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## Human rights in the world 2008 and the EU's policy on the matter

P6\_TA(2009)0385

### European Parliament resolution of 7 May 2009 on the Annual Report on Human Rights in the World 2008 and the European Union's policy on the matter (2008/2336(INI))

(2010/C 212 E/11)

*The European Parliament,*

- having regard to the tenth European Union Annual Report on Human Rights (2008) (Council document 14146/1/2008),
- having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the EC Treaty,
- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments <sup>(1)</sup>,
- having regard to the United Nations Charter,
- having regard to all United Nations human rights conventions and the optional protocols thereto,
- having regard to regional human rights instruments, including in particular the African Charter on Human and Peoples' Rights, the Optional Protocol on the Rights of Women in Africa, the American Convention on Human Rights and the Arab Charter on Human Rights,
- having regard to its resolution of 15 January 2009 on the situation in the Gaza Strip <sup>(2)</sup> and the conclusions of the General Affairs and External Relations Council of 27 January 2009 on the Middle East Peace Process,
- having regard to the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to Parliament's resolutions related to the ICC <sup>(3)</sup>,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings and the 2005 European Union plan on best practices, standards and procedures for combating and preventing trafficking in human beings <sup>(4)</sup>,
- having regard to 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,
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture),
- having regard to the United Nations Convention on the Rights of the Child,
- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the optional protocol thereto,

<sup>(1)</sup> For all relevant basic texts, please consult the table in Annex III to report A6-0128/2007 of the Committee on Foreign Affairs.

<sup>(2)</sup> Texts adopted, P6\_TA(2009)0025.

<sup>(3)</sup> OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293 E, 28.11.2002, p. 88; OJ C 271 E, 12.11.2003, p. 576; Texts adopted, 22 May 2008, P6\_TA(2008)0238; Texts adopted, 21 October 2008, P6\_TA(2008)0496.

<sup>(4)</sup> OJ C 311, 9.12.2005, p. 1.

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- having regard to the Charter of Fundamental Rights of the European Union <sup>(1)</sup>,
- having regard to the ACP-EC Partnership Agreement and its revision <sup>(2)</sup>,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide <sup>(3)</sup> (the European Instrument for Democracy and Human Rights or EIDHR),
- having regard to its previous resolutions on human rights in the world,
- having regard to its resolutions on the fifth and seventh sessions of the United Nations Human Rights Council (UNHRC), adopted on 7 June 2007 <sup>(4)</sup> and 21 February 2008 <sup>(5)</sup> respectively, and on the outcome of the negotiations on the UNHRC,
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements <sup>(6)</sup>,
- having regard to its resolutions of 1 February 2007 <sup>(7)</sup> and 26 April 2007 <sup>(8)</sup> on the initiative for a universal moratorium on the death penalty and to United Nations General Assembly Resolution 62/149 of 18 December 2007 on a moratorium on the use of death penalty,
- having regard to its resolution of 20 September 2001 on female genital mutilation <sup>(9)</sup>, which affirms that any form of such mutilation, of whatever degree, is an act of violence against women and constitutes a violation of their fundamental rights,
- having regard to its resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries <sup>(10)</sup>, including women's rights which are to be explicitly addressed in all human rights dialogues,
- having regard to its resolution of 4 September 2008 on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights <sup>(11)</sup>,
- having regard to its resolution of 16 January 2008 on 'Towards an EU strategy on the rights of the child' <sup>(12)</sup>,
- having regard to its resolution of 6 July 2006 on freedom of expression on the Internet <sup>(13)</sup>,
- having regard to all resolutions adopted by it on urgent cases of breaches of human rights, democracy and the rule of law,
- having regard to the European Union NGO Human Rights Forum, held in Lisbon in December 2007,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities, which was signed by the European Community and the majority of its Member States on 30 March 2007 and which lays down an obligation to incorporate the interests and concerns of persons with disabilities in human rights actions towards third countries,

<sup>(1)</sup> OJ C 303, 14.12.2007, p. 1.

<sup>(2)</sup> OJ L 317, 15.12.2000, p. 3; OJ L 209, 11.8.2005, p. 27.

<sup>(3)</sup> OJ L 386, 29.12.2006, p. 1.

<sup>(4)</sup> OJ C 125 E, 22.5.2008, p. 220.

<sup>(5)</sup> Texts adopted, P6\_TA(2008)0065.

<sup>(6)</sup> OJ C 290 E, 29.11.2006, p. 107.

<sup>(7)</sup> OJ C 250 E, 25.10.2007, p. 91.

<sup>(8)</sup> OJ C 74 E, 20.3.2008, p. 775.

<sup>(9)</sup> OJ C 77 E, 28.3.2002, p. 126.

<sup>(10)</sup> OJ C 187 E, 24.7.2008, p. 214.

<sup>(11)</sup> Texts adopted, P6\_TA(2008)0405.

<sup>(12)</sup> OJ C 41 E, 19.2.2009, p. 24.

<sup>(13)</sup> OJ C 303 E, 13.12.2006, p. 879.

