Basic information

2010/2202(INI) INI - Own-initiative procedure	Procedure completed
Annual report on human rights in the world 2009 and the European Union's policy on the matter **Subject** 6.10.09 Human rights situation in the world	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	AFET Foreign Affairs	ANDRIKIENĖ Laima Liucija (PPE)	06/07/2010
		Shadow rapporteur HOWITT Richard (S&D) DONSKIS Leonidas (ALDE) TANNOCK Timothy Charles Ayrton (ECR) VERGIAT Marie-Christine (GUE/NGL)	
European Commission	**Commission DG**	**Commissioner**	
	External Relations	ASHTON Catherine	

Key events

Date	Event	Reference	Summary
23/09/2010	Committee referral announced in Parliament		
09/11/2010	Vote in committee		Summary
23/11/2010	Committee report tabled for plenary	A7-0339/2010	
15/12/2010	Debate in Parliament		
16/12/2010	Decision by Parliament	T7-0489/2010	Summary
16/12/2010	Results of vote in Parliament		
16/12/2010	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2202(INI)
Procedure type	INI - Own-initiative procedure
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Legal basis	Rules of Procedure EP 148-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/03504

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE448.819	23/09/2010	
Amendments tabled in committee		PE450.657	29/10/2010	
Committee report tabled for plenary, single reading		A7-0339/2010	23/11/2010	
Text adopted by Parliament, single reading		T7-0489/2010	16/12/2010	Summary

Annual report on human rights in the world 2009 and the European Union's policy on the matter

2010/2202(INI) - 16/12/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the Annual Report on Human Rights in the World 2009 and the European Union’s policy on the matter.

The Treaty of Lisbon and Human Rights: Parliament takes the view that the entry into force of the Lisbon Treaty represents a **historic opportunity** to address the remaining gaps in the EU's human rights and democracy policy. It considers, therefore, that the decision of where to place human rights in the structure of the EEAS is of great importance and they request therefore the setting up of a Human Rights and Democracy Directorate with the tasks of developing a robust EU human rights and democracy strategy and providing overall coordination within all multilateral fora.

Acknowledging the High Representative/Vice President’s (HR/VP) commitment to building up an active role for the EU on the world stage with a view to improving human rights and democracy globally, Parliament calls for the **creation of a Special Representative for Human Rights** to help give EU external action in this field **greater coherence and visibility**. It takes the view that there is a crucial need for a **more coherent framework** to make EU support for democracy-building throughout the world more effective. Members also take the view that the**EU Special Representatives** should be further developed rather than gradually phased out. Their mandate should encompass civil and political rights, economic, social and cultural rights, the rights of women and children, International Humanitarian Law and international justice, and specifically mentions promoting and ensuring respect for human rights, democracy and the rule of law.

Welcoming the HR/VP’s readiness to undertake a fundamental review of the effectiveness of all the EU instruments in the field of human rights, Members share the view that **Country Strategies on human rights**, repeatedly requested by Parliament, can substantially reinforce the consistency and effectiveness of EU external action when the Country Strategy becomes a reference document establishing country-specific priorities and objectives.

The resolution stresses that greater priority needs to be given to improving the ability of the EU to respond rapidly to breaches of human rights by non-EU countries, notably when it comes to bringing its support to human rights defenders in danger, as well as to violations of human rights by EU-based companies in non-EU countries, by elaborating strategic programmes of action.

The EU Annual Report on Human Rights in the World: underlining the importance of the EU Annual Report on Human Rights in analysing and evaluating the EU’s human rights policy, Parliament calls for the full involvement of the European Parliament in drafting sections of future Annual Reports. It reiterates its request that more and better information should be provided by the Council, the Commission and EU delegations and embassies to establish the real priorities for the country. Members reiterate their call for a regular assessment of the use and results of European

Union policies, instruments, initiatives and dialogues on human rights in non-EU countries as well as the development of specific quantifiable indices and benchmarks in order to measure the effectiveness of those policies.

EU activities in the area of human rights in international fora: the resolution highlights the future accession of the EU to the European Convention on Human Rights as an opportunity to prove its commitment to defending human rights inside and outside its borders. It notes with regret the slowness of the process of examining cases at the European Court of Human Rights, which has been as much as seven years and notes that there are about 100 000 cases pending at the Court. Parliament calls for enhanced cooperation between the Council of Europe and the European Union in the field of promoting and ensuring respect for human rights. Furthermore, the resolution stresses the role of the **UNHRC** within the overall UN architecture and its potential to develop a valuable framework for the European Union's multilateral human rights efforts.

