programme was accompanied by a large public awareness campaign. Pre-accession financial assistance has also been granted to Turkey for eradicating the worst forms of child labour.

### **Developments in external policy**

The EU has intensified action to implement the **EU Guidelines on Children and Armed Conflict** of December 2003. 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.

The EU has raised concerns about children affected by armed conflicts in various fora and highlighted the issue in several declarations and statements. The Troika has carried out démarches in Burundi, Uganda, Colombia, Côte d'Ivoire, DRC, Liberia, Nepal and Sudan. The issue has also been introduced in training activities related to the ESDP and crisis management. Children have been a priority of the EU's humanitarian aid policy for several years. However, as highlighted in the review submitted in November 2005, further efforts are necessary to exploit the Guidelines to their full potential. A series of recommendations were therefore endorsed by the Council in December 2005, and the list of priority countries was revised. The list now includes Afghanistan, Burma, Burundi, Colombia, Côte d'Ivoire, DRC, Liberia, Nepal, Philippines, Somalia, Sri Lanka, Sudan and Uganda.

On 7 April 2006, the Council issued a strategy for the implementation of the Guidelines<sup>32</sup>, which is based on the UNSCR 1612. A Task Force comprising representatives from the Presidency, the Commission and the Council Secretariat was put in place to follow up on the implementation. A guidance note was sent to the Commission delegations in the countries concerned and to the Heads of Missions of the EU Member States. The EU Special Representatives received specific instructions on the issue and a checklist for the integration of the protection of children affected by armed conflict into ESDP operations<sup>33</sup> was issued on 2 June 2006. Heads of Missions of EU Member States were invited to report on CAAC where appropriate.

Within the EIDHR, the Commission launched a call for proposals in early 2006 to select for funding projects that fight against the trafficking of women and children and seek to protect the rights of vulnerable groups in armed conflict, in particular children's rights (see chapter 3.6 for more on EIDHR).

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<sup>32</sup> 8285/1/06 REV 1.

<sup>33</sup> 9767/06.

## **The EIDHR and Children's Rights**

The EIDHR has played particular attention to promotion and protection of children's rights. In the past years action has been funded in support of social reintegration of child ex-combatants in Angola, Ethiopia and Sierra Leone, to combat child trafficking in West Africa, combat commercial sexual exploitation of children in tourism, and eradicate the phenomenon of female genital mutilation (FGM).

### **The EIDHR is currently funding several relevant actions:**

- *"Mainstreaming child rights and promoting non violence-a sub-regional project for Palestinian children", being implemented in the OPT, Syria, Lebanon and Jordan in cooperation with UNICEF (EUR 970 000);*
- *"Birth Registration" being implemented in Bangladesh in cooperation with UNICEF (EUR 990 000);*
- *"Child Welfare Reform" being implemented in Azerbaijan in cooperation with UNICEF (EUR 350 000);*
- *"Development of a Child Rights ombudsman in Kazakhstan" being implemented in cooperation with UNICEF (EUR 399 700);*
- *"Integration and Empowerment of Minority Children and Youth in Serbia and Albania" being implemented in cooperation with CCFK (EUR 389 260).*
- *"Innovative tools for the abandonment of Female Genital Mutilation Cutting" being implemented in Kenya in cooperation with AIDOS (EUR 304 986);*
- *"Centre to promote children's rights" being implemented in Sudan in cooperation with Enfants du Monde-Droits de l'Homme (EUR 480 000).*



The EU works actively to promote children's rights within the framework of the United Nations. In the 60th UN General Assembly (UNGA), it tabled a Rights of the Child Resolution (60/231) as a product of collaboration between the European Union and Some Latin American and Caribbean Countries (SLAC). The Resolution highlights inter alia the particular vulnerability of children affected by HIV/AIDS. In the 60th UNGA, the EU also cosponsored a specific resolution on the girl child.

On 25 January 2006 the Commission adopted seven communications on Thematic Programmes under the future Financial Perspectives (2007-2013), including the Thematic Programme for the promotion of democracy and human rights worldwide. Children's rights will be included in the programme as a mainstreaming issue that has to be taken on board in all interventions.

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, will focus on capacity building, targeted interventions and the legal framework to enhance children being freed up from child labour into primary education.

The EU's education policy is firmly anchored in the international community's commitments to education as defined in the Millennium Development Goals (MDGs) and the Education for All (EFA) goals, and focuses on basic education and gender equality. Overall, an estimated annual average of EUR 260 million was allocated to education during the last period, 2002-2005. The vast majority of these funds target basic education for children. The Commission is also discussing with EU Member States and ACP Partners support (EUR 63 million) for the Fast Track Initiative for basic education in several ACP countries.

In March 2002 the Commission adopted a Communication on "Health and Poverty" which establishes an EC policy framework to guide investment in health and AIDS prevention, with one of the four strands relating to the protection of the most vulnerable, including children living in poverty. Most of EC support to the health sector has been moving towards a sector-wide approach where child health is a priority.

Orphans and vulnerable children affected by HIV/AIDS are subject to increased risks of human rights abuse. The Commission has programmed an average of over EUR 150 million (period 2003-2006) annually to tackle HIV/AIDS in developing countries, through support to country programmes, global initiatives, NGOs and research.

The EU's commitment to support sexual and reproductive health and rights of young people translates in to concrete actions through various instruments. In a number of countries the Commission is providing, for instance, budget support linked to indicators related to contraceptive rates, HIV prevalence in 15-24 years olds or skilled delivery attendance. At the global level, the special budget line on sexual and reproductive health and rights has been prioritising attention to youth through projects such as those in Malawi and Zimbabwe.

The EU is also working with UNFPA to increase national capacities in 23 ACP countries to ensure access, utilisation and quality of sexual and reproductive health (SRH) services and commodities. The Commission support (EUR 20 million), with special emphasis on young people, aims to increase awareness of SRH issues and risks, increase service utilisation and improve the quality and geographical distribution of services. The Commission is programming further support to UNFPA to alleviate the crisis on supply and access to reproductive health commodities (EUR 15 million). This covers support to ACP countries within the timeframe of the 9th EDF (2003-2007). For ALAMED (Asia, Latin America, Euro-Mediterranean partnership) countries, the programming periods vary from 2002-2004 to 2002-2006.

During the period under review, the Commission initiated a wide range of actions related to children's rights and needs in developing countries. For instance, the Commission identified additional programmes at country level to fight child abuse (e.g. South Africa), to improve juvenile justice (e.g. Cameroon), to improve birth registration (e.g. Bangladesh) or to support social protection for HIV/AIDS (e.g. Lesotho, Swaziland). The implementation of projects that had been launched before the period under review continued, for example in Egypt, Moldova, Pakistan and in Brazil.

Following the adoption of the European Consensus on Development in December 2005, where special emphasis is placed on the situation of working children (including those engaged in the worst forms of child labour), the Commission adopted specific follow-up strategies for Africa, Latin America and the Caribbean, reflecting its commitment to protect children from poverty, marginalisation and abuse.

#### **4.4. Human Rights Defenders**

In the reporting period, the EU pursued and strengthened its global efforts aimed at protecting and defending human rights defenders. In line with the EU Guidelines on Human Rights Defenders adopted in June 2004, issues concerned the integration of human rights defenders into relevant EU policies and actions, and a number of proactive steps undertaken to advance concrete implementation of the Guidelines and to raise awareness of the Guidelines. A stock taking of progress made in the implementation of the Guidelines served as the basis for formulating recommendations for further action towards their full and effective implementation.

The EU stressed the importance of the mandate of the UN Special Representative of the Secretary-General on the situation of human rights defenders, and the crucial role she played in implementing the UN Declaration on Human Rights Defenders and enhancing the protection of human rights defenders throughout the world. The EU fully supported the Special Representative and continued close cooperation with this crucial mechanism. Recommendations made by the Special Representative in her sixth and final report in January 2006 were taken into account when reviewing implementation of the EU Guidelines on Human Rights Defenders.

In view of the new Human Rights Council, established in March 2006 and replacing the UN Commission on Human Rights, the EU underlined the importance it attaches to continued access and active participation of human rights defenders and non-governmental organisations in the work of the Council from the outset.

In the second half of 2005, a lobbying campaign was conducted by EU Heads of Mission on behalf of human rights defenders in all areas of the world who are suffering for exercising their freedom of expression. The campaign on Freedom of Expression reaffirmed the EU's strong commitment to this fundamental freedom which constitutes a prerequisite in the exercise of many human rights, and contributes to the emergence and existence of effective democratic systems. A number of useful lessons were learned from the implementation of the campaign, including on raising awareness of the EU Guidelines on Human Rights Defenders, visibility and type of action undertaken, and incorporating local expert knowledge and the expertise of non-governmental organisations and human rights defenders concerned.

**Specific target countries**

**Campaign on Freedom of Expression**

Algeria, Angola, Azerbaijan, Bangladesh, Belarus, Chad, China, Cuba, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Georgia, Guatemala, India, Indonesia, Liberia, Libya, Nepal, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, Sudan, Swaziland, Tunisia, Turkmenistan, Tajikistan, Uzbekistan, Venezuela, Vietnam, Zimbabwe

Within the framework of the 7th Annual EU NGO Forum on Human Rights on Freedom of Expression, organised by the EU Presidency on 8 and 9 December 2005 in London, one of the four workshops concentrated on the hitherto implementation of the EU Guidelines, based on an evaluation by Amnesty International on EU action in Angola, the Democratic Republic of Congo, Guatemala, the Russian Federation and

Zimbabwe. The discussions in the workshop resulted in recommendations on how to improve the effectiveness of EU activity in favour of human rights defenders. In particular, it was considered that there is a need for further awareness raising among staff of the EU institutions, Member States' competent ministries and diplomatic missions, more integration of human rights defenders' issues into political and human rights dialogues conducted with third countries by the EU and Member States, and improved monitoring and evaluation of both the situation of human rights defenders and of the implementation of the EU Guidelines. Moreover, the EU was invited to give greater consideration to the effectiveness of public action, and to develop systems and procedures that have greater coherence and consistency to underpin the implementation of the Guidelines in actions taken in support of human rights defenders.

In following up on the campaign on Freedom of Expression, the EU is highlighting the situation of Women Human Rights Defenders throughout 2006. The global campaign on Women Human Rights Defenders aims at extending and strengthening the involvement of EU diplomatic missions with women human rights defenders, identifying their specific protection needs and following up with corresponding EU interventions. Heads of Mission organise events with a cross-section of women human rights defenders working on women's human rights and human rights in general. This covers the promotion and protection of civil and political rights, as well as economic, social and cultural rights, and the rights of members of groups such as indigenous communities. Heads of Mission are encouraged to recommend action on behalf of individual human rights defenders, women and men alike, as and when they arise.

### **Objectives of the 2006 Campaign on Women's Human Rights Defenders**

- To ensure that women are equally entitled to exercise the right to defend human rights and all the other rights afforded to them in the UN Declaration on Human Rights Defenders, as well as in all other international human rights instruments;
- To address the specific risks women human rights defenders are facing 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, visibility and support to the contribution of women to building and strengthening a culture of human rights.

The campaign on Women Human Rights Defenders focuses on countries where the EU considers priority action is requested. These include third countries where the UN Special Representative on the situation of human rights defenders has documented cases of women human rights defenders in 2005, countries that, despite repeated requests, have not extended an invitation to the Special Representative, countries from which no response was received to pertinent communications, countries in which women human rights defenders cases were taken up in the context of the Freedom of Expression campaign in 2005, and countries in conflict and post-conflict situations.

### **Countries for EU priority action**

#### **Campaign on Women's Human Rights Defenders**

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, Indonesia, Iran, Iraq, Israel/Occupied Palestinian Territories, Côte d'Ivoire, 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

In the first half of 2006, the implementation of the EU Guidelines on Human Rights Defenders was the subject of a thorough review. The summary analysis and recommendations which the Council approved in June 2006 were based on contributions from Member States, the Commission, replies from EU Heads of Mission in 79 countries, and an exchange of views with international NGOs, in particular Amnesty International, Peace Brigades International and the Observatory for the protection of Human Rights Defenders. The recommendations focus on the issues of awareness raising and training of EU actors, increasing external publicity of the Guidelines and EU efforts to implement them, strengthening coordination and sharing of information by EU Missions, and effective support and protection of human rights defenders.



The recommendations underline that the EU strives to provide human rights defenders with the best possible support. In this context, EU missions are encouraged to adapt their approaches to the local environment and the specific challenges this environment may pose for human rights defenders. As a matter of principle, human rights defenders should be consulted on the level of contact they wish to maintain and on the advisability of publicity of action and association with EU Missions. Any support provided to human rights defenders should take into account their specific financial and protection needs, as well as the urgency to address these needs.

The recommendations further point out that the situation of human rights defenders and the environment in which they work should be systematically integrated into the EU's political dialogues with third countries, including bilateral dialogues by Member States. They also call for further development of cooperation with the UN Special Representative on the situation of human rights defenders, and cooperation with regional human rights mechanisms on all aspects of the implementation of the Guidelines. At regular intervals the implementation of the Guidelines will continue to be reviewed. Furthermore, the EU will consider enhancing public reporting on and transparency of EU action with due regard to the security of the human rights defenders on whose behalf action has been undertaken.

The EU support to human rights defenders in third countries includes activities funded under the EIDHR. Within the framework of the programming for 2005 and 2006 some 54 European Commission Delegations in third countries have made available a total of EUR 65,5 million for funding micro projects of local non-governmental human rights organisations. In this context, human rights defenders are an eligible target group for project funding.

### **Countries in which EIDHR micro project support is available**

**Western Balkans and Candidate Countries:** Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Turkey; **Eastern Europe and Southern Caucasus:** Armenia, Belarus, Georgia, Ukraine, Russian Federation; **Mediterranean and Middle East:** Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria, Tunisia; **Central Asia:** Kazakhstan, Kyrgyzstan, Tajikistan; **Asia:** Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Laos, Nepal, Pakistan, Sri Lanka, Vietnam; **Sub-Saharan Africa:** Angola, Burundi, Democratic Republic of Congo, Eritrea, Ethiopia, Ivory Coast, Mozambique, Nigeria, Rwanda, Sudan, Uganda, Zimbabwe; **Latin America, Caribbean:** Bolivia, Brazil, Colombia, Cuba, Ecuador, Guatemala, Mexico, Peru, Venezuela, Haiti.

The Sakharov Prize for Freedom of Thought, awarded annually by the EP to exceptional individuals or organisations who combat intolerance, fanaticism and oppression constitutes an important element of the EU's commitment to support and protect human rights defenders. In 2005, the prize was shared by two organisations, namely Damas de Blanco (Ladies in White) and Reporteurs sans Frontières (Reporters without Borders), and Hauwa Ibrahim, a leading Nigerian human rights lawyer (see chapter 2.3).

#### 4.5. Women's Human Rights

The EU has a long-standing commitment to promoting gender equality, and it has played an active role on the international stage. At the 1995 Fourth World Conference on Women in Beijing, the EU was an active party in drafting the Platform for Action. Since then, gender mainstreaming has become an important strategy to achieve the goal of gender equality. Gender mainstreaming is the process that integrates 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.

On 8 March 2006, the Commission issued a Communication entitled "**A Roadmap for equality between women and men**". The roadmap builds on the experience of the Framework Strategy for equality between women and men for the period 2001-2005. It combines the launch of new actions and the reinforcement of successful existing activities. It reaffirms the dual approach of gender equality based on gender mainstreaming and specific measures. It defines six priority areas for EU action on gender equality for the period 2006-2010: equal economic independence for women and men; reconciliation of private and professional life; equal representation in decision-making; eradication of all forms of gender-based violence; elimination of gender stereotypes; and promotion of gender equality in external and development policies. For each area, the roadmap identifies priority objectives. Each objective is followed by specific key actions designed to bring the goal nearer. Actions include increasing awareness of gender equality in schools, promoting female entrepreneurship, establishing in 2007 an EU network of women in economic and political decision-making positions, publishing a Communication on the gender pay gap and highlighting gender issues during the 2007 European Year of Equal Opportunities for all.

In May 2006, the European Commission/Human and Social Development, DG Development organised a Gender Experts meeting, for presenting a draft Communication on Gender Equality and Development. The meeting provided an opportunity for the Member States to give feedback on the draft. The Communication builds on existing tools and formulates an EU strategy, designed to accelerate the achievement of Gender Equality and women's empowerment using the EU's support to developing countries.

As agreed on the occasion of last year's International Women's Day, the new European Institute for Gender Equality should become operational in 2007 (see box). As well as funding the new gender institute, the proposed new EUR 650 million PROGRESS programme will fund some of the activities outlined in the roadmap. A new network of national gender equality bodies will be established under the provisions of the EU gender equality Directive 2002/73.

### **European Institute for Gender Equality**

On 8 March 2005 the Commission adopted a Proposal for a **European Institute for Gender Equality**<sup>34</sup>. The proposal is currently being considered by the European Parliament and the Council. It is expected that the regulation establishing the Institute will be adopted by early 2007 and that the Institute will commence work in 2007. It will be funded by the Commission, with a proposed budget of EUR 52,5 million for the period 2007-2013. The Institute will act as a technical support to the European institutions, in particular the Commission, and the Member States, in the promotion of equality between men and women in all areas of Community competence. It will collect, analyse and disseminate information, develop methodological tools for the integration of gender equality into Community policies (gender mainstreaming) and facilitate the exchange of experience and the development of dialogue at European level.

The Institute shall work closely with all Community programmes and agencies, in particular the European Foundation for the improvement of Living and Working Conditions, the European Agency for Health and Safety at Work, the European Centre for the Development of Vocational Training and the future Fundamental Rights Agency.

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<sup>34</sup> COM(2005) 81.

## **Developments in external policy**

The 50th session of the Commission on the Status of Women took place from 27 February to 10 March 2006 and considered the following two main themes: enhanced participation of women in development and equal participation of women and men in decision-making processes. The EU played a leadership role in promoting the Beijing Platform for Action in this forum. In its statement, the EU put emphasis on what constituted an "enabling environment" for achieving gender equality. It stressed that when addressing the gap between norms and practice, special attention was needed on the eradication of violence against women and girls, education, and the involvement of men and boys in the implementation of commitments. More research was needed on the question of women's equal access to and full participation in the economy, the media, NGOs and the private sector. The EU underlined the important role of women in peace-building processes and described the UNSCR 1325 as a landmark resolution. Gender equality could not be achieved without guaranteeing women's sexual and reproductive health and rights.

In the 60th UNGA, the EU cosponsored the resolution on an In-Depth Study on all Forms of Violence against Women. France, introducing the draft resolution, stated that although there was consensus among all on the subject, there were difficulties in measuring the scale of violence and therefore in defining the appropriate means to address it. The purpose of the resolution is mainly procedural: to ensure that the Study remains on the UN's agenda while welcoming the work already undertaken. The EU also cosponsored resolutions on the United Nations Development Fund for Women (UNIFEM) and on the Convention on the Elimination of All Forms of Discrimination Against Women, seeking to give the Committee on the Elimination of Discrimination against Women the necessary tools for performing its tasks more efficiently.

The Presidents of the Commission, the Council and the EP signed the European Consensus on Development on 20 December 2005. The European Consensus provides for the first time a common vision on EU action, both at member state and Community level, in the field of **development cooperation** and highlights the importance of gender equality in the context of the new aid modalities. It is the first EU policy on development cooperation to recognise that gender equality is a goal in its own right. The document also refers to gender equality as one of the five common principles of EU development cooperation.

In November 2005 the European Commission organised a conference together with UNIFEM entitled "Owning Development: Promoting Gender Equality in New Aid Modalities and Partnerships". The Conference examined the effects the changing landscape of development cooperation is having on efforts to promote gender equality, especially as this intersects with efforts to eradicate poverty. The conference provided input to a Commission Communication on gender equality and development cooperation that will be finalised during the second half of 2006.

The Euromed Women's Conference was held in Barcelona in November 2005 as part of the celebrations of the 10th anniversary of the Euro-Mediterranean Summit of 1995. One of the recommendations to emerge from the conference was that a Euromed Ministerial Conference on Women in the Mediterranean would take place in the second half of 2006 under the auspices of the Finnish Presidency of the EU to address women's and gender equality issues in the region. This Ministerial Conference, planned for 14 and 15 November 2006, will take place in Istanbul and will endorse a Five Year Plan of Action (2007-2011).

The Commission organised a preparatory conference in Rabat in June 2006 that brought together 130 participants from the Euromed partner countries, with Libya and Mauritania attending as observers. Participants were representatives of civil society organisations, governments and parliaments. The conference made a series of recommendations for the Plan of Action that will be adopted in Istanbul.

### **Gender-based violence**

The European Commission, the UN Population Fund (UNFPA), and the Belgian government jointly organised an "International Symposium on Sexual Violence in Conflict and Beyond" in Brussels in June 2006. More than 250 participants from 30 countries attended the event, including the heads of UNFPA, UNIFEM, government officials at ministerial level, representatives of military and police forces, parliamentarians, representatives of the International Criminal Court, NGOs, researchers and journalists. During the three days, representatives from 14 conflict-affected countries presented their national action plans, addressing sexual and gender-based violence. A Call to Action drafted by the participants calls on governments, international organisations and civil society to prioritise the issue of sexual violence in all humanitarian, peace building and development efforts in countries affected by conflict.

The Austrian Presidency of the EU organised a ministerial conference on the subject of harmful traditional practices in January 2006 in Brussels. At this conference, a "Network Against Harmful Traditions" was founded, which will serve as an international platform bringing together representatives of governments, NGOs and relevant professional groups. It will focus on ways and means to eradicate harmful traditional practices by, inter alia, the collection of data, specific training, awareness campaigns and the protection of victims.



## **Funding**

Under the gender budget line of the EC budget, four projects were selected for **funding** in 2005 under the call for proposals focusing on enhancing the access of women to paid employment in the non-agricultural sectors in China, Costa Rica, as well as Argentina, Columbia, Paraguay and Peru.

### **Combating gender-based violence**

Gender-based violence in all its manifestations (domestic violence, rape as a strategy of war, trafficking in human beings, honour crimes, harmful traditional practices such as female genital mutilation etc.) not only impairs the enjoyment by women of their human rights, it is also a serious obstacle to the achievement of equality, development and peace. Violence against women is a manifestation of unequal power relations between men and women.

Efforts to address violence against women need to move beyond addressing the symptoms and effects of violence to tackling the root causes and recognise that the achievement of gender equality is not only an issue for women. Therefore there is a particular need to focus on men and boys and on what drives them to violence. Only by actively involving men will it be possible to change societal norms that make it acceptable for men to use violence against women.

In 2005, under the gender budget line of the EC budget, the Commission launched a competitive call to support projects focusing on innovative and comprehensive education and awareness-raising interventions aimed at involving both adolescent boys and girls in programmes contributing to change in attitudes and behaviour concerning gender roles and responsibilities in relation to violence against girls and women. The promotion of the rights of women, fighting gender-based violence in conflict zones and harmful traditional practices is also one of the priorities of the campaigns fostering a culture of human rights launched within the EIDHR.

In addition to the above gender-specific projects, projects and programmes in the areas of education, health, good governance and food security have a significant impact in promoting gender equality.

The DAPHNE II and III programmes provide funding possibilities for measures preventing violence against women.

The Commission has developed programming guidelines to provide information to delegations and geographical desks on how to address gender equality in country programming, based on the policy framework underpinning the Commission's approach to gender equality in development cooperation.

### **Development in internal action**

Within the Commission, initiatives were continued to improve staff's capacity on gender issues mainly through training. In 2005-2006 around 800 persons working in Commission Headquarters, EC Delegations or implementing agencies (including national authorities in partner countries) received training on gender issues. An innovative online training course is also in place. In addition to general training, specific thematic training courses have taken place in the areas of gender and trade and gender budgeting.

**UNSCR 1325** calls for increased involvement of women, at all decision making levels, in conflict prevention, crisis management and post-conflict resolution, as well as in areas such as Disarmament, Demobilisation and Reintegration (DDR), and promotes women as advocates for peace. On 28 September 2005 the Council welcomed and noted an operational paper on the Implementation of UNSCR 1325 in the context of the ESDP. The measures cover all planning and implementation processes from pre-conflict to post-conflict phases.

On 1 June 2006 the EP adopted a resolution on the situation of women in armed conflicts and their role in the reconstruction and democratic process in post-conflict countries. In this resolution, the Parliament called on the EU for more efficient implementation of UNSCR 1325. It also called for better control of the distribution of food, clothing and health and sanitation equipment during emergency operations in order to take the specific requirements of women into account. Measures to protect women within refugee camps should also be taken into account in order to reduce the risk of violence and sexual abuse against women and girls. The Parliament drew attention to the problem of kamikaze women and stressed that rape as a weapon of war concerns all women – whatever their ethnic, religious and ideological differences. It stressed the positive role played by women in the resolution of conflicts and called on the EU to ensure sufficient technical and financial assistance to support programmes allowing women to take part in peace talks and giving greater powers to women throughout civil society.

In January the EU launched a **worldwide campaign on women human rights defenders** (WHRD) for 2006. The campaign is based on the 2004 EU Guidelines on Human Rights Defenders (see chapter 4.4).

#### **4.6. Trafficking in Human Beings**

Combating trafficking in human beings has been on the top of the EU agenda in the period covered by this report.

In October 2005 the Commission adopted its communication "Fighting trafficking in human beings – an integrated approach and proposals for an action plan", launched in a conference organised jointly by the UK Council Presidency, Sweden as chair of the Nordic Baltic Taskforce against Trafficking in Human Beings, and the Commission.

The Communication, inspired by the Report of the Experts Group on Trafficking in Human Beings, supports a human rights-based approach to the phenomenon, setting the rights of victims at the centre of policies in this area. One recommendation is specifically to include the prevention of and the fight against human trafficking, and in particular its human rights dimension, in political dialogue with third countries as well as in regional and international fora. In the framework of development cooperation the Communication suggests that human trafficking and policy frameworks and strategies for its prevention and mitigation are assessed in regional and national poverty reduction and cooperation strategies and that counter-trafficking measures receive support.

The Communication advocates a multidisciplinary approach to the phenomenon, not limited exclusively to law enforcement strategies but including a broad array of measures in particular at the level of prevention and victim support. One important aspect highlighted by the Communication is the plight of specific groups: women and children, but also individuals discriminated on any ground such as members of minorities and indigenous peoples. The Communication therefore advocates for the promotion of non-discrimination as an effective counter trafficking tool and for measures specifically targeted to these groups, as well as for collection of reliable data and analytical research.

Elements of the Communication have been fed into the EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings. The Action Plan was adopted by the Council in December 2005, in accordance with The Hague Programme on Strengthening Freedom, Security and Justice in the European Union.

An Expert Conference to promote the implementation of the Action Plan, organised by the Council Presidency and the European Commission, took place in June 2006 in Brussels. It focused on several elements of the Action Plan: a) developing proposals for coordination and cooperation mechanisms at EU level to ensure common standards across the EU in coordination of EU action, b) taking stock of best practices in the identification of victims, c) fostering synergies between NGOs and International Organisations providing support and reintegration services and d) further developing the OSCE National Referral Mechanism Manual.

The Commission's Roadmap for equality between women and men identifies the need for eradicating trafficking in human beings as one of its priority areas. The Roadmap commits the Commission to follow up on the Communication and the Action Plan on trafficking in human beings, and to promote the use of all existing instruments, including the European Social Fund, for the reintegration into society of victims of violence and human trafficking.

The Commission Communication of July 2006 "Towards an EU Strategy on the Rights of the Child" takes stock of the plight of trafficking in children, making a commitment to maximise existing policies as well as adopting some additional specific measures.

Financial programmes (DAPHNE, AGIS, TACIS, AENEAS a.o.) continue to support projects preventing and combating trafficking in human beings and the exploitation of persons, in particular women and children within the EU and in third countries.

In the framework of the European Initiative for Democracy and Human Rights for 2005-2006, awareness-raising and advocacy programmes on trafficking in women and children have been eligible for support under its Campaign 2: "Fostering a culture of human rights" (see chapter 3.7 for more on EIDHR).

International cooperation was continued at the global and European level, notably pursuant to the UN Trafficking Protocol (Palermo Protocol) and in the framework of the Council of Europe, whose Convention on Action against Trafficking in Human Beings has already been signed by a number of Member States. The accession of the European Community to the Palermo Protocol was completed in July 2006. The EU also continued to cooperate with the OSCE, especially within the Alliance against Trafficking in Persons, initiated by the OSCE Special Representative on Combating Trafficking in Human Beings.

#### **Tackling trafficking through EU-funded programmes – a regional snapshot**

Following the focus during the past five years on the Western New Independent States (Ukraine, Moldova, Belarus), where about EUR 10 million has been allocated for addressing trafficking in human beings, the EC has started to extend its activities to Russia and the Southern Caucasus.