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- having regard to the United Nations Declaration on Human Rights Defenders and the activities of the Special Representative of the United Nations Secretary-General on the Situation of Human Rights Defenders,
  - having regard to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in December 2006,
  - having regard to the European Union Guidelines on promoting compliance with international humanitarian law (IHL) <sup>(1)</sup>, on children and armed conflict and on human rights defenders, as well as on the death penalty, torture and other cruel, inhuman or degrading treatment, human rights dialogues with third countries, promotion and protection of the rights of the child, violence against women and the fight against all forms of discrimination against women,
  - having regard to its resolution of 8 May 2008 on EU election observation missions: objectives, practices and future challenges <sup>(2)</sup>,
  - having regard to its resolution of 14 January 2009 on the development of the UN Human Rights Council, including the role of the EU <sup>(3)</sup>,
  - having regard to Rules 45 and 112(2) of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A6-0264/2009),
- A. whereas human rights and the protection of those rights rely on recognition of the dignity of the human person; whereas it should be recalled in this connection that the opening words of the Universal Declaration of Human Rights read: 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world',
- B. whereas justice, freedom, democracy and the rule of law arise out of an authentic recognition of the dignity of the human person, and whereas such recognition is the foundation of all human rights,
- C. whereas the tenth European Union Annual Report on Human Rights (2008) produced by the Council and the Commission provides a general overview of the activities of the EU institutions regarding human rights inside and outside the European Union,
- D. whereas this resolution sets out to examine, evaluate and, in specific cases, offer constructive criticism of the human rights activities of the Commission, the Council and Parliament,
- E. whereas the European Union's internal human rights record has a direct impact on its credibility and ability to implement an effective external human rights policy,
- F. whereas efforts must be made to focus greater attention on respect for basic human rights, in particular political rights, in the negotiation and implementation of bilateral or regional trade agreements, even those concluded with important trading partners,
- G. whereas it is necessary to respect the human rights clauses in the agreements signed by the EU and its third-country partners,

<sup>(1)</sup> OJ C 327, 23.12.2005, p. 4.

<sup>(2)</sup> Text adopted, P6\_TA(2008)0194.

<sup>(3)</sup> Texts adopted, P6\_TA(2009)0021.

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H. whereas policies promoting human rights remain under threat in various regions of the world, as the violation of human rights inevitably goes hand in hand with an effort by their violators to reduce the impact of any policy promoting them, particularly in countries where human rights violations are crucial in maintaining a non-democratic government in power,

1. Considers that the EU needs to move towards a coherent and consistent policy of upholding and promoting human rights around the world, and stresses the need to conduct such a policy more effectively;

2. Reiterates its conviction 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, and that it is necessary to ensure that the promotion of human rights as a main objective of the CFSP, as outlined in Article 11 of the Treaty on European Union, is strictly implemented in the EU's dialogues and institutional relations with all the countries of the world;

3. Calls on the Council and the Commission to make greater efforts to improve the ability of the European Union to respond rapidly to breaches of human rights by third countries; stresses the key role played by the EU in the sphere of human rights in today's world and the corresponding increased expectations; calls for a common EU human rights line both in its external policy and within its own borders;

4. Calls for continued maximum vigilance as regards respect for the human rights clauses in the agreements signed by the EU and its third-country partners, and for such clauses to be included systematically in future agreements; points out that the human rights clause, by virtue of being an essential element, should apply to all the provisions of the agreement; reiterates its call for this clause to be systematically accompanied by a genuine enforcement mechanism;

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5. Underlines the relevance of the European Union Annual Report on Human Rights in analysing and evaluating the European Union's human rights policy, and recognises the positive role played by the EU institutions' activities in this field;

6. Reiterates its request that more and better information should be provided for the assessment of policies and that elements and guidelines should be proposed to improve the general approach, minimise any contradictions and adjust the policy priorities on a country-by-country basis, with a view to the adoption of a Country Strategy on human rights or, at least, a human rights chapter in the Country Strategy Papers; reiterates its call for a regular periodic assessment of the use and the results of European Union policies, instruments and initiatives on human rights in third countries; calls on the Council and the Commission to develop specific quantifiable indices and benchmarks in order to measure the effectiveness of those policies;

7. Welcomes the public presentation of the 2008 Report by the Council and the Commission at the meeting of Parliament's Subcommittee on Human Rights held on 4 November 2008, coinciding with the 60th anniversary of the Universal Declaration of Human Rights of 10 December 1948, and its presentation in plenary on the same day as the award of its annual Sakharov Prize for Freedom of Thought to Hu Jia from China;

8. Calls once again on the Council and the Commission to identify the 'countries of particular concern' where it is particularly difficult to promote human rights, as well as countries in which human rights are violated, and, to that end, to develop criteria by which to measure countries by reference to their human rights score, thereby enabling specific policy priorities to be established;

9. Calls on the Council and Commission to make greater efforts to disseminate their annual report on human rights and ensure it reaches as large a public as possible; also calls for public information campaigns aimed at raising the EU's profile in this field;

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10. Calls on the Council and Commission to carry out regular social impact and awareness studies regarding the Union's action in the field of human rights;
11. Considers that the report shows that the EU, despite the inquiries undertaken in some Member States, has not carried out an evaluation of Member States' practices in relation to the anti-terrorism policies followed by the US Administration under the Bush presidency;
12. In accordance with the resolution unanimously adopted by the Peruvian Congress in April 2008, calls on the Council to envisage inclusion of the Movimiento Revolucionario Túpac Amaru (MRTA) on the European list of terrorist organisations;
13. Stresses that, in the eyes of large segments of public opinion worldwide, immigration policy represents a challenge for the credibility of the EU's external action in the field of human rights,

