Annual report on human rights in the world 2008 and the European Union's policy on the matter

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The Committee on Foreign Affairs adopted the own-initiative report drawn up by Raimon OBIOLS I GERMÁ (PES, ES) on the Annual Report on Human Rights in the World 2008, noting that the EU needs to move towards a coherent and consistent policy of upholding and promoting human rights around the world. However, MEPs stress the **need to conduct such a policy more effectively**.

MEPs reiterate that, in order to effect an improvement in the promotion of human rights, the EU's common foreign and security policy (CFSP) needs to be strengthened. It is therefore necessary to ensure that the promotion of human rights, as a main objective of the CFSP, is strictly implemented at all levels. The EU must also make greater efforts to improve its ability to respond rapidly to breaches of human rights by third countries. MEPs also stress the increased expectations in relation to the EU's role in the world. They therefore call for a common EU human rights line both in its external policy and within its own borders. Moreover, MEPs call for continued maximum vigilance as regards respect for the human rights clauses in the agreements signed by the EU and its third-country partners.

The EU Annual Report on Human Rights 2008: MEPs reiterate their request that more and better information should be provided for the assessment of policies and call for a better targeting of information on certain countries, for example by focusing on "countries of particular concern" (and where it is particularly difficult to promote human rights). Moreover, MEPs call for greater efforts to disseminate the annual report and for public information campaigns aimed at raising the EU's profile in this field. The information called for my MEPs includes an evaluation of Member States' practices in relation to the anti-terrorism policies followed by the US Administration under the Bush presidency.

Council and Commission activities in international forums: MEPs reiterate their request to the Commission to encourage Member States, and third countries with which there are ongoing negotiations for future accession or for strengthening relations, to sign up to and ratify all core United Nations and Council of Europe human rights conventions. They call specifically for a framework agreement to be concluded between the EU and the United Nations Human Rights Council (UNHRC) with a view to promoting the ratification and implementation of United Nations conventions by all Member States. They also call for vigorous efforts to promote universal ratification of the Rome Statute on the International Criminal Court (ICC). The Czech Republic, as the only remaining EU Member State not to have ratified the Rome Statute, is called upon to finally do so. MEPs make a number of other requests, including: (i) all EU Member States should step up cooperation with the Court and conclude bilateral agreements on the enforcement of sentences; (ii) ratification of the United Nations Convention on the Rights of Persons with Disabilities; (iii) further promoting cooperation between the EU and the Council of Europe in the field of human rights, the rule of law and pluralist democracy.

Furthermore, whilst MEPs welcome the arrest and transfer of Radovan Karadži to the International Criminal Tribunal for the former Yugoslavia (ICTY), they note with concern that Ratko Mladi and Goran Hadži remain at large. Further noting the persistent failure of Sudan to arrest and transfer to the ICC Ahmad Harun and Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb'), MEPs call for additional measures to counter the measures taken by President al-Bashir following his conviction. They also call on the EU and Member States to make efforts to enforce the Council's conclusions on Sudan. Other black spots in terms of non respect of human rights are highlighted, for example in the DRC and Uganda.

Noting with satisfaction the first promising statements on the ICC by the new US administration, acknowledging that the ICC "looks to become an important and credible instrument for trying to hold accountable the senior leadership responsible for atrocities committed", MEPs call on the USA to further engage with the ICC.

The United Nations Human Rights Council: whilst welcoming the work of the UNHRC and its crucial role within the overall UN architecture, MEPs consider that the EU should closely follow and monitor the undertakings of the Universal Periodic Review (a new mechanism for reviewing the human rights situation in every country in the world, based on reliable and objective data). MEPs also note that EU Member States are in a minority in the UNHRC and call for concerted action to remedy this. In this context, they propose that Member States should strengthen their engagement with democratic governments from other regional groups (particularly to counteract the policy of voting in regional blocs within the UNHRC).

In general, MEPs call for enhanced cooperation between the Council of Europe and the European Union in the field of promoting minority rights and protecting regional and minority languages.

Performance as regards the European Union human rights guidelines: MEPs consider that, despite the delay in final ratification of the Lisbon Treaty, the preparations for the creation of the new European External Action Service should continue. They take note of the Slovenian and French Presidencies' drive to finalise European Union human rights guidelines on the rights of the child. Now they consider that necessary measures should be taken to ensure that human rights issues are followed in a more systematic way by the EU missions, for instance by appointing **human rights focal points** and including guidelines on human rights.