A comprehensive trafficking project of EUR 4 million in Russia started at the beginning of 2006. It is the largest single donor project on trafficking in human beings in Russia and will make a crucial contribution to the work already begun by the Russian government, NGOs and international organisations. The project will further analyse the scope of trafficking in human beings in Russia and contribute to enhancing legislation but also to improving donor coordination. Apart from assistance to victims, which is a key focus of the project through e.g. the financing of a shelter in Moscow with necessary social and medical services, the project will especially help advancing the awareness and capacity building of authorities in regions of Russia which are most affected by the phenomenon. Here, as at state level, an inter-agency approach will be advocated including cooperation with specialised NGOs. Finally the project will look at the underlying socio-economic causes of trafficking through an analysis of the employment prospects for high-risk groups but also with regard to the reintegration of victims. The analysis should lead to targeted income-generating activities, awareness of labour market opportunities and legal – no risk-means of taking up employment abroad or across Russia.

For the three countries of the Southern Caucasus (Georgia, Armenia, Azerbaijan) a EUR 1.5 million regional project will be launched in 2006 with the consequence that in all ENP-Eastern countries the issue of trafficking in human beings will be addressed.

#### **4.7. The ICC and fight against impunity**

The European Union 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 an EU Common Position and an EU Action Plan on the ICC.

The objective of the Common Position<sup>35</sup> is to support the effective functioning of the Court and to advance universal support for the Court by promoting the widest possible participation in the Rome Statute. Article 2(1) of the Common Position provides:

*"In order to contribute to the objective of the widest possible participation in the Rome Statute, the European Union and its Member States shall make every effort to further this process by raising the issue of the widest possible ratification, acceptance, approval or accession to the 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."*

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<sup>35</sup> 2003/444/CFSP.

In line with the EU Common Position, the ICC has been on the agenda of many major summits and ministerial meetings with third countries, as well as of dedicated human rights consultations. The EU has, throughout the period of the report, carried out démarches in third countries to encourage the ratification and implementation of the Rome Statute, to encourage the ratification of the Agreement on Privileges and Immunities, and to discourage states, where possible, from signing bilateral non-surrender agreements. As with previous years, it has also entered into discussions with the US on the renewal of the Nethercutt Amendment, expressing its regret over the withdrawal of US economic assistance to developing states who do not sign a bilateral non-surrender agreement, and urging the US to apply the waivers contained within the FY06 Foreign Operations Bill.

**List of démarches to promote the universality and integrity of the Rome Statute during the period under review:**

Angola, Armenia, Bahamas, Bahrain, Bangladesh, Botswana, Cape Verde, Chad, Chile, China, Comoros, D.R. Congo, Egypt, Ethiopia, Ghana, Guatemala, India, Indonesia, Iraq, Israel, Côte d'Ivoire, Jamaica, Japan, Kyrgyzstan, Laos, Lebanon, Madagascar, Malaysia, Moldova, Morocco, Mozambique, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Russian Federation, Rwanda, Samoa, Saudi Arabia, Seychelles, Solomon Islands, Sri Lanka, St Lucia, Surinam, Togo, Turkey, Ukraine, the United States, Vanuatu, Vietnam, Yemen and Zimbabwe.

The EU Action Plan<sup>36</sup> 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. In relation to promoting the universality and integrity of the Rome Statute, one of the concrete measures is the following:

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<sup>36</sup> 4 February 2004.



*The 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.*

In 2005 and 2006 the European Commission negotiated the insertion of ICC clauses into ENP Policy Action Plans with Jordan, Moldova and Ukraine. Similar clauses are being negotiated with Armenia, Azerbaijan, Egypt, Georgia and Lebanon. Draft ICC clauses are also being negotiated by the EU in the context of Partnership and Cooperation Agreements with Indonesia, Singapore, and Thailand. 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 100 ratification of the Rome Statute by Mexico in November 2005 represents a significant milestone for the Court and makes the prospect of universal ratification more tangible. Further milestones in the reporting period include the unsealing of the Court's first arrest warrants in October 2005, and the arrest of Thomas Lubanga, who was surrendered by DR Congo and transferred to the Court by France in March 2006 on charges of war crimes.

**EU Declaration on the arrest and transfer of Thomas Lubanga:**

*The European Union welcomes the surrender of Thomas Lubanga Dyilo by the authorities of the Democratic Republic of Congo and his transfer by France to the International Criminal Court on 17 March 2006. Mr Lubanga is alleged to have committed war crimes, namely enlisting and conscripting children as child soldiers and using them to actively participate in hostilities. [...]*

*This arrest constitutes an important achievement in the fight against impunity in the Great Lakes region, with a view to enhancing long-term stability in the region.*

*Furthermore, this arrest is evidence of the international community's commitment and support to the Democratic republic of Congo and its citizens in their efforts towards peace and reconciliation. [...]*

*The arrest and transfer of Mr Lubanga proves that the International Criminal Court is fully operational. The EU is confident that the International Criminal Court will function as a deterrent and means of conflict resolution with the support of the International Community.*

During the reporting period, Member States were involved in supporting numerous initiatives on the ICC (e.g. seminars in Moldova, Jordan, Mexico, Mozambique, Philippines, and Lebanon). In May 2006 the EU Presidency organised a high-level conference on the ICC and the CIS states, which was well attended by representatives from the CIS states, EU Member States, the European Commission, and the Court. The conference allowed for an in-depth exchange on the obstacles posed by ratification and implementation of the Rome Statute and was followed by an NGO workshop organised by the Coalition for the International Criminal Court. In April/May 2006, the Commission organised an ICC study-tour for a delegation of approximately 20 officials from Vietnam, led by the Vice-Minister of Justice. The visit to The Hague was followed by a technical workshop on the work of the Court and implementation of the Rome Statute in Brussels, in which presentations were made by representatives of the ICC, of Member States, and of EU institutions.

Throughout the reporting period the Commission, through the European Initiative on Democracy and Human Rights (EIDHR), 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 Court. The Commission and Member States also funded various projects and programmes of the Court, such as the Internships and Visiting Professionals Programme. Furthermore, the Commission and Member States provided consistent political and financial support to other existing special tribunals, such as the International Criminal Tribunals for Rwanda and Yugoslavia, the Special Court for Sierra Leone, and the Khmer Rouge Special Chamber in Cambodia.

On 25 April 2005 the Council authorised the Presidency to open negotiations to conclude an Agreement on cooperation and assistance with the ICC. After extensive negotiations both within the EU and with the ICC, the EU-ICC Cooperation and Assistance Agreement was signed by Foreign Minister Ursula Plassnik on behalf of the EU and President Kirsch on behalf of the ICC at a signing ceremony on 10 April 2006. The agreement, based on Article 24 of the Treaty on European Union, places a general obligation of cooperation and assistance between the EU and the ICC and foresees, inter alia, the regular exchange of information and documentation of mutual interest. The agreement does not apply to ICC requests for information from individual Member States, which are governed by bilateral arrangements, nor does it affect the competence of the European Community to achieve the objectives of the agreement through separate measures. Regular contact will be established between the EU Focal Point for the Court and the Court, and implementing arrangements providing for security clearance and access to classified information are being drafted.

#### **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.

In December 2005, the Council adopted the EU Counter-Terrorism Strategy. The strategic commitment at the centre of the Counter-Terrorism Strategy is "to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice". Paragraph 22 of the Counter-Terrorism Strategy provides that all efforts to disrupt terrorist activity and to bring terrorists to justice will be undertaken with respect for human rights and international law. Moreover, in the context of radicalisation, paragraph 11 of the Counter-Terrorism Strategy notes that the Union must promote even more vigorously good governance, human rights, democracy as well as education and economic prosperity, and engage in conflict resolution. In December 2005, the Council also adopted the European Union Strategy for Combating Radicalisation and Recruitment to Terrorism. In this Strategy, the EU resolves to disrupt the activities of the networks and individuals who draw people into terrorism; ensure that the voices of mainstream opinion prevail over those of extremism; and promote yet more vigorously security, justice, democracy and opportunity for all. The Strategy draws attention to a number of factors which may make the radical message more appealing. These include poor or autocratic governance; states moving from autocratic control via inadequate reform to partial democracy; rapid but unmanaged modernisation; lack of political and economic prospects; and inadequate and inappropriate education or cultural

opportunities for young people. The Strategy commits the European Union to eliminating these structural factors. The Strategy also commits the EU to targeting inequalities and discrimination within the Union and to promoting inter-cultural dialogue, debate and long-term integration. Outside Europe, the Union commits itself to promoting good governance, human rights and democracy, as well as education and economic prosperity through political dialogue and assistance programmes. In political dialogue with third countries (not members of the EU) the European Union has consistently drawn attention to the imperative need to ensure that all measures taken against terrorism respect human rights, refugee law and international humanitarian law.

The EU has reaffirmed in statements in various UN fora the importance of ensuring respect for human rights in the fight against terrorism. For example, the Presidency, in its statement on behalf of the EU during the General Assembly Consultations on a Counter-Terrorism Strategy in May 2006, drew attention to the central role of the rule of law and human rights. The Presidency noted that effective counter-terrorism measures and the protection of human rights were complementary and mutually reinforcing.

The European Union repeatedly expressed its concerns regarding Guantánamo Bay. The EU noted that nobody should be in a legal vacuum but that human rights and humanitarian standards have to be maintained while combating terrorism. The EU further noted that Guantánamo represented an anomaly and should be closed as soon as possible. The EU also supported the request of United Nations Special Rapporteurs to visit Guantanamo Bay on their standard terms of reference, which included free access to detainees. EU and US conduct a dialogue on international law and the fight against terrorism. Those issues were also discussed at the EU-US Summit in June 2006.

On 13 June 2006, the European Parliament adopted a Resolution reiterating its call for the closure of Guantanamo Bay and insisting that all detainees should be treated in accordance with international law and, if charged, tried without delay in a fair and public hearing by an independent and impartial court.

The EU supported the work of the European Parliament Temporary Committee, established in January 2006, on the alleged use of European Countries by the CIA for the transport and illegal detention of prisoners. These investigations focused not only on the extent to which European countries had been involved, but also on the manner in which the domestic law of the State Parties ensured the effective implementation of the particular provisions of the European Convention on Human Rights.

On 16 May 2006, Prof Martin Scheinin, UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, addressed the Council Working Group on Counter-Terrorism.

#### **4.9. Human Rights and Business**

Following his appointment as UN Special Representative on the issue of human rights and transnational corporations and other business enterprises in July 2005, Mr John Ruggie produced his first interim report in early 2006. The report seeks to identify and clarify standards of corporate responsibility and accountability for transnational corporations (TNCs) and other business enterprises with regard to human rights, and elaborate on the role of States in effectively regulating and adjudicating on TNCs and other business enterprises with regard to human rights.

At the end of March 2006 the Commission adopted a Communication on "Implementing the partnership for growth and jobs: making Europe a pole of excellence on corporate social responsibility"<sup>37</sup>. Corporate social responsibility (CSR) is a concept whereby companies, on a voluntary basis, integrate social and environmental concerns in their business operations and in their interaction with their stakeholders. Through this Communication the Commission has undertaken to continue to promote CSR globally with a view to maximising the contribution of enterprises to the achievement of the UN Millennium Development Goals. Further aims include strengthening the sustainable development dimension of bilateral trade negotiations and pursuing the promotion of core labour standards in bilateral agreements. The Commission also renewed its commitment to using trade incentives as a means of encouraging respect for the main international principles of human/labour rights, environmental protection and governance principles, in particular through the new EU "Generalized System of Preferences Plus" that entered into force on 1 January 2006.

In its May 2006 Communication on "Promoting decent work for all"<sup>38</sup>, the European Commission also committed itself to working with civil society and the business sector with a view to promoting the decent work agenda globally. In particular, the Communication outlines how the EU's external policies can be best used to promote decent work, including with a view to combating the most flagrant abuses of core labour standards, such as child labour.

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<sup>37</sup> Implementing the Partnership for Growth and Jobs: Making Europe a pole of excellence on CSR (COM(2006)136 final of 22 March 2006.

<sup>38</sup> Promoting decent work for all - The EU contribution to the implementation of the decent work agenda in the world, COM(2006)249 of 24 May 2006, available on [http://ec.europa.eu/employment\\_social/news/2006/may/com\\_2006\\_249\\_en.pdf](http://ec.europa.eu/employment_social/news/2006/may/com_2006_249_en.pdf)

Finally, the Commission took part in the work undertaken in the OECD Investment Committee (the Committee responsible for monitoring the implementation of the OECD Guidelines for Multinational Enterprises) that led to the completion of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. The Tool was adopted by the OECD Council on 8 June 2006<sup>39</sup>. Weak governance zones represent some of the most difficult investment environments in the world for international business. The risk of human rights abuses is 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.

#### **4.10. Democracy and elections**

For the EU, developing and consolidating democracy is a fundamental objective and a key policy goal of its Common Foreign and Security Policy (CFSP – Article 11(1) TEU) as well as its cooperation policy with third countries (Article 177(2) and 181a(1) TEC).

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<sup>39</sup> Available on [www.oecd.org/dataoecd/26/21/36885821.pdf](http://www.oecd.org/dataoecd/26/21/36885821.pdf).



Democracy is a dynamic process by which citizens are able to get involved in the decision-making process that affects their lives. There is no single model of democracy, but genuine democracies have common features in line with international standards, that include: control over government decisions about policy constitutionally vested in elected representatives, who are chosen in regular and fair elections; all adult citizens have the right to vote and to run for public office; people have the right to express themselves on political issues without the risk of punishment, and have the right to seek information from a diversity of sources; people have the right to form independent associations and organisations, including political parties, and to disseminate their opinions; government is autonomous and does not face overriding opposition from groups like unelected officials or the military or international blocs. Genuine democracy respects the rights of persons belonging to minorities and views.

The EU gives much political support to democracy, including through the political processes involved in its partnership and cooperation agreements, and the work of its institutions, as set out in other chapters. In this section we report on the very practical contribution that the EU makes to the mechanics of democracy through support for elections.

### **Election Support**

A key human right in the context of democratisation is the right to participate in the conduct of public affairs (International Covenant on Civil and Political Rights, Article 25). This right includes the "right to vote and be elected in genuine periodic elections". The EU contributes to the realization of this right through election observation and election assistance.

## **Election Observation and Assessment**

Since the Commission adopted a Communication on Election Assistance and Observation in 2000<sup>40</sup>, which defined a coherent and effective policy for election observation, EU involvement in this field has become increasingly professional and visible<sup>41</sup> and the EU member states have expressed their growing support for Election Observation Mission (EOM) planning and implementation. Since implementation of the Communication began, a total of 44 EU Election Observation Missions (EU EOM) and seven special support missions have been deployed to countries in Africa, the Middle East, Central and South America and Asia<sup>42</sup>. In line with the agreed policy of focusing on key electoral events, and given the increased financial and human resources available, the Commission aims to observe approximately fourteen elections each year.

The purpose of an EU EOM is to:

- first and foremost assess the degree to which an election is conducted in line with international standards 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;

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<sup>40</sup> COM(2000) 191.

<sup>41</sup> The Communication was endorsed by the Council and European Parliament in 2001.

<sup>42</sup> 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.

- 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.

Between July 2005 and June 2006, 12 EU EOMs and four special support missions were deployed, mostly using EIDHR funding. All missions were deployed in line with the International Principles for International Election Observation Missions agreed under the aegis of the United Nations in October 2005.

### **Election Observation Missions and Election Support Projects in the reporting period**

An EU Election Observation Mission in **Afghanistan** headed by Ms Emma Bonino MEP was deployed for the elections to the Lower Chamber of the National Assembly (Wolesi Jirga) and Provincial Councils. The mission was deployed on 7 July 2005. The mission was joined by an Observation Delegation from the EP, led by Mr Jose Ignacio Salafranca, MEP. In its final report, the EOM concluded that "the parliamentary and provincial council elections held on 18 September 2005 were an important step in a transition process designed to put in place a representative government and thereby to help bring peace to Afghanistan after a quarter-century of conflict. The elections were held in extremely difficult conditions and to a timetable that was very tight. (...)

Overall, given their complexity and the operational challenges, the elections are an accomplishment, although there were notable shortcomings which will need to be addressed for the future. Pre-election preparations

were generally good and voting on Election Days was largely peaceful. Although the turn-out was markedly lower than in 2004, millions of Afghan voters and thousands of candidates took part often in a challenging security environment. However post-election day developments revealed significant deficiencies in the wider electoral process. Irregularities and fraud cast a shadow over the integrity of the elections in a number of provinces, a worrying development that should be honestly analyzed and effectively addressed in the future."

The parliamentary elections in **Burundi** on 4 July 2005 were observed by an EU EOM, headed by Mr Alain Hutchinson MEP; the mission was joined by Mr Johan Van Hecke, MEP on behalf of the EP. The mission concluded that the elections marked an essential step forward in the process of reconciliation and stabilisation with the country. Despite a tense campaign marked by violence, polling day generally passed off peacefully. The national independent election commission administered the process effectively, which enabled the free expression of the people. Voters demonstrated their attachment to the electoral process by participating in large numbers, despite some intimidation and the generally disappointing attitude of the political players.

An EU EOM headed by General Philippe Morillon MEP was deployed from 17 November 2005 until 7 February 2006 to observe the Constitutional referendum of 18-19 December 2005 of the **Democratic Republic of Congo** and to provide detailed recommendations for the upcoming general elections in 2006. In its final report on the referendum, the mission concluded that it marked a decisive step forward in the process of political transition, leading to the setting up of legitimately elected institutions. Following a decade of devastating wars, Congolese voters demonstrated their

attachment to the electoral process by turning out to vote in large numbers and in peace. Despite considerable logistical and operational constraints, the election was administered in an effective manner by the national independent electoral commission and enabled the free expression of the people. Given the difficulties faced in the organisation of the referendum, however, and in particular during the aggregation of results, it was considered essential to review certain operational concepts, such as an enhanced decentralisation of the management of the electoral process and strengthening of the capacities of the election administration, in view of the upcoming elections, for which the referendum served as a test-run.

An EU EOM headed by Ms. Ana Gomes MEP was deployed to **Ethiopia** from mid-March 2005 to observe national and regional parliamentary elections on 15 May 2005. The EU EOM followed the process to its conclusion, including all aspects of the complaints and appeals process, as well as the Somali region elections fixed for 21st August 2005. It issued a final report in 2006 concluding that "the 2005 parliamentary elections were the most competitive elections Ethiopia had experienced, with an unprecedented high voter turnout. However, while the pre-election period saw a number of positive developments and voting on 15 May was conducted in a peaceful and largely orderly manner, the counting and aggregation processes were marred by irregular practices, confusion and a lack of transparency. Subsequent complaints and appeals mechanisms did not provide an effective remedy. The human rights situation rapidly deteriorated in the post-election period when dozens of citizens were killed by the police and thousands were arrested. Overall, the elections fell short of international principles for genuine democratic elections". The report provides a number of detailed recommendations for future election processes.

The 6-13 May 2006 elections in **Fiji** were observed by an EU EOM led by Mr István Szent-Iványi, MEP. The mission noted the "reasonably good and transparent organization" of the elections, including counting and media coverage, and the high participation of the electorate. "Fundamental freedoms of expression, association and assembly have been respected. (...) Progress is required in voter registration and education as well as complaints procedures. (...) The absence of clear procedures for handling complaints and the lack of transparency resulted in a lack of accountability". The EU EOM observed "deficiencies with the voter register. (...) It contains several inaccuracies, the misallocation of constituencies and the exclusion of eligible voters who were therefore disenfranchised". The EU EOM noted the "abnormally high rate of invalid votes (9%)" indicating that the "voter education system was not effective (...) It indicates that after three consecutive elections where the Alternative Vote system was in use, a significant number of voters still find it difficult to understand". The EU EOM had observed the "inappropriate involvement of the Chief Commander of the Fiji Military Forces before and during the elections".

An EU EOM headed by Mr Johan Van Hecke MEP was deployed for the presidential elections of **Guinea Bissau** on 19 June and 24 July. In its final report, the EU EOM concluded that the "election was generally well organised, in a transparent and inclusive manner, and met essential international principles for democratic elections. Election days were largely peaceful and orderly, and voters were able to exercise their franchise freely, despite a tense pre-second round period which included some violent incidents". The EU EOM played a significant role in creating a stable environment in which elections could be conducted.

The presidential elections and parliamentary elections in **Haiti** on 7 February and 21 April 2006 were observed by an EU EOM headed by Mr Johan Van Hecke MEP. The mission was deployed from November 2005 to April 2006 and was joined by a Delegation from the European Parliament led by Mr Glyn Ford MEP.

In its final report, the mission characterized the elections as an important step in the transition towards more stability and democracy in Haiti. The mission underlined the deficient administrative and organisational capacity of the electoral authorities and their incapacity to properly conduct the electoral process, notably prior to the first round of the presidential and parliamentary elections, which were delayed several times. In addition, the political and legal framework in which the elections were conducted did not provide for a smooth electoral process. While the logistical and technical support provided by the United Nations Mission and the Organization of American States was indispensable, the lack of coordination among the national and international actors handicapped the operation. The political campaign was dominated by the debate on the return of former President Aristide to Haiti, rather than by ideological and programmatic discussions. Significantly, the turnout for the elections of 21 April (second round, parliamentary elections only) was dramatically lower as compared to the turnout for the first round of the presidential and parliamentary elections of 7 February. The EU EOM has called for a "substantial electoral reform in order to create an autonomous and sustainable electoral planning, management, financing and implementing capacity in Haiti".

An Election Support Project was established in **Iraq** to support the Parliamentary elections held on 18 December 2005, including the secondment of three election experts to the Independent Electoral Commission of Iraq.

In addition a separate project included the deployment of three experts to support, through training activities, the work of 50 local representatives deployed by EU Member States to follow and report on the election process notably in Baghdad, Basra and the North of Iraq, also with a view to making recommendations for the future.

In **Liberia** an EU EOM headed by Mr Max Van Den Berg, MEP, was deployed for the Presidential, Senatorial and House of Representatives elections of 11 October and the Presidential run-off on 8 November. The mission began work in Liberia on 9 September 2005 and remained until 27 November. The Mission was joined by a Delegation from the EP led by Ms Marie-Arlette Carlotti MEP.

In its final report, the EU EOM concluded that the elections "were peaceful, generally well-administered and marked an important step forward in the process of returning Liberia to a normal functioning state. Voters were provided with a wide range of political contestants in a genuinely competitive election process and in contrast to the elections of 1997, were able to cast their ballots free from fear. Despite the difficult conditions caused by the destroyed infrastructure and the holding of the elections during the rainy season, the electoral authorities made adequate and sufficient arrangements for voters. (...) The new government must give priority to starting an active reconciliation process, in accordance with the Comprehensive Peace Agreement truth and reconciliation procedures. The climate of impunity must end and those who stand accused of crimes against humanity must face justice through the courts (...) The new Government, Senate and House of Representatives must cooperate fully with the international community to ensure that former President Charles Taylor is brought to court."



The Commission deployed two experts to **Mauritania** from 1 to 30 June 2006 to monitor the referendum on constitutional change in the country. Mauritarians endorsed the changes to the constitution, including the possibility of political alternation by referendum in June 2006. The election expert mission commented on the efficiency of the Ministry of the Interior in organising the elections but noted that not all electoral staff were aware of the applicable procedures. The supervisory CENI (*Commission Electorale Nationale Indépendante*), however, did not fulfil its mandate in an independent, authoritative manner. The experts criticised: the lack of neutrality of the local authorities; the presence of security forces in polling stations; and the impossibility for local observers to observe the elections. The experts' recommendations regarding the review of the legal framework and the transparency of the electoral procedures have been transmitted to the Mauritanian authorities, with a view to the organisation of the parliamentary and municipal elections in November 2006 and the presidential elections in March 2007.

An EU EOM in **Sri Lanka** headed by John Cushnahan, former MEP and Chief Observer for the 2000, 2001, and 2004 elections in Sri Lanka, was deployed for the Presidential election on 17th November. The mission was deployed from 23 October to 4 December 2005.

In its final report, the mission concluded that "while the 17th November presidential election was conducted in a much improved election environment in the South of the country, a markedly contrasting situation was to be found in the North and East. In areas in which the LTTE either controlled or exercised influence, there was little tangible evidence to show that an election process had actually taken place. Political campaigning was non-existent and voters were prevented from exercising their

franchise because of an enforced boycott by the LTTE and its proxies. Regrettably the distortion of the electoral process in these areas was not a new phenomenon and therefore cannot be ignored. Previous EU EOMs to Sri Lanka have made a number of recommendations but most of them have not yet been implemented. These are put forward again as they remain essential ingredients for strengthening the electoral process. However, on their own, they are insufficient to address the fundamental malaise that exists in those areas of the North and East where voters have been constantly denied the opportunity to fully participate in the democratic process".

The Commission deployed two experts to monitor the presidential, parliamentary and local council elections in **Tanzania** (14 December 2005) and Zanzibar (30 October 2005), including to provide advice on electoral issues to the EU Heads of Mission based in Dar es Salaam.

On the elections in Tanzania the experts concluded that, "while political pluralism does exist, the 2005 elections demonstrate that *de facto* no opposition party is in a position to challenge the dominance of the ruling [CCM]." While "the elections were well conducted and the National Election Commission enhanced its reputation for professionalism and independence, some aspects of the election did not comply with international standards. (...) While the overall electoral framework is robust, it is not clear if it is sufficiently strong to ensure a genuine democratic election in the event that a closely contested election takes place in the future."

While progress was noted on the administration of the elections in Zanzibar, including in the field of voter registration, and on the integrity of the electoral process as compared to the 2000 elections, the experts noted a number of important shortcomings requiring urgent electoral reform. These include: interference of the political authorities in the electoral process; lack of transparency of the activities of the electoral authorities; and deficient complaints and appeals mechanisms. The electoral process was characterised by deep mistrust between the two main parties on Zanzibar and by a campaign marred by violence involving, amongst others, militias associated with the ruling party.

An EU EOM headed by Mr Max van den Berg MEP was deployed in **Uganda** to observe the presidential and parliamentary elections of 23 February 2006, the first multi-party elections in the country for 26 years. The mission was deployed from 27 January to 10 April 2006 and was joined by a Delegation from the EP led by Mr Johan Van Hecke MEP.

The mission reported that "the **Ugandan** people demonstrated strong commitment to determining their political future by peaceful, democratic means, by participating in large number and expressing confidence in freely making their own choice between continuity or change. (...) The Electoral Commission managed to maintain significant levels of public confidence, and organised the elections in a [more] effective and transparent manner; [however] it did not retain the full confidence of all political parties." According to the EU EOM, "the elections fell short of full compliance with international principles for genuine democratic elections, in particular because a level

playing field was not in place. (...) The President and his party enjoyed substantial advantages over their opponents, which went further than the usual advantages of incumbency and the existing legal presidential privileges; they received overwhelming and positive coverage on state television and radio (...) The pre-election and campaign period included controversial accusations and court cases against an opposition candidate and this gave him just a limited time to campaign." In a judgment, the Supreme Court ruled that, "while not affecting the results of the presidential election in a substantial manner, a number of serious irregularities in the process were noticed." The Court in its ruling referred to cases of disenfranchised voters, intimidation, partisan election officials, multiple voting, ballot box stuffing and interference by security forces.

An EU EOM headed by Mr José Silva Peneda MEP was deployed for the Parliamentary Elections held on 4 December 2005 in **Venezuela**. The mission was joined by a Delegation from the EP led by Mr Arūnas Degutis MEP.

In its final report, the mission concluded that the electoral authorities (CNE) "administered the process well and its logistical preparations for the electoral event were acceptable. However, its performance was overshadowed by accusations by the opposition of bias and partisanship. The overriding feature of the pre-election period was an absence of confidence on the part of wide sectors of the society in the electoral process and in the independence of the CNE. (...) The principle of automated voting is clearly enshrined in the legal framework. However, the current development and applications of the automated voting process have surpassed the law in various

aspects. The discovery of a design flaw in the software of the voting machines, with the consequent remote possibility to violate the secrecy of the vote was dealt with by the CNE in a timely and adequate manner with the elimination of the finger-capturing devices. For this reason, the EU EOM took note with surprise of the withdrawal of the majority of the opposition parties only four days before the elections. (...) The Parliamentary elections did not contribute to the reduction of the fracture in the Venezuelan society. In this sense, they represented a lost opportunity. In order to recompose this fracture, a more constructive and mature effort is required by all political forces."

Concerning **West Bank and Gaza**, an EOM headed by Ms Véronique De Keyser MEP, was deployed to observe the elections to the Palestinian Legislative Council of 25 January 2006. The mission was deployed from 13 December 2005 to 13 February 2006. The EOM was joined by a Delegation from the EP led by Mr Edward McMillan-Scott MEP. In its final report, the mission noted that "the elections reflected an open and fairly-contested electoral process that was efficiently administered. (...) The Central Elections Commission commanded a high degree of public confidence in its professionalism and independence. It maintained integrity in the face of intimidation. (...) The elections saw impressive voter participation, demonstrating an overwhelming commitment by the Palestinian people to determine their political future via democratic means, in spite of the uncertain conditions in which the elections took place involving a background of delay, unacceptable levels of pre-campaign violence, and an occupation that placed restrictions on the exercise of fundamental freedoms related to elections."