#### ***Council and Commission activities in the area of human rights in international forums***

14. Considers that a quantitative and qualitative improvement of the Council's human rights secretariat would enable the European Union to further raise its profile in promoting and ensuring respect for human rights in its external policy; expects that a future appointment of a High Representative for Foreign Affairs and Security Policy, who would also be a Vice-President of the Commission, would considerably enhance the coherence and effectiveness of the EU if the Lisbon Treaty were to enter into force;
15. Considers it essential that, given the importance of human rights issues in conflict and post-conflict situations, all European Union special representatives should in future have a mandate which specifically mentions promoting and ensuring respect for human rights;
16. Reiterates its request to the Commission to encourage European Union 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 and the optional protocols thereto and to cooperate with international human rights procedures and mechanisms; calls specifically for a framework agreement to be concluded between the European Union and the UNHCR with a view to promoting the ratification and implementation of United Nations conventions by all Member States;
17. Calls on the Council and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and national implementing legislation, in conformity with Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court<sup>(1)</sup> and the 2004 Action Plan to follow-up on the Common Position; requests that such efforts be extended to include ratification and implementation of the Agreement on the Privileges and Immunities of the ICC, which is an important operational tool for the ICC; welcomes the fact that the ratifications of the Rome Statute by Madagascar, the Cook Islands and Suriname in 2008 brought the total number of States Parties to 108 in July 2008; demands that the Czech Republic, as the only remaining EU Member State not to have ratified the Rome Statute, finally do so without further delay<sup>(2)</sup>; urges Romania to rescind its Bilateral Immunity Agreement with the United States;

<sup>(1)</sup> OJ L 150, 18.6.2003, p. 67.

<sup>(2)</sup> As of 18 July 2008, 85 States had not yet ratified the Rome Statute: Algeria, Angola, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Bhutan, Brunei, Cameroon, Cape Verde, Chile, China, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Grenada, Guatemala, Guinea-Bissau, Haiti, India, Indonesia, Iran, Iraq, Israel, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Laos, Lebanon, Libya, Malaysia, Maldives, Mauritania, Federated States of Micronesia, Moldova, Monaco, Morocco, Mozambique, Myanmar/Burma, Nepal, Nicaragua, Oman, Pakistan, Palau, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, São Tomé and Príncipe, Saudi Arabia, Seychelles, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Swaziland, Syria, Thailand, Togo, Tonga, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, United States of America, Uzbekistan, Vanuatu, Vietnam, Yemen, Zimbabwe.

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18. Asks all EU Presidencies to raise the importance of cooperation with the ICC in all EU summits and dialogues with third countries, including in the EU-Russia summit and the EU-China dialogues, and urges all EU Member States to step up cooperation with the Court and to conclude bilateral agreements on the enforcement of sentences, as well as on the protection of witnesses and victims; further acknowledges the Cooperation and Assistance Agreement between the EU and the ICC and, on that basis, calls on the European Union and its Member States to provide the Court with all necessary assistance, including field support, in its ongoing cases; within that framework, welcomes the assistance of Belgium and Portugal in the arrest and surrender to the ICC of Jean-Pierre Bemba in May 2008;

19. Calls for prompt ratification by the European Community and its Member States of the United Nations Convention on the Rights of Persons with Disabilities; insists that the Optional Protocol to the Convention should be regarded as an integral part thereof, and calls for simultaneous accession to the Convention and the Protocol <sup>(1)</sup>;

20. Emphasises the need to strengthen further the active involvement of the European Union and its Member States with respect to human rights and democracy issues as regards their participation in a variety of international forums in 2009, including in the work of the UNHRC, the United Nations General Assembly, the Ministerial Council of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe;

21. Welcomes the Human Rights Defenders Conference financed by the EIDHR, which took place in the European Parliament in Brussels on 7-8 October 2008, as a major inter-institutional initiative by the European Parliament, the Commission and the United Nations, marking the 60th Anniversary of the Universal Declaration of Human Rights;

22. Welcomes the cooperation between the European Union and the Council of Europe taking place within the framework of a Memorandum of Understanding signed in May 2007; welcomes the fact that quadripartite meetings were held on 23 October 2007 and 10 March 2008 between the EU Presidency, the Commission, the Secretary General of the Council of Europe and the Chair of the Committee of Ministers of the Council of Europe; reaffirms the importance of further promoting cooperation in the field of human rights, the rule of law and pluralist democracy, which are the shared values of both those organisations and of all the EU Member States;

23. Welcomes the agreement signed on 18 June 2008 between the Commission and the Council of Europe concerning cooperation in the EU Agency for Fundamental Rights; points out that the agreement includes provisions on the organisation of regular meetings, exchange of information and coordination of activities;

24. Welcomes the fact that the Convention on Cluster Munitions was adopted by the Dublin Diplomatic Conference, which took place from 19 to 30 May 2008; is concerned that not all European Union Member States signed the treaty at the Signing Conference in Oslo on 3 December 2008, and asks them to do so as soon as possible <sup>(2)</sup>; notes that the Convention imposes an immediate and unconditional ban on all cluster munitions which cause unacceptable harm to civilians;

25. Welcomes the cooperation of Serbia in the arrest and transfer of Radovan Karadžić to the International Criminal Tribunal for the former Yugoslavia (ICTY); notes with concern that Ratko Mladić and Goran Hadžić remain at large and have not been brought before the ICTY; in this regard, calls on the Serbian authorities to ensure full cooperation with the ICTY, which should lead to the arrest and transfer of all remaining indictees, in order to open the way to the ratification of a Stabilisation and Association Agreement;

<sup>(1)</sup> As of November 2008, Austria, Hungary, Slovenia and Spain had ratified both the Convention and the Optional Protocol.

<sup>(2)</sup> Among the EU Member States, Cyprus, Estonia, Finland, Greece, Latvia, Lithuania, Poland, Romania and Slovakia have not yet signed the Convention.

