

# Report on the Annual Report on Human Rights in the World 2005 and the European Union's policy on the matter

2005/2203(INI) - 18/05/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Richard **HOWITT** (PES, UK) in response to the EU Council's Annual Report on Human Rights in the World 2005. (Please see the summary of 20/04/2006.) It felt that, despite vigorous activities to advocate the promotion of human rights, such efforts were largely confined to specialists and to one-off representations. There was a general failure by the EU systematically and continuously to address human rights concerns with respect to third countries and to mainstream human rights policy with respect to the Union's trade, development and other external policies vis-à-vis such countries.

**The Council's Annual Report:** Parliament welcomed the increased clarity of the report but wanted the report to include, in the future, a role for the Parliament in the drafting of the report so that the final version would be a real attempt to reflect the views of the Council, the Commission and the Parliament. A key priority for the Council in future human rights reports should be the analysis and implementation of the EU's guidelines, as well as the production of impact assessments for each of the guidelines, weighing up their effectiveness in forging change in third countries.

**European Union activities during the two Presidencies:** The approach of the UK Presidency regarding the death penalty was commended, since it undertook demarches in countries where either a moratorium on the death penalty was in danger of being de jure or de facto lifted or where internal steps aimed at introducing a moratorium were under consideration. Parliament asked all future Presidencies to follow this example to demarche such countries regularly. It praised the initiatives taken by the Luxembourg Presidency to overcome the problem of limited resources.

## **Performance of Council and Commission activities in the area of human rights in international fora:**

The Council and the Commission were asked to make significant efforts to link their discussions conducted in international fora with the EU's bilateral political dialogues, development and trade policy, and to avoid the current situation in which countries opposing EU human rights initiatives in international fora could do so with little expectation that they would suffer any adverse consequences in respect of bilateral relations. Parliament asked the Council to take action to set standards for membership of the new UN Human Rights Council which guaranteed the credibility and efficacy of the future body. Parliament was concerned that countries with a poor human rights record had been elected as members of the UN Human Rights Council, and therefore stressed the importance of establishing a universal "peer review" with the task of examining the human rights situation in all countries. In general, it considered that EU activities in the UN with respect to human rights were too introverted. With regard to the ILO, Parliament was surprised that it was possible for a country such as Belarus to be elected in June 2005 to the Governing Body of the ILO despite the fact that Belarus was not a democracy with free trade unions and four major EU countries are permanent members of the Governing Body. The Council was asked to explain its diplomatic demarches prior to that election.

Parliament went on to congratulate the Council and the Commission for the substantial diplomatic success in achieving the referral by the UN Security Council of the case of Darfur in Sudan to the ICC. However, Parliament expressed concern at the deteriorating security situation in Darfur, and urged the international community to act immediately to stop the violence, while providing substantial support to the African Union as well as a sufficient level of humanitarian aid to the population affected. It called on the US

Administration and the Congress to end the delay and ratify the Rome Statute establishing the ICC. No legal exception could be made for the United States on this point. Parliament condemned the fact that certain countries, including a number of EU Member States, have entered into "bilateral agreements" with the United States granting de facto impunity to US soldiers.

### **EU political and human rights dialogues and consultations as well as general political dialogue with third countries:**

Parliament pointed to the need for the Union and each and every Member State to act coherently and in accordance with Treaty and acquis obligations where human rights were concerned, in order to avoid inconsistencies that would diminish the moral authority of the Union in the international system. It went on to speak of China, with its continuing reports of a long list of human rights abuses. It condemned the Iranian President's call for Israel to be wiped off the map and expressed its concerns about the human rights situation in Iran and called for intensified contacts and cooperation with Iranian civil society and further support democracy and human rights. It also expressed concern about : serious human rights abuses in Iraq, including in Iraqi prisons but welcomed EU support for the new government in Iraq; the new Russian NGO legislation which might inhibit human rights organisations from carrying out their activities properly whenever respect for human rights is at stake or even from functioning at all; extrajudicial killings, disappearances and torture in custody in Chechnya, as well as attacks on human rights defenders engaged in investigating and speaking out about human rights violations in Chechnya.

Furthermore, Parliament called on the Council to consider adopting the approach taken by governments of some Member States to identify a list of "Countries of Particular Concern" with respect to human rights violations. Those countries should be highlighted in accordance with concrete criteria in order to draw greater attention to human rights in the implementation of all EU policies with respect to the countries identified, including the imposition of aid or trade sanctions if breaches persist. Parliament welcomed the introduction of human rights concerns with specific benchmarks in all National Action Plans drawn up in the framework of the European Neighbourhood Policy (ENP). The Council must hold such countries to their commitments and consider measures to be taken in the event that they do not fulfil them within an agreed timeline. Parliament drew specific attention to the weakness of human rights engagements in this respect with Morocco and the Western Sahara, Tunisia, Syria, Israel and the Palestinian Authority, Algeria and Egypt, the Action Plans concerning the latter two countries still being under negotiation.