During the reporting period, the EU also deployed an **Exploratory Mission** to the Indonesian Province of Aceh, to Mauritania, Nicaragua, Yemen and Zambia in view of upcoming elections, scheduled for the autumn of 2006.

**Election Observation Missions (EOMs) / Election Support Projects (ESPs) July 2005 – June 2006**

| <b>Country</b>               | <b>Head of EOM</b>         | <b>Total Budget</b> | <b>EOM/ ESP<br/>Participants</b>                        |
|------------------------------|----------------------------|---------------------|---|
| Afghanistan                  | Emma Bonino<br>MEP         | EUR 4 000 000       | 91 Observers (11 in the Core Team, 60 LTO and 20 STO)   |
| Burundi                      | Alain Hutchinson<br>MEP    | EUR 1 240 000       | 80 Observers (8 in the Core Team, 12 LTO and 60 STO)    |
| Democratic Republic of Congo | Philippe Morillon<br>MEP   | EUR 1 800 000       | 117 Observers (11 in the Core Team, 26 LTO, 80 STO)     |
| Ethiopia                     | Ana Gomes MEP              | EUR 2 810 000       | 159 Observers (9 in the Core Team, 50 LTO, and 100 STO) |
| Fiji                         | István<br>Szent-Iványi MEP | EUR 1 500 000       | 37 Observers (7 in the Core Team, 12 LTO, and 18 STO)   |
| Guinea-Bissau                | Johan Van Hecke<br>MEP     | EUR 2 500 000       | 87 Observers (7 in the Core Team, 20 LTO and 60 STO)    |
| Haiti                        | Johan Van Hecke<br>MEP     | EUR 4 500 000       | 93 Observers (9 in the Core Team, 44 LTO, and 40 STO)   |

|                          |                               |               |   |
|--------------------------|-------------------------------|---------------|---|
| Iraq<br>(2 ESP missions) | N/A                           | EUR 2 300 000 | 5 Experts   |
| Liberia                  | Max van den Berg<br>MEP       | EUR 2 000 000 | 49 Observers (9 in the Core Team, 20 LTO and 20 STO)    |
| Mauritania               | N/A                           | EUR 50 000    | 2 Experts   |
| Sri Lanka                | John Cushnahan                | EUR 1 000 000 | 92 Observers (6 in the Core Team, 22 LTO and 64 STO)    |
| Tanzania                 | N/A                           | EUR 200 000   | 2 Experts   |
| Venezuela                | J. Albino Silva<br>Peneda MEP | EUR 1 000 000 | 152 Observers (10 in the Core Team, 40 LTO and 102 STO) |
| Uganda                   | Max van den Berg<br>MEP       | EUR 1 800 000 | 177 Observers (9 in the Core Team, 8 LTO and 160 STO)   |
| West Bank & Gaza         | Véronique De<br>Keyser, MEP   | EUR 2.300.000 | 173 Observers (13 in the Core Team, 32 LTO and 128 STO) |

The EU devoted increased efforts to the follow-up of the findings and recommendations of EU EOMs through their inclusion in EU declarations, political dialogue, cooperation programmes, and EIDHR programming. Following the practice established since 2004, all EU EOM Chief Observers returned to the country where they had observed the election in order to present the EOM final report to a wide range of interlocutors.

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 and Democracy Support (NEEDS) project, implemented by a group of specialist European institutions in the field of elections, to conduct a comprehensive training programme for EU observers and experts and organise regional meetings for domestic election observers. Over the reporting period, NEEDS carried out five specialised training sessions for over 149 long-term observers and experts, convened a meeting with the election observation focal points from the Member States, and organised a regional seminar for domestic election observers in Jakarta, Indonesia bringing together 19 participants representing 17 organizations from Asia.

The European Commission remains committed to promoting the highest standards in electoral observation. It participated in the process developed under the umbrella of the UN of elaborating key international standards for election observation, which was supported by all major organizations involved in this field. The Commission was represented at the endorsing Ceremony of the Declaration of Principles for International Election Observation Missions in New York in October 2005, and participated in the follow-up meeting hosted by the Commonwealth in June 2006 in London.

### **Financial Assistance for Elections**

The EU provides considerable funds for electoral assistance projects in transition countries. This includes support for:

- 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 EMBs, is provided exclusively through geographical cooperation funds available for third States (such as the EDF, ALA, CARDS and TACIS programmes<sup>43</sup>). Support for NGOs involved in electoral assistance can come from these sources as well as from EIDHR funds. In addition, in cases where snap elections have been called in post-conflict situations, support for elections has been provided through the Rapid Reaction Mechanism.

Examples of ongoing election assistance projects supported by the EU between July 2005 and June 2006 include:

- support for the Congolese Independent Electoral Commission (**Democratic Republic of Congo**) in all steps of the organisation of the electoral cycle in the context of the various elections scheduled in 2005 (constitutional referendum) and 2006 (presidential, parliamentary, provincial elections). The EC has contributed EUR 149 million to an overall budget of EUR 330 million.

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<sup>43</sup> **EDF:** European Development Fund, **ALA:** EU, Latin America and Asia cooperation programme for financial and technical cooperation, **CARDS:** Community Assistance for Reconstruction, Development and Stabilisation; **TACIS:** The TACIS Programme provides grant-financed technical assistance to 12 countries of Eastern Europe and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), and mainly aims at enhancing the transition process in these countries.

- a contribution of over EUR 30 million to the UN Trust Fund to cover the preparation of elections in **Iraq**, as well as EUR 1,5 million to cover the deployment of three EU experts seconded to the Independent Electoral Commission of Iraq as well as a training programme for more than 170 domestic observer groups.
- over the past years, a EUR 14 million contribution for the preparation of elections in **West Bank and Gaza**, including the establishment of an Independent Central Election Commission.
- a start-up contribution of EUR 400 000 to the **Burundi** Independent National Election Commission; this was followed by a EUR 4 million contribution to the UNDP trust fund in support of the organisation of the 2005 election cycle.
- a contribution of EUR 1,2 million to the UNDP-managed Trust Fund established to support the conduct of the 2005 presidential elections in **Guinea Bissau**.

The European Commission has provided electoral assistance mostly through UNDP. On 21 April 2006, the Commission and UNDP agreed on **Operational Guidelines for the Implementation of Electoral Assistance Programs and Projects**. These Guidelines outline practical measures aimed at consolidating conceptual and operational cooperation between the two organisations in the domain of electoral assistance, including at field level.

#### **4.11. Economic, Social and Cultural Rights**

The EU attaches the same importance to economic, social and cultural rights as to civil and political rights, bearing in mind the universality, indivisibility, interdependence and inter-relatedness of all human rights 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 Convention on the Rights of the Child to which all European Union Member States adhere, and is also reflected in the recently adopted Commission Communication towards a Strategy on the Rights of the Child.

In the period under review, the EU participated actively in the third session of the open-ended CHR-Working Group (February 2006) mandated to consider options regarding the drawing up of an optional protocol to the International Covenant on Economic, Social, and Cultural Rights. The EU welcomes the report of the Working Group and the decision of the Human Rights Council in June 2006 to extend its mandate for a further two years in order to draw up an optional protocol in which all options are taken into account.

The EU has supported several CHR mandates dealing with economic, social and cultural rights, namely the Special Rapporteurs on education, housing, health and food, and the Independent Expert on extreme poverty. The EU welcomes the valuable contributions these Special Procedures of CHR make the promotion and protection of human rights in the discharge of their respective mandates.

The understanding of economic, social and cultural rights has deep links with development. Six of the eight Millennium Development Goals (MDG) put a strong emphasis on human and social development. The EU 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<sup>44</sup> in December 2005. This Declaration is divided into two parts. The first part, called the "European Union Vision of Development" sets out the common objectives and principles for development cooperation. It reaffirms the EU's commitment to poverty eradication, ownership, partnership, delivering more and better aid and promoting policy coherence for development. It will guide Community and Member State development cooperation activities in all developing countries, in a spirit of complementarity. Human rights and good governance are other important objectives. The second part "The EC Development Policy", defines how the Community will implement the first part, for the resources entrusted to the Community.

In addition, the Community has introduced social development objectives in its most recent bilateral, regional and interregional 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. Examples include agreements with South Africa (1999), Chile (2002), and current negotiations with the Gulf Cooperation Council.

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<sup>44</sup> Proposal for a joint declaration by the Council, the European Parliament and the Commission on the European Union development policy "The European Consensus", COM(2005) 311 of 13 July 2005.

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 was adopted by the Council on 27 June 2005 and 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, good governance and human and labour rights, including the eight core ILO conventions on labour rights. The GSP+ scheme replaces several previous special incentive schemes.

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 involving 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, assessments by ILO supervisory bodies can trigger an investigation as to whether temporary GSP withdrawal is justified. In March 1997, the EU Council temporarily withdrew access to the EU GSP preferential arrangement from Myanmar (Burma) for serious and systematic violations of the ILO Convention on Forced Labour. As serious and systematic violations of this Convention have not ceased, temporary withdrawal remains in force.

#### **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 and in the Declaration on the Right to Development of 1986, where a human person and her/his human rights are the central subject of development. That commitment is articulated also 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 countries.

In December 2005 the EU adopted the "European Consensus on Development", a joint EU development policy statement renewing its commitment to development and to the fight against poverty, and thereby the Millennium Development Goals. Through this Declaration, where human rights and good governance are important objectives and issues to be mainstreamed, the Community and the Member States will strive to improve coordination, complementarity and recipient country ownership in the delivery of development aid. The EU also committed itself to working towards joint multiannual programming and common implementation mechanisms including shared analysis, joint donor wide missions, and the use of co-financing arrangements.

In November 2005 the Third Committee of the UN General Assembly adopted the traditional resolution on the right to development introduced by Malaysia on behalf of the Non-Aligned Movement. This endorses the agreed conclusions and recommendations adopted by the open-ended Working Group on the Right to Development (the Working Group) at its sixth session (14 to 18 February 2005), and calls for their immediate, full and effective implementation by the Office of the High Commissioner (OHCHR) and other relevant actors. It stresses the importance of the core principles contained in the conclusions of the Working Group at its third session (equity, transparency, accountability, non-discrimination).

The EU voted in favour of the resolution. In its explanation of vote the EU emphasised the obligation on the State to work for the fulfilment of the right to development. In the EU's view, it is the primary responsibility of States to create the national conditions conducive to the fulfilment of this right. This 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 EU participated actively in the 7<sup>th</sup> session of the Working Group, which met from 9 to 13th January 2006. The Working Group is mandated by the CHR 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. The Working Group considered the report of the High Level Task Force (HLTF) on the Implementation of the Right to Development, relating especially to MDG-8 on global partnerships and the report of the OHCHR prepared for the 62nd and final session of the CHR. The EU underlined the respect for human rights as a prerequisite for effective and sustainable development policies and partnerships.

The mandate of the Working Group was extended for a further year on 30 June 2006 by the newly established Human Rights Council. The HLTF will meet for a further 5 days before the end of 2006 with a view to implementing the recommendations of the report of the 7<sup>th</sup> session of the Working Group.

#### **4.13. Intercultural dialogue**

The EU has a strong commitment to promote intercultural dialogue both within the Union and with third countries. The diversity of the Union has increased with the accession of new Member States and by 2007 the total population will approach 500 million, representing an immense richness of cultural, social and linguistic diversity. Moreover, this coincides with major demographic change resulting in an ageing and shrinking working population and sustained immigration flows leading to an even greater cultural diversity.

In such a context, the shared values such as freedom, fairness, tolerance and solidarity that hold our societies together cannot be sustained without more and more priority being given to promoting mutual knowledge and understanding and intercultural dialogue.

There is clear and growing recognition and awareness in Europe of the need for deeper and more structured intercultural dialogue involving not only national authorities but also civil society at large. It is also important to promote a wide-ranging dialogue, involving different religions and beliefs as well as ethnic communities.

For many years the EU and the European Community have developed various complementary instruments to encourage intercultural dialogue both within the EU and with third countries (see box below).



- [Erasmus Mundus programme](#) (2004-2008) is a cooperation and mobility programme in the field of higher education, promoting exchanges between the EU and third countries.
- **Tempus** is a higher education cooperation scheme between EU Member States and partner countries. The programme has been renewed three times (Tempus II, Tempus II bis and Tempus III - 2000-2006). Today more than ever there is a need for cooperation between countries in the field of education and a parallel need to enhance understanding between cultures. As the Tempus III decision (of 29 April 1999) states: "cooperation on higher education strengthens and deepens the whole fabric of relations existing between the peoples of Europe, brings out common cultural values, allows fruitful exchanges of views to take place and facilitates multinational activities in the scientific, cultural, artistic, economic and social spheres."
- The [Youth programme](#) (2000-2006) facilitates youth mobility and exchanges between young persons from 31 European countries.
- [The Euro-Med Youth programme](#) covers the Member States and 12 Mediterranean countries.

- [The Culture 2000 programme \(2000-2004, prolongation until 2006\)](#) contributes actively to intercultural dialogue by supporting cultural cooperation projects involving organisations from several European countries. Some projects take place in third countries. Many aim at a better understanding of European cultures in third countries. The new Culture 2007 programme will have similar objectives and intercultural dialogue will be one of its three priorities.
- [The INTI programme](#) is a European Union funding programme for preparatory actions promoting the integration in EU Member States of people who are not citizens of the EU. Its aim is also to promote dialogue with civil society, develop integration models, seek out and evaluate best practices in the field of integration, and set up networks at European level.
- Intercultural dialogue as a horizontal criterion is mainstreamed in the new calls for proposals for the majority of programmes in the fields of Education and Culture (e.g. **Youth, Leonardo, Culture 2000, Media, e-Learning, Citizenship, audiovisual policy**). The new generation of programmes in these fields (2007-2013) will also have intercultural dialogue among their objectives. This is the case for the **Youth in Action, Culture 2007** and **Active European Citizenship** programmes.

In October 2005 the Commission proposed to make 2008 the European Year of Intercultural Dialogue. With an overall budget of EUR 10 million, the European Year will draw on the wealth and diversity of a series of specific projects to be implemented during 2008 through Community programmes and other actions. Culture, education, youth, sport and citizenship will be the main areas concerned.

With regard to **external relations**, in February 2006 the Council of the EU expressed its deep concern at the events that followed the publication of cartoons of the Prophet Mohammed in European media. It supported the right to freedom of expression and strongly condemned all violent acts and threats, while at the same time acknowledging and regretting that they were considered offensive and distressing by Muslims all over the world.

As regards the Mediterranean partner countries, the Euromed Partnership (Barcelona process) has over the last ten years become the most comprehensive instrument for political dialogue. Political, economic and socio-cultural initiatives developed through the Barcelona instruments have the common objective of creating an area of peace, stability and dialogue with the EU's neighbours. After the publication of the cartoons, the Commission presented a comprehensive package of measures, including the full use of the Anna Lindh Foundation, for dialogue between cultures. These initiatives involve the media, opinion leaders, civil society and youth. Situated in Alexandria, the Foundation promotes dialogue between cultures and contributes to the visibility of the Barcelona Process through intellectual, cultural and civil society exchanges. One key element of the Euro-Mediterranean Foundation for Dialogue between Cultures is the role to be played by the so-called National Networks.

The political decisions, workshops, regional programmes and national initiatives of the Euromed Partnership address the need to bring the people of the region closer; it should also be noted that governmental action has been significantly complemented by important contributions by other actors such as the Euromed Non-Governmental Platform responsible for the Barcelona process, civil fora and the Euro-Mediterranean Parliamentary Assembly. The 10th Anniversary Euro-Mediterranean Summit in Barcelona on 27 and 28 November 2005 recognised the crucial role of education for political, social and economic development. In the Five Year Work Programme there were undertakings inter alia to cooperate in combating discrimination, racism, and xenophobia; increasing tolerance; promoting understanding and respect of all religions and cultures; and enhancing the role of the media for the development of intercultural dialogue.

Under the European Neighbourhood Policy (ENP) Action Plans, the partner countries have committed themselves to cooperate to combat all forms of discrimination, religious intolerance, racism and xenophobia. Other instruments, like the ASEM process in Asia, provide important vehicles for engaging in intercultural dialogue.

Multilateral fora, such as the UN, are an appropriate platform for the promotion of intercultural dialogue. To this end the EU presented, at UNGA 60, a resolution on religious intolerance with an increased focus on dialogue between civilisations. The resolution which was adopted by consensus recognises the importance of promoting dialogue as a constructive means of enhancing understanding and knowledge. The UNESCO Convention on cultural diversity is also considered an important tool

for the improvement of relations in our diverse societies. The Commission is actively promoting the prompt ratification of this Convention. Moreover, the EU promotes increased dialogue with other international organisations (Council of Europe, OSCE etc.) and the use of Community instruments to provide additional opportunities for enhancing intercultural dialogue. The EU is looking into ways of working with partners and other international actors in the Muslim world, including the Organisation of the Islamic Conference (OIC) and the Arab League, to foster tolerance as well as respect for religious and other beliefs and convictions. Particular emphasis is given to the role that free media and NGOs can play in this regard.

The initiative of the Alliance of Civilisations was launched at the UN Summit in September 2005 by the UN Secretary General and co-sponsored by the Prime Ministers of Spain and Turkey. The Alliance seeks to forge collective political will and to mobilise concerted action at the institutional and civil society levels to overcome the prejudice, misperceptions and polarisation that militate against such a consensus, and it hopes to contribute to a coalescing global movement which, reflecting the will of the vast majority of people, rejects extremism in any society. Composed of twenty prominent leaders in the fields of politics, academia, civil society, international finance, and media from all regions of the world, the High-level Group guides the work of the Alliance of Civilisations, assessing the forces that contribute to extremism, and recommending collective action to counter these forces. The High-level Group will present a final report to the UN Secretary-General by the end of 2006. The report will consist of an analysis of current problems and make recommendations for practical action for counteracting extremism and maintaining peaceful coexistence among societies.

#### 4.14. Asylum, migration, refugees and displaced persons

Concerning the rights of **asylum** seekers, the EU is taking steps towards a common EU asylum system and has already agreed foundation measures. The Hague Programme, which is the work plan for Justice and Home Affairs for the next five years, aims at a fully-fledged Common European Asylum System by 2010. As part of the Common European Asylum System, the Council Directive (2005/85/EC) on minimum standards on procedures in Member States for granting and withdrawing refugee status was adopted on 1 December 2005. The Directive ensures that in the EU Member States all procedures at first instance are subject to the same minimum standards, while consistency with international obligations in this field is maintained.

In order to enhance the protection capacity of regions of origin of **refugees**, where most refugees are, and better protect existing refugee populations there, the Commission has proposed the implementation of Regional Protection Programmes to help provide lasting solutions such as repatriation, local integration or resettlement, in partnership with UNHCR, through practically based projects and funding. The Council supported the approach proposed in the Commission Communication of September 2005 (COM(2005) 388 final) on Regional Protection Programmes and recognised that such programmes are a first step in improving access to protection and lasting solutions for those in need of international protection as quickly and as close to their home as possible. In a spirit of coownership and co-responsibility, Regional Protection Programmes assist third countries which host large refugee communities or are faced with large numbers of asylum applicants in building their protection

capacity. The first pilot Regional Protection Programmes are being implemented in the Western New Independent States (Western NIS), notably in Ukraine, Moldova and Belarus. These programmes will focus on strengthening already existing protection capacity by giving practical support to the examination of asylum applications, and the reinforcement of subsidiary protection, integration and documentation. The location of the second pilot Programme is being considered. Potential areas of focus include the Great Lakes Region and the Horn of Africa.

The EU recognises the need to protect the human rights of **migrants**, particularly women, and to ensure coordinated action against illegal migration, trafficking in human beings and people smuggling. The European Council Conclusions on Migration and External Relations of November 2005 further reiterated the value of joining up work in the field of migration and external relations across interior affairs, foreign affairs and development. The Commission has incorporated migration and asylum questions in its political dialogues with third countries and mainstreamed these issues in its cooperation strategies. It has made a proposal for a better and more coordinated use of existing instruments and policies by issuing a Communication in November 2005 on "Priority actions for responding to the challenges of migration: first follow-up to Hampton Court". The Communication focused mainly on certain aspects of the management of migration in relation to the Mediterranean area and Africa. This was built on in the "Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean", which was adopted by Heads of State and Government of the EU in December 2005, with a view to concrete actions being implemented in the course of 2006.

The Communication on "A common agenda for integration: framework for integrating third-country nationals in the European Union" was a first response from the Commission to the request in the Hague Programme to establish a coherent European framework for integration. Following the adoption of Common Basic Principles on integration (CSB) by the Justice and Home Affairs Council of November 2004, the cornerstones of the Communication are proposals for concrete measures to put the CSBs into practice, together with a series of supportive EU mechanisms. The Communication stresses the importance of further clarifying the rights and responsibilities of migrants within the European Union, developing specific cooperation activities and exchange of information on integration, mainstreaming and evaluation.

The European Commission supported the preparation and adoption of the **ILO** Action Plan on Migrant Workers by the International Labour Conference in June 2004 as well as the development and adoption of the Multilateral Framework for a Rights-Based approach to Migration which was submitted to the ILO Governing Body in March 2006.

Over the last years, the EU has been moving towards a holistic approach to migration taking into full consideration the **relationship of migration to development**. The European Consensus declaration on development policy states that the intention of the EU is to make migration a positive factor for development, through the promotion of concrete measures aimed at reinforcing their contribution to poverty reduction, including facilitating remittances and limiting the "brain drain" of highly skilled people.



The Commission Communication on "Migration and Development: some concrete orientations" (September 2005) proposed a toolbox for improving the linkages between migration and the development of countries of origin by addressing at the same time remittances, the role of diasporas, brain circulation, circular migration and ways of limiting brain drain. The Communication looked at the issue of how migration-related phenomena can impact the development of countries of origin.

The Global Commission on International Migration presented its final report to the UN Secretary General on 5 October 2005. The EU has worked on a substantial follow-up to this report and prepared for the UN High Level Dialogue on Migration and Development that will be launched in September 2006. This dialogue is of central importance in promoting a global approach to migration and development issues.

The European Union is determined to combat **illegal immigration** in a comprehensive manner, as this phenomenon brings into question the right of Member States to decide who enters and remains on their territories, and may also endanger the lives of migrants and expose them to exploitation. At the same time, it is committed to ensuring that fundamental rights of illegal immigrants are respected. A particular emphasis is given to provisions dealing with procedural safeguards, family unity, and safeguards with respect to detention and coercive measures. In July 2005 the Commission adopted the first annual monitoring and evaluation report identifying the level of cooperation of third countries in the fight against illegal migration. The report was submitted to the Council of the European Union with a view to evaluating and improving cooperation on illegal immigration in partnership with the relevant third countries.

The Commission's proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals provides for clear and transparent common rules concerning return, removal, use of coercive measures, temporary custody and re-entry, which take fully into account the human rights and fundamental freedoms of the persons concerned. The proposal aims to establish a horizontal set of rules, applicable to any illegally staying third-country national, and provides for a two-step procedure, leading to the ending of an illegal stay. A return decision must be issued to any third-country national staying illegally. Priority must be given to voluntary return. Only if the third-country national concerned does not return voluntarily shall Member States enforce the obligation to return by means of a removal order. The proposal for a Directive gives a European dimension to the effects of national return measures by establishing a re-entry ban valid throughout the European Union.

Illegal migration is very often linked to human rights abuses and human trafficking. In October 2005 the Commission presented (COM(2005) 514 final) its Communication "Fighting trafficking in human beings – an integrated approach and proposals for an action plan". The Communication is a basis for further discussion and shows a way to consolidate and improve the EU's anti-trafficking policy. It will help in addressing human trafficking by action not only in the area of justice and home affairs but also by taking appropriate initiatives in other policy fields, notably in the EU's external relations and development policy.

In January 2006 the Commission adopted a Communication presenting the objectives and priorities of the **new thematic programme on migration and asylum**, which will continue the AENEAS Programme activities under the new Financial Perspectives 2007-2013. This thematic programme will be included in the new legislative framework for the Community's external actions, i.e. the European Neighbourhood and Partnership Instrument (ENPI) and the Development Cooperation and Economic Cooperation Instrument (DCECI). The Commission suggests that the new programme focus on the following strands:

- Fostering the links between migration and development
- Promoting well-managed labour migration
- Fighting illegal immigration and facilitating the readmission of illegal immigrants
- Protecting migrants against exploitation and exclusion
- Promoting asylum and international protection, including through Regional Protection Programmes.

The Commission has entered into discussion with the European Parliament and the Council on the scope, objectives and priorities for this thematic programme. The result of this process will provide the political orientations for the subsequent stages of programming through a thematic strategy paper.

#### **4.15. 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 EU unanimously adopted the Racial Equality Directive in June 2000 (2000/43/EC) and the Employment Framework Directive in November 2000 (2000/78/EC).

Member States have made further progress during the last year 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.

Nevertheless, the Commission was obliged to launch infringement procedures against some Member States for late or incomplete transposition of these Directives. In 2005 the European Court of Justice found that Luxembourg and Germany had failed to transpose the Racial Equality Directive and that Austria and Finland had not done so fully. The Commission is now studying whether national legislation in the Member States correctly reflects the Directives. It is also 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 will undertake an in-depth study into the relevance and feasibility of possible new measures to complement the current legal framework. To this aim, it has launched a Mapping Study examining national provisions which go beyond the requirements of the EC Directives in Member States and in some third countries. The results are expected at the end of 2006.

The "2007 European Year of Equal Opportunities for All" is the centerpiece of the European Commission's framework strategy for non-discrimination and equal opportunities. Activities during the thematic year will be carried out both at the European and the national level. Much of the activity will be devoted to national coordination bodies and national action plans. Other new initiatives include the creation of a high-level advisory group to look at integration in social and labour markets by minorities, including the Roma<sup>45</sup>.

A proposal for a Council Framework Decision on combating racism and xenophobia was submitted by the Commission in November 2001. The purpose of the Framework Decision is twofold: to ensure that racism and xenophobia are punishable in all Member States by effective, proportionate and dissuasive criminal penalties, and to improve and encourage judicial cooperation by removing potential obstacles.

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<sup>45</sup> Commission Decision (2006/33/EC) of 20 January 2006  
For the purposes of this report, the term "Roma" includes persons describing themselves as Roma, Gypsies, Travellers, Manouches, Sinti, as well as other terms.

The proposal 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 or belief, 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 (including religiously motivated racism) without listing specific groups of people which could be victims of racist conduct. Nevertheless, after several years of discussion, Member States are 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. Discussions are currently at a stalemate in the Council.

The European Monitoring Centre on Racism and Xenophobia (EUMC), based in Vienna, provides 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 EUMC 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. The findings are published in its Annual Report, most recently brought out in November 2005, and other publications, such as comparative reports on key thematic areas.

Within the period under review, the EUMC published three comparative reports: (1) Policing Racist Crime and Violence; (2) Migrants, Minorities and Housing; and (3) Roma and Travellers in Public Education. Through RAXEN, the EUMC is also able to collect data and information in response to immediate concerns. After the 7 July 2005 London bomb attacks, the EUMC conducted a specific data collection exercise in order to gather evidence on the impact of the events on the EU's Muslim communities. The EUMC also provided an update of information concerning manifestations of anti-Semitism and anti-Semitic attitudes in the EU between 2001 and 2005.

In addition, the EUMC continued its specific work on Roma. Together with the OSCE and the Council of Europe, it coorganised the "International Conference on the implementation and harmonisation of national policies on Roma, Sinti and Travellers". It continued to support a unique network of female Roma activists, the International Roma Women Network. The EUMC also cooperated with a number of European cities and followed-up its earlier work to collate good practices for integrating Muslim communities at the local level. The results were highlighted in a conference with the Committee of the Regions on the "Contribution of local and regional authorities to the protection of minorities and anti-discrimination policies".

The EUMC cooperates with the European Commission against Racism and Intolerance (ECRI), which is the Council of Europe's principal body combating racism and intolerance in wider Europe. Through its country reports, ECRI monitors and analyses progress made towards combating violence, discrimination and racial prejudice in each of the 46 member states of the Council of Europe and puts proposals to governments for addressing the problems it identifies.

In June 2005 the European Commission published a proposal for the establishment of the EU Agency for Fundamental Rights, expanding the EUMC's mandate. The proposed start date of the agency is 1 January 2007.