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26. Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice; notes with great concern the persistent failure of Sudan to arrest and transfer to the ICC Ahmad Muhammad Harun ('Ahmad Harun') and Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb'), in disregard of its obligations under UN Security Council Resolution 1593 (2005); strongly condemns the retaliation by Sudan following the issuing of an ICC warrant for the arrest of President al-Bashir, and expresses its deepest concern at the recent crackdown on human rights defenders, which led in June 2008 to the arrest of Mohammed el-Sari, who has been sentenced to imprisonment for 17 years for having collaborated with the ICC; welcomes the release of Hassan al-Turabi, leader of the main opposition group, the Popular Congress Party, after two months of custody, for his statement calling on President al-Bashir to assume political responsibility for the crimes committed in Darfur; finally, recalls its resolution of 22 May 2008 on Sudan and the International Criminal Court <sup>(1)</sup> and calls once again on the EU Presidencies and the Member States to live up to and act on their own words as expressed in the EU declaration of March 2008 and the Council conclusions on Sudan of June 2008, stating that the EU 'stands ready to consider measures against individuals responsible for not cooperating with the ICC, should the obligation under the UNSC Resolution 1593 on cooperation with the ICC continue to be disregarded';

27. Welcomes the opening on 26 January 2009 of the first ever trial at the ICC, against Thomas Lubanga of the Democratic Republic of Congo (DRC), and notes that it represents the first trial in the history of international criminal law to see the active participation of victims in the proceedings; in that context, urges the ICC to intensify its outreach efforts with a view to engaging communities in countries in crisis situations in a process of constructive interaction with the ICC, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process; welcomes the cooperation of the DRC in the transfer of Thomas Lubanga, Germain Katanga and Mathieu Ngudjolo to the ICC; however, deplores the fact that the ICC warrant for the arrest of Bosco Ntaganda has not yet been executed, and calls on the upcoming meetings of the General Affairs and External Relations Council to demand the immediate arrest and surrender of Bosco Ntaganda to the ICC; notes with concern that the already volatile situation in the DRC has recently been further destabilised by new attacks by the Lord's Resistance Army (LRA), which brutally massacred at least 620 civilians and abducted more than 160 children between 24 December 2008 and 13 January 2009 in northern DRC; therefore emphasises the need to arrest LRA commanders as a matter of urgency, as demanded in Parliament's resolution of 21 October 2008 on the indictment and bringing to trial of Joseph Kony at the International Criminal Court <sup>(2)</sup>; notes with concern that the ICC warrants for the arrest of four members of the Lord's Resistance Army in Uganda have still not been executed;

28. Notes 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 in the Congo, Uganda, and Darfur' <sup>(3)</sup>, and calls on the USA to reinstate its signature and further engage with the ICC, especially by cooperating in situations which are the subject of an ICC investigation or preliminary analysis;

29. Notes once again with satisfaction the adoption by the United Nations General Assembly of the Declaration on the rights of indigenous peoples, which creates a framework in which States can protect and promote the rights of indigenous people without exclusion or discrimination; urges the Commission, therefore, to follow up on the implementation of the declaration, in particular through the EIDHR, while in particular enjoining all the Member States to ratify as a matter of urgency International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples, which backs up the principles set out in the declaration in question with a legally binding instrument; however, welcomes the Commission's activities targeting indigenous peoples and welcomes the project entitled 'Promotion of Indigenous and Tribal Peoples' Rights through Legal Advice, Capacity-Building and Dialogue', initiated as a joint management project between the Commission and the ILO; notes that, almost twenty years after its entry into force, only three Member States have ratified the ILO Convention, namely Denmark, the

<sup>(1)</sup> Texts adopted, P6\_TA(2008)0238.

<sup>(2)</sup> Texts adopted, P6\_TA(2008)0496.

<sup>(3)</sup> Statement by Ambassador Susan E. Rice, US Permanent Representative, on Respect for International Humanitarian Law, in the Security Council, 29 January 2009.

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Netherlands and Spain; consequently, encourages initiatives to increase awareness of this important legislative instrument and to enhance its effectiveness worldwide by ensuring that it is ratified by all the Member States;

30. Reiterates its call for the development of a European framework strategy on Roma, given the special social situation of Roma communities in the European Union, in the candidate countries and in the countries involved in the Stabilisation and Association process; notes with satisfaction the Commission's first 'EU-Roma Summit', which took place in September 2008 under the joint patronage of the President of the Commission and the French Presidency, aiming to promote a firm commitment to tackling concrete problems and to creating mechanisms through which to ensure a better understanding of the situation of Roma across Europe;

31. Welcomes the consensus reached in the Durban Review Conference on an outcome document on 21 April 2009 as a follow-up to the World Conference Against Racism, which inter alia fully protects the right to freedom of expression as defined under international law, affirms and strengthens the call for the protection of migrants' rights, and acknowledges multiple and aggravated forms of discrimination; condemns the speech of President Mahmoud Ahmadinejad, which contradicted the spirit and purpose of the conference, namely to defeat the scourge of racism; welcomes the substantive sessions of the UNHRC acting as the preparatory committee for the Durban Review Conference, which took place from 21 April to 2 May 2008 and from 6 to 17 October 2008;

32. Is disappointed at the lack of leadership on the part of the Council and the inability of Member States to agree on a common strategy at the Durban Review Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Geneva from 20 to 24 April 2009 (Durban II); deeply deplores the lack of unity and cooperation, in particular against the backdrop of the expected intensification of EU foreign policies under the new EU Treaty; calls on the Commission and, notably, the Council to explain to Parliament whether an EU strategy was planned and what efforts were made to find a common line, and to report on what happened and on the implications of the outcome of Durban II;

33. Welcomes the second European Forum on the Rights of the Child organised by the Commission in March 2008, which focused on the matter of child alert mechanisms for missing children and on the issues of child poverty and social exclusion, with special attention to Roma children;