Situation of women and violence against women: MEPs welcome the new priority status given by the French Presidency to women's issues. In this context, they call for a more serious examination of the case of Zimbabwe and for greater attention to be paid to the situation of women in conflict-affected countries.

The death penalty: whilst MEPs welcome the Joint Declaration against the death penalty, signed on 10 October 2008 by the Presidents of the European Parliament, of the Council and of the Commission, they call on the Presidency to encourage Italy, Latvia, Poland and Spain, which have signed but not yet ratified Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the abolition of the death penalty in all circumstances, to do so. They reiterate that the **EU is opposed to the death penalty in all circumstances**, and emphasise once again that the abolition of the death penalty contributes to the enhancement of human dignity.

Noting the fact that the death penalty is in retreat, MEPs condemn the fact that the Iranian regime still sentences to death and executes defendants under the age of 18 (particularly homosexuals). They recall that Iran is the only country to have executed juvenile offenders in 2008. MEPs are also concerned about the possibility that the death penalty might once again start to be enforced in Guatemala. They also remain concerned that China still carries out the greatest number of executions worldwide. Moreover, MEPs condemn the practice of the death penalty in Belarus, which is the only country in Europe that continues to use the death penalty.

Torture and other cruel, inhumane or degrading treatment: MEPs urge all EU Member States that have not hitherto signed and/or ratified the Optional Protocol to the Convention Against Torture (OPCAT) to do so as swiftly as possible. They expect the Council and the Commission to enhance the cooperation with the Council of Europe for the purposes of creating a Europe-wide zone free from torture and other forms of ill-treatment, thereby setting an example for other countries of the world. They welcome the assessment of the EU Guidelines on Torture, which are designed to provide guidance for EU missions in third countries. They urge the Council and the Commission to continue the practice of demarches in

respect of all of the European Union's international partners as regards the ratification and implementation of international conventions banning the use of torture and ill-treatment. In particular, they call for the fight against torture and ill-treatment to be regarded as a top priority of the EU's human rights policy.

Children's rights: MEPs stress once again the crucial need to implement the EU Guidelines on Children and Armed Conflict. They note with satisfaction that the EU has instructed ambassadors to devise individual strategies regarding the 13 priority countries and welcome the adoption by the EU in June 2008 of the revised checklist, which aims to integrate the protection of children affected by armed conflict into the European Security and Defence Policy. MEPs also strongly condemn the recruitment and use of children in armed conflicts in Chad and Iraq as well as the continued use of children in the armed conflicts in Sri Lanka, Burma, the Philippines, Somalia, Congo and Burundi.

Human rights defenders: MEPs reiterate the EU's commitment to improving protection for human rights defenders in their struggle to realise the vision set forth in the Universal Declaration of Human Rights. They draw attention to the abuse and sexual exploitation of millions of children worldwide and ask the Council and Member States to do everything possible to prevent and combat the sexual exploitation and sexual abuse of children.

Moreover, MEPs encourage the EU institutions to strengthen their support for human rights defenders by creating a **focal point** in the European Parliament, the Council and the Commission with a view to **improving the follow-up of individual cases** and coordination with other international and European organisations.

MEPs welcome the revised version of the EU Guidelines on human rights defenders and once again call on the Council and the Member States to consider in concrete terms the matter of **emergency visas for human rights defenders** by creating a specific and accelerated visa procedure. Furthermore, MEPs note the discussion concerning the issuing of visas for the temporary relocation of human rights defenders who are at immediate risk or in need of respite.

In terms of concrete cases highlighted by MEPs in relation to non respect of human rights, MEPs cite Belarus and, in particular, the pressure exerted on Alyaksandr Kazulin - an opponent - before the elections. They also condemn the strengthening of restrictions imposed by the Chinese government on human rights defenders before the Olympic Games, and the restrictions imposed on cyber-dissidents (whether Chinese or not). MEPs express concern about other issues in Iran (arbitrary arrest, torture and imprisonment), Nicaragua and Venezuela. In general, MEPs strongly reject the systematic violence and the recurrent acts of harassment suffered by the Sakharov Prize laureates.

Guidelines on human rights dialogues and recognised consultations with third countries: MEPs note the revised version of the guidelines, adopted under the French Presidency, on human rights dialogues with third countries and call on the Council and the Commission to initiate a comprehensive evaluation of those guidelines, based on an in-depth evaluation of each dialogue.