In May 2006 the EUMC participated in the organisation of the Euro-Mediterranean Seminar entitled "Racism, Xenophobia and the Media: Towards Respect and Understanding of all Religions and Cultures". The event offered policy-makers and media practitioners an opportunity to widen and deepen the debate on the issues of xenophobia and racism in the media, and to explore ways of contributing towards respect and understanding of all religions and cultures.

In the **external relations context**, the EU is actively engaged in efforts within the United Nations to tackle racism and discrimination. During UNGA 60, the EU supported the follow-up to the Durban resolution<sup>46</sup>, which in general was passed rather smoothly compared to previous years, with considerable help from Costa Rica in its chairing of negotiations, and moderate positions on the part of South Africa. In its explanation of vote, the EU stressed the importance of the International Convention on the Elimination of all forms of Racial Discrimination and urged all States to ratify it and implement its provisions as a matter of priority, and to adopt effective measures at a national level to combat the symptoms and causes of racism and discrimination.

The EU has incorporated 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 Neighborhood Policy Action Plans, the partner countries commit themselves to cooperate to combat all forms of discrimination, religious intolerance, racism and xenophobia.

The fight against racism, xenophobia, and discrimination against minorities and indigenous people is a priority for funding under the 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 for EUR 5 million was launched in January 2005. A total of 13 projects were selected for funding for an overall amount of EUR 4,55 million, providing concrete follow-up to the Durban Declaration and Programme of Action of 2001 (see chapter 3.7.).

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<sup>46</sup> Global efforts for the total elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (59/177).



An independent external evaluation on the EIDHR programme on racism, xenophobia and discrimination was finalised in October 2005. The evaluation comprised a desk study and field visits to 17 projects funded by the EIDHR. The results of this evaluation are positive. The consultants observe, for example, that many of the projects could show substantial results, undoubtedly improving the lives of those who are victims of racism and discrimination. The projects are reaching some of the most vulnerable members of discriminated communities in some of the most challenging environments in the world. The evaluators considered that this work could be undertaken best by NGOs that can win the trust of those minorities. The projects that appeared to have the most impact and the best prospects of sustainability were those which consciously used human rights standards and adopted a rights-based approach and a coherent design based on a sound in-depth analysis of the country situation, and which were able to respond to changing circumstances. The weaknesses observed were mostly linked to some of the procedures, delays and lack of flexibility which limit the effectiveness of the projects.

To improve coordination, the Commission set up an Inter-Service Group for Racism and Xenophobia early in 2006. The group meets four times a year and serves as platform for exchange of information within the Commission services and, when deemed necessary, with other institutions.

## **European Initiative for Democracy and Human Rights – Combating Racism and Conflict Transformation in Israel**

The project, implemented by Mossawa Center, aims to combat racism and transform inter-communal relations between target groups which include the Jewish majority, the Arab minority and ethnic groups including the Russians, the Ethiopians, Mizrahim. It also aims to reform Jewish communities in Israel, by cultivating inter-communal understanding, respect for the rights of all minorities, and the eventual prevention of inter-group conflict and violence. The project's activities are based on a three-pronged approach: (1) combating racism, (2) educating to prevent discrimination and conflict; and (3) fostering new values in support of a democratic, multi-cultural and intercultural society with full rights accorded to all minority groups. Key activities include monitoring hate crimes, legal advocacy, governmental advocacy, media campaigns, community outreach, training and monitoring of the implementation of international agreements, including with the EU. The Commission funding to the project through EIDHR amounts to EUR 298 660. The project started in December 2005.

### **4.16. Persons with disabilities**

The EU's commitment to persons with disabilities is expressed 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 occupation integration and participation in the life of the community."

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. 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<sup>47</sup> which has three main focuses: access to individual rights; elimination of barriers which prevent people with disabilities from exercising their abilities; and mainstreaming of disability issues in the broad range of Community policies which impact, directly or indirectly, the situation of people with disabilities.

Cooperation between the Commission and Member States is facilitated by the EU Disability High Level Group which brings together Member State 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. This forum for exchange pools information, experience and advice and contributes to better reporting by the European Commission on the EU-wide situation of people with disabilities. This in turn allows progress to continue in establishing an environment capable of supporting the active inclusion of people with disabilities into society and the economy. Cooperation is further facilitated by awareness-raising initiatives such as the European Commission cycle of policy conferences which take place every year on the European Day of Disabled People in December, and Presidency conferences which are held on a regular basis.

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<sup>47</sup> [http://europa.eu.int/comm/employment\\_social/news/2003/oct/com650\\_final\\_en.html](http://europa.eu.int/comm/employment_social/news/2003/oct/com650_final_en.html)

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 active inclusion of people with disabilities.

As part of the Communication on the follow-up to the European Year of People with Disabilities in 2003<sup>48</sup>, the Commission presents a Disability Report every two years to consider progress in the implementation of the European Disability Strategy and address the subsequent phase of the Action Plan (2006-2007). The first report was published in November 2005 in the framework of a further Communication "Situation of disabled people in the enlarged European Union: the European Action Plan"<sup>49</sup>. The report presents the overall situation of people with disabilities within the enlarged EU. It takes into account new developments in Member States and highlights the positive results brought about by European Council Directive 2000/78/EC, which established the general legal framework for the equal treatment of, inter alia, people with disabilities in employment and occupation in all European Member States.

The European Commission initiative to designate 2007 as the European Year of Equal Opportunities is the centrepiece of a framework strategy designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities are promoted. The strategy is set out in a Communication adopted by the European Commission in June 2005 and aims to ensure that anti-discrimination legislation, including Directive 2000/78/EC, is fully implemented and enforced.

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<sup>48</sup> COM(2003) 650 of 30 October 2003.

<sup>49</sup> COM(2005) 604 of 28 November 2005

[http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005\\_0604en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0604en01.pdf)

*"The United Nations Population Information Network estimates that there are almost 50 million disabled people in Africa. [...] Only 2% have access to any form of rehabilitation; 90% of children with mental disability die before age 5; and 70% of disabled adults are unemployed and live in poverty. [...] Though there is little information about the prevalence and incidence of disabling diseases in Africa, it is [believed] that much of the disability stems from poor nutritional status, communicable diseases and low inoculation and immunisation rates."<sup>50</sup> People with mental disabilities often remain voiceless and are therefore even more vulnerable to the numerous, wide-reaching and interwoven consequences of discrimination, stigmatisation and poverty encountered by disabled people all over the world.*

*In Africa disability carries a certain stigma and often means that "when a person becomes disabled or a disabled child is born, the individual and family often enter into a new world about which they know next to nothing and where stereotyped notions abound. They are often influenced by cultural or religious traditions which see disability as a curse or the manifestation of sin and disgrace in the family. [...] Media portrayals of persons with disabilities have also helped to enforce these stereotypes [...] projecting images of dependency, unfitness [and] incapacity. A direct correlation exists between disability and poverty; [...] disability adds to the risk of poverty, and conditions of poverty increase the risk of disability."<sup>51</sup>*

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<sup>50</sup> From disability NGO Pearls of Africa "Disabilities in Africa" information sheet  
<http://www.pearlsof africa.org/htmlDIA.html>.

<sup>51</sup> From disability NGO Pearls of Africa "Disabilities in Africa" information sheet  
<http://www.pearlsof africa.org/htmlDIA.html>.

The United Nations estimates that more than half a billion people in the world are disabled and that their lives are often limited by physical, technical and social barriers, which both contribute to and derive from discrimination against them. The EU is fully engaged in the negotiations in the General Assembly on the draft United Nations International Convention on the Rights of Persons with Disabilities. In 2001 the General Assembly established an Ad Hoc Committee to consider proposals to draft an international convention to address these issues; the EU fully contributes to the initiative. The sixth and seventh sessions of the Ad Hoc Committee took place in New York in August 2005 and in January 2006.<sup>52</sup>

In sum, the aim of the EU is to agree a convention that ensures the full and equal enjoyment of all human rights and fundamental freedoms for all persons with disabilities. In pursuing this, the EU has also underlined that existing human rights instruments apply in their entirety to persons with disabilities. This convention should therefore serve to complement existing human rights laws by providing a tailored basis on which to address the situations faced by persons with disabilities and enabling them to obtain full enjoyment of all their rights. It should contain concrete commitments and attract the greatest possible number of ratifications. Negotiations on the convention are due to enter their final phases in August 2006.

Active participation in efforts at the international level to develop effective mechanisms to combat discrimination against persons with disabilities demonstrates the importance the EU attaches to promoting and protecting the rights of disabled people. Successful ratification and entry into force of the international convention will further enable the EU to turn its attention outward in promoting and protecting the rights of disabled people in the broader global context, to complement its work within the Union.

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<sup>52</sup> A text on the Convention on the Rights of Persons with Disabilities was agreed in the eighth session of the Ad Hoc Committee in August 2006.

## **EIDHR and Disability Rights in Uganda**

Disabled people in Uganda, like in most developing countries in the world, face extreme conditions of poverty; they have limited opportunities for accessing education, health, suitable housing and employment opportunities, and are often immobilised by inadequate transportation systems and architectural barriers. In most cases persons with disabilities are not aware of their rights and potentials.

Action on Disability and Development (ADD), an international disability NGO funded by the EIDHR, has been working with Disabled People's Organisations (DPOs) to enable them to become effective, self-sufficient, democratic and representative organisations, and to ensure that Government and donor programmes are adopting disability inclusive policies and are responsive to the demands of disabled people and the Disability Rights Movement in Uganda.

It aims to do this by:

- Building strong associations of disabled people
- Raising awareness of disability issues in the country amongst government and NGOs
- Supporting organisations involved in making mobility appliances
- Providing skills and training for disabled people
- Providing information and education in health, mobility and state services

#### **4.17. Persons belonging to minorities**

The EU is committed to respecting fully 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 on Human Rights (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.

Minority groups in the EU include Roma<sup>53</sup>, who are considered to be one of the largest minority communities. Numerous assessments of their situation in Member States show that the Roma community continues to suffer marked discrimination and social exclusion, encountering difficulties in gaining equal access to education, employment, social security, healthcare, housing, public services and justice. Roma women are often subject to multiple discrimination, a fact which was recognised by the European Parliament through a resolution on the situation of Roma women in the European Union adopted on 1 June 2006. The resolution called upon public authorities to carry out an inquiry as soon as possible into the allegations of severe human rights violations against Roma women and to rapidly bring penalties against those responsible with adequate compensation for the victims.

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<sup>53</sup> For the purposes of this report, the term "Roma" includes persons describing themselves as Roma, Gypsies, Travellers, Manouches, Sinti, as well as other terms.



The Committee of the Regions' opinion (May 2006) on the European Parliament's resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe<sup>54</sup> underlined the importance of improved inter-institutional cooperation among EU institutions, the Council of Europe, the United Nations and the OSCE for the effective protection of minorities. It also stressed the role of non-governmental organisations and national, transnational and European associations of regional and local authorities in this process.

In its 2005 report<sup>55</sup> on the progress made in preventing violations of fundamental rights within the EU, the EU Network of Independent Experts on Fundamental Rights<sup>56</sup> raised particular concerns about the integration of minority children in education, and in particular the pervasive segregation of Roma children in schools. The report's findings are confirmed by those of the EUMC<sup>57</sup> and the Commissioner for Human Rights of the Council of Europe<sup>58</sup>. Overall, the network's report found that whilst important efforts are being made in the Union (e.g. in Austria effective implementation of relevant national laws means that minority language education structures in Burgenland are open to monolingual German speakers), provisions in some Member States are in need of considerable development.

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<sup>54</sup> OJ C 124E, 25.5.2006; Bull. 6-2005, point 1.2.3.

<sup>55</sup> [http://ec.europa.eu/justice\\_home/cfr\\_cdf/doc/report\\_eu\\_2005\\_en.pdf](http://ec.europa.eu/justice_home/cfr_cdf/doc/report_eu_2005_en.pdf).

<sup>56</sup> The network of independent experts was set up by the European Commission at the request of the European Parliament and has operated since then on a contractual basis between the Commission and UCL Louvain La Neuve. The agreement will expire in September 2006. The Commission will carry out an assessment of the work of the network in the course of the year.

<sup>57</sup> <http://www.eumc.europa.eu/eumc/index.php>.

<sup>58</sup> [http://www.coe.int/t/commissioner/default\\_EN.asp](http://www.coe.int/t/commissioner/default_EN.asp).

*"Entrenched discrimination against ethnic, cultural and linguistic minorities means that, in many parts of the world, they remain the poorest of the poor and yet are denied access to justice or to development opportunities to enable them to challenge their discrimination and break out of long-term cycles of poverty.[...] Education is [...] central to the life chances of minority communities [and] it is almost impossible to determine whether it is poverty that leads to lack of education or lack of education that leads to poverty. In practice, minority communities are often caught in a vicious circle where they are denied access to the skills they need to pull themselves out of poverty. Conversely, the benefits of quality education are revealed not just in improved literacy rates, they also have the effect of improving opportunities and increasing access to economic and social justice"<sup>59</sup>. Segregated schooling of Roma can be seen as the result of the interplay of a number of factors including deep-seated anti-Roma racism, indifference of educational systems to cultural diversity and a lack of effective equal opportunity policy or protection against discrimination as well as pressure for segregation from non-Roma.*

There were two notable developments at the European level during the reporting period. Firstly, the establishment of an expert group to promote social integration of ethnic minorities in the EU<sup>60</sup>, which had its first meeting in February 2006. The group is due to report back before the end of 2007 with policy recommendations on how the EU can approach the problems of social and labour market exclusion for

<sup>59</sup> NGO Minority Rights Group International (MRG) annual review:  
<http://www.minorityrights.org/admin/Download/pdf/AnnualReport.pdf>.

<sup>60</sup> A high-level group of experts established by the European Commission under its strategy for tackling discrimination to analyse the social inclusion of ethnic minorities in the EU. It comprises 10 eminent personalities from business, local politics, civil society, the academic world and the media, headed by former President of the German Parliament, Rita Süssmuth. The group will focus on issues such as good practices in the integration of disadvantaged ethnic groups in the labour markets and on the promotion of pragmatic, workable concepts in this area. In its work, the group will draw on a new study launched by the Commission as well as on the experiences from existing EU programs, and will report back before the end of 2007 with policy recommendations on how the EU can approach the problems of social and labour market exclusion for disadvantaged minorities.

disadvantaged minorities<sup>61</sup>. Secondly, the aforementioned designation of 2007 by the European Commission as the European Year of Equal Opportunities<sup>62</sup>. The framework strategy which accompanies the European Year also looks at what more the EU can do to tackle discrimination and promote equality beyond the legal protection of the right to equal treatment. Both of these developments introduce greater scope for the EU to develop further its understanding of minority issues and to ensure they are addressed in its policies.

The EU's aim of expanding a zone of prosperity, stability and security is manifested in its process of enlargement. The membership criteria for countries wishing to join, laid down at the Copenhagen European Council in 1993, state that:

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

In 2005 and the first half of 2006, 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 Western Balkan countries<sup>63</sup>. Key progress to be noted was the accession of Montenegro to the Council of Europe Framework Convention on the Protection of National Minorities<sup>64</sup>.

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<sup>61</sup> The mandate of the expert group to promote inclusion of ethnic minorities in the EU also includes answers to address the situation faced by Roma.

<sup>62</sup> <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/647&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>63</sup> Albania, Bosnia and Herzegovina, FYROM, Serbia and Montenegro.

<sup>64</sup> The text of the Convention can be found at:  
<http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>.

In this context the record of acceding and candidate countries (Bulgaria, Romania, Turkey, Croatia, FYROM) continued to be assessed in reports presented by the European Commission to the EP and to the Council, with Roma communities identified as some of the most vulnerable. Aimed at measuring progress made by candidates towards accession, these reports 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.

## **EIDHR: Protection of rights of persons belonging to minorities and prohibition of discrimination in Turkey**

Minority Rights Groups International (MRG)<sup>65</sup> is currently implementing a 3-year project aimed at the protection of all religious, ethnic and linguistic minorities in Turkey. Working with three local partners, the project comprises 4 main components:

- an overall country report due for publication in spring 2007 in Turkish, English and minority languages as a basis for future advocacy work;
- research on discrimination against minorities in education and preparation of guidelines for protection of their rights in this regard;
- research on discrimination issues and looking at domestic remedies, including drafting an anti-discrimination law, as well as taking 5 strategic litigation cases to the domestic courts;
- research into the issues surrounding the right to return and property of internally displaced persons (IDPs).

The project organised a round-table meeting in June 2006 in Sarajevo to examine the displaced persons experience in Bosnia & Herzegovina. The objective was to draw lessons learnt and identify good and bad practice. As a follow up to this, the project is in the process of preparing an action plan including information about the IDP problem in Turkey, relevant international standards, and concluding with specific recommendations to the government of Turkey and other decision-makers.

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<sup>65</sup> <http://www.minorityrights.org/>.

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**. The rights of persons belonging to minorities continued to be raised with several third countries within the framework of the human rights dialogues that the EU conducts with them. A number of projects tailored to the promotion of the rights of persons belonging to minorities were funded by the EIDHR in Albania, Bosnia & Herzegovina, Georgia, India, Israel, Kazakhstan and Turkey.

At the UN level, the independent expert on minority issues<sup>66</sup>, in line with her mandate, issued her first annual report on 6 January 2006<sup>67</sup> detailing her activities, methods of work and areas of concern and priorities for her two-year tenure. In the report she highlights the effects that the rights of persons belonging to minorities have in the context of poverty reduction and the promotion of political and social stability, and the need for greater understanding and acknowledgement of them in that context. In her conclusion she reiterated the principle provided in the commentary to the Declaration on the Rights of Minorities<sup>68</sup>, that States have positive obligations not only [to] tolerance:

"but a positive attitude toward cultural pluralism on the part of the State and the larger society. Not only acceptance but also respect for the distinctive characteristics and contribution of minorities to the life of a national society as a whole are required."

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<sup>66</sup> Gay McDougall was appointed as the independent expert on minority issues in 2005 by the UN Commission on Human Rights under Resolution 2005/79.

<sup>67</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/G06/101/26/PDF/G0610126.pdf?OpenElement>.

<sup>68</sup> [http://www.unhchr.ch/html/menu3/b/d\\_minori.htm](http://www.unhchr.ch/html/menu3/b/d_minori.htm).

The independent expert is the only UN special procedure providing a holistic overview of the positive value of minority inclusion. In this regard, her work 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 and supports the UN Working Group on Minorities and is actively involved in the work of international organisations dealing with minority issues, such as the OSCE and its Office of the High Commissioner for National Minorities.

Overall, protecting the rights of persons belonging to national, ethnic, religious, cultural and linguistic minorities both within the EU and outside continues to pose a real challenge. The EU is aware, not least owing to experience in its Member States, that there may be no easy answers or simple solutions. Core concerns of national minorities can be identified as participation, language and education. It is necessary to strive for the effective equalisation of opportunities for persons belonging to minorities - through positive actions - to enjoy their rights and to participate fully in all aspects of life.

#### **4.18. Indigenous Peoples**

The guiding principles for EU engagement towards indigenous peoples are contained in the Council resolution of 30 November 1998<sup>69</sup> which sets the issue in the framework of development co-operation.

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<sup>69</sup> See [http://europa.eu.int/comm/external\\_relations/human\\_rights/ip/](http://europa.eu.int/comm/external_relations/human_rights/ip/).

The EU bases its own action on participation and consultation, while acknowledging the importance that indigenous peoples attach to their self-development and their own social, economic and cultural identity. The Council Conclusions of 18 November 2002<sup>70</sup> suggested a number of measures to speed up the implementation of the 1998 principles<sup>71</sup>. Such measures included mainstreaming indigenous peoples' issues into EU policy, practices and working methods, identifying focal points in the Commission and in Member States, training Commission officials at headquarters and in delegations, and developing a long-term dialogue with indigenous peoples.

The EIDHR funds programmes to promote the rights of indigenous peoples. In 2005, the first global call for proposals was launched to select projects to support indigenous peoples' engagement with mechanisms of the UN and other international bodies. In all, 14 projects were selected as part of this global call and other smaller projects received funding under local calls for proposals launched by EC delegations. For 2006 the selection of projects for funding under the EIDHR is ongoing (see chapter 3.7).

In the context of preparatory work on Country and Regional Strategy Papers for 2007-2013, particular attention has been paid to the mainstreaming of indigenous peoples' concerns, including through the formulation of simple guidelines for country officers and delegations. The Commission has continued specific training for officials and pursued close cooperation with international organisations, notably the OHCHR, ILO and UNICEF. Commission actions in this field are coordinated by an inter-service group consisting of colleagues dealing with the issue in different services. The group serves increasingly as a forum for indigenous peoples' representatives and NGOs to present their concerns and exchange ideas when visiting Brussels.

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<sup>70</sup> See [http://europa.eu.int/comm/external\\_relations/human\\_rights/ip/](http://europa.eu.int/comm/external_relations/human_rights/ip/).

<sup>71</sup> The principles guiding EU engagement towards indigenous peoples are contained in the Council resolution of 30 November 1998, which sets the issue in the framework of development cooperation.



In addition to the contribution of EU member states to UN indigenous peoples' programmes, the EIDHR has been actively supporting activities related to international and regional processes relevant to indigenous peoples:

- a project with the OHCHR to support the implementation of the recommendations of the Special Rapporteur on the human rights and fundamental freedoms of the world's indigenous peoples in Mexico and Guatemala;
- a project with the ILO to i) document and exchange best practices for implementing indigenous rights, ii) support the efforts of the African Commission on Human and Peoples Rights in documenting existing legal provisions on indigenous issues, and iii) support dialogue and conflict resolution in Nepal (see box), India and Bangladesh;
- a project with the NGO DOCIP to support the participation of indigenous representatives in relevant UN fora.

The EU continued its involvement in international fora dealing with indigenous issues. The EU supported the adoption by the Human Rights Council in its first session of the *"Declaration on the rights of indigenous peoples"* and is committed to its final adoption by the General Assembly before the end of 2006.

### **EIDHR Supporting the peace process in Nepal**

Through a targeted project grant to the ILO, the EIDHR is contributing to the Peace Process in Nepal by building capacity for dialogue.

The serious and sustained armed conflict in Nepal has been caused in part by the marginalised position of large sections of the population, including approximately 38 % of the population that belong to indigenous groups. This project will build on the existing consensus among all stakeholders on the need to address issues of social exclusion, including that suffered by indigenous nationalities, to ensure a sustainable and lasting peace. In this regard, the provisions of ILO Convention 169 on Indigenous and Tribal Peoples provide a comprehensive development framework for addressing the needs of these peoples. Furthermore, any peace agreement should also include separate negotiations on identity and rights issues raised by indigenous peoples, including education, language, gender, culture, traditional knowledge and land rights, all of which are covered by Convention 169.

The EIDHR support will allow the ILO to play a key role in Nepal. The project focuses on enhancing the capacity for dialogue and promotion of the ratification and implementation of Convention 169 and other relevant ILO conventions. It will also promote the main elements of the "Decent Work Agenda" for indigenous and tribal peoples in Nepal. The development of the Decent Work Agenda also provides an opportunity for civil society, in particular the ILO constituents (workers and employers organisations) to work in partnership with indigenous peoples. This will help to raise awareness of indigenous issues among those who are crafting the peace process, as well as the wider population, and draw attention to the problems faced by indigenous peoples in the world of work, which include discrimination, resulting in unemployment, underemployment, child and bonded labour, as well as fuelling discontent and conflict.

#### 4.19. Analysis of the effectiveness of EU actions on thematic issues

EU action is particularly effective on thematic issues on which the EU is perceived as having a strong record of promoting and protecting particular human rights. A good example is the fact that all EU Member States have abolished the death penalty for all crimes, enabling the EU to speak from a position of authority. Where the EU is tackling human rights within its own borders - for example racism and other forms of intolerance - it can both raise the issues effectively internationally and share ideas on best practices. Conversely, where the EU's own record has been subject to international criticism, it may prove harder for the EU to get the message across to third countries.

There is thus a clear **link between the EU's actions at internal and external level**. For instance, during the year issues related to combating terrorism have been raised and the issue of CIA flights in Europe has been debated. The need for intercultural dialogue, based on universal standards and involving civil society, was underlined by the events sparked by the cartoons published in a Danish newspaper.

Human rights challenges in the EU have increasingly been taken up by third countries in dialogue meetings and other contacts. The EU must of course be prepared to discuss **human rights issues in its own area**, as well as raising human rights issues in other countries. The existing linkage between internal and external human rights actions has underlined the need to continue to discuss how the EU is ensuring implementation of these core values in its own area, and thus ensuring coherence of its human rights policies in this sense as well.

During the year covered by the Report, the EU undertook **evaluations of its policies**, for instance with regard to human rights defenders. In this context the assistance provided by the HRD Guidelines in coordinating a common and more joined-up EU approach in many countries was welcomed. Awareness-raising on the Guidelines is still needed. Such proactive steps as the freedom of expression campaigns from July to December 2005, the EU NGO Forum focusing on freedom of expression and human rights defenders in December 2005 and the ongoing campaign dedicated to women human rights defenders have no doubt advanced the implementation and raised awareness amongst EU missions, policy makers in capitals and Brussels, and human rights defenders themselves on the HRD guidelines.

As another example, in its Conclusions of 12 December 2005 the Council welcomed the progress made towards implementing the CAAC Guidelines. At the same time, it noted that further mainstreaming of this aspect throughout the EU system, including crisis management, was necessary, as was the strengthening of the cooperation with UN bodies concerning the implementation of UNSCR 1612. The implementation of the guidelines further requires thorough reporting on action taken on the ground, and all actors concerned should devote special attention to this issue.

## **5. EU ACTIONS IN INTERNATIONAL FORA**

### **5.1. 60th session of the UN General Assembly: Third Committee**

The UNGA Third Committee met from 3 October to 23 November 2005. Of the 62 resolutions considered by the Third Committee, 58 were adopted, a total of three resolutions (Human rights and Corruption [introduced by the US], Human Rights

Mainstreaming [NL/BE] and Situation of and Assistance to Palestinian Children [Egypt]) were withdrawn and only one resolution (Situation of Human Rights in Sudan [EU]) fell to a "no-action motion". Eight resolutions dealt with by Third Committee experts were considered directly in the General Assembly Plenary.

As in the past, the EU played a leading role in the work of the Committee. The EU Presidency delivered a total of 27 statements and explanations of vote and of position in the Third Committee, and the EU as a whole, including individual Member State initiatives, tabled 19 resolutions, which represented about one-third of the adopted resolutions. On 6 of these drafts there was a vote.

The EU achieved some notable successes on country resolutions, despite a worsening atmosphere and an increased number of no-action motions. The EU presented six country-specific resolutions, of which five were adopted (**Myanmar, DRC, DPRK, Uzbekistan and Turkmenistan**). The resolution on Turkmenistan was co-tabled with the USA and the one on the DPRK with Japan. The Third Committee met against the background of negotiations to establish the Human Rights Council, with the most contentious issue in those negotiations being that of how to deal with country situations. This spilt over into Third Committee, where the trend begun in 2004 of presenting no-action motions on country resolutions was extended to all but one of the EU's initiatives (DRC). Regrettably, the EU narrowly lost the no-action motion on **Sudan**. But no-action motions were defeated and resolutions subsequently adopted on Burma/Myanmar, the DPRK, Uzbekistan and Turkmenistan. A resolution on **Iran**, presented by Canada and co-sponsored by EU-25, was adopted after a vote.

The resolution on **Burma/Myanmar** expresses grave concern over, among other things, continued denial of freedom for human rights defenders to pursue their activities. It strongly calls on the Myanmar Government to end systematic human rights violations; to bring to justice human rights abusers, and to make it a high priority to become party to all international human rights instruments. It also strongly calls on Myanmar officials to end recruitment and increase demobilisation of child soldiers and maintain close dialogue with UNICEF, to end widespread rape and sexual violence by the armed forces, and end systematic enforced displacement that has led to refugee flows to neighbouring countries. Furthermore, it calls on Myanmar officials to release all political prisoners and fully cooperate with the Special Envoy and the Special Rapporteur to bring the country towards civilian rule. The resolution was adopted without a vote.

The resolution on the situation of human rights in **Uzbekistan** was a new resolution in the UN General Assembly. It expressed grave concern over allegations of serious human rights violations in Uzbekistan, particularly the Government's use of indiscriminate and disproportionate force to quell the May 2005 Andijan demonstrations resulting in many civilian casualties; pressure to prevent Uzbek refugees from travelling to third countries; arbitrary arrest and detention; increasing restrictions on and harassment and censorship of journalists and civil society activities; continued blocking of opposition parties; lack of freedom of thought and religion; and serious constraints and harassment of non-governmental organisations and human rights defenders, including the ICRC. The resolution was adopted by 73 votes 38, with 58 abstentions.