34. Welcomes the European Year of Intercultural Dialogue 2008, which was initiated by the Commission and established by decisions of the European Parliament and the Council; reiterates that intercultural dialogue has an increasingly important role to play in fostering European identity and citizenship; urges the Member States and the Commission to bring forward strategies to foster intercultural dialogue, to promote, within their spheres of competence, the objectives of the Alliance of Civilisations, and to maintain their political support for that Alliance;

#### ***The United Nations Human Rights Council***

35. Welcomes the work of the UNHRC and stresses its crucial role within the overall UN architecture and its potential to develop a valuable framework for the European Union's multilateral human rights efforts; notes that this new body has to keep working in order to gain more credibility;

36. Stresses that the role of civil society organisations is indispensable for the efficiency of the UNHRC;

37. Welcomes the start of the Universal Periodic Review and the first round of the review, which took place in April and May 2008 and ended with adoption of the outcome reports by the UNHRC's plenary in June 2008; notes that the implementation of the first two cycles of the new mechanism confirmed the Universal Periodic Review's potential, and trusts that the implementation of the Universal Periodic Review mechanism will achieve further concrete results and improvements; calls on the Council and the Commission closely to follow and monitor the undertakings of the Universal Periodic Review, and calls on the Council to consult Parliament on this matter;



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38. Notes that, as the Annual Report points out, EU Member States are in a minority in the UNHRC; calls on the EU institutions and the Member States to take concerted action to remedy this, developing appropriate alliances with those countries and non-state actors that are continuing to defend the universal and indivisible nature of human rights;

39. In this regard, calls on the Council and the Commission to strengthen their engagement with democratic governments from other regional groups within the UNHRC, with a view to improving the chance of success of initiatives aimed at respect for the principles contained in the Universal Declaration of Human Rights; asks the Commission to provide an annual report on voting patterns at the UN in matters concerning human rights, analysing how these have been affected by the policies of the EU and of its Member States and those of other blocs;

40. Calls 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, using the legal tools of non-discrimination to advocate diversity and tolerance;

41. Reaffirms the vital importance of the special procedures and country mandates within the UNHRC; considers that the process for the renewal of mandates must be transparent; welcomes the new manual of the UN special procedures and insists that efforts should continue to appoint independent and experienced candidates who are properly representative, both geographically and in terms of gender; notes the recent developments in the thematic and country mandates; welcomes the newly established thematic mandates, dealing with contemporary forms of slavery and access to safe drinking water and sanitation; welcomes the fact that the mandate of the Special Rapporteur on the situation of human rights in Sudan has been extended until June 2009;

42. Welcomes the fact that the EU initiated the holding of a special UNHRC session on Burma in October 2007, which culminated in the adoption of a resolution in June 2008 condemning the ongoing systematic violations of human rights and the recruitment of child soldiers in Burma and urging the Burmese Government unconditionally to release all political prisoners immediately;

#### ***Performance as regards the European Union human rights guidelines***

43. Considers that, despite the delay in final ratification of the Lisbon Treaty, the preparations for the creation of the new European External Action Service should be used proactively to harmonise the approaches of the missions of Member States and the Commission abroad in the area of human rights, by sharing structures and staff so as to create genuine 'European Union embassies';

44. Takes note of the Slovenian and French Presidencies' drive to finalise European Union human rights guidelines on the rights of the child; is looking forward to receiving within the next year drafts of the specific implementing measures that will concentrate on implementing the holistic and comprehensive approach which the core guidelines develop;

45. Considers that 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 and their implementation in EU mission staff training programmes;

#### ***Situation of women, violence against women and femicide***

46. Welcomes the new priority status given by the French Presidency in the second half of 2008 to women's issues in the context of the EU's action in the field of human rights; stresses, in particular, the need to tackle the tragic phenomena of violence against women (including the practice of female circumcision) and femicide (including the practice of gender-selective abortion);

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47. Given the failure of the international community to bring about change for the better in Zimbabwe – a human rights catastrophe – calls on the Council and Member States to examine the reasons behind this, to determine more effective policies, and to inform Parliament what action they intend to take, given the extent of the relationship between the EU and its Member States and many African countries, in particular in southern Africa;

48. Welcomes the adoption of new guidelines on 8 December 2008, thereby establishing a comprehensive strategy for strengthening EU action to enhance women's security, especially in conflict-affected countries, as well as in other countries; deplores, however, the fact that Parliament was not more closely involved in the drafting of those new guidelines and calls in this regard for a mechanism to be established in future for consultation with Parliament both when the new guidelines are being drawn up and when they are being assessed and revised;

49. Draws attention, none the less, to the existing gaps in the development of the Union's policies and actions relating to the human rights of women; finds these gaps reflected in the Council's report, inasmuch as, when assessing various specific areas, it fails to go into detail;

### ***The death penalty***

50. Recalls the resolution on a moratorium on the use of the death penalty (Resolution 62/149) adopted by the United Nations General Assembly on 18 December 2007, calling for a global moratorium on the use of the death penalty; stresses that the resolution ends by calling on all United Nations Member States to establish a moratorium on executions with a view to abolishing the death penalty;

51. Welcomes 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, on behalf of the EU, and by the President of the Parliamentary Assembly, the Chairman of the Committee of Ministers and the Secretary General of the Council of Europe, on the 'European Day against the Death Penalty', which is celebrated on 10 October each year; reiterates that the prohibition of the death penalty is one of the key provisions of the Charter of Fundamental Rights of the European Union, Article 2 of which explicitly states: 'No one shall be condemned to the death penalty, or executed';