As regards support for the **decriminalisation of homosexuality**, the European Parliament welcomes the European Union's support for initiatives at the United Nations and in other international fora encouraging the decriminalisation of homosexuality. It calls for the European Union's continued support in favour of initiatives condemning human rights breaches in relation to sexual orientation and gender identity in all international fora. Plenary underlines that the policy of most countries of the world, including those in the EU, discriminates against lesbians, homosexuals, bisexuals and transsexuals and transgenders and goes against human rights. Member States and the EU are called upon to remedy matters and guarantee equal access to healthcare and treatment, including surgical treatment, for these individuals. They should also give particular attention, through their admissions policy for example, to third-country nationals who are the victims of discrimination because of their sexual orientation and gender.

Parliament reiterates its strong support for the **International Criminal Court.** It welcomes the fact that the ratifications of the Rome Statute by Bangladesh, the Seychelles, Saint Lucia and Moldova in March, August and October 2010 brought the total number of States Parties to 114. Members stress that the Rome Statute of the ICC was ratified by all the EU Member States as an essential component of the democratic principles and values of the Union and therefore call upon the Member States to comply fully with the Statute as part of the EU acquis. The resolution underscores the need to strengthen the international criminal justice system in general and in this respect notes with concern that Ratko Mladić and Goran Hadžić remain at large and have not been brought before the ICTY.

EU human rights guidelines: Parliament defines a certain number of EU human rights guidelines:

- **Death penalty**: reiterating that the EU is opposed to the death penalty in all circumstances including extra-judicial executions, Parliament asks the Commission to continue to give priority to the fight against this cruel and inhuman punishment. It condemns the Iranian regime's use of the death penalty, which places Iran in second position, just after China, in the league table of countries with the highest number of executions. In this regard, Plenary calls on the Commission and Member States to ensure that the production and sale of sodium thiopental by companies based in the EU is permitted for medical purposes only and that any licence to produce this drug must impose labelling requirements so that the packaging indicates that it may not be employed to administer lethal injections, in line with national and European laws prohibiting capital punishment, torture or any other cruel and inhuman or degrading treatment or punishment. Parliament welcomes the positive action of the Belarusian authorities in setting up a Working Group to draft proposals on imposing a moratorium on the death penalty but remain concerned that executions are still carried out in Belarus, which is the only country in Europe that continues to use the death penalty.
- **LGBT rights**: Plenary adopted an amendment in which the Parliament welcomes the adoption by the Council of the European Union's Working Party on Human Rights of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People. It calls on EU delegations and the European External Action Service to fully implement the guidelines included in the Toolkit.
- **Violence against women**: the resolution calls on the Commission, the Council and the Member States to activate all political and institutional means in order to support initiatives aiming at the adoption as soon as possible of a resolution by the UNGA calling for a worldwide moratorium on female genital mutilation. Members strongly condemn rape used as an instrument of war and the recurrent mass rapes occurring in DR Congo. They insist that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls. They insist that the invocation by states of any custom, tradition, or religious consideration of any kind, in order to evade their duty to eliminate such brutality, be rejected. Plenary calls on the Member States effectively to promote the protection of the human rights of women and girls, in particular their rights to life, to be equal in dignity, to education, to be free to seek, receive and impart information, to enjoy the benefits of scientific progress, to freedom from discrimination, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health.
- Members stress that access to education and health are basic human rights and believe that health programmes, including sexual and reproductive health, promotion of gender equality, empowerment of women and rights of the child should be prominent in the EU´s development and human rights policy. Parliament urges the European Commission and the EU Member States to address the issue of female genital mutilation in the framework of political and policy dialogues with partner countries and stakeholders relevant to this sensitive issue in the national context and to support initiatives aiming at the adoption as soon as possible of a resolution by the UNGA calling for a worldwide moratorium on female genital mutilation. It strongly condemns rape used as an instrument of war and the recurrent mass rapes occurring in DR Congo. Parliament insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls, including, most prominently, gender-selected abortion, all forms of harmful traditional or customary practices.
- **Torture**: Parliament calls for recognition of health abuses against patients and individuals, in particular those unable to defend themselves, as cruel, inhumane and degrading treatment, while recognising the difficulty of proving certain acts and therefore calling for the highest degree of vigilance.
- **Children's Rights**: Parliament deeply deplores the fact that some 215 million children are estimated to be victims of child labour. Millions of them are still victims of rape, domestic violence, and physical, emotional and sexual abuse, including sexual and economic exploitation. Members are deeply concerned that Eastern Europe and Central Asia continue to face rapid increases in HIV infections among men, women and children. It notes with concern that access to antiretroviral treatment is still among the lowest in the world; notes with concern that stigmatisation and discrimination that violate the basic rights and dignity of children affected by HIV are hampering further progress in prevention, care and support. Moreover, it calls on the Commission to consider policy reforms, programmatic shifts and a reallocation of resources in order to protect the rights and dignity of children and young people who are vulnerable, at risk and living with or affected by HIV. Members call urgently for additional EU measures against child labour, and calls for the EU to apply more efficiently the instruments at its disposal by incorporating them in human rights dialogues and consultations. They recall that even EU trade policy can play a useful role in