In 2005 the resolution on **Turkmenistan** was co-tabled by the US and the EU, though initially drafted by the US, and amended following some comments from the EU and other co-sponsors. The text was adopted by 70 votes to 38, with 58 abstentions. The resolution had over 40 co-sponsors and was also supported by many Latin American States. The OIC had a group position to support the censure motion, and subsequently to vote against the text, though some delegations abstained (Tunisia, Algeria) or were absent during the vote (TR) as in previous years. The Russian Federation also abstained in the vote on the resolution itself. Many of the African group, which did not have a common position, also abstained on the text. The resolution expressed grave concern at human rights violations, including the repression of political opposition, arbitrary detentions, imprisonment and surveillance as well as at poor prison conditions and credible reports of torture and mistreatment of detainees, at the Government's complete control of the media and continued restrictions on the exercise of freedom of thought, conscience, religion or belief.

On the **DRC**, the DRC itself played a constructive role throughout, including voting for the text. In this resolution, the GA condemns ongoing violations of human rights and international humanitarian law. It urges all parties to the conflict to cease hostilities, and calls upon the Government of National Unity and Transition to hold free and transparent elections and to re-establish stability and the rule of law, comply fully with international human rights obligations, and continue to cooperate with United Nations human rights mechanisms. The resolution was adopted by a recorded vote of 96 to 2 (Uganda and Rwanda) with 66 abstentions.

The traditional CHR resolution on the situation of human rights in the **DPRK** came for the first time to the GA with much press attention. In the resolution, the GA expresses serious concern over a long list of human rights violations in the DPRK and the refusal of its Government to cooperate with the Special Rapporteur of the Commission on Human Rights. The GA notes serious concern over severe sanctions imposed on citizens repatriated from abroad, the abduction of foreigners, restrictions of the freedom of religion, expression and assembly and trafficking of women. The resolution was introduced by the UK on behalf of the EU/Japan and had over 40 co-sponsors. It was adopted by 84 votes to 22 with 62 abstentions

On thematic initiatives, the EU resolution on **Religious Intolerance** was adopted after lengthy negotiations by consensus with new and welcome language on the right to change religion or belief. On **the Rights of the Child**, as in 2004, the GRULAC (Latin American and Caribbean Group) split over the issues of corporal punishment in schools and CARICOM (the Caribbean Community) as a whole refused to join the main sponsors. The resulting text – which contained a strong, focused section on children with HIV/AIDS – was acceptable to the EU and was passed, but was subjected to a large number of votes. The draft was adopted with 173 delegations voting in favour and 1 against (the US), with 1 abstention (Nauru). The resolution had over 100 co-sponsors. In addition to its own initiative on the Rights of the Child, the EU-25 co-sponsored the resolution on the Girl Child introduced by Namibia.

The EU maintained a common position on all but two of the 69 resolutions (Second International Decade of the World's Indigenous People and the UN International Research and Training Institute for the Advancement of Women, known as INSTRAW). There were only two split EU votes – INSTRAW and Right to Development – though this was reduced to only one (INSTRAW) on adoption of the resolutions in Plenary.



The national initiatives of EU Member States – Torture (DK), International Covenants (SE), Minorities and Administration of Justice (AT) – were also successfully adopted. Gains were also made on non-EU texts where determined engagement by the EU on the most problematic elements of some third-country resolutions produced modest results, but perhaps opened the door for further dialogue and improvement in the future.

## **5.2. Establishment of the Human Rights Council, UN Reform**

At the UN summit in September 2005, Heads of States and Government resolved to establish a Human Rights Council 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 General Assembly as soon as possible during its 60th session.

Building on the provisions of the outcome document of the UN summit, consultations on the modalities and details of the HRC started immediately under the guidance of the President of the GA, Jan Eliasson, assisted by two Co-Chairs (Republic of Panama and South Africa). The aim was to finalise negotiations and establish a Human Rights Council by the end of 2005. Despite various efforts by the Co-Chairs, including four open-ended consultations, and major lobbying efforts by the EU and other like-minded states, continuing strong disagreement on the HRC among delegations made an agreement before Christmas impossible.

In January 2006 consultations resumed in New York and continued until March. Finally, on 15 March GA Resolution 60/251 on the establishment of a Human Rights Council was adopted after a vote. The clear result, with 170 votes in favour, 4 no votes and 3 abstentions, gave a clear signal and a strong impulse for the ongoing reform process. There was broad agreement among delegations that the establishment of the Human Rights Council constitutes an essential element in further strengthening the UN human rights machinery and represents an important step in the UN reform process. The US voted against the resolution, but pledged to work cooperatively and constructively with the Council. In its Explanation of Vote at the time of the adoption of the GA's resolution establishing the Human Rights Council, the US explained that its reasons for voting against the resolution were the lack of an effective mechanism to prevent countries with a questionable human rights record from sitting on the Council.

The EU participated very actively throughout the negotiations. From the outset the EU had aimed for a Council that would be equipped with the status, mandate, structures and membership necessary to give human rights the central role foreseen by the Charter of the UN. The EU had supported proposals that would make the new Council a genuine improvement in relation to the existing Commission on Human Rights. In particular, the EU had pushed for a new Council that would be a standing body able to address human rights issues and situations as they occurred, with real flexibility in the way it worked, and a focus on dialogue, cooperation and assistance in addressing human rights shortcomings. Also, the continuing participation of NGOs and Special Procedures in the new Council, building on achievements of the CHR, had been a clear priority for the EU.

Throughout the whole process the EU undertook lobbying and outreach activities in capitals as well as in New York, with the aim of building support for a strong Council. This proved successful in the end as a vast majority supported the final compromise text presented by the President of the General Assembly. The European Union Member States pledged not to support countries subject to sanctions by the Security Council for human rights-related reasons in elections to the Human Rights Council.

Not everything that the EU had aimed for is reflected in the final text of the resolution. The newly established Council represents, however, an improvement over the Commission on Human Rights. The resolution contains several elements which will help to improve the credibility and effectiveness of the UN human rights system: higher institutional status as a subsidiary organ of the General Assembly, which will be reviewed within five years; more regular meetings throughout the year; direct elections of members by an absolute majority of the UN membership; the requirement for members of the Council to uphold the highest standards in the promotion and protection of human rights and to fully cooperate with the Council; and suspension of HRC members in case of gross and systematic human rights violations. The new universal periodic review will submit all States to scrutiny and remind them of their primary responsibility to protect human rights. The participation of NGOs and the Special Procedures system will remain as crucial elements for the efficient and effective functioning of the Council.

As mandated by the GA Resolution the elections of the first 47 members of the Council took place on 9 May. All candidates submitted voluntary pledges and commitments as foreseen in resolution 60/251, which have been published as official UN documents. The EU attached high priority to improving the membership situation in the Human Rights Council. For this purpose the EU agreed on a common approach guiding individual Member States in the elections. For this purpose, EU Member States agreed not to support candidates responsible for gross and systematic human rights violations, in particular candidates under UNSC sanctions for human rights-related reasons and candidates whose government are under EU restrictive measures for human rights-related reasons.

The establishment of the Human Rights Council also brought to **an end the era of the Commission on Human Rights**. The last and purely procedural session of the CHR was held on the 27 March and lasted for half a day only.

At its last session the Commission transferred all its existing mandates, mechanisms, functions and responsibilities to the Human Rights Council according to the operative paragraph 6 of GA resolution 60/251 of 15 March 2006. In addition, all the reports of the CHR were referred to the Human Rights Council for further consideration at its first session in June 2006. The EU did not give a statement at the final session of the CHR, as only the five regional groups were able to take the floor.

The EU declaration delivered in Brussels to mark the final session of the CHR recalled that, despite the criticism the Commission had attracted in recent years, it had contributed significantly to identifying and addressing challenges for the protection and promotion of human rights. The EU also paid tribute to the human rights instruments and mechanisms created by the Commission and welcomed their further strengthening in the Human Rights Council.

The **inaugural session of the Human Rights Council** took place from 19 to 30 June in Geneva. UNGA President Jan Eliasson, as well as the newly elected HRC President Luis Alfonso de Alba, the UNSG Kofi Annan, the HCHR Louise Arbour and the 2004 Nobel Laureate Wangari Maathai, addressed this new institution during its opening ceremony, which was followed by a High-Level Segment with the participation of a total of 85 dignitaries. The atmosphere was generally positive and forward-looking, with dignitaries expressing great expectations and faith in the new Council, while emphasising the need for practical results and follow-up. The EU was represented by the Austrian Minister for Foreign Affairs, Dr. Ursula Plassnik.

In laying the foundations for its future work, the first session of the Council, held in June 2006, achieved some positive – but also some less welcome – results. Under considerable time constraints and with many issues to be resolved, President De Alba, with the assistance of the Vice-Presidents, steered delegations towards consensus on all outstanding procedural decisions.

The EU was a key player during the first session and in all delivered 12 statements and two explanations of votes. The majority of EU priorities for the first session were successfully achieved, including the adoption of the two standard-setting texts (Convention for the Protection from Enforced Disappearance, Declaration on the Rights of Indigenous Peoples), the extension of all mandates of Special Procedures to avoid a protection gap during the period of review of their mandates, and the agreement on a generic agenda and flexible work programme for the first year. During the negotiations on the two working groups concerning the review of mandates and the establishment of the UPR mechanism the EU was able to ensure that the processes will be inclusive and transparent and allow for additional

facilitation. The interactive dialogue with the High Commissioner for Human Rights set an important precedent, providing an opportunity for an open and constructive debate on any human rights issue or situation. In its statement, the EU addressed several country situations, such as in Nepal, Sudan, the Occupied Palestinian Territories (OPT) and Burma/Myanmar. Consensus was also reached on five priority themes to be discussed under a topical issues heading in the second week of the Council. The EU succeeded in including the situation in Darfur as well as the issue of human rights defenders among these priority themes. The other issues addressed in the debate, which was held in a constructive spirit, were the situation in the OPT, religious intolerance and migration. Throughout these negotiations the participation of NGOs was ensured. The active involvement of NGOs in the interactive dialogue with the HCHR can be considered a small yet significant enhancement of their future role in the HRC, which should be built on further for all future interactive dialogues.

Despite these positive elements, the last days of the session were overshadowed by the deteriorating situation in Palestine, which rendered an agreement on a consensual Council statement on the five identified issues impossible and led to the tabling by the OIC of two contentious decisions on the OPT and religious defamation. The EU, while clearly demonstrating readiness to discuss and engage on both of the issues, explicitly voiced concern to single out specific situations and issues in an unbalanced manner, and was therefore unable to support the texts. The negotiations and voting on these texts also indicated the risk of reverting back to regional block politics and will be a major challenge for the EU to build broad cross-regional support on key human right questions.

On the last day of the HRC, events in the Middle East also triggered a request by the Arab Group to hold a special session on the issue of the occupied Palestinian territories,<sup>72</sup> which was subsequently held on 5 and 6 July. Although the debate in the plenary was conducted in a constructive atmosphere, the final draft resolution introduced by the OIC again presented the situation in an unbalanced manner and was thus unacceptable to the EU. In spite of the EU voting against the resolution, it was adopted by a clear majority. By adopting the resolution, the HRC 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.

### **5.3. 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 is to enhance cooperation in these priority areas.

The EU has good cooperation with the CoE in a number of joint projects funded through the EIDHR. Most joint programmes are country-specific and cover Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the former Yugoslav Republic of Macedonia, Montenegro, the Russian Federation, Serbia, Moldova, Turkey and Ukraine. There are also multilateral thematic joint programmes regarding for instance national minorities, Roma, and the fight against organised crime and corruption.

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<sup>72</sup> GA Resolution 60/251 provides for the possibility of a special session on the request of 1/3 of the membership.

The EU's main priority at the CoE has been to enhance the implementation of the Warsaw Summit decisions that confirmed the fundamental role of the CoE in promoting and defending human rights, democracy and the rule of law. The EU aims to bolster the relationship between the EU and CoE and guarantee the long-term effectiveness of the European Convention on Human Rights and the European Court of Human Rights by all appropriate means.

The EU supported and encouraged the enquiries conducted by Mr Terry Davis, Secretary-General of the CoE, and Mr Dick Marty, Rapporteur of the Parliamentary Assembly Committee on Legal Affairs, into alleged secret detentions and unlawful inter-State transfers involving Council of Europe Member States.

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

For the EU democracy, the rule of law and the promotion and protection of human rights and fundamental freedoms are at the very heart of the actions of the OSCE. The OSCE provides an extensive set of politically binding norms in the field of human rights, democracy and the rule of law, and mechanisms to monitor the participating States' compliance therewith.

The EU voices actively its concerns about human rights violations and offences at the OSCE Permanent Council and in the OSCE human dimension meetings and conferences. At the Permanent Council the EU has raised, inter alia, the following issues: human rights violations in Belarus, Turkmenistan and Uzbekistan, the death penalty in the United States, the elections in Kyrgyzstan, Azerbaijan and Kazakhstan, and the enactment of the Russian law on non-profit organisations.



The EU made active contributions to the preparations of the OSCE Ministerial Council , which was held in Ljubljana 6 December 2005. At this meeting the ministers adopted decisions concerning tolerance and non-discrimination, promotion of human rights education and training in the OSCE area, upholding human rights and the rule of law in criminal justice systems, combating trafficking in human beings, women in conflict prevention, crisis management and post-conflict rehabilitation, preventing and combating violence against women, and ensuring the highest standards of conduct and accountability of persons serving in international forces and missions.

Tolerance and non-discrimination have remained high on the agenda of the OSCE. The participating States have condemned unreservedly racism, xenophobia, anti-Semitism and other forms of intolerance and discrimination, including those against Muslims and Christians. The EU has been active in the promotion of tolerance and non-discrimination in a comprehensive manner and emphasised that no forms of discrimination and intolerance can be ignored. Kazakhstan hosted an extraordinary meeting on inter-cultural, inter-religious and inter-ethnic understanding in Almaty on 12 and 13 June. The EU has been supporting actively the work of the ODIHR (Office for Democratic Institutions and Human Rights), including its intention to improve the collection of data and statistics, and is in favour of good cooperation between the EUMC and the ODIHR.

The EU recognises the important role of the annual OSCE Human Dimension Implementation Meeting (HDIM). The goal of the two-week-meeting, held in Warsaw, is to assess and ensure follow-up to OSCE human dimension activities. At the last meeting special attention was paid to media freedom, prevention of torture and tolerance and non-discrimination. The EU considers the meeting especially valuable since it provides a forum for genuine interaction with civil society, which is able to participate in the meeting on an equal footing with the governments.

In the ongoing discussions concerning enhancing the effectiveness of the OSCE, the EU has made the continued functioning of OSCE human dimension activities, election monitoring and preserving election-related commitments its top priorities. The EU continues to support the ODIHR as a focal actor in the OSCE human dimension.

#### **5.5. Analysis of the effectiveness of EU action in international fora**

The year covered by this Report was exceptional in terms of the **evolution of the global human rights machinery**. The outcome of the UN Summit in September 2005, the decision to establish the Human Rights Council in March 2006, and finally the inaugural session of the new Council in June 2006 were all essential developments. The EU played a very active role in the negotiations during the whole process and, even if not all EU objectives were fulfilled, it can still be said that the EU's role in promoting this development was significant. Also, in the UNGA Third Committee the EU was able to have most of its initiatives, including country initiatives, passed.

The new situation, especially working in the framework of a Human Rights Council that is more permanent and has new working methods, will present a challenge also to the EU and its traditional working methods. During the year, the EU continued to improve its internal working practices in relation to human rights fora, for example through **clearer identification of priorities and increased contacts with third countries**. The EU is conscious of the need to continue developing its working practices, particularly in the light of the establishment of the Human Rights Council, which will convene on several occasions throughout the year, and the success of which requires innovative working methods. Already during the first session of the Council, increased burden-sharing among partners, as well as frequent contacts with other delegations, proved very useful.

Also in the multilateral framework, **the challenge of coherence** is clearly relevant, namely: coherence between the EU's activities in the various international organisations; systematic follow-up to deliberations on multilateral fora in bilateral relations and contacts; and making more systematic use of reports and recommendations by regional and UN human rights mechanisms.

The strength of the EU as an actor in UN fora builds upon the unity of the Member States. It is important to make the most of the combined resources of EU Member States.

## **6. COUNTRY-FOCUSED ISSUES**

### **6.1. Europe and its neighbourhood**

During this period, the EU continued to strive for the improvement of the human rights situation in the **Mediterranean region**; the Euro-Mediterranean Partnership, or Barcelona Process, enhanced by the European Neighbourhood Policy, provided the framework for these efforts.

The EU continued to be guided by the ten recommendations contained in the Commission Communication on Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners, endorsed by the Council<sup>73</sup>; this was followed by the implementation of the European Neighbourhood Policy, in particular through commitments agreed in the framework of bilateral Action Plans. During the negotiation of the Action plans, efforts concentrated on promoting the elements of the European Neighbourhood Policy relating to human rights, democratisation, good governance and the strengthening of the rule of law.

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<sup>73</sup> ST 14413/03.

The 10th Anniversary Euro-Mediterranean Summit, held in Barcelona on 27 and 28 November 2005, adopted an a jointly agreed Five-Year Work Programme and a Euro-Mediterranean Code of Conduct on Countering Terrorism<sup>74</sup>, which undertook to ensure respect for human rights in the fight against terrorism, in accordance with international law. Commitments in the Work Programme include: extending political pluralism and participation by citizens through the active promotion of a fair political environment, including fair and free elections; enabling citizens to participate in decision-making at the local level; increasing the participation of women in decision-making, including on political, social, cultural and economic issues; ensuring freedom of expression and association by facilitating the work of independent information providers; fostering the role of civil society; and enabling the further implementation of UN and Regional Charters and Conventions on civil, political, social and economic rights. In order to implement the above, agreement on the following actions was achieved:

- the EU will start preparations to set up a substantial Facility to assist successful reform efforts,
- representatives at the permanent missions and at the UN Headquarters will conduct informal exchanges of views before meetings of the UN Commission on Human Rights, which was replaced by the Human Rights Council in June 2006 and of the General Assembly, where appropriate,
- measures will be taken to achieve gender equality, preventing discrimination and ensuring the protection of women; education opportunities for girls and women, as a basic right, will be expanded and improved.

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<sup>74</sup> EURO-MED 2/05.

This period also saw the increased involvement of civil society. The Euromed Civil Forum, held in Luxembourg from 1 to 3 April 2005 and organised by the Euro-Mediterranean Non-Governmental Platform, constituted an important landmark, since 350 participants representing civil society in 42 countries underlined the need for public policies to take human rights into account. Also, the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures is making an important contribution by participating, inter alia, in the preparation of the first Euro-Mediterranean Ministerial Conference on Strengthening the Role of Women in Society (to be held in Istanbul on 14 and 15 November 2006), in promoting youth projects and mobility of young people through academic exchanges, and in promoting a better understanding of cultural diversity in general. In addition to that, the Euro-Mediterranean Human Rights Network (EMHRN), established in 1997, continued its activities with an overall objective of contributing to the protection and promotion of the Human Rights principles embodied in the Barcelona Declaration of November 1995 and in the bilateral association agreements and action plans between the EU and its Mediterranean partners.

The Euromed Regional Indicative Programme for 2004-2006 was continued, focusing in particular on the promotion of democracy, the rule of law, good governance and judicial independence.

Equally, the Euromed Regional Cooperation Programme in the area of justice, the fight against illicit drugs, organised crime and terrorism, as well as cooperation on the questions linked to the social integration of immigrants, migration and movement of persons, (adopted at the Valencia Euromed Ministerial Conference in April 2002<sup>75</sup>), was pursued; in particular, the Euromed Justice project, which started in January 2005 for a 30-month period, aims to create an inter-professional community of magistrates, lawyers and clerks in the framework of a modern justice system, thus strengthening the rule of law and the effective implementation of human rights.

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<sup>75</sup> EURO-MED 2/02.

A Euro-Mediterranean Seminar on "Racism, Xenophobia and the Media: Towards respect and understanding of all religions and cultures", held on 22 and 23 May 2006 in Vienna, resulted in a set of constructive proposals underlining the need for intercultural and inter-religious dialogue, as well as dialogue between the media, civil society, faith groups and policy-makers, with the aim of eradicating racism.

#### *6.1.1. EU candidates and potential candidates*

The prospect of EU membership continues to act as a powerful incentive for prospective new Member States to undertake political and economic reforms. The impact has been particularly dramatic in the fields of democracy, governance and human rights: the massive strides taken by them in introducing democratic systems, safeguarding the rights of persons belonging to minorities, developing a free media and so forth are testimony to the powerful pull of the EU. The prospect of EU integration is now acting as a spur to reform in the acceding countries (Bulgaria and Romania) and candidate countries negotiating accession (Turkey and Croatia), the Western Balkans and the wider European neighbourhood.

**Bulgaria** has made significant progress in promoting respect for human rights and fundamental freedoms and is engaged in the continuous improvement of its legislation and practices. Bulgaria is a State Party to all the main human rights conventions and has introduced laws on child protection, discrimination, the rights of persons belonging to minorities and people trafficking. While Bulgaria is expected to be able to join the EU by January 2007, some areas that still present concerns relate to the need to further strengthen the fight against corruption and to further improve and implement judicial reforms. It is also recognised that there is a need to improve social inclusion of the



Roma community and combat all forms of intolerance. Bulgaria has also been identified as a country of transit (and, to a lesser extent, of origin) for people trafficking. The EU continues to monitor closely the progress of these and other political reforms. Following the issuance of a Comprehensive Monitoring Report from the Commission due this autumn, the Union will decide on whether Bulgaria joins the EU on 1 January 2007 as foreseen.

**Romania** has made major advances in promoting respect for human rights and fundamental freedoms and in improving its legislation and practices. The EU integration process has been fundamental to this and continues to be a catalyst for change. Romania has ratified all the main human rights conventions and has introduced laws on child protection, discrimination, the rights of persons belonging to minorities and people trafficking. While Romania is expected to join the EU by January 2007, some areas that still present concerns relate to the fight against corruption, the treatment of persons in custody and institutions, the disabled and minorities (particularly Roma). Additionally, further efforts are required in order to generally combat all forms of intolerance. Romania has also been identified as a country of transit (and, to a lesser extent, of origin and destination) for people trafficking. The EU continues to monitor closely the progress of justice and law enforcement and other political reforms. Following the issuance of a Comprehensive Monitoring Report from the Commission due this autumn, the Union will decide on whether Romania joins the EU as scheduled on 1 January 2007.

Political transition in **Turkey** is ongoing and the country continues sufficiently to fulfil the Copenhagen political criteria; however, the pace of change slowed in 2005 and implementation remains uneven. After the opening of accession negotiations on 3 October 2005, the need for further tangible progress on the ground is crucial, as clearly set out in the Negotiating Framework and the Accession Partnership. Turkey

should vigorously pursue and intensify its reform process and at the same time ensure its full, effective and comprehensive implementation by all public authorities and throughout the country, guaranteeing its irreversibility and sustainability. Concerning the exercise of fundamental freedoms and human rights, while some progress has been made and certain positive steps have been taken, significant further efforts are needed, in areas such as: freedom of expression (there are still cases against individual persons for non-violent expression of opinion); freedom of religion (the difficulties faced by non-Muslim religious minorities in particular have still to be addressed); the rights of persons belonging to minorities, cultural rights and the protection of minorities (there is a need for appropriate measures to ensure cultural diversity and promote the protection of minorities in accordance with the European Convention on Human Rights); women's rights (the high incidence of domestic violence, in particular through "honour killings", continues to be a source of concern); and the fight against torture and ill-treatment (the adopted reforms have contributed to establish an appropriate legislative framework, but further efforts to ensure full implementation and to reinforce the fight against impunity are needed). The EU will continue to monitor closely the progress of the political reforms in Turkey as part of Turkey's progress in preparing for accession, which will guide the advancement of the negotiations, in full accordance with the negotiating framework for Turkey and the Accession Partnership.

At the General Affairs and External Relations Council of 3 October 2005 it was confirmed that **Croatia** was fully cooperating with the ICTY, thereby making it possible to open accession negotiations. Croatia became a candidate country while remaining part of the SAP. Croatia now has an Accession Partnership<sup>76</sup> within which human rights and the protection of minorities constitute a political requirement. Accession negotiations are based on Croatia's own merits and their pace will depend on Croatia's progress in preparing for accession, including the fulfilment of obligations under the Stabilisation and Association Agreement (SAA)<sup>77</sup>, of which respect for human rights is an essential element, as well as the implementation of the Accession Partnership.

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<sup>76</sup> OJ L 55, 25.2.2006, p. 30.

<sup>77</sup> OJ L 26, 28.1.2005, p. 3-220 (Art. 2).

At the EU-Croatia Stabilisation and Association Council on 10 April 2006 the progress of Croatia on the SAP criteria was discussed. The EU pointed out that the prosecution of war crimes needs to be improved. Croatia recognises there is a problem, which is due to a lack of capacity causing backlogs.

The countries of the **Western Balkans** (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia including Kosovo and Montenegro) are part of the Stabilisation and Association Process (SAP). As stated in the Thessaloniki Agenda<sup>78</sup>, the progress of each country towards the EU depends on its own merits in meeting the Copenhagen criteria<sup>79</sup> and the conditions set for the SAP. Under the SAP, the countries of the region receive Community Assistance for Reconstruction, Development and Stabilisation (CARDS)<sup>80</sup>. A precondition for receiving CARDS Programme assistance is that the recipients respect democratic principles, the rule of law, human and rights of persons belonging to minorities, fundamental freedoms and the principles of international law. Compliance with the SAP conditionality is monitored through an annual review mechanism based on the Commission's reports, and the countries of the Western Balkans commit themselves to implementing its recommendations. The next annual review will take place by the end of 2006.

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<sup>78</sup> Annex to the European Council.

<sup>78</sup> ST 14413/03Thessaloniki 19-20 June 2003.

<sup>79</sup> 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.

<sup>80</sup> OJ L 306, 7.12.2000, p. 1.

The most far-reaching of the new SAP instruments are the European Partnerships<sup>81</sup>, inspired by the Accession Partnerships<sup>82</sup>. These partnerships, drawn up for each Western Balkan country, identify, on a regular basis, priorities and obligations to be fulfilled. EU financial assistance will be directed to the priorities set out in the partnerships. Human rights and the protection of minorities constitute a political requirement of these partnerships. Each country will draw up a national action plan for implementation of the partnerships, which will provide a clear agenda against which to measure progress.

Full compliance with **International Criminal Tribunal for the former Yugoslavia (ICTY)** commitments is at the heart of SAP conditionality and is one of the ways, along with refugee returns and the prosecution of war crimes, that the SAP addresses past human rights violations.

On 10 March 2006 Council Decision 2006/205/CFSP updated the Annex to Common Position 2004/694/CFSP containing the list of indictees of the International Criminal Tribunal for the former Yugoslavia (ICTY). The Common Position was aimed at supporting the effective implementation of the mandate of the ICTY by imposing an assets freeze on indicted fugitives.

At the same time the Council adopted Council Common Position 2006/204/CFSP, which extended until 16 March 2007 Common Position 2004/293/CFSP measures in support of the effective implementation of the mandate of the ICTY. This Common Position places a travel ban on persons assisting ICTY indictees to evade justice.

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<sup>81</sup> OJ L 35, 7.2.2006 (Albania, Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Serbia and Montenegro including Kosovo).

<sup>82</sup> OJ L 55, 25.2.2006, p. 30 (Croatia).

Regarding **Kosovo**, the EU has actively promoted the implementation of standards, including those on the protection of minorities, and the European Council of June 2006 emphasised the crucial importance of moving forward on the implementation of standards.

On 10 May, the EU put negotiations with **Serbia and Montenegro** on the SAA on hold due to a lack of progress on the commitment to fully cooperate with the ICTY. ICTY cooperation is an essential condition of the SAP.

On 21 May 2006, a referendum on independence was held in Montenegro. The ODIHR concluded that the referendum was conducted overall in line with OSCE and Council of Europe commitments and other international standards for democratic electoral processes. On 3 June 2006, the Parliament of Montenegro passed a Declaration on the Independence of the Republic of Montenegro, in conformity with Article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro. On 5 June 2006, the Parliament of Serbia passed a Decision that defines the Republic of Serbia as the continuing State of the State Union of Serbia and Montenegro. To this end, the EU High Representative for the Common Foreign and Security Policy appointed Ambassador Miroslav Lajčák as his personal representative to facilitate negotiations among political forces in Montenegro on the arrangements for the referendum.

### 6.1.2. *The European Neighbourhood Policy (ENP)*

The technical consultations on the ENP Action Plans started with **Armenia, Azerbaijan and Georgia** during the last weeks of 2005. The formal adoption of the three ENP Action Plans is foreseen for the autumn 2006.

The Action Plans with Armenia, Azerbaijan and Georgia should serve as a comprehensive map for political, economic and administrative reforms. In the context of the technical consultations on the ENP Action Plans with the three South Caucasus countries, the EU side has strongly underlined the importance of issues related to strengthening of democracy in these countries, including through fair and transparent electoral processes in line with international requirements, and issues related to greater protection of human rights and fundamental freedoms and the rule of law, in compliance with the international commitments of the three countries (PCA, CoE, OSCE, UN).