52. Welcomes the revised and updated version of the EU Guidelines on the Death Penalty; reiterates that the EU is opposed to the death penalty in all circumstances, and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;

53. Calls on the Presidency to encourage Italy, Latvia, Poland and Spain, which have signed but not yet ratified Protocol No 13 to the ECHR concerning the abolition of the death penalty in all circumstances, to do so; recognises in that regard that the Guidelines on the Death Penalty could be implemented more coherently if Member States were to sign up to and ratify such protocols and conventions;

54. Welcomes the fact that the death penalty is in retreat, having been abolished for all crimes in 2008 by Rwanda and Uzbekistan; welcomes the draft penal code in Iran, which prohibits stoning sentences, and urges the Iranian parliament to conclude the penal code so as to provide for the absolute prohibition of stoning; condemns the fact that the Iranian regime still sentences to death and executes defendants under the age of 18 (particularly those whose only 'crime' under sharia law is having committed acts of homosexuality); stresses that Iran is the only country to have executed juvenile offenders in 2008; is deeply concerned that at least 130 other juvenile offenders are on death row in Iran; once again condemns the Iranian regime's increasing use of the death penalty, which places Iran in second position, just after China, in the league table of countries having the highest number of executions; notes that there has not been any death sentence passed in Guatemala; however, expresses its disquiet at the possibility that the death penalty might once again start to be enforced; urges the Guatemalan Government, on the contrary, to genuinely commit itself to the universal moratorium on the death penalty; however, welcomes the decisions taken by President Colom in March 2008 which may lead to the abolition of the death penalty in Guatemala;

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expresses its concern at the retention of the death penalty in domestic legislation in Peru; notes that since 2007 all death penalty cases in China have been reviewed by the Supreme Court; however, remains concerned that China still carries out the greatest number of executions worldwide; condemns the practice of the death penalty in Belarus, which is the only country in Europe that continues to use the death penalty and therefore runs counter to European values;

#### ***Torture and other cruel, inhumane or degrading treatment***

55. Urges 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;

56. Remains concerned about the true commitment to human rights of European Union Member States that refuse to sign the above-mentioned International Convention for the Protection of All Persons from Enforced Disappearance; welcomes the ratification of that convention by Argentina in May 2008, and asks all EU Member States that have not done so to sign and ratify it promptly <sup>(1)</sup>;

57. Welcomes the revised version of the EU Guidelines on Torture, adopted by the Council in April 2001 and updated in 2008, the aim of which is to provide the EU with an operational tool to be used in contacts with third countries at all levels as well as in multilateral human rights forums in order to support and strengthen ongoing efforts to prevent and eradicate torture and ill-treatment in all parts of the world; reiterates that the EU is firmly committed to upholding the absolute prohibition of torture and cruel, inhuman and degrading treatment;

58. Expects 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, as a clear signal that European countries are firmly committed to eradicating those practices within their borders in the first place, thereby setting an example for other countries of the world where such practices unfortunately still exist;

59. Welcomes the assessment of the EU Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, which includes new recommendations and implementation measures designed to further strengthen action in this area; notes with satisfaction the incorporation of the recommendations contained in the study entitled 'The Implementation of the European Union Guidelines on torture and other cruel, inhuman or degrading treatment or punishment', presented to Parliament's Subcommittee on Human Rights on 28 June 2007 and to COHOM in December 2007; notes with satisfaction the conclusions drawn from the examination of the implementation of the guidelines; welcomes the implementation measures, which are designed to provide guidance in that regard for EU missions and Commission delegations; in this context, welcomes the specific criteria for action concerning individual cases, and regrets the lack of measures to prevent the transfer of persons to a country where they may be at risk of torture or other inhuman or degrading punishment; in this regard, once again urges the EU to comply with the norms and standards laid down by the international and regional instruments relating to torture and ill-treatment;

60. Welcomes Resolution 62/148 on torture and other cruel, inhuman and degrading treatment or punishment, co-sponsored by the EU and adopted by the United Nations General Assembly on 4 March 2008, recalling that freedom from torture and other cruel, inhuman and degrading treatment or punishment is a basic right that must be protected under all circumstances; notes that the Network of Human Rights Parliamentary Committees of the European Union held its second meeting in the European Parliament on 25 June 2008, with a special focus on the fight against torture, in the presence of the UN Special Rapporteur on Torture, Manfred Nowak;

<sup>(1)</sup> Signatories (as of November 2008): Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Cyprus, Lithuania, Luxembourg, Malta, the Netherlands, Austria, Portugal, Slovakia, Slovenia, Finland, Sweden (only five countries – Albania, Argentina, France, Honduras and Mexico – have ratified the Convention, which requires 20 ratifications for entry into force).

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61. Urges 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, as well as the provision of rehabilitation assistance to torture survivors; calls on the Council and the Commission to regard the fight against torture and ill-treatment as a top priority of the EU's human rights policy, in particular through enhanced implementation of the European Union guidelines and all other EU instruments such as the EIDHR, and by ensuring that Member States refrain from accepting diplomatic assurances from third countries where there is a real risk of people being subjected to torture or ill-treatment;

62. Notes the importance of Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment<sup>(1)</sup>, which prohibits the export and import of goods which have no practical use other than for the purposes of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, and which entered into force on 30 July 2006; urges the Council and the Commission to carry out an assessment of the implementation of that Regulation by the Member States, and to explore the possibilities for widening the scope of the Regulation;