the fight against child labour, notably through the use of GSP+ incentives. They express deep concerns about the use of children as soldiers and call for immediate steps to be taken by the EU and the UN for their disarmament, rehabilitation and reintegration.

- **Human rights defenders**: Parliament urges the Council, the Commission and the Member States to implement the measures proposed by Parliament in its resolution on EU policies in favour of human rights defenders with emphasis on measures aimed at providing swift assistance to human rights defenders at risk. It calls, in the context of the implementation of the Treaty of Lisbon and the establishment of the EEAS, for the EU institutions to establish an interinstitutional cooperation mechanism on human rights defenders. Focal points and explicit guidelines for human rights defenders in all the EU institutions and development of closer cooperation should be established. Condemning the fact that in several countries (Moroccan-controlled, Western Saharan territory, Cuba, Iran, Russia, China, Rwanda, etc.) attacks and anonymous threats against human rights defenders are commonplace, the resolution urges the Beijing Government to release Liu Xiaobo immediately and unconditionally from detention and to lift the restrictions on his wife Liu Xia.
- **Human rights clauses**: the resolution emphasises the importance and indispensability of human rights and democracy clauses and effective dispute mechanisms in trade agreements, including fisheries agreements, between the EU and non-EU countries. It requests, however, once again that this clause be accompanied by an enforcement mechanism so as to ensure its implementation in practice. It is also stressed that the EU should include, taking account of the nature of the agreements and the situation specific to each partner country, systematic clauses relating to democracy, the rule of law and human rights, as well as social and environmental standards. Members consider that these clauses should allow the Commission to suspend at least temporarily trade advantages, including those stemming from free trade agreements, if sufficient evidence of human rights – including labour rights – violations is found, either on its own initiative or at the request of a Member State or the European Parliament. They consider that, at all events, the EU should clearly indicate the appropriate penalties which could be applied to non-EU countries that commit serious human rights violations, and should apply them.
- **Promotion of democracy and rule of law in external relations**: Parliament reiterates its position according to which it considers 'non-violence as the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected', believing that 'its promotion should constitute a **priority objective** in EU human rights and democracy policy'. It calls on the Commission to integrate the agenda for democracy support more fully in the annual action programmes of its external instruments, in particular that of the EIDHR, as well as in regional and country strategy papers, thereby consistently taking into account the country's specific situation and the EU's regional strategy.
- **Human rights in Russia**: Parliament calls upon the Russian Federation to ensure that fundamental norms of due process and human rights are respected in the prosecution of these and all other defendants in the country's justice system. It urges the Russian judicial authorities to press ahead with the investigation of the death on 16 November 2009 of Russian lawyer Sergey Magnitsky and deplores that this case is still an outstanding example of the serious shortcomings within the country's judicial system. It regrets the situation that, while human rights defenders are often subject to a harsh treatment and trials that ignore the Russian Federation's Code of Criminal Procedure, those guilty of aggressions against and even murder of human rights defenders, independent journalists and lawyers still too often enjoy impunity. Parliament calls on the Council, in the absence of positive moves from the Russian authorities to cooperate and investigate the case of Sergey Magnitsky, to insist that the Russian authorities bring those responsible to justice and to consider imposing an EU entry ban for Russian officials involved in this case, and encourages EU law enforcement agencies to cooperate in freezing bank accounts and other assets of these Russian officials in all EU Member States. It calls on the HR/VP of the Commission to ensure that human rights and democracy-building effectively become 'the silver thread running through all' external policy areas.
- **Freedom of religion or belief**: the resolution underlines that freedom of religion or belief constitutes, amongst all human rights, an essential and basic right which must be respected. It calls on the Council and the Commission to adopt and implement practical measures to fight religious intolerance and discrimination and promote freedom of religion or belief worldwide. The EEAS is called upon to mainstream freedom of religion or belief in EU human rights policy. Parliament remains deeply concerned that discrimination based on religion or belief still exists in all regions of the world, and that persons belonging to particular religious communities, including religious minorities, continue to be denied their human rights in many countries, such as North Korea, Iran, Saudi Arabia, Somalia, the Maldives, Afghanistan, Yemen, Mauritania, Laos, Uzbekistan, Eritrea, Iraq, Pakistan, Egypt and China. Russia is called upon to put a moratorium on the implementation of the 2002 Law on Fighting Extremist Activity as it is used and abused to restrict religious freedom, and to repress and attempt to ban non-violent religious groups.
- **Freedom of expression**: Members are concerned that freedom of expression has come under attack in various new forms, especially using modern technologies such as the internet. They are concerned that states are using increasingly sophisticated techniques, such as dual-use technologies, to censor information and monitor activities on the internet, and that harassment, persecution and even detention and imprisonment of people using the internet to exercise the right to freedom of opinion and expression have occurred in a number of countries. They urge countries that limit access to the internet to lift restrictions on the free flow of information (e.g. China, Cuba, etc). Parliament urges the Commission to draw up a list of individuals responsible for severe human rights violations, such as torture, censorship, rape and extra-judicial executions, in Iran, and to consider imposing sanctions on them in the form of asset freezes and travel bans.