MEPs make a number of points concerning areas of the world where the Council and the EU have been forced to act or express their view:

- **China**: MEPs stress the need for a radical intensification and re-thinking of the European Union-China human rights dialogue. They are particularly concerned about the serious human rights violations in China, despite promises made by the regime before the Olympic Games in 2008. MEPs strongly condemn the crackdown against Tibetans and call for the restart of a sincere and results-oriented dialogue between both parties based on the "Memorandum on Genuine Autonomy for the Tibetan People". They call on the Chinese government to release the Chinese dissident Hu Jia (who was awarded the 2008 Sakharov Prize) immediately and call for free and full access to the Internet;

- **Iran**: MEPs remain concerned that the human rights dialogue with Iran has been interrupted since 2004. They call on the Iranian authorities to resume this dialogue with a view to supporting all civil society stakeholders who are committed to democracy, and to strengthen existing processes that can foster democratic reforms. MEPs are deeply concerned that, in 2008, the human rights situation in Iran worsened and the restrictions on freedom of expression and assembly persisted (in particular, the suppression of journalists, writers, scholars and women's rights and human rights activists). They remain concerned about the repression of ethnic and religious minorities in Iran and the increasing use of the death penalty, including in respect of juveniles;
- **Russia**: MEPs regret that the Russian authorities declined to participate in any of the round-table meetings held to prepare for the consultations which involved domestic and international NGOs. During the consultations the EU raised human rights concerns with a particular focus on freedom of expression and assembly, the functioning of civil society, minority rights, combating racism and xenophobia and the rights of children and women, as well as the international human rights obligations of both the EU and Russia. They also regret that the EU has not succeeded in bringing about any change of policy in Russia, particularly following the Khodorkovsky affair. They call for the independence of the media and freedom of expression, as well as the liberalisation of the activities of NGOs in Russia. Moreover, they express their concern about the ongoing failure of the Office of the Prosecutor to respect the right of Mikhail Khodorkovsky and his associate Platon Lebedev to a fair trial;
- **Israel and North Africa**: MEPs call on the Council and the Commission to set up human rights subcommittees with all neighbourhood countries, and in particular with Israel, as part of the negotiations on an upgrading of the bilateral relations. They stress the need for political dialogue up to the highest level on issues related to human rights so as to enhance the coherence of the EU's policy in this field and reduce discrepancies in statements on the human rights situation given by both sides to the press. In the context of concluding a framework agreement with Libya, MEPs call on the Council and the Commission to give due attention to dialogue and cooperation on human rights;
- **Uzbekistan**: MEPs note the continuing absence of an independent international inquiry into the Andijan massacre and the lack of any improvement in the human rights situation in Uzbekistan. They welcome the release of two human rights defenders, Dilmurod Mukhiddinov and Mamarajab Nazarov, but condemn the holding of independent journalists in prison on politically motivated charges. They urge the Uzbek authorities to release all human rights defenders and other political prisoners and to accept the accreditation of the new Country Director of Human Rights Watch. MEPs also call on Uzbekistan to cooperate fully and effectively with the UN Special Rapporteurs on torture and on freedom of expression. They welcome the fact that the Council has decided to renew, for a period of 12 months, the arms embargo;
- **Turkmenistan**: MEPs stress that that Turkmenistan must make progress in key areas in order for the EU to conclude the Interim Agreement, inter alia by allowing the International Committee of the Red Cross free and unfettered access, by unconditionally releasing all political prisoners and prisoners of conscience, by abolishing all government impediments to travel, and by allowing all NGOs and human rights bodies to operate freely in the country;
- **Turkey**: MEPs recall the importance of both Turkey's and the EU's commitment to Turkey's accession process for the ongoing human rights reforms in Turkey. They consider as a positive step towards freedom of speech in Turkey the decision of the government to permit the broadcasting of Kurdish television but regret the fact that the use of the Kurdish language is still banned in parliament and in political campaigning. They reiterate that further legislative reforms are needed in order to ensure respect for and protection of minorities and full freedom of expression, in law and in practice, in Turkey;
- **Pakistan**: MEPs call on the new Pakistani Government to take adequate steps towards the improvement of the human rights situation in Pakistan. MEPs welcome the fact that the EU deployed an independent election observation mission for the general parliamentary elections in February 2008 and stress the need for human rights to be one of the EU's main priorities within the framework of continuing dialogue with Pakistan;