63. Deplores the fact that there are 1 350 000 displaced persons in the DRC, including 850 000 displaced in North Kivu; emphasises once again the need for urgent action in the form of a full investigation aimed at bringing to justice the perpetrators responsible for the killing of an estimated 150 people by the CNDP (National Congress for the Defence of the People) and Mai Mai combatants in Kiwanja in November 2008; calls on the governments of the DRC and Rwanda to pledge their full support for MONUC (the UN Mission in the DRC) in the region, in the fulfilment of its peacekeeping mandate, and to work towards protecting civilians in the region from the violence and severe atrocities seen to date; further requests the Council and the Commission to support an investigation into the serious violations of international humanitarian law which are occurring on a daily basis, including rape, extrajudicial killings and torture, as well as the need to implement a strong EU strategy which would help to facilitate change in the region;

64. Remains deeply concerned about the devastating humanitarian crisis in Zimbabwe, the cholera epidemic and the continued refusal of the Mugabe regime to respond effectively to the crisis; further calls on the Council and the Commission to roundly condemn the actions of the Mugabe regime and to reaffirm their commitment to the Zimbabwean people in the form of a long-term programme of humanitarian aid; further denounces the intimidation and detention of human rights defenders and members of civil society, such as Jestina Mukoko, by the Mugabe regime, and calls for the perpetrators of these acts to be brought to justice;

### *Children's rights*

65. Stresses once again the crucial need to implement the EU Guidelines on Children and Armed Conflict; urges all States to adopt the 2007 Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups;

66. Welcomes the updated version of those guidelines, adopted on 16 June 2008, and notes with satisfaction that the EU has instructed ambassadors to devise individual strategies regarding the 13 priority countries for the implementation of the six new thematic issues identified in the guidelines: recruitment, killing and maiming, attacks on schools and hospitals, blockage of humanitarian access, sexual and gender-based violence and violations and abuses;

<sup>(1)</sup> OJ L 200, 30.7.2005, p. 1.

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67. Welcomes the adoption in June 2008 of the European Council conclusions on the rights of the child, in particular children affected by armed conflict; notes that the Council called on the Commission and the Member States to continue to ensure the coherence, complementarity and coordination of human rights, security and development policies and programmes with a view to addressing the short, medium and long-term impacts of armed conflict on children in an effective, sustainable and comprehensive manner;

68. Welcomes 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; notes that this includes substantive improvements, particularly as regards the elaboration of the definition of child protection, specific training in respect of children affected by armed conflict, monitoring and reporting, improving visibility and awareness, the possibility of having specific expertise on the ground, and enhancing expert communication between missions/operations and Brussels;

69. Welcomes the Presidency initiatives on children affected by armed conflict; notes the conference entitled 'Increasing the Impact on the Ground – NGO and EU Collaboration in the Thematic Area of Children Affected by Armed Conflict', organised by the Slovenian Presidency in April 2008;

70. Notes the resolution on children and armed conflict adopted on 22 February 2008 by the UN General Assembly and the Report of the Special Representative of the UN Secretary-General; strongly condemns the recruitment and use of children in armed conflicts in Chad and Iraq;

71. Welcomes the Annual Report and conclusions of the UN Security Council Working Group on Children and Armed Conflict; strongly condemns the grave violations of children's rights and the continued use of children in the armed conflicts in Sri Lanka, Burma, the Philippines, Somalia, Congo and Burundi;

72. Welcomes the fact that 16 EU Member States<sup>(1)</sup> have signed the Geneva Declaration on Armed Violence and Development, thereby bringing the total number of States Parties to 97; urges the remaining 11 EU Member States that have yet not signed the Geneva Declaration to do so as swiftly as possible;

73. Calls on those Member States that have not done so to sign and ratify without delay the optional protocols to the Convention on the Rights of the Child<sup>(2)</sup>;

74. Welcomes the fact that 2008 saw the launch by the Commission, within the framework of the thematic programme entitled 'Investing in People', of a call for proposals for projects by non-governmental organisations (NGOs) for children affected by armed conflict and trafficking in children; calls on the Commission to continue to devote special attention to the situation of children affected by armed conflict;

### ***Human rights defenders***

75. Welcomes the Human Rights Defenders Conference held on 7-8 October 2008; reiterates 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;

<sup>(1)</sup> Bulgaria, Germany, Ireland, Greece, Spain, France, Italy, Hungary, the Netherlands, Austria, Portugal, Romania, Slovenia, Sweden, Finland and the United Kingdom.

<sup>(2)</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (as of November 2008): not ratified by the Czech Republic, Germany, Ireland, Luxembourg, Hungary, Malta, Finland or the United Kingdom. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (as of November 2008): not ratified by Estonia, the Netherlands or Hungary.

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76. Draws attention to the abuse and sexual exploitation of millions of children worldwide; asks the Council, the Commission and Member States to do everything possible to prevent and combat the sexual exploitation and sexual abuse of children, to protect the rights of victims of such exploitation and abuse, and to promote national and international cooperation in the fight against the sexual exploitation and sexual abuse of children;

77. Welcomes the Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted by the Committee of Ministers on 6 February 2008;

78. Welcomes the establishment in 2006 by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) of a focal point for human rights defenders for the purpose of monitoring the human rights situation in all OSCE countries; urges 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;

79. Welcomes the 2008 revised version of the EU Guidelines on human rights defenders; highlights the inclusion of provisions aimed at improving the support given to, and the protection of, human rights defenders by EU missions, such as local strategies for the implementation of the guidelines, local working groups on human rights and the organisation of meetings at least once a year between human rights defenders and diplomats; welcomes at the same time the inclusion of the possibility of issuing emergency visas and facilitating temporary shelter in the EU Member States as measures to provide swift assistance and protection to human rights defenders in danger in third countries;