The Council of Ministers of the EU adopted Conclusions on **Belarus** on 7 November 2005, as well as on 30 January 2006 and 10 April 2006; in all of these, it recalled its concern at the human rights situation and the state of democracy in Belarus. The EU issued several declarations on developments in Belarus, notably in the context of the 19 March 2006 presidential elections, which the EU described as fundamentally flawed. Ukraine and Moldova aligned themselves, inter alia, with the 22 March declaration in which the EU announced its assessment of the elections and pledged that it would further strengthen its support for civil society and democratisation in Belarus. High Representative Solana issued several statements on developments in Belarus, especially regretting the conduct of the presidential elections and expressing deep respect for democratic opposition and civil society (20 March).

On 23 and 24 March 2006, the European Council announced it would take restrictive measures against those responsible for the violations of international electoral standards, including President Lukashenko. On 10 April and 18 May 2006, the Council adopted Common Positions (2006/276/CFSP and 2006/362/CFSP) concerning restrictive measures against certain officials of Belarus responsible for the rigging of elections and the crackdown of democratic opposition and civil society in the framework of the electoral process. These measures were taken in addition to those adopted in 2004 against the individuals named by the Pourgourides report as key actors in the disappearances of four well-known persons in Belarus in 1999-2000 and the subsequent obstruction of justice, and against those Belarusian officials responsible for the fraudulent elections and referendum in Belarus on 17 October 2004 and for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the vote.

EU Policy on Belarus was last reviewed at the November 2005 GAERC. These conclusions aimed at combining toughening and softening approaches in such a targeted way as would result in more direct pressure on President Lukashenko and his closest entourage – leaving some channels of communication open for crisis situations – and in increased interface with wider layers of the Belarusian population, including mid-level officials.

With regard to the **Palestinian Authority (PA)**, the central theme in the remainder of 2005 was the Israeli withdrawal from Gaza and parts of the northern West Bank, which was successfully concluded in September 2005. From early on, the EU stressed the need to ensure the social and economic viability of Gaza following disengagement, particularly with respect to the need for access to the outside. To that effect and specifically in order to lead, oversee and coordinate the international community's efforts in support of the disengagement initiative, the Quartet appointed



James Wolfensohn to serve as its Special Envoy for the Gaza Disengagement following the end of his term as World Bank President. The EU welcomed the "Agreement on Movement and Access" between Israel and the Palestinian Authority on 15 November. On the basis of this agreement, an international crossing point between Egypt and Gaza at Rafah was opened on 25 November with the EU – in the framework of an ESDP mission – performing the role of the third party as provided for in the Agreement. EU COPPS (EU Coordinating Office for Palestinian Police Support) played an important role throughout the reporting period in the reform and strengthening of Palestinian security and police structures and the overall promotion of the rule of law. On 7 November the Council decided to launch an ESDP Police Mission in the Palestinian Territories to build on the work of EU COPPS for a three-year period starting at the beginning of 2006.

The elections to the Palestinian Legislative Council (PLC) in January 2006, which were secure, free and fair according to EU and other international observers, led to a Hamas landslide victory. The subsequent formation of a Hamas-led government resulted in an interruption of contacts (including of a financial nature) between this government and the international community at large in the absence of said government's commitment to meet and implement the three criteria of non-violence, recognition of Israel's right to exist and the acceptance of previous agreements, including the Roadmap. Contacts are maintained with President Abbas, who has committed himself to a platform of peace. Together with other international actors such as the World Bank, the EU created a Temporary International Mechanism, the objective of which is direct delivery and supervision of assistance from international donors to the Palestinian people. The reporting year was characterised by internal Palestinian fighting that caused many casualties and the failure of the Palestinian Authority to restore the rule of law to the Palestinian Territories.

The EU continued to have serious human rights issues with **Israel**. They relate in particular to the situation of the Palestinians in the Occupied Territories, the closures and restrictions of movement, settlement building and expansion, the construction of the barrier on Palestinian land and the demolition of Palestinian homes, which threaten to make any solution based on the co-existence of two states physically impossible. The EU expressed also its worries about the situation in and around Jerusalem and in the Jordan Valley, as well as about Israeli military operations resulting in civilian casualties. These issues were reiterated strongly by the EU and raised with the Israeli side during the political dialogue carried out at all bilateral meetings held in the framework of the EU-Israel Association Agreement, notably the EU-Israel Association Council on 13 June 2006, the Association Committee on 17 May 2006 and the Subcommittee on Political Dialogue and Cooperation on 21 November 2005.

In the framework of the EU-Israel ENP Action Plan which is now being implemented, both sides agreed to achieve closer political cooperation and dialogue on the basis of their common values, i.e. the respect for human rights and fundamental freedoms, democracy, good governance and international humanitarian law. The Action Plan contains a specific section on human rights and fundamental freedoms with concrete actions to be implemented. The EU expects these issues to be followed up. The EU-Israel human rights working group established at the Subcommittee on Political Dialogue and Cooperation meeting of 21 November 2005 is intended to become a forum in which these issues could be more thoroughly discussed and examined. Its first meeting was held on 7 June 2006. It provided an opportunity to address some of the most pressing human rights issues, thereby laying the basis for establishing a closer dialogue with Israel on these matters. Among the topics discussed were the situation of minorities and international humanitarian law issues. The EU raised specific issues of concern, notably the effect of the barrier and restriction of movement

within the Palestinian territories on the lives and livelihood of the Palestinians, the access especially of humanitarian NGOs to the occupied Palestinian Territories, the loss of civilian lives during extra-judicial killing operations, and the practice of the administrative detentions. With regard to the situation of minorities, the EU enquired about the implementation of the recommendations of the "Or Commission" and the "Lapid Committee" and raised the issue of the "Nationality and Entry into Israel" Law which prevents family reunification of certain Israeli and Palestinian spouses and children. The meeting concluded on an understanding that both sides saw value in continuing this dialogue.

The EU continued its regular dialogue on human rights issues with **Jordan** in the framework of the institutional structure set up by the EU-Jordan Association Agreement and within the priorities for action defined in the EU-Jordan ENP Action Plan. Discussions took place notably at the Association Council on 21 November 2005 and the Association Committee on 28 June 2006. Jordan presented the progress made in implementing its political reform programme. The Jordanian "National Agenda", an ambitious reform programme of more than 3000 pages, was finalised in November 2005. The Jordanian government is currently working towards programmes aimed at building a framework for implementation of the reforms suggested. Priorities for action include the political parties law, the municipalities law, the law on the creation of an ombudsman, the anti-corruption and the anti-money-laundering law, and – following the terrorist attacks in Amman on 9 November 2005 – the anti-terrorism law. The EU encouraged Jordan to continue on this path while taking into account also the principles of human rights and fundamental freedoms. EU offered its support to Jordan in this task.

The EU continued to follow up the human rights situation in **Egypt**. The work carried out by the National Council for Human Rights (NCHR) in defending human rights and in raising awareness on human rights norms, as well as the second annual report of the NCHR, demonstrated the Council's evident wish to address a range of issues in a positive and frank manner. The EU looks forward to the national plan on human rights which the NCHR is currently preparing. Egypt has taken considerable steps in improving status of women and children. Egypt has also taken some positive measures in the areas of detention of suspects and easing of harsh penalties. However, there are causes for concern. Those include the harsh treatment of the opposition, the treatment of minorities, the alleged use of torture, the handing down of death sentences to persons convicted of crimes, and the continuation of the state of emergency, that has been in force since 1981.

The EU has urged Egypt to continue to take steps to encourage civil society development and to ensure freedom of association and expression. Negotiations on the ENP Action Plan continued. The planned subcommittee on political matters: human rights and democracy, international and regional issues will be a central mechanism for a strengthened dialogue on concrete human rights issues. The EU hopes that an agreement on how to deal with individual human rights cases in the subcommittee can be reached as soon as possible. The EU is ready to identify, with the Egyptian authorities, areas where it may provide practical support for the furthering of Egypt's own reform measures in the area of human rights.

While **Libya** continued to make further progress in reintegrating with the international community, there remained serious concerns over the human rights situation, in particular with regard to civil liberties, political rights and freedom of expression. The EU approached the Libyan authorities on the use of the death penalty at the end of 2005. A matter of special concern continued to be the case of the imprisoned Bulgarian and Palestinian medics currently under retrial after the death sentences handed down in May 2004 were turned over by the Libyan High Court in December 2005. The EU welcomed the repeal of the verdicts. Further relying on the impartiality of the Libyan judicial system, it is expecting the new trial to follow this positive pattern and to produce a judgment that will best serve justice. The EU is working actively for a fair settlement of the issue through initiatives aimed at alleviating the human tragedy in Benghazi.

**Morocco** continued on its path of introducing greater political reforms and freedoms and made good progress in the human rights field. The EU supported this action through the EU-Morocco ENP Action Plan which contains a detailed section on the priorities for action on human rights, the rule of law and democratisation. The Justice and Reconciliation Commission (Instance Équité et Réconciliation, IER), set up to investigate human rights abuses between 1956 and 1999, delivered its final report in November 2005. The work carried out by the body was highly valued inside Morocco and outside. It came up with a number of recommendations, including that of amending the Constitution with a view to strengthening human rights guarantees. The programme to modernise the judiciary in order to strengthen its independence and impartiality and to fight corruption was continued. Moroccan civil society became more active and influential and there was some improvement in press freedoms. The EU continued, however, to have concerns over some provisions limiting the freedom of expression and invited the Moroccan government to review in particular certain provisions under which journalists risk being given high fines or prison sentences.

While the EU was generally satisfied with developments in Morocco, it continued to have concerns over the reported treatment of Sahrawi human rights defenders subsequent to the events which erupted in Western Sahara in May 2005. Human rights violations reported included restrictions on the right of association and expression, as well as excessive use of force by the police, arbitrary arrests, allegations of torture and questions about the fairness of the trials and the prison sentences handed down in these cases. The EU raised these issues with the Moroccan authorities on several occasions. The EU has made representations on the issue of human rights in Saharan refugee camps.

Human rights and democratisation issues were systematically discussed within the regular structures set up by the EU-Morocco Association Agreement, notably at a meeting held in the framework of the reinforced political dialogue on 9 November and the EU-Morocco Association Council on 22 November 2005. The EU has welcomed Morocco's readiness to engage in a closer dialogue on all of these issues. Morocco already in 2003 agreed in principle to the establishment of a specific body to examine further these questions, the EU-Morocco Subcommittee on Human Rights, Democracy and Governance. This body is now operational and the first meeting is planned for October-November 2006.

The EU observed a further deterioration of the human rights situation in **Syria**. The treatment of political opponents, human rights defenders and civil society activists gave rise to serious concern. Specific issues of concern included the practice of arbitrary detention and incommunicado detention, as well as the widespread use of torture. Human rights defenders were subject to intimidation and under the consistent threat of arbitrary arrests and political trials, including before the State Security Courts. During the reporting period, the EU expressed on several occasions its

concern about arrests and trials against human rights defenders. Military courts and the State Security Court established under the Emergency Law in force since 1963 coexist with ordinary courts. Trials before these courts do not fulfil international standards and there are general concerns as to the independence of judges. The EU tried to be present at these court sessions, a practice that was widely tolerated by the authorities which is to be noted as a positive development.

In January 2006 five political opponents of the 2001 "Damascus Spring" were released, including the parliamentarians Riad Seif and Mamoun Homsî, whose release had been demanded by the European Parliament. This step was welcomed by the EU Presidency, which expressed the hope that it would be followed by a release of all political prisoners. Upon release they were, however, confronted with repeated acts of intimidation, questioning and temporary detention. Since then there has been a further crackdown on human rights activists. In February 2006, the EU Civil Society Training Centre, supported through the EIDHR, was closed by the Syrian authorities two days after it had been opened, on the premise that procedures had not been observed. In May 2006, following the signature by more than hundred Syrians of a joint Syrian-Lebanese Declaration calling for the establishment of a normal relationship between the two countries, the most prominent signatories were arrested, including the designated director of the EU Civil Society Training Centre, a well-known human rights lawyer. The EU raised these cases with the Syrian authorities and made a public statement on 19 May 2006.

The EU continued to monitor closely the situation of the Kurdish minority, and in particular the discrimination which the 200 000-300 000 stateless Kurds face, and to , raise this with the Syrian authorities. While in the aftermath of the Kurdish riots in March 2004 the government had promised to redress some of the long-standing grievances, and internal discussions on practical steps were allegedly under way, they have so far not led to any results.

Since 2004 there has also been an increase in the number of arrests and prosecutions for alleged membership of the Syrian Muslim Brotherhood (SMB) – an organisation which is outlawed in Syria. Cases of membership of the SMB are dealt with at the State Security Courts. Membership of the SMB can carry a death sentence, although in practice this is often reduced to a long prison sentence.

The Syrian authorities are very reserved on discussing human rights issues with outside interlocutors, considering them to be matters of national sovereignty. The EU looks forward to the establishment of a National Human Rights Council, on which internal preparations have allegedly started. In the absence of a more structured institutional framework pending the signature of the Association Agreement, the EU main instruments were troika representations, carried out at regular intervals, EU Presidency declarations and trial observations. Close contacts were maintained with civil society organisations. The EU missions in Damascus followed very closely the evolution of the human rights situation and held regular consultations.

The EU-**Ukraine** Action Plan contains a section on human rights and fundamental freedoms. This political agreement established that Ukraine's commitment to shared values such as human rights, democracy and the rule of law would set the pace of EU-Ukraine relations and would be the key element influencing the development of all areas of EU-Ukraine cooperation. In line with the GAERC Conclusions of 21 February 2005, the EU has already started an internal discussion on possible elements for the future EU-Ukraine agreement. Respect for human rights and rule of law are common values that will remain as priority areas in this new enhanced agreement.



Implementation of the EU-Ukraine Action Plan is under way; a mid-term assessment will take place at the EU-Ukraine Cooperation Council in the second semester 2006. However, it was already possible to note a considerable improvement on the human rights situation in Ukraine after the so-called "Orange Revolution" at the end of 2004, notably in the areas of media freedom, fighting corruption, and judicial reform. Much remains to be done and the EU is working closely with the Ukrainian authorities to assist with the implementation of the democratic reforms. The EU made representations in Kiev on the deportation of ten Uzbek refugees by the Ukrainian authorities in mid-February. Also at several political dialogue meetings with Ukraine the EU strongly condemned this fact and called upon the Ukrainian authorities to fully respect human rights and fundamental freedoms.

Since 13 May 2005, Ukraine has been invited to align itself with EU declarations and common positions on issues of foreign policy. Ukraine has aligned itself with almost all statements regarding the human rights situation in third countries.

The three-year EU-**Moldova** Action Plan, implemented since February 2005, contains a section on human rights and fundamental freedoms. This political agreement establishes Moldova's commitment to shared values, including human rights, democracy and the rule of law, as the basis for EU-Moldova relations. In 2006 the EU continued to support the implementation of the Moldovan National Action Plan for Human Rights approved by Moldovan government in 2003 and included as a priority area in the TACIS indicative programme for assistance for Moldova for 2005-2006.

On 14 February 2006, Council Decision 2006/96/CFSP was adopted in order to continue implementation of the Common Position (2004/622/CFSP) of 26 August 2004 concerning restrictive measures against several high-level Transnistrian officials involved in the closure of Moldovan language schools by force. During the year, the EU paid attention to the case of Mr Pasat, who was arrested on unclear grounds on 11 November 2005. The HOMS have been able to visit Mr Pasat and inspect the conditions of his imprisonment.

The EU welcomed the Moldovan Parliament's decision to abolish the death penalty on 29 June 2006. Prior to the decision, article 24 of the Moldovan Constitution had provided for the death penalty for offences committed in wartime or while there was a risk of war.

#### *6.1.3. Russia and Central Asia*

The EU continues to have concerns about human rights in **Russia**, and in particular about the human rights situation in Chechnya, the situation of NGOs, the rule of law and the freedom of the media.

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 on a six-monthly basis. Consultations were held in Brussels on 8 September 2005 and in Vienna on 3 March 2006 (see chapter 3.4.3 for more detail).

Whilst recognising the genuine security problems that Russia has to deal with, the EU remains highly concerned about the serious human rights situation in Chechnya, and raises these concerns on a regular basis with Russian interlocutors at all levels. There continue to be regular reports of disappearances, of torture and of pro-Moscow armed groups operating with impunity. In February 2006, the United Nations High Commissioner for Human Rights Louise Arbour visited the North Caucasus. Following this visit, she expressed concerns regarding the integrity of certain institutions, especially in the area of law enforcement. She also highlighted serious shortcomings in the law enforcement system in the Republic, which have led to a climate of fear prevailing in Chechnya.

The EU discussed Chechnya in depth with Russia during each Human Rights consultation, and encouraged Russia to strengthen cooperation with international human rights mechanisms. The EU also sought assurances on the protection of human rights activists. In collaboration with the Russian authorities, the EU is currently developing a programme of social and economic assistance for the North Caucasus, which it will soon be able to implement.

The first legislative elections in eight years took place in Chechnya on 28 November 2005. Unfortunately the EU and the OSCE were not able to observe these elections on security grounds. However, the EU supported the training of local observers for these elections. Just after the vote, the EU Presidency produced a statement which noted that the vote could not be considered perfect and that some observers had raised concerns. It urged the Russian authorities to investigate any reports of irregularities or intimidation. The statement concluded that the further strengthening of democratic institutions, as part of an inclusive political process, was essential for the sustainable and peaceful long-term development of Chechnya, as well as for peace and stability in the Northern Caucasus region as a whole.

There are reports that human rights NGOs are increasingly experiencing difficulties operating in Russia. The EU has repeatedly expressed concerns about the NGO legislation which was adopted by the Duma and Federation Council at the end of December 2005 and signed by President Putin on 10 January 2006. The EU published a statement on 19 January 2006 in which it reiterated its preoccupation that the law as it had been adopted could have a serious impact on the legitimate activity of civil society organisations in Russia. The declaration further announced that the EU would pay close attention to the implementation of the law when it came into force and expressed its expectation that it would be implemented in line with standards and commitments undertaken in the framework of the Council of Europe and the OSCE. At the end of 2005/beginning of 2006, the Federal Security Service (FSB) reiterated its claims that some NGOs were working for foreign interests and against Russia.

There are reports of a growing problem with racism, anti-Semitism, xenophobia and extremism and restrictions on the freedom of religion in Russia. Although Article 14 of the Russian Constitution says that Russia is a secular state, Russia's law enshrines Orthodox Christianity as the country's predominant religion and pledges respect only for Buddhism, Islam and Judaism. The law places restrictions on other groups. There have been repeated restrictions on the position and ability to practice of the Catholic Church and smaller minority religions such as Jehovah's Witnesses. The latter have been banned in Moscow and have experienced difficulties in other parts of the country as a result.

Ethnic minorities, in particular persons from Central Asia and the Caucasus, are frequently victims of ethnic discrimination and sometimes violence. This tendency has recently manifested itself in several highly publicised racist acts, including violent attacks and killings, such as the murder of a Peruvian student in Voronezh and of students from Mali and Cameroon in St Petersburg. NGOs report a rise in racist attacks from 119 in 2004 to 179 in 2005. A respected Russian NGO, Sova, reports figures of 366 racist attacks leading to 28 deaths in 2005. NGOs report that there are around 50 000 members of skinhead groups in Russia, with a particular concentration in St Petersburg, and the numbers appear to be increasing. Russia's Human Rights Ombudsman, Vladimir Lukin, has accused law enforcement agencies of not taking sufficient steps to investigate and prevent extremism-related crimes. Several political parties resorted to xenophobic propaganda in their campaigns for regional legislative elections in 2005.

The case of Andrei Sychev, a 19-year-old conscript who had to have both his legs and his reproductive organs amputated due to gangrene, after he was severely beaten by drunken officers and left without medical treatment for days, has attracted much media attention. The case became a public scandal not only due to its extreme brutality, but also due to the Defence Ministry's initial attempts to conceal the real cause of Sychev's condition. A similar tragic incident followed, bringing to the fore the long-standing problem of 'hazing' (in Russian *dedovshina* - a practice of violence and humiliation imposed on new recruits), which is broadly acknowledged to be very widespread. The problem of abuses in the military is highlighted in human rights reports by Russian Ombudsman Lukin and also by CoE Commissioner Gil Robles. According to Defence Ministry statistics, 16 servicemen died as a direct result of hazing in 2005, 276 committed suicide, and 1,064 non-combat deaths were attributed to various causes. Experts believe that hazing is the primary cause of suicides in the armed forces, while there is concern that many deaths classed as 'suicides' or 'accidents' may be the result of hazing.

Russia has made great strides in democratic development over recent years, but the EU has concerns about recent changes to Russia's electoral system. Direct election of regional governors ended in 2004, and they are now nominated by the President and approved by the local legislature. President Putin has concentrated power in his own hands and substantially strengthened his authority vis-à-vis the Duma, the government and the regions. Currently there is little serious political opposition to the government.

On media freedom, the EU welcomes the fact that despite evidence of self-censorship by journalists, there is a relatively diverse print media in Russia. But while the printed press remains relatively free, there continue to be reports that regional and local authorities often seek to influence local media. State control of the broadcast media restricts national television in broadcasting a plurality of views. The climate of self-censorship among many Russian journalists has been reinforced by the government's failure to find the killers of several journalists who have been murdered, presumably because of their work, since 2000.

The EU has continued to raise Human Rights issues in all 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.

**Kazakhstan** has engaged positively in these dialogues; but the EU has made it clear that it expects further progress in the fields of democratisation, freedom of the media and the rule of law. There have been positive developments, but the presidential elections did not meet international standards; more recently, obstruction against opposition parties and non-state controlled media has added to our concerns. There are serious concerns over fairness in the key trial on the murder of opposition politician Sarsembayev. The EU will continue to review the situation closely, especially in view of Kazakhstan's bid for the OSCE Chairmanship in 2009.

**Uzbekistan** has refused to respond to EU, OSCE and UN requests for an independent enquiry into the 'Andijan events' (which ended in the killing of hundreds of civilians by the security forces) in May 2005. The subsequent trials (partly monitored by ODIHR) did not meet basic criteria of openness and fairness. Uzbekistan has not responded to the ODIHR reports on trials. The human rights situation has deteriorated across the board with the prosecution of human rights defenders, journalists and opposition members, as well as new legislation which has restricted the activities of NGOs and the media. The EUSR Jan Kubis visited once, but was not allowed back; the Personal Representative for Human Rights of High Representative Solana has not been allowed into the country, nor have his UN and OSCE counterparts. Other negative events have included the closure of the UNHCR office and the closure of key international NGOs. Uzbekistan negotiated a new and much restricted mandate which reduces the role of the OSCE Centre to a Project Coordinator's Office. On 3 October 2005, the Council imposed restrictive measures on the Uzbek leadership, including a visa ban and an arms embargo on the country. These were confirmed on 15 May 2006; they will be up for review this autumn. The 60<sup>th</sup> UNGA Third Committee adopted a resolution on Uzbekistan (see chapter 5.1 for details). Uzbekistan refuses to cooperate with 1503 procedures or UN Special rapporteurs. Torture is still reported to be prevalent in Uzbekistan.

With **Turkmenistan**, EU relations remain limited. During the annual Human Rights meeting (1 June 2006), the Council raised numerous issues of deep concern, ranging from the degradation of the educational system to a total lack of pluralism and freedom of the media, and including serious individual HR cases. The Government accepts this limited dialogue, but little has been achieved on concrete issues. The 60th UNGA Third Committee adopted a resolution on Turkmenistan (see chapter 5.1 for details). Turkmenistan refuses to cooperate with UN Special Rapporteurs. Harassment of human rights defenders remains a grave problem.

The EU welcomed the **Kyrgyz Republic's** courageous decision not to extradite to Uzbekistan the several hundreds of refugees who had crossed the border after the events in Andijan. However, four of them lost their final appeal against extradition. Despite strong calls by the EU on the Kyrgyz authorities to abide by their international obligations equally in these cases, notwithstanding pressure from Uzbekistan, Kyrgyzstan extradited the four refugees, and an asylum seeker in August 2006. The EU deeply regrets this failure by the Kyrgyz authorities to honour their international commitments and has called on the Uzbek authorities to ensure that the individuals concerned are treated fairly in accordance with international standards.

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 will follow the next presidential elections closely and insists on seeing progress in respecting international standards, i.a. by following up ODIHR's recommendations from the last parliamentary elections.

## **6.2. Africa**

For several years, the EU has been seeking to adopt policies regarding human rights situations in Africa based on cooperation rather than confrontation, for instance through the dialogue established under the Cotonou Agreement. Accordingly, the EU has also sought to encourage regional groups such as the African Group at the UN to take charge, in cooperation with other groups such as the EU, of local situations involving human rights violations. However, when discussing the human rights situation in some specific African countries during the UNGA Third Committee the African Group chose to close ranks to protect other African countries with no action-motions.



The **Common Position on human rights, democratic principles, the rule of law and good governance in Africa**<sup>83</sup> is reviewed by the Council every six months. A review of activities in furtherance of the Common Position was carried out on 22 November 2004. The EU also provided political and financial support for the African Union's (AU) governance agenda, including for electoral observation and the establishment of a Governance Unit at the AU Commission. The EU and AU agreed at the ministerial troika meeting held in April 2005 to work together to strengthen the work of the African Commission on Human and Peoples' Rights in supervising the implementation of the African Charter on Human and Peoples' Rights. On 12 April 2005, the Council adopted a Common Position concerning Conflict Prevention, Management and Resolution in Africa<sup>84</sup>. It aims mainly to take into account new developments in European Security and Defence Policy (ESDP), concretely, the Action Plan for ESDP support for Peace and Security in Africa, and the Conclusions on Peace and Security in Africa adopted in November 2004. The EU has also provided vital assistance to the AU and to African sub-regional organisations through funding the African Peace Facility. This has made a significant contribution to the AU's ability to deploy peacekeeping troops in Darfur. Funds from the Africa Peace Facility are also being used for peace support operations in the Central African Republic (FOMUC) and in Comoros as well as for longer term capacity building programmes in the AU.

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<sup>83</sup> OJ L 158, 2.6.1998, p. 1.

<sup>84</sup> OJ L 97, 15.4.2005, p. 57.

On 16 December 2005 the European Council adopted the **EU Strategy for Africa**<sup>85</sup>. It builds on important progress made by the Africans themselves. Its core principles are partnership based on international law and human rights, equality and mutual accountability. Its underlying philosophy is African ownership and responsibility, including working through African institutions. The Strategy stipulates that successful development requires adherence to human rights, democratic principles and the rule of law, effective, well-governed states, and strong and efficient institutions.

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<sup>85</sup> 15702/1/05 The EU and Africa: Towards a Strategic Partnership

In the Strategy, the EU undertakes to promote and protect human rights, including the rights of women, children and other vulnerable groups; help end impunity, including through the International Criminal Court; promote fundamental freedoms and respect for the rule of law in Africa, including through capacity-building for judicial systems, national Human Rights Commissions and civil society organisations. To this end, the EU will maintain the substantial funding under EC and Member States' bilateral programmes. During the reference period, EUR 50 million were allocated under EDF 9 to help build the capacity of the African Union, building on the EUR 35 million already allocated for this purpose under the Africa Peace Facility.

Through political dialogue and consultations with African partners the EU will support African efforts to monitor and improve governance, including through supporting the New Partnership for Africa's Development (NEPAD) African Peer Review Mechanism (APRM). This should result in their goal of four completed reviews a year from 2006 being achieved and the development of a Governance Initiative to support national reforms triggered by the APRM process. It will develop a governance facility in the European Neighbourhood Partnership Instrument.

The EU will support the fight against corruption, human trafficking, illegal drugs and organised crime and promote transparency to meet the aspirations of African citizens and to ensure Africa's wealth benefits its people. This will include helping improve public accountability and financial management systems in Africa, early ratification by all EU Member States and African partners of the UN Convention on Corruption, assisting proper management of conflict resources including timber as well as mineral resources, and support for the Kimberly Process and the Extractive Industries Transparency Initiative (EITI).

The EU will support the growth of participatory democracy and accountability in Africa, including through support for African parliaments and civil society and an enhanced programme of election assistance and EU Electoral Observation Missions including a review of their remit in 2006.

In the **Democratic Republic of the Congo (DRC)**, in the context of the persisting insecurity in its Eastern provinces, the numerous human rights violations occurring in the district of Ituri, the Kivus and Katanga raised serious concerns. Similarly, regarding the security sector including the current poor state of the Congolese armed forces (FARDC), only little progress could be achieved in the fight against impunity or in favour of respecting basic HR in this context. The Council has therefore been actively promoting the much needed security sector reform in the DRC for which the ESDP advisory mission EUSEC was deployed. In close cooperation with the UN, EUSR Ajello regularly raised the issue of the appalling human rights situation, the lack of security in certain regions of the DRC as well as the necessity of further security sector reform with the transition authorities. The 60th UNGA Third Committee adopted a resolution on the DRC (see chapter 5.1 for details).