Human rights and the fight against terrorism: the resolution condemns terrorism in all its forms. Members recall that terrorism worldwide has resulted in thousands of deaths of innocent civilians and has shattered the lives of many families. It calls on the Commission and the Council to use the opportunity of bilateral political and human rights dialogues with non-EU countries to recall that human rights have to be respected when combating terrorism, and that under no circumstance must counter-terrorism policy be instrumentalised and used against human rights defenders or political opponents. Members recall the decision of US President Barack Obama to close the Guantanamo Bay detention camp in January 2009 but express their regret that this decision has not yet been able to be fully implemented. They call on the EU Member States to agree on a coordinated action plan to assist the USA in closing Guantanamo's detention facilities, by granting refugee status to former detainees who are not charged with crimes and cannot be repatriated or resettled in the USA. They welcome the constructive engagement of a number of EU Member States in their efforts to assist with reception of certain former Guantanamo detainees and with finding accommodation for some of the people cleared for release from the detention camp. On the other hand, they note that to date only the following EU Member States – Germany, Ireland, Slovakia, Denmark, the United Kingdom, Spain, Portugal, Belgium, France, Hungary and Italy – have agreed to take detainees. Members note with gravest concern the forced expulsions of Roma communities in Europe and the rise in xenophobic and hate language in relation to minority and migrant communities. They reiterate the call of the European Parliament for Member States to honour to the full their obligations under EU law. Where Member States do not comply, they call on the European Commission to act formally and forcefully on infringement proceedings.

Human rights dialogues and consultations with non-EU countries: Parliament calls for real participation by the European Parliament in the on-going evaluations of the human rights dialogues and consultations and asks for full access to the outcome documents and to other relevant sources. It takes

the view that, in general, human rights dialogues and consultations must be planned and conducted transparently, and that objectives set in advance of the dialogue must be evaluated immediately afterwards. It calls on the Council and the Commission to press the non-EU countries' authorities for high, broad ministerial involvement in the dialogues and consultations.

Moreover, the resolution welcomes the establishment of human rights dialogues with each of the **Central Asian states** – Tajikistan, Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan. Parliament regrets that the **EU-China** human rights dialogues have consistently failed to deliver any improvements as regards specific human rights abuses in China. Members are deeply concerned about the lack of progress of the Sino-Tibetan dialogue and about the deteriorating human rights situation of the Uighur population in China, condemns its longstanding oppression in East Turkestan. Members express their disappointment that EU-**Russia** human rights consultations have not yielded any substantial results. The same goes for the situation in **India**. They also highlight the lack of results with **Belarus**. They urge **the Korean authorities** to make concrete and tangible steps towards improving human rights conditions. They continue to be concerned that the human rights dialogue with **Iran** has been interrupted since 2004 due to a lack of cooperation from Iran.

On an **internal level**, Parliament calls for:

- the enhancement of the **Commission's external assistance programmes and the EIDHR** by increasing support to human rights defenders and victims of human rights abuses and significantly increasing EIDHR funding;
- the **electoral process**, including both the pre- and post-electoral stages, to be incorporated into the different levels of political dialogue with the non-EU countries concerned, accompanied by specific measures where appropriate, with a view to ensuring the coherence of EU policies and reaffirming the crucial role of human rights and democracy;
- more account to be taken of **Parliament's resolutions and other communications on human rights**, by responding in a substantive manner to the concerns and wishes expressed, particularly with respect to urgent resolutions;
- greater visibility to be given to the Sakharov Prize of Freedom of Thought annually awarded by the European Parliament.