- **Latin America**: MEPs welcome the Council's proposals for launching human rights dialogues with a number of Latin American countries. They stress the desirability of including the countries of Central America. Moreover, MEPs call on the Cuban government to release all political prisoners;
- **Georgia**: MEPs call on Russia as an occupying power in Georgia to uphold human rights in Abkhazia and South Ossetia, including the right of citizens to return to their homes. They ask all governments concerned to continue to provide detailed maps and information concerning all areas affected by the conflict, so as to facilitate the clearance of cluster weapon munitions and make those areas safe for civilians. Both governments should also ensure that the public is made aware of the dangers of unexploded material;
- **Burma**: MEPs express their concern about the lack of progress in the human rights situation in Burma, especially in view of the upcoming elections scheduled for 2010. They condemn the arrests of members of the Burmese opposition and the draconian sentences they received.

General scrutiny of Council and Commission activities (including the performances of the two Presidencies): MEPs call for greater efforts and more determined action by the EU with a view to achieving a political settlement to the **Darfur** conflict. They stress the need to find a solution to the conflict arising in the Central African Republic and Chad, and express their intention to authorise the deployment of a UN military component to follow up EUFOR Chad/CAR.

MEPs welcome the fact that the Council establishes and regularly updates lists of focus countries in respect of which additional concerted efforts are made with a view to implementation of the European Union Guidelines on children and armed conflicts, on the death penalty (so-called 'countries on the cusp') and on human rights defenders. They reiterate their request that all human rights and democracy discussions with third countries, instruments, documents and reports, including the Annual Reports on human rights, explicitly address discrimination issues including the issues of ethnic, national and linguistic minorities, religious freedoms and caste-based discrimination. They note the initiative of the Union for the Mediterranean launched by the French Presidency as a new challenge aimed at promoting democracy and respect for human rights in the Mediterranean zone. However, this new initiative must not lead to less attention and priority being given to the promotion of the necessary reforms in respect of democracy and human rights in the region.

The Commission's external assistance programmes and the EIDHR: MEPs welcome the fact that Parliament's priorities have been taken into consideration in the 2007 and 2008 programming documents of the EIDHR. They call for the updating of the electronic compendiums, which are intended to cover all EDIHR projects organised geographically and thematically and once again call on the Commission to adjust the level of staffing allocated for the implementation of the EIDHR, both at headquarters and in the delegations, so as to take account of the peculiarities and problems of this new instrument.

Electoral assistance and election observation: MEPs note with satisfaction that the EU makes increasing use of electoral assistance and election observation to promote democracy in third countries. They stress that the comprehensive EU methodology has been very successful for the EU and welcome the publication of the first Handbook for EU election observation. However, they call for increased vigilance with regard to the criteria for selection of the countries in which electoral assistance/election observation is to take place. According to MEPs, the electoral process, including both the pre- and post-electoral stages, should be incorporated into the different levels of political dialogue with the third countries concerned.

Mainstreaming of human rights: MEPs call on the Commission to continue to monitor closely the granting of 'Generalised System of Preferences plus' (GSP+) benefits to countries which have shown serious flaws in the implementation of the eight ILO conventions relating to core labour standards and ask the Commission to develop criteria determining when the GSP should be withdrawn on human rights grounds.

Economic, social and cultural (ESC) rights: MEPs stress that economic, social and cultural rights are just as important as civil and political rights. They therefore call on the EU to mainstream protection of ESC rights into its external relations with third countries. Those rights include rights to food, to adequate housing, to education, to water, to land, to decent work, to social security and to form a trade union. MEPs also stress the need to promote corporate social responsibility. Once again, they call on the Council and the Commission to take EU initiatives at international level with a view to fighting persecution and discrimination based on sexual orientation and gender identity.

Effectiveness of the European Parliament's interventions in human rights cases: MEPs call on the Council to respond in a substantive manner to the wishes and concerns expressed in formal communications from Parliament, particularly with respect to urgency resolutions. They remind Parliament's delegations visiting third countries that they should systematically include in the agenda an interparliamentary debate on the human rights situation, as well as meetings with human rights defenders. Lastly, they welcome the setting-up of the Sakharov Network, as announced on the 20th anniversary of the Sakharov Prize.