The EU remains particularly concerned at the continuing human rights violations in Darfur, Western **Sudan**. The measures set out in articles 2, 3 and 4 of the Common Position concerning restrictive measures against Sudan,<sup>86</sup> adopted on 30 May 2005, were reviewed in May 2006. The review established that the said measures - concerning the restriction of movements and freezing of assets of those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the arms embargo and/or are responsible for offensive military overflights in

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<sup>86</sup> OJ L 139, 2.6.2005, p. 25.

and over the Darfur region - were to remain in effect. Furthermore, on 1 June 2006 the Council adopted an implementing decision to the Common Position 2005/411/CFSP in order to impose restrictive measures against four individuals, in accordance with United Nations Security Council resolution (UNSCR) 1672 (2006). At the 60th UNGA Third Committee, the EU narrowly lost a no-action motion on **Sudan** (see chapter 5.1 for details).

The Council expressed its deep concern at the continuing violations of human rights and international humanitarian law in Darfur on various occasions. For instance, in its conclusions of 15 May 2006, the Council recalled its support for sanctions against those blocking the peace process, committing human rights violations, or violating the ceasefire and the arms embargo and confirmed its position that full use should be made of the measures set out in UN Security Council Resolution 1591 (2005). The Council reiterated its full support for the ongoing investigation by the International Criminal Court (ICC) of human rights abuses in Darfur and urged all parties, in particular the Government of Sudan, to fully cooperate with the ICC.

In the framework of the regular Article 8 political dialogue with Sudan, a number of dialogue meetings have been especially dedicated to human rights issues.

The situation of human rights in **Ethiopia** after the Parliamentary elections on 15 May 2005 has been followed by the EU with particular attention. Following the violence at the beginning of June, the EU urged the government and the security forces to show restraint and to respect international human rights. Throughout the post-electoral political crisis, in the framework of the Article 8 dialogue, EU representatives raised with the Ethiopian authorities issues such as the need to respect human rights and to investigate the post-electoral violence, among other issues. Following the new upsurge of violence at the beginning of November 2005 and the arrests of opposition

leaders, editors and journalists, and civil society representatives, the EU, together with the whole donor community, made clear its deep concern, urging an end to indiscriminate beatings and massive arrests and calling for the release of all political detainees. Since then, EU representatives have repeatedly expressed to the Ethiopian authorities strong concerns about the situation of human rights in the country and the situation of the detainees, demanding respect for human rights and the rule of law, as well as the release of all detainees arrested after the June and November political demonstrations and respect for the rights of those remaining in detention. The EU has been monitoring the trials of the detainees from the very beginning by the representatives of the Embassies in Addis Ababa as well as by a lawyer following the commonly approved Terms of Reference.

The EU also focused on the situation in **Northern Uganda**, expressing its concern at the continuing conflict, which has caused serious security problems and a grave humanitarian situation. In its conclusions of 15 May 2006, the Council, recalling the Government of Uganda's primary responsibility for addressing the conflict and its grave humanitarian impact, called upon the government to further increase protection of its citizens in Northern Uganda. As to the indictments by the ICC against five commanders from the Lord's Resistance Army (LRA), the Council considered the issuing of the warrants as a historic first step and reiterated its view that there should be no impunity for genocide, crimes against humanity and war crimes. The Council called on the government of Uganda and neighbouring countries to work together to effect the arrest warrants.

During the period covered by this report, the Council adopted Common Position 2006/31/CFSP of 23 January 2006<sup>87</sup> concerning restrictive measures against **Liberia**, in order to give effect to Security Council Resolution 1647. As a consequence, the measures adopted by Common Position 2004/137/CFSP<sup>88</sup> are extended: the arms embargo and travel restrictions on certain individuals are extended for a further period of twelve months, while restrictive measures on diamonds and timber products originating in Liberia are extended for a further period of six months.<sup>89</sup> Following Security Council Resolution 1689 of 20 June 2006, lifting restrictive measures on timber on the condition that appropriate forestry legislation is passed, the Council will reconsider its position shortly. Council Common Position 2004/487/CFSP, concerning restrictive measures against former President Taylor and certain of his close relatives, remains in force.<sup>90</sup>

On 23 January 2006, the Council adopted Common Position 2006/30/CFSP<sup>91</sup>, renewing restrictive measures imposed against **Côte d'Ivoire** by Common Position 2004/852/CFSP<sup>92</sup>. These measures, in application of UN Security Council Resolution 1572, include a travel ban and freeze of assets on certain individuals considered to hinder the peace agreement and an arms embargo. In addition, Common Position 2006/30/CFSP prohibits all imports of rough diamonds from Côte d'Ivoire into the EU, in accordance with UN Security Council resolution 1643. On 15 May 2006, the Council adopted conclusions welcoming the changed mood in Côte d'Ivoire following the appointment of Mr Konan Banny as Prime Minister, allowing the revival of the peace process as defined by United Nations Security Council Resolution 1633 under which free, open, fair and transparent elections must be held no later than 31 October 2006.

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<sup>87</sup> OJ L 19, 24.1.2006, p. 38.

<sup>88</sup> OJ L 40, 12.2.2004, p. 35

<sup>89</sup> OJ L 124, 20.5.2003, p. 49.

<sup>90</sup> OJ L 162, 30.4.2004, p. 116.

<sup>91</sup> OJ L 19, 24.1.2006, p. 36.

<sup>92</sup> OJ L 368, 15.12.2004, p. 50.

The EU has continued to follow closely the human rights situation in **Zimbabwe** especially the aftermath of operation "Restore Order" of May 2005. The EU has urged the Government of Zimbabwe to address the distressing effects of the operation. Due to the absence of progress in the human rights situation in Zimbabwe, in January 2006 the Council renewed Common Position 2006/51/CFSP, first adopted in February 2002 (2002/145/CFSP), concerning restrictive measures against Zimbabwe. 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.

### **6.3. The Americas**

**At their 4th Summit in Vienna (12 May 2006) the leaders of the EU, Latin America and the Caribbean countries** underlined that democracy, development and respect for all human rights and fundamental freedoms are basic principles of strategic bi-regional partnership. The parties reaffirmed their commitment to the effective promotion and protections of human rights and welcomed the creation of the Human Rights Council. The Heads of State and the Governments stressed their determination to work towards full gender equality and paying special attention to women, children, people with disabilities, indigenous people and minorities. They reiterated their determination to fight racism, all forms of discrimination, xenophobia and intolerance and to provide coherent and effective support and protection to individuals, organisations or institutions working for the promotion and protection of human rights, including human rights defenders.



During the past year the EU reiterated its concern over the human rights situation in **Colombia** and reaffirmed its solidarity with the Colombian people. The EU called upon all illegal armed groups to sincerely engage 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. The EU also stressed the importance of ensuring the safety of those individuals, organisations and institutions, including human rights defenders, working for the promotion and protection of human rights, and of protecting the rights of persons belonging to minorities and indigenous peoples.

Following the enactment of the Justice and Peace Law, the Council noted its concern that the Law does not take into sufficient account the principles of truth, justice and reparation in accordance with internationally agreed standards. The Council shared many of the concerns expressed by UNHCHR, including: the blurring of distinctions between "political" and other crimes; the short time allowed for the investigation of confessions and for the investigation of title assets that may have been acquired as the result of illegal activities; the restricted opportunities allowed for victims to claim reparations; the limited maximum sentences for the most serious of crimes; and the heavy resource pressures on the Colombian legal system in coping with the demands of the new law. Nevertheless 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. In the same vein 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 judicial

process established under the law. The Council also confirmed the readiness of the EU and its Member States to assist the Colombian government and civil society in providing support for the communities affected by the internal conflict and for the victims groups, as well as support for local reconciliation activities and the reinsertion and demobilisation of child soldiers, hereby complementing existing programmes developed by UNICEF and others.

On 26 June 2006 the EU published a declaration supporting the prolongation of the mandate of the office of the UNHCHR. The Union is in favour of a continued strong role for the Office and underlines the importance of the Colombian Government actively supporting and using the full range of services provided by the Colombian Office of the UNHCHR.

The situation in Colombia will continue to be assessed. Particular importance will be given to the rulings of the Constitutional Court aiming notably at reinforcing the rights of victims.

In its recent conclusions on 12 June 2006 on the 16th evaluation of the Common Position, the Council deplored the further deterioration of the human rights situation in **Cuba** since the last evaluation in June 2005. The EU noted that according to Cuban human rights organisations the number of political prisoners in Cuba had risen over the past twelve months to more than 330 documented cases, including several individuals detained without charge or trial since 2005. In addition, hundreds of young Cuban citizens had been detained and sentenced under the Penal Code stipulation of "propensity to commit a crime". The EU once again urged the Cuban government to unconditionally release all political prisoners, including the group of 75 who were detained and sentenced in 2003.

Of particular concern since July 2005 has been the staging of several dozen acts of violent harassment and intimidation, including acts of repudiation. The Council expressed its concern at reports that some acts of repudiation are taking place with the collusion of police and security forces. In any case, the Cuban authorities are not fulfilling their obligations to protect all citizens. The Council urgently called on the Government of Cuba to take prompt action to stop the ongoing harassment and to undertake every effort to effectively prevent its resumption. The EU strongly condemned these acts and other restrictions of fundamental civil and political rights, which are guaranteed by the Universal Declaration of Human Rights and other international human rights obligations to which Cuba, as a UN member and signatory of relevant Declarations, is party. The EU reminded the Cuban authorities of their responsibilities, in particular as regards the basic rights of free access to information, freedom of expression, association and assembly, privacy and due process of law. The EU also recalled the commitments required of all members elected to the Human Rights Council to uphold the highest standards in the promotion and protection of human rights. The EU will continue to monitor closely the policies of the Cuban government with respect to human rights.

The EU has on several occasions used encounters with members of the Cuban government to bring up human rights problems in Cuba. Regrettably, those attempts have not been fruitful as Cuba considers démarches related to human rights as interference with its internal affairs, thus limiting the activities of the EU to moral and, where possible, logistical and material support for human right activists and defenders. The EU would welcome the resumption of a political dialogue with the Cuban authorities. This dialogue should include the issue of human rights and take place on a reciprocal and non-discriminatory basis. The EU has urged the Cuban government, with a view to promoting a positive and mutually beneficial dialogue, to show its commitment to dialogue by making concrete improvements in the human rights situation. The Council has also underlined that every high-level visitor should raise human rights concerns with the Cuban authorities.

The EU notes with satisfaction that **Venezuela** has ratified all important international conventions and guarantees basic human rights in its constitution. In practice, these rights are not, however, always implemented or respected. The EU notes with concern that there are signs of authoritarian governance, insufficient independence and authority of the judiciary and corruption in the police force. Other issues of concern include the increased degree of violence as well as kidnappings. The EU is also closely following some court cases against opposition members and human rights defenders.

The EU has noted the significant steps taken by **Mexico** in promoting respect for human rights. Nevertheless, the human rights situation in Mexico continues to face significant challenges. A major justice and law reform, which would have addressed many of the structural problems leading to human right abuses, remained stalled in the Mexican congress. The visit of the Personal Representative of the SG/HR to Mexico (on 2 and 3 September 2005) proved very useful in reinforcing local EU efforts to promote human rights, not least by underlining the importance the EU places on this issue. Since 2002, Mexico and the European Commission have cooperated in the area of human rights, through the EIDHR.

The EU is concerned by the high level of violence and insecurity in **Guatemala**, a situation that endangers and hinders efforts to improve development and respect for human rights. The EU maintains a continued dialogue with the Government of Guatemala on human rights issues. Vice President Stein's visit to Brussels, where he met the SG/HR and addressed the regional Working Group, concentrated mainly on HR issues. The Personal representative of the SG/HR expressed the EU's concerns over the human rights situation, specifically on issues such as adoptions, the death penalty and the ratification of the ICC, during his visit to Guatemala. The EU also made a démarche to the Guatemalan government on the ICC and conveyed disquiet with the situation of HR defenders.

The EU has noted with concern the growth in the number of criminal youth-gangs (Maras) across Central America, and therefore reviewed the security situation and policies in the countries most affected by this form of violence, especially **Guatemala, Honduras and El Salvador**. The EU has pointed out the need for a public security reform and a comprehensive approach to this issue and to regional cooperation. The EU will include the Maras issue and related security problems in the San José Political Dialogue.

The EU has supported the UN Security Council's peacekeeping operation in **Haiti**, MINUSTAH, the mandate of which includes the protection of human rights. The EU election observer mission played a positive role in recent Haitian elections. The EU has committed itself to assisting the Haitian Government in the process of national reconciliation and in particular to the restoration of political stability, the improvement of the security and human rights situation and to the re-launching of economic recovery in Haiti.

During the past year the EU has carried out several démarches in the Caribbean on the death penalty and the ICC.

#### **6.4. Asia**

Despite the formidable challenges and concerns that continue to characterize the human rights arena in **Afghanistan**, there has been steady progress since the Bonn Agreement of 2001. The EU, based upon the findings of its observer mission, has acknowledged the success of the parliamentary and provincial council elections held

on 18 September 2005 as well as the successful forming of the parliament in November. The new parliament reflects the political and ethnic diversity of Afghanistan with 27 per cent of all seats occupied by women. Women received 121 out of the available 420 seats in the provincial councils although their representation in the national government seems to be decreasing. In mid-November, with the Bonn process drawing to a close, the EU and Afghanistan adopted a Joint Political Declaration setting out a new partnership and reaffirming the EU's long-term commitment to Afghanistan. The EU committed itself to the Afghanistan Compact and the interim Afghanistan National Development Strategy, both of which represent the final documents of the London Conference held in January 2006. The Afghanistan Compact features governance, the rule of law and human rights as one of its three main pillars.

The EU remained concerned about the imposition of the death penalty. Women in Afghanistan continue to face serious restrictions in the exercise of their rights, including obstacles to education, widespread discrimination, limited access to justice and pervasive violence against women and girls. The Office of the EU Special Representative continues to engage closely in the human rights field. Government plans to establish a Department for the Promotion of Virtue and Prevention of Vice should be closely followed.

Concern continued to rise in the EU at the state of governance in **Bangladesh**. The scale of the challenges facing the country was cast into sharp relief by the detonation of around 500 bombs on 17 August 2005. In the wake of this attack the EU stepped up its monitoring of the situation in Bangladesh, and decided to send a Troika of Regional Directors to visit Dhaka in January 2006. This delivered a number of targeted messages to government, opposition and civil society, including a call for the establishment of a National Human Rights Commission, which has been pending for several years.

The EU's relations with **India** continued to develop, as befitting one of the EU's six strategic partners. On 7 September 2005, the EU-India Summit in New Delhi adopted a Joint Action Plan 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 a meeting on human rights on 1 December 2005 in New Delhi. Since then, the EU has welcomed India's election as a founder member of the UN Human Rights Council, and is working with it there.

The EU has welcomed the steps taken in the Composite Dialogue between **India and Pakistan**, which is helping to create an atmosphere more favourable to addressing human rights in Kashmir.

**Pakistan** continues to face a unique set of problems in the field of human rights. A few of the most significant human rights violations during the reporting period are the continuing high number of death sentences, the fact that blasphemy laws are increasingly used to solve disputes unrelated to religion and the fact that up to 90 % of women in Pakistan are subject to domestic violence with the number of incidences growing. These were a major subject for discussion during the visit to Islamabad by an EU Troika of Political Directors, on 27 September 2005 - nevertheless the number of executions has increased dramatically in 2005 (over 50) and in 2006 (over 40). Soon afterwards Pakistan found itself facing fresh rights challenges following the earthquake that struck Kashmir on 8 October 2005, when the EU moved swiftly to provide substantial assistance. A positive sign is the discussion on a bill to parliament by the Government amending the Hudood Ordinance. More generally, the EU has continued to highlight to government the importance of the rule of law as a basic prerequisite for the protection of human rights.

Human rights in **Nepal** were under particularly severe pressure following King Gyanendra's proclamation of a state of emergency on 1 February 2005. This was largely relieved, however, on 24 April 2006, when a new royal proclamation reinstated the House of Representatives. The EU spoke out clearly against the king's direct rule, including through the visit to Kathmandu by a Troika of EU Regional Directors in October 2005, and welcomed the democracy process. Throughout the period the EU has also offered strong support to the OHCHR mission in Nepal, which has made a valuable contribution in cataloguing human rights abuses by Maoist insurgents and the state security forces.

The EU has continued to promote the peace process in **Sri Lanka**, as one of the Co-Chairs of the 2003 Tokyo Conference. The EU has strongly supported Norway in urging the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) to respect the 2002 ceasefire and resume direct talks. Unfortunately, both sides failed to take advantage of the opportunity for reconciliation presented by the 2004 Tsunami and the situation started to deteriorate rapidly in the spring 2006. Faced with increasing levels of violence towards civilians, the EU finally decided to list the LTTE as a terrorist organisation on 31 May 2006.

Since the announcement in June 2004 of wide-ranging political reforms in the **Maldives**, the EU has stepped up its dialogue with both government and opposition, aimed at promoting dialogue.

Two EU fact-finding missions to the Maldives have received good cooperation from the authorities, including in gaining access to detainees. The EU has constantly encouraged the Government to commit itself fully to democratic reforms by setting clear and time-sensitive milestones, and to take greater advantage of foreign expertise and advice in the reform process



The ongoing systematic violations of human rights in **Burma/Myanmar** have been the object of several EU declarations or Presidency statements. For example, on 29 May 2006 the Presidency of the EU condemned the decision of the Burmese government to extend the house arrest of National League for Democracy leader Daw Aung San Suu Kyi and called on the military regime to release Daw Aung San Suu Kyi and all other political prisoners and to engage all political and ethnic forces in the country in a genuine dialogue with a view to bringing about true national reconciliation and the establishment of democracy.

The EU also regularly raises the human rights situation in Burma/Myanmar in meetings with Asian partners in order to communicate the EU's concerns and to encourage them to take a stronger position in favour of democratic transition in Burma/Myanmar. With like-minded partners, the EU regularly examines how to step up efforts to pressure for change in the country. The EU remains concerned about the events that have led to an increasing number of people fleeing in particular from Karen State. The persistence of reports of forced labour in Burma/Myanmar is also of serious concern. In April 2006 the EU renewed for a further 12 months its Common Position on restrictive measures against those in Burma/Myanmar who benefit most from its misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.

The 60<sup>th</sup> UNGA Third Committee adopted a resolution presented by EU on Burma/Myanmar (see chapter 5.1 for details).

In January 2006, the EU expressed concern about what it then saw as a deteriorating political situation in **Cambodia** culminating in the arrest of the Director of the Cambodian Centre for Human Rights at the end of December 2005. While the subsequent release of this human rights defender and others arrested following the events at the Human Rights Day ceremony on 10 December 2005 gave some reassurance, the EU continues to follow developments in Cambodia closely. Recent reports of corruption are also a serious concern for the EU. Land grabbing in Cambodia remains a problem especially affecting the poor.

**Laos** continues to be a one-party state with restrictions on a number of civil and political rights. Prison conditions remain a matter of serious concern. The EU remains concerned about the situation of Lao Hmongs, including the fate of 26 children whose repatriation to Laos from Thailand has been widely criticised. The EU is very concerned about an incident where a number of Lao Hmongs – women and children – were reportedly killed in Luang Prabang province in Laos. The EU supports Lao efforts towards ratifying and implementing international law and other efforts towards consolidating rule of law in Laos.

In **Thailand**, the level of violence in the far south continues to be a matter of serious concern. The EU has remained in close contact with the Thai government over developments, and has expressed its concern over the loss of life, which exceeds 1 000 civilians and members of the security forces since January 2004. The report of the National Reconciliation Commission, chaired by the former Prime Minister Anand Panyarachun, has been released but its recommendations have not been officially endorsed nor widely discussed in public. Various disappearances have not been solved, including the case of the human rights lawyer Somchai Neelapachit. The current crisis of Thai politics overshadowed the situation in the south of Thailand.

During the period under review the EU remained committed to promoting human rights in **China** in an active, sustained and constructive way. A constructive dialogue remains the Union's preferred channel for working to improve the human rights situation in China. Human rights are discussed between the EU and China in the framework of both their political dialogue as well as a specific dialogue on human rights (see also chapter 3.4.2). The Eighth EU-China Summit held on 5 September 2005 in Beijing reaffirmed the commitment to further enhance cooperation and exchanges in this field. The 20<sup>th</sup> EU-China Human Rights Dialogue was held in Beijing on 24 October, and the 21<sup>st</sup> round was held in Vienna on 25-26 May 2006. The dialogues concentrated i.a. on restrictions on the freedom of expression and religion, the death penalty, administrative detention and the system of re-education through labour. The EU expressed concern regarding the freedom of religion and the rights of persons belonging to minorities in Tibet and Xinjiang and pressed for the implementation of recommendations made by the Special Rapporteur on torture, Manfred Nowak, following his recent visit. In the framework of the human rights dialogue, the EU handed over a list of individual cases of concern. The EU also made démarches on various occasions on individual cases concerning human rights. The EU and Chinese authorities organised two human rights seminars within the framework of the dialogue, one in London on 12 and 13 December 2005 and one in Vienna on 22 and 23 May 2006.

One of the main concerns is the issue of freedom of expression, following worrying trends in China towards more restrictions in the media and on the internet, arrests and intimidation of journalists and individuals, as well as the closure of newspapers. New legal, technological and political means of monitoring and restricting the flow of information and expression in various media were in use, including restrictions in areas where citizens had earlier enjoyed freedoms, such as on private blogs on the internet. As a special topic the EU has focused on human rights education and women human rights defenders. The EU expects China to ratify the ICCPR that China is committed to as soon as possible.

Administrative sentences in the form of re-education through labour continue to constitute a serious violation of human rights. After some legislative steps, it is expected that death penalty appeals will be handled in a more open way, but China continues not to disclose death penalty statistics raising concern over the number of people executed annually. Minorities in Xinjiang face repression because of central fears of Uyghur activists seeking independence for East Turkestan.

The Democratic People's Republic of Korea (**DPRK**) is widely considered to have one of the worst human rights records in the world. In the autumn the EU sponsored a country-specific resolution at the UNGA Third Committee in which the EU urged the DPRK to respect fully all human rights and fundamental freedoms, to ensure the quality of humanitarian assistance, and to fully cooperate with the UN Special Rapporteur (see chapter 5.1 for details). The UNGA resolution proposed UN action, should the DPRK continue to ignore CHR requests for improvement.

In the spring of 2006 the EU made special efforts to convince the DPRK to abstain from the death penalty and has further underlined the desirability for the DPRK to engage with the UN Special Rapporteur for Human Rights in the DPRK, Professor Vitit Muntarbhorn. The EU is worried about the difficulties faced by European NGOs and humanitarian aid agencies owing to restrictive measures taken by Pyongyang.

In **Indonesia** the EU recognises a new resolve by the government to address human rights concerns. However, the EU remains concerned about the human rights situation in certain regions such as Papua and Central Sulawesi. The EU has made further démarches on the death penalty in Indonesia and remains concerned about difficulties in bringing perpetrators of serious human rights violations to justice. The EU has also addressed the situation of religious minorities in talks with the Indonesian government.

The EU has been able to contribute to a considerable improvement of the human rights situation in the province of Aceh through the Aceh Monitoring Mission, human rights monitoring being one of its key tasks. This was also demonstrated by the appointment of a deputy Head of Mission for reintegration, amnesty and human rights (see box on AMM in chapter 3.1 for details).

The EU paid strong attention to **Timor-Leste** which experienced a serious deterioration in its internal security situation in spring 2006. Violence and turmoil endangered the achievements that the newest nation in Asia had made since gaining independence in 2002. The EU, also at the level of the European Council of June 2006, expressed great concern about developments in the country and commended Portugal for sending policemen in response to calls from the East Timorese government for assistance with upholding security on the ground. The EU stressed that justice for serious human rights violations in Timor-Leste in 1999 must be achieved. The EU also stressed the international community's goal of supporting the country in re-establishing public order and pursuing reconciliation between the conflicting parties. In May 2006 the EU expressed concern about developments in the country and welcomed positive responses by a number of governments to requests by the Government of Timor-Leste for assistance in restoring and maintaining security in the country. On 9 June 2006 the Commission adopted a country strategy paper and indicative programme which along with support for rural development, prioritizes institutional capacity building. The EU noted the beginning of the work of the office of the Provedor for Human Rights and Justice as a welcome and important step in Timor-Leste's progress towards full assumption of state functions.

Despite steady progress in the field of human rights in the **Philippines** over the past few years, the EU was concerned about the state of emergency declared on 24 February 2006. The EU, in contacts with the Department of Foreign Affairs of the Philippines, called on the government to respect human rights and the rule of law, and expressed the expectation that the State of Emergency would be lifted early. The State of Emergency was indeed lifted on 3 March 2006, a week after its imposition. On a more positive note, the EU warmly welcomed the signing by President Arroyo on 24 June 2006 of the legislation abolishing the death penalty in the Philippines. The EU is constantly monitoring the human rights situation in the Philippines and has expressed its concern on the unsatisfactory implementation of most human rights conventions, covenants and treaties especially over extra-judicial killings (of political activists, journalists, human rights defenders, judges and lawyers). The Philippines was added to the list of priority countries in regard to children and armed conflicts in April 2006.

## **6.5. 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, 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. 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 2005, 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.

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 since July 2005 provided management and criminal investigation training in EU Member States for some 700 senior officials from across Iraq's police force, judiciary and penitentiary services. At Iraqi request, the mission has been extended for another 18 months until the end of 2007.

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. Other concerns raised have included regulations governing the registration and operation of NGOs, and allegations of human rights violations by the Iraqi Security Forces.

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.

In **Saudi Arabia**, some positive developments took place over the past year, but the pace of reform remains slow. Improvements in the area of human rights included elections in professional organisations, the establishment of a Governmental Human Rights Commission and the continuation of a National Dialogue process. Public awareness of human rights issues in Saudi Arabia is also constantly increasing. In December, the EU welcomed the election of two women to the Board of Directors of the Jeddah Chamber of Commerce, at the first elections to a public body in Saudi Arabia open to female candidates. Serious concerns about the human rights situation in Saudi Arabia remain, however, and the EU has continued to raise these concerns with the Saudi authorities. Démarches have been made in particular regarding the application of the death penalty.



## 6.6. Analysis of country-focused actions

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 regional committees regularly discuss country and region specific human rights issues. The Personal Representative of the SG/HR for Human Rights has for instance visited regional committees and this has helped to highlight the implementation of the priorities and guidelines for the Union's human rights policy in the regional context.

Another example is the Aceh/Indonesia civil crisis management mission, where HR monitoring was for the first time a substantial part of the civil crisis management mission. There are still many opportunities to mainstream human rights in EU policy implementation.

This development once more underscores the importance of ongoing 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.

## **7. CONCLUSION**

This eighth annual human rights report demonstrates the extent to which human rights, democracy and good governance now decisively underpin both the external and internal policies of the EU. The increase in the number of Member States has highlighted yet further the need to follow up and act on the EU's internal experiences of human rights abuses. The EU must demonstrate that it fully respects human rights within its borders and reacts effectively to possible internal breaches. It is only then that the EU will carry greater authority in international fora.

**OVERVIEW OF PROJECTS SELECTED FOR SUPPORT UNDER THE EIDHR  
BETWEEN 1 JULY 2005 AND 30 JUNE 2006**

**I/ Projects selected through Global Calls for Proposals<sup>93</sup>**

**Support for the abolition of the death penalty**

| <b>Organisation</b>   | <b>Project Title</b>   | <b>Country</b> | <b>Max. EC contribution</b> |
|---|--|----------------|-----------------------------|
| The Independent Jamaica Council for Human Rights                                | Advocacy for the Abolition of the Death Penalty  | Jamaica        | 320.000 €                   |
| International Helsinki Federation for Human Rights                              | A Coordinated Civil Society Campaign to Abolish the Death Penalty in Central Asian States  | Kazakhstan     | 423.694 €                   |
| Nederlandse organisatie voor internationale ontwikkelings-samenwerking          | Awareness raising and lobbying against the Death Penalty in the occupied Palestinian Territory   | WB Gaza        | 298.339 €                   |
| Collectif des Ligues et Associations de Défense des Droits de l'Homme au Rwanda | Campagne de plaidoyer pour l'abolition de la peine de mort au Rwanda   | Rwanda         | 300.000 €                   |
| Inter Press Service International – IPS   | Strengthening Awareness on the Abolition of the Death Penalty – A Global Media and Communications Project to Promote Human Rights, Democracy and Conflict Prevention | Worldwide      | 314.921 €                   |

<sup>93</sup> Final selection for the current 4 EIDHR calls will be concluded by September. It is envisaged that approximately 135 projects will be selected.