**General scrutiny of Council and Commission activities:** Parliament appreciated that in the area of human rights, EU activities, such as demarches to third countries, must sometimes be confidential. It asked the Council and the Commission to develop, together with Parliament, a confidential system whereby selected Members of the European Parliament can be kept informed of demarches.

### **The Commission's external assistance programmes**

**The European Initiative for Democracy and Human Rights (EIDHR):** Parliament underlined the importance of the EIDHR as one of the chief instruments which the EU has at its disposal, and emphasised the advantage that EIDHR programmes did not require governmental approval in the country of implementation and that the majority of EIDHR funding is available for civil society organisations. A significant proportion of funding should be devoted to smaller, grassroots projects. Parliament also asked the Commission to make available all impact assessment reports regarding projects which are produced by external or internal evaluators, in order to ensure proper scrutiny.

**Consideration of the implementation of the human rights and democracy clauses:** Parliament reiterated its call for a sliding scale of measures and a clear system of sanctions to be used with respect to violations of the human rights clause by third countries. It also asked the Council to consider extending qualified majority voting to the decision to adopt restrictive measures at a future appropriate time. There must be a better monitoring and consultation mechanism with respect to the clause. The Council's decision

of 3 October 2005 to impose sanctions on Uzbekistan was supported but Parliament regretted that the sanctions took six months to enact. It called on the Council and the Commission to open the consultation procedure under Article 96 of the ACP-EU Agreement with regard to the human rights situation in Eritrea.

**Implementation of EU Human Rights Guidelines:** Parliament welcomed the commitment of the Austrian Presidency to continue the practice of demarches in respect of all of the EU's international partners regarding the ratification of international conventions banning the use of torture. It was also concerned at the allegations of relocation and outsourcing of torture in third countries and called on the EU to consider the fight against torture as a top priority of its human rights policy. In addition, high priority must be given to full implementation of the EU Guidelines on Human Rights Defenders, including organising staff in delegations, embassies and consulates on the application of those guidelines.

**Mainstreaming of human rights:** Parliament called on the EIB, as one of the agencies implementing EU development policies through lending and the biggest public financial institution in the world, fully to incorporate human rights concerns in all its project evaluations and to ensure adequate internal capacity to mainstream human rights in its operations. Parliament also asked the Commission to apply objective criteria when granting GSP+ benefits to countries which had shown serious flaws in the implementation of the eight ILO conventions relating to Core Labour Standards, and in particular to monitor implementation of the commitments made by Venezuela, Moldova, Sri Lanka, Mongolia, El Salvador, Guatemala and Colombia in advance of the Commission decision of December 2005. It also discussed the following:

- the need to ensure compatibility of trade agreements with existing UN treaties on human rights, to carry out independent sustainability assessments prior to trade negotiations, specifically assessing the impact on human rights, and to monitor any negative impact of existing and proposed trade rules in respect of human rights and social and environmental matters;

- the need to include systematic human rights monitoring in all country strategy papers, regional strategy papers, national indicative programmes, regional indicative programmes and action plans;

- the Commission should develop a strategy for promoting the application of all EU human rights guidelines in conjunction with trans-national corporations, when implementing its recent Communication of 23 March 2006 on corporate social responsibility

- current migration management measures did not always, in practice, safeguard access to protection for refugees. Parliament called on the Council and the Commission to ensure that migration management did not become a condition for development cooperation with third countries, and that the Regional Protection Programmes remain protection-oriented and are based on the principle of international solidarity.

**Effectiveness of the European Parliament's interventions in cases of human rights:** Parliament welcomed the first year of activities of the Subcommittee on Human Rights within the Foreign Affairs Committee, which had created a focal point for activities on human rights which was absent during the last parliamentary term. Parliament's work on human rights could be rendered more effective in a number of ways, for example through more intense scrutiny of Council and Commission activities vis-à-vis countries with human rights concerns and consistent follow-up and timely impact assessment of all human rights statements made in resolutions and their implementation. The Subcommittee should consider setting up small informal working groups to follow each set of Guidelines, so as to be better able to follow the Council's work in this regard and to submit proposals. Parliament also called upon the Council and the Commission to ask the US Government immediately to close the Guantánamo detention centre, and to insist that all detainees be accorded treatment compatible with humanitarian law and stand trial without delay in fair proceedings in open court before a competent, independent and impartial tribunal.

**Resources devoted to human rights work:** The Commission was requested to designate at least one permanent post in each third-country delegation as having responsibility for monitoring the human rights

situation in the country concerned, promoting international human rights standards and being in charge of relations with civil society, such as relations with human rights defenders. Parliament also asked the Council to strengthen the Human Rights Unit in its General Secretariat and in particular to add new posts for experts with human rights backgrounds and specialist knowledge of international humanitarian and human rights law to assist the Personal Representative on Human Rights.