## Prevention of torture

| Organisation  | Project Title  | Country   | Max. EC contribution |
|---|--|-----------|----------------------|
| Avocats sans Frontières   | L'émergence du droit à un procès équitable pour les victimes de torture au Burundi   | Burundi   | 920.000 €            |
| Great Britain China Centre  | Cutting Torture in the People's Republic of China: From Impunity to Accountability   | China     | 583.845 €            |
| Friedrich Naumann Stiftung  | Eliminating Torture in India: from Public Awareness to State Accountability  | India     | 1.349.735 €          |
| Italian Consortium of Solidarity  | Coalition Against Torture - Preventing Torture in Israel and the Occupied Territories  | Israel    | 357.268 €            |
| Associazione Italiana Donne Per Lo Sviluppo                                   | Innovative tools for the abandonment of the practice of female genital mutilation / cutting (FGM/C)  | Kenya     | 304.936 €            |
| Toplum ve Hukuk Arastirmalari Vakfi / Foundation for Social and Legal Studies | TOHAV Prevention of Torture Project  | Turkey    | 268.090 €            |
| Helsinki Citizens' Assembly – Turkey  | Strategic Mapping of Torture in Turkey, STRA-MAP   | Turkey    | 205.300 €            |
| The Omega Research Foundation   | Tracking the Supply of Torture Instruments - Developing Controls and Strengthening Civil Society Monitoring  | Worldwide | 497.813 €            |
| The International Rehabilitation Council for Torture Victims                  | Mobilising available knowledge in torture rehabilitation centres for more professional and efficient initiatives building on the further implementation of the Istanbul Protocol | Worldwide | 870.770 €            |

### Rehabilitation of victims of torture

| Organisation   | Project Title  | Country   | Max. EC contribution |
|--|--|-----------|----------------------|
| Medica Tirana  | New approach to gender-specific trauma work with female torture survivors  | Albania   | 241.211 €            |
| Centro de Investigación y tratamiento del stress             | Proyecto integral de rehabilitación a afectados por la tortura y otras violaciones a los derechos humanos en el Cono Sur de América Latina. Contribución a la lucha contra la impunidad y por la prevención de la tortura. | Chile     | 1.035.000 €          |
| Human Rights Foundation of Turkey                            | Project concerning the treatment and rehabilitation centres for torture survivors  | Turkey    | 736.840 €            |
| IFF-Refugio München  | Partnership for Health Care, Rehabilitation and Support for Survivors of Torture, Gross Human Rights Violations and War and their Families in Germany  | Worldwide | 1.500.000 €          |
| Consiglio Italiano per i Rifugiati                           | VI.TO. Hospitality and Care of Victims of Torture  | Worldwide | 596.880 €            |
| SPIRASI - The centre for care of survivors of torture (ccst) | The Centre for the Care of Survivors of Torture (CCST) at SPIRASI: Core costs for rehabilitation services and institutional strengthening  | Worldwide | 693.222 €            |

|   |   |           |             |
|---|---|-----------|-------------|
| Behandlungszentrum Folteropfer<br>Klinikum  | Multimodal Rehabilitation of Torture<br>Victims and their Families in<br>Germany and Ukraine  | Worldwide | 1.132.320 € |
| ICAR Foundation   | Providing rehabilitation and seeking<br>justice for victims of torture  | Worldwide | 697.509 €   |
| The Kosovo Rehabilitation Centre<br>for Torture Victims   | Rehabilitation of Torture Victims and<br>Torture Prevention   | Worldwide | 571.134 €   |
| Psycho-Social Centre for<br>Refugees Düsseldorf e.V.-<br>Psychosoziales Zentrum für<br>Flüchtlinge Düsseldorf | Beyond PTSD – Life after Torture  | Worldwide | 544.500 €   |
| Terre des Hommes Italia Onlus   | Fortalecimiento del servicio de<br>Rehabilitación psicosocial de niños,<br>niñas, jóvenes y sus familias victimas<br>de tortura en Colombia ofrecido por<br>el Centro de Atención Psicosocial en<br>Bogotá y las regiones | Colombia  | 412.665 €   |
| The international psycho -<br>Rehabilitation centre for victims<br>of torture, violence and<br>pronounced     | The programme of rehabilitation of<br>torture victims in Georgia  | Georgia   | 487.500 €   |
| Treatment and Rehabilitation<br>Center for Victims of Torture   | Strengthening of Rehabilitation<br>Services to Victims of Torture in the<br>North and South of the West Bank  | WB Gaza   | 966.701 €   |
| Red de Apoyo por la Justicia y La<br>Paz  | Atención Integral a Víctimas de<br>Tortura en Venezuela   | Venezuela | 218.000 €   |

## Combating impunity through international justice

| Organisation   | Project Title   | Country   | Max. EC contribution |
|--|---|-----------|----------------------|
| Avocats sans Frontières  | Renforcer les capacités des acteurs locaux oeuvrant dans l'assistance juridique des prévenus et des victimes de crimes internationaux                               | DR Congo  | 941.280 €            |
| OXFAM  | Generando condiciones políticas, jurídicas y ciudadanas para crear/modificar los mecanismos de exigibilidad existente la ratificación del Estatuto de Roma en Chile | Chile     | 478.317 €            |
| Parliamentarians for Global Action   | Parliamentary Campaign for the Universality of the Rome Statute (PGA ICC Campaign)  | Worldwide | 900.000 €            |
| World Federalist Movement Institute for Global Policy on behalf of the NGO Coalition | NGO Coalition for the International Criminal Court ("CICC" or "Coalition"), a project of the World Federalist Movement-Institute for Global Policy ("WFM-IGP").     | Worldwide | 1.000.000 €          |
| Gustav-Stresemann Institute e.V. GSI Academy for European Politics and Economics     | Information & ratification campaign on the ICC in Russia, Turkey and Central Asian Countries  | Worldwide | 768.620 €            |
| Comitato non c'e pace senza giustizia associazione                                   | Combating impunity: a global campaign for the universality and effectiveness of an international criminal justice system.   | Worldwide | 611.783 €            |

### Support for democracy, good governance and the rule of law

| Organisation  | Project Title  | Country    | Max. EC contribution |
|---|--|------------|----------------------|
| Comitato Internazionale Per Lo Sviluppo Dei Popolu CISP | Appui à l'éducation, à la citoyenneté et à la restauration d'espace de dialogue démocratique dans les régions de Kabylie, Boumerdes et Alger | Algeria    | 752.700 €            |
| Avocats Sans Frontières                                 | Appui à un meilleur accès à la justice des populations les plus vulnérables en Algérie.  | Algeria    | 742.720 €            |
| IMED Istituto per il mediterraneo                       | Actions pour l'Intégrité Physique, les Droits humains et l'Autonomie des Femmes  | Algeria    | 385.732 €            |
| Search for common ground                                | Enhancing the Capacity of Media and Civil Society to Contribute to Sustainable Peace in Angola   | Angola     | 634.662 €            |
| Terre des Hommes Italia Onlus                           | Developing a rights-based approach for anti-trafficking actions in South Asia  | Bangladesh | 948.299 €            |
| Concern Universal                                       | Prevention of Cross-Border Trafficking of Women and Children   | Bangladesh | 566.700 €            |
| Handicap International                                  | Self Help and Advocacy for Rights and Equal opportunities for people with disabilities in South east Europe (Share-See)                      | BiH        | 600.000 €            |
| RCN Justice et Démocratie                               | Programme d'appui à la justice au Burundi :<br>Pour une égale protection devant la loi:<br>Volet projet d'Appui à la société civile (ASC)    | Burundi    | 952.043 €            |



|   |  |          |             |
|---|--|----------|-------------|
| Forum pour le renforcement de la société civile         | Projet de renforcement du cadre de concertation de la société civile Burundaise  | Burundi  | 165.836 €   |
| Comunita Impegno Servizio Volontariato CISV             | Renforcement des capacités des institutions et de la société civile dans la Province de Karusi   | Burundi  | 376.571 €   |
| BBC World Service Trust                                 | Tuning into Human Rights: Improving the Coverage of Human Rights and Democratisation Issues on Chinese Television  | China    | 679.099 €   |
| The Rights Practice                                     | Strengthening democratic processes in China: public participation in decision-making   | China    | 315.847 €   |
| The Centre on Housing Rights and Evictions              | Human Rights Defence and the Consolidation of Civil Society in Colombia: Promoting and Protecting the Human Rights of Internally Displaced Persons in Colombia | Colombia | 355.974 €   |
| Corporación Susma Mujer                                 | Observatorio de Los Derechos Humanos de Las Mujeres en Colombia  | Colombia | 200.007 €   |
| Comitato Internazionale Per Lo Sviluppo Dei Popoli      | Programa de Fortalecimiento de los Sistemas de Gobierno Local, la Democracia y el Estado de Derecho  | Colombia | 1.499.904 € |
| Istituto Sindacale di Cooperazione allo Sviluppo Marche | Enhancing the role of the Unions in defence of the workers' rights as an integral part of human rights as defined by the ILO Fundamental Conventions           | Eritrea  | 406.326 €   |

|  |   |           |             |
|--|---|-----------|-------------|
| HABEN  | The Human Rights Approach to Civil Society Capacity Development in Eritrea (HRA/CSCD-Eritrea)   | Eritrea   | 214.784 €   |
| Live & Learn Environmental Education   | Imagining Tomorrow; Towards a Peace Building Education for Children   | Fiji      | 200.000 €   |
| Georgian Young Lawyers' Association  | Strengthening Rule of Law in Georgia  | Georgia   | 300.000 €   |
| Women in law and Development in Africa / Femmes, Droit et Développement en Afrique – Bureau sous rég | Bonne gouvernance et participation des femmes dans sept pays d'Afrique de l'Ouest   | Ghana     | 1.019.608 € |
| OXFAM GB   | Community Networks for Democracy and Human Rights in Guatemala  | Guatemala | 465.000 €   |
| DanChurchAid   | Promoting Civil Society Control of Government Security Services in Guatemala through Increased Accountability, Transparency, and Responsibility                       | Guatemala | 420.000 €   |
| Cooperazione Internazionale  | Fortalecimiento de la capacidad de incidencia de la sociedad civil guatemalteca en los procesos de representación democrática y de protección de los derechos civiles | Guatemala | 907.000 €   |

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|--|--|------------------|-----------|
| HIVOS - Humanistic Institute for Cooperation with Developing Countries | Proyecto Kiem - Tejiendo Redes Contra la Impunidad   | Guatemala        | 809.829 € |
| Associazione Volontari per Il Servizio Internazionale                  | « Respekte moun, bati kay » « Respectez tout le monde et contribuez à la reconstruction de l'Homme ». Projet intégré pour la résolution des conflits familiaux et socio-politiques | Haiti            | 976.000 € |
| Initiative de la Société Civile  | Participation de la société civile à l'amélioration de la gouvernance du pays  | Haiti            | 282.151 € |
| National Peace Campaign  | Conflict Resolution and Peace-building in Nepal: A Project Proposal for Capacity Building.   | India            | 299.520 € |
| Worldview Nepal  | Towards Conflict Transformation Through A More Independent Media And Increased Citizen Participation   | India            | 299.251 € |
| Internews Europe   | Community Radio: Assisting Indonesia's new media expansion   | Indonesia        | 638.772 € |
| Adallah: the legal centre for arab minority rights in Israel           | Promoting Access to the Israeli Legal System for Arab Citizens of Israel   | Israel           | 513.684 € |
| Bimkom – Planners for Planning Rights                                  | Public Outreach and Advocacy Campaign to strengthen the rights of minorities in the field of spatial planning  | Israel           | 295.799 € |
| The Public Committee against Torture in Israel                         | Capacity building project to combat the legitimisation of torture in Israel  | Israel & WB Gaza | 230.287 € |

|   |  |            |             |
|---|--|------------|-------------|
| Comitato di Coordinamento delle Organizzazioni per il Servizio Volontario | Civil society and public administrations: working together to protect human rights in Maputo Province, Mozambique                                | Mozambique | 638.144 €   |
| Istituto Sindacale per la Cooperazione allo Sviluppo                      | Supporting and networking Civil Society Organisations and Public Institutions for an improved capacity to face Human Rights issues in Mozambique | Mozambique | 672.554 €   |
| Instituto Marquês de Valle Flôr   | Civic Education and Promotion of Human Rights  | Mozambique | 713.133 €   |
| BBS World Service Trust   | Budget monitoring through the Nigerian media   | Nigeria    | 1.243.746 € |
| The Law Society of England and Wales                                      | The Nigeria Law Project Phase 2  | Nigeria    | 1.001.456 € |
| Centre for Democracy & Development  | Strengthening Budget Transparency through Public Participation: Monitoring NEEDS and SEEDS in Nigeria:   | Nigeria    | 1.200.000 € |
| Development Initiatives Network   | Project on Gender Budget Transparency and accountability   | Nigeria    | 150.000 €   |
| Konrad-Adenauer-Stiftung  | Strengthening civil society through enhancing the accountability and good governance in the NGO sector   | WB Gaza    | 320.000 €   |
| The Democracy and Workers' Rights Center in Palestine                     | Promoting good governance among Palestinian civil society organisations  | WB Gaza    | 217.298 €   |
| Palestinian Centre for Human Rights                                       | Prisoner Rights and Democratic Development   | WB Gaza    | 293.225 €   |

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|---|---|--------------|-------------|
| The Law Society of England and Wales  | The Pakistan Bar to provide free legal representation for children in detention   | Pakistan     | 574.818 €   |
| Gruppo Volontariato Civile  | Conflictos Interculturales: Una respuesta democrática y participativa regional desde Bolivia, Ecuador y Perú.                           | Peru         | 1.151.746 € |
| London School of Economics and Political Science                                | Russian human rights networks for conscripts and the military: Joint action for the rule of law.  | Russia       | 1.285.500 € |
| RCN Justice et Démocratie   | Appui aux institutions judiciaires et à la société civile, pour une meilleure application des principes fondamentaux de droit rwandais. | Rwanda       | 960.000 €   |
| Collectif des Ligues et Associations de Défense des Droits de l'Homme au Rwanda | Projet d'appui de la société civile au processus Gacaca au Rwanda (P.A.P.G), Phase II.  | Rwanda       | 599.607 €   |
| CARE UK   | Rights Awareness and Action project   | Rwanda       | 1.372.662 € |
| Christian Aid /GB   | Leh Wi Push Pis – strengthening democratisation and human rights in Sierra Leone  | Sierra Leone | 867.093 €   |
| Association Enfants du Monde-droits de l'Homme                                  | Centre pour la promotion des droits de l'enfant   | Sudan        | 480.000 €   |
| Avocats Sans Frontières   | Renforcement du rôle de l'avocat au Cambodge pour une justice plus équitable  | Thailand     | 443.833 €   |

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|--|--|------------|-------------|
| Cambodian Defenders Project  | Cambodian Defender's Project (CDP)<br>Legal Aid and Rule of Law Advocacy Action  | Thailand   | 926.706 €   |
| CARE Deutschland   | Promotion of Human Rights and Legal Assistance in the Context of Sexual Behaviour  | Thailand   | 640.000 €   |
| Institute for international assistance and solidarity                  | Civil Rights for South East Anatolia   | Turkey     | 295.958 €   |
| Counterpart Creative Center  | Improving access to justice for rural population   | Ukraine    | 445.562 €   |
| Movimento Laici America Latina   | La participación democrática de los jóvenes: una promesa de futuro para los países miembros de MERCOSUR y Chile  | Uruguay    | 1.199.770 € |
| HIVOS - Humanistic Institute For Cooperation with Developing Countries | Capacity building of human right defenders in Zimbabwe to optimise their basic human rights work in the prevailing legal and socio-political environment.  | Zimbabwe   | 852.330 €   |
| Media Monitoring Project Zimbabwe                                      | 50% Core funding for Media Monitoring Project of Zimbabwe (MMPZ)   | Zimbabwe   | 154.519 €   |
| Institut Arabe des Droits de l'Homme                                   | Renforcement des capacités de la société civile en vue d'une participation effective aux transformations démocratiques et à l'élaboration et la mise en œuvre de stratégies nationales pour la promotion des droits de l'homme dans le Monde arabe | Arab world | 735.107 €   |
| Euro-Mediterranean Human Rights Network                                | Developing Synergies between regional and local human rights work, the human rights instruments of the Barcelona Process as well as the wider Arab World   | Arab world | 1.000.000 € |

### Support for promoting the rights of indigenous peoples

| Organisation                                 | Project Title  | Country  | Max. EC contribution |
|--|--|----------|----------------------|
| OXFAM UK                                     | Positive Action by Brazilian Indigenous Peoples through International Human Rights Instruments   | Brazil   | 577.862 €            |
| Forest Peoples Project                       | Securing the Rights of Indigenous Forest Peoples in Central Africa through Capacity Building and Legal and Human Rights Support at the Local, National and International Levels. | Cameroon | 455.000 €            |
| Corporación ONG de Desarrollo Lonko Kilapang | Formación de líderes mapuche para conocer y ejercer sus derechos y participar en la generación o adecuación de instrumentos jurídicos nacionales e internacionales               | Chile    | 172.977 €            |
| Paz y Tercer Mundo                           | Fortalecimiento de capacidades e incidencia de los Pueblos Indígenas de Colombia para la promoción y puesta en práctica de sus derechos y mecanismos de protección               | Colombia | 413.361 €            |
| Hilfswerk Austria                            | Fortalecimiento Organizativo y Politico de la Comunidad Embera con Enfoque en la Promoción y protección de sus derechos colectivos   | Colombia | 484.414 €            |

|  |  |           |           |
|--|--|-----------|-----------|
| Mugarik Gabe   | Observatorio indígena de politicas publicas de desarrollo y derechos étnicos   | Colombia  | 340.038 € |
| DanChurchAid   | Promoting Indigenous People's Rights in Guatemala through Information and Advocacy   | Guatemala | 477.287 € |
| Asian Indigenous and Tribal Peoples Network                                      | Realisation of Indigenous Peoples Rights at National Level in Asia   | India     | 207.066 € |
| Rural Community Development Society  | Advocacy for the Rights of Indigenous People (ARIP)  | India     | 299.996 € |
| Mainyoito Pastoralist Integrated Development Organisation                        | Maasai Indigenous Peoples' Rights Initiative   | Kenya     | 260.660 € |
| Centro Educativo Ixtliyollotl A.C.   | Jóvenes indígenas de Puebla en pro de la construcción de una cultura para el ejercicio de la vida democrática y de los derechos humanos      | Mexico    | 150.000 € |
| Russian association of indigenous peoples of the North, Siberia and the Far East | «Center of legal resources of the indigenous peoples of the North, Siberia and Far East of Russian Federation»                               | Russia    | 298.048 € |
| Asia Indigenous Peoples Pact Foundation  | Advancing Indigenous Peoples Rights in the Asia Region   | Thailand  | 239.930 € |
| International Work Group for Indigenous Affairs                                  | Indigenous rights advocacy and capacity enhancement project. A multi-level international program to promote the rights of indigenous peoples | Worldwide | 719.464 € |



**Support for promoting the rights of minorities and for combating discrimination and xenophobia**

| <b>Organisation</b>   | <b>Project Title</b>  | <b>Country</b> | <b>Max. EC contribution</b> |
|---|---|----------------|-----------------------------|
| Stichting CARE Nederland  | Bosnian Roma Human Rights Project   | BiH            | 262.797 €                   |
| Institut für Internationale Zusammenarbeit des DEU                  | The Folk High Schools in Samtskhe-Javakheti – a Chance of Integration of Minorities           | Georgia        | 400.000 €                   |
| BBC World Service Trust   | Making Waves: A Community Radio Project for Georgia   | Georgia        | 400.000 €                   |
| Action Aid  | Strengthening the capacity of ethnic minorities to advocate for their rights and entitlements | India          | 400.000 €                   |
| Asamblea de Cooperacion por la Paz                                  | Combating Racism by implementing the programme "I spy with my little eye" in Israel           | Israel         | 300.000 €                   |
| Mossawa Center, the Advocacy Centre for the Arab Citizens of Israel | Combating Racism and Conflict Transformation in Israel  | Israel         | 298.660 €                   |
| International Step by Step Association                              | Minority Exclusion: Education for Social Justice in Central Asia                              | Kazakhstan     | 333.275 €                   |
| European Roma Rights Center   | Promoting the rights of minorities. Promoting Roma rights in Turkey                           | Turkey         | 360.957 €                   |

|                       |   |           |           |
|-----------------------|---|-----------|-----------|
| Minority Rights Group | Combating discrimination and promoting minority rights in Turkey  | Turkey    | 471.960 € |
| CCF Kinderhilfswerk   | Integration and Empowerment of Minority Children and Youth in Albania and Serbia  | Worldwide | 389.260 € |
| CARE Deutschland      | Youth Activists – combating racism, xenophobia and discrimination and promoting the rights of minorities among young people of different ethnic background in the towns of Leskovac, Vranje and Vranjska Banja. | Worldwide | 300.000 € |
| Humanitarian Law Fund | Promoting minority rights in the future through reparation for human rights abuses in the past  | Worldwide | 226.945 € |

### Regional Human Rights Masters Programmes

| Organisation                         | Project Title  | Country      | Max. EC contribution |
|--------------------------------------|--|--------------|----------------------|
| Foundation for International Studies | Mediterranean Master's Programme in Human Rights and Democratisation                             | Worldwide    | 1.488.705 €          |
| University of Sarajevo CIPS – DHR    | European Regional Master's Degree in Democracy and Human Rights in South-East Europe (EU-SEE-MA) | BiH          | 1.123.253 €          |
| Centre for Human Rights              | Master of Laws (LLM) Programme in Human Rights and Democratisation in Africa                     | South Africa | 1.500.000 €          |
| Universidad Andina Simón Bolívar     | Maestria Latinoamericana en Derechos Humanos y Democracia  | Colombia     | 387.586 €            |

### **Election Training**

| <b>Organisation</b>                          | <b>Project Title</b>   | <b>Country</b> | <b>Max. EC contribution</b> |
|--|--|----------------|-----------------------------|
| Electoral Reform International Services ERIS | Training activities linked to election observation and EU Election Observation Missions (NEEDS II) | Worldwide      | 1.799.910 €                 |

### **Support for a network for conflict prevention**

| <b>Organisation</b>        | <b>Project Title</b>            | <b>Country</b> | <b>Max. EC contribution</b> |
|----------------------------|---------------------------------|----------------|-----------------------------|
| International Crisis Group | Conflict Prevention Partnership | Worldwide      | 1.125.000 €                 |

## **II/ Projects selected through Country Calls for Proposals**

Country specific calls for EIDHR micro-projects were concluded for the following countries:

Albania, Algeria, Angola, Bolivia, Bosnia & Herzegovina, Brazil, Burundi, Cambodia, Colombia, DR Congo, Egypt, Ethiopia, Georgia, Haiti, Indonesia, Israel, Côte d'Ivoire, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Mexico, Morocco, Mozambique, Nepal, Nigeria, Pakistan, Peru, Russia, Rwanda, Sudan, Syria, Tajikistan, Turkey, Ukraine, Venezuela, Vietnam, West Bank and Gaza, Zimbabwe.

### III/ Projects selected without a call for proposals<sup>94</sup>

| Organisation  | Project Title  | Country    | Max. EC contribution |
|---|--|------------|----------------------|
| United Nations Children Fund - UNICEF               | Child Welfare Reform in Azerbaijan: capacity building and awareness raising  | Azerbaijan | 300.000 €            |
| United Nations Children Fund - UNICEF               | Bangladesh - Birth Registration  | Bangladesh | 999.000 €            |
| Media Consulta International Holding                | Awareness-raising TV/Radio programmes for Belarus  | Belarus    | 1.919.865 €          |
| United Nations Development Programme                | Promotion of a wider application of international human rights standards in the administration of justice in Belarus | Belarus    | 600.000 €            |
| Nordisk Ministerrad                                 | Belarusian Higher Education for Democracy and Human Rights   | Belarus    | 2.226.006 €          |
| Office for Democratic Institutions and Human Rights | Democratisation and Human Rights Initiatives in Belarus  | Belarus    | 142.798 €            |
| United Nations High Commissioner for Human Rights   | Planes de Desarrollo Municipal y Derechos Humanos  | Colombia   | 550.000 €            |
| United Nations Development Programme                | Support to Good Governance in Iran   | Iran       | 1.000.000 €          |

<sup>94</sup> Excluding the Election Observation Missions.

|  |   |              |             |
|--|---|--------------|-------------|
| United Nations Development Programme     | EIDDHR - Support to the Constitutional Process in Iraq  | Iraq         | 5.000.000 € |
| International Organisation for Migration | Iraq –Election Support Project (ESP)  | Iraq         | 2.298.150 € |
| United Nations Development Programme     | Promotion of Human Rights Culture in Iraq through support to Human Rights civil society organisations           | Iraq         | 2.600.000 € |
| United Nations Children Fund - UNICEF    | Development of a Child Rights Ombudsman   | Kazakhstan   | 350.000 €   |
| United Nations Development Programme     | La Defensoría del Pueblo y el seguimiento a las recomendaciones de la Comisión de la Verdad y la Reconciliación | Peru         | 832.412 €   |
| Sierra Leone Special Court               | Victims Justice and Legacy Project  | Sierra Leone | 695.244 €   |
| United Nations Development Programme     | Support to the Khmer Rouge Tribunal (KRT) - Cambodian budget share of KRT operations                            | Thailand     | 995.100 €   |
| United Nations Development Programme     | Support for the Strengthening of the Rule of Law through Enhanced Capacity of Stakeholders in Zimbabwe          | Zimbabwe     | 600.000 €   |
| United Nations Children's Fund           | Mainstreaming Child rights and promoting non violence   | Worldwide    | 997.088 €   |

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| International Criminal Tribunal for the Former Yugoslavia                    | Outreach programme for the International Criminal Tribunal for the former Yugoslavia (ICTY)  | Worldwide | 500.000 €   |
| United Nations High Commissioner for Human Rights                            | Enhancing OHCHR capacity in preventing and responding to human rights violations   | Worldwide | 1.804.000 € |
| Council of Europe  | Promoting the democratic process   | Worldwide | 780.000 €   |
| United Nations High Commissioner for Human Rights                            | Strengthening National Human Rights Institutions (OHCHR)   | Worldwide | 790.648 €   |
| DOCIP Indigenous Peoples' Centre for documentation, research and information | Renforcement des capacités des peuples autochtones aux Nations Unies par l'appui logistique, informatif, documentaire et le transfert de connaissances | Worldwide | 950.000 €   |
| International Labour Organisation  | Promotion of indigenous and tribal peoples' rights through implementation of the principles of ILO Convention No. 169.                                 | Worldwide | 800.000 €   |
| Council of Europe  | Equal rights and treatment for Roma  | Worldwide | 275.000 €   |



### Further Information Websites

A great deal of additional information on the European Union is available on the internet. It can be accessed through the Europa server at: <http://www.europa.eu>

Europe Direct is a service to help you find answers to your questions about the European Union. You can contact them on the following freephone number: 00 800 6 7 8 9 10 11

Further information about the EU's human rights policy is available at:

<http://www.consilium.europa.eu/human-rights>

[http://www.ec.europa.eu/comm/external\\_relations/human\\_rights/intro](http://www.ec.europa.eu/comm/external_relations/human_rights/intro)

[http://www.europarl.europa.eu/comparl/human\\_rights/default\\_en.htm](http://www.europarl.europa.eu/comparl/human_rights/default_en.htm)

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](http://www.un.org)

International Labour Organisation; [www.ilo.org](http://www.ilo.org)

UN Office of the High Commissioner for Human Rights; [www.unhchr.ch](http://www.unhchr.ch)

International Criminal Court; [www.icc-cpi.int](http://www.icc-cpi.int)

Council of Europe; [www.coe.org](http://www.coe.org)

European Court of Human Rights; [www.echr.coe.int/echr](http://www.echr.coe.int/echr)

Organisation for Security and Cooperation in Europe; [www.osce.org](http://www.osce.org)

African Union; [www.africa-union.org](http://www.africa-union.org)

Organisation of American States; [www.oas.org](http://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](http://www.amnesty.org)

Human Rights Watch; [www.hrw.org](http://www.hrw.org)

International Federation of Human Rights (FIDH); [www.fidh.org](http://www.fidh.org)

The International Committee of the Red Cross; [www.icrc.org](http://www.icrc.org)

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This, the eighth EU Annual Report on Human Rights, records the actions and policies undertaken by the EU between 1 July 2005 and 30 June 2006 in pursuit of its goals to promote universal respect for human rights and fundamental freedoms. While not an exhaustive account, it highlights human rights issues that have given cause for concern and what the EU has done to address these, both within the Union and outside it.

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