80. Once again calls on the Council and the Member States to consider in concrete terms the matter of emergency visas for human rights defenders by including a clear reference to the specific situation of human rights defenders in the new Community Code on Visas, thereby creating a specific and accelerated visa procedure which could draw on the experience of the Irish and Spanish governments in this matter; notes the discussion concerning the issuing of visas for the temporary relocation of human rights defenders who are at immediate risk or in need of protection, and calls on COHOM to take further steps; considers that the confidentiality of Union demarches in favour of human rights defenders is sometimes useful but asks that, despite that confidentiality, Union local staff systematically and confidentially provide all useful information concerning those demarches to the NGOs on the ground, to the human rights defenders and to their families;

81. Refers to the Council Conclusions on Belarus of 13 October 2008 and the statement issued by the Presidency on 30 September 2008 concerning the parliamentary elections held that month in Belarus; regrets that the elections fell short of the international standards and failed to meet the democratic criteria of the OSCE; welcomes the release of the last internationally recognised political prisoner, Alyaksandr Kazulin, before the elections; however, remains concerned that at least 10 activists continue to serve 'restricted freedom' sentences that permit them only to be at home or at work; remains greatly concerned about the human rights situation in Belarus;

82. Condemns the strengthening of restrictions imposed by the Chinese government on human rights defenders before the Olympic Games, which prohibited them from engaging in telephone and internet communications, tracked their movements and subjected them to varying degrees of house arrest and unprecedented surveillance and monitoring, as a result of which many activists chose to postpone or suspend their work until the Games were over;

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83. Draws specific attention to the significant impact that the right of free expression on the internet can have on closed communities, and calls on the EU to support cyber-dissidents worldwide; accordingly, asks the Council and the Commission to deal with all restrictions on the provision of internet and information society services by European companies in third countries as part of the EU's external trade policy and to regard as barriers to trade all unnecessary limitations on the provision of those services;

84. Is greatly concerned that Iran has continued in 2008 to suppress independent human rights defenders and members of civil society, and that serious violations of human rights have persisted; condemns the arbitrary arrest, torture and imprisonment of human rights defenders for their work, on the charge of 'activities contrary to national security'; regrets the current government policy directed against teachers and academics, barring students from access to higher education, and condemns the persecution and imprisonment of student activists;

85. Expresses its concern at the human rights situation in Nicaragua and Venezuela and at the attacks against and harassment of a number of human rights organisations in those countries; calls on the Nicaraguan and Venezuelan governments and authorities to act to protect democratic rights and freedoms and the rule of law;

86. Reiterates its position with regard to the Cuban Sakharov Prize winners Oswaldo Payá Sardiñas and the group known as 'Damas de Blanco' ('Ladies in White'); regards it as intolerable that a country with which the EU has reassumed a political dialogue on all kind of matters, including human rights, should refuse to allow both Oswaldo Payá and the Damas de Blanco to participate in the ceremony marking the 20th anniversary of the Prize; strongly rejects the systematic violence and the recurrent acts of harassment suffered by the Sakharov Prize laureates; in this respect, calls on the Cuban government to release immediately all political prisoners and prisoners of conscience and to recognise the right of all Cubans freely to enter and leave the country;

#### ***Guidelines on human rights dialogues and recognised consultations with third countries***

87. Notes the revised version of the guidelines, adopted under the French Presidency, on human rights dialogues with third countries; once again calls on the Council and the Commission to initiate a comprehensive evaluation of those guidelines, based on an in-depth evaluation of each dialogue and the results obtained and, to that end, to develop clear indicators for the impact of each dialogue and criteria for the initiation, cessation and resumption of dialogues; emphasises the need to continue the informal interinstitutional meetings before and after each dialogue with a view to increasing the exchange of information between institutions and, if necessary, improving coordination; points out in this regard that the adoption of human rights strategies on a country-by-country basis will help to improve the coherence of EU policy on human rights;

88. Emphasises once again in this context the proposals set out in Parliament's above-mentioned resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries;

89. Regrets China's postponement of the eleventh China-EU summit on the grounds of the Dalai Lama's visit to Europe; emphasises the need for a radical intensification and re-thinking of the European Union-China human rights dialogue; expresses its disquiet at the serious human rights violations in China and stresses that, despite promises made by the regime before the Olympic Games in August 2008, the situation on the ground regarding human rights has not improved; points out, moreover, that restrictions on freedom of association, expression and religion have been further tightened; strongly condemns the crackdown

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against Tibetans following the wave of protests that swept across Tibet beginning on 10 March 2008 and the repression by the Chinese government that has increased in Tibet since then, and calls for the restart of a sincere and results-oriented dialogue between both parties based on the 'Memorandum on Genuine Autonomy for the Tibetan People'; notes that, despite repeated assurances by the Chinese government of its intention to ratify the International Covenant on Civil and Political Rights, ratification is still pending; refers to Parliament's resolution of 17 January 2008 on the arrest of the Chinese dissident Hu Jia <sup>(1)</sup>, who has been awarded the 2008 Sakharov Prize for Freedom of Thought; calls on the Chinese government to release Hu Jia immediately and to lift the house arrest on his wife Zeng Jinyan and his daughter; condemns the wave of repression against signatories of the 'Charter 08', a document calling for democratic reforms in China and demanding the release of Liu Xiaobo, a dissident who has been detained since 9 December 2008; expresses concern that the legal system remains vulnerable to arbitrary and often politically-motivated interference, including the State Secrets system, preventing the transparency necessary for the development of good governance and a system in which the rule of law prevails; in this context, deplores the systematic punishment of lawyers who try to make the Chinese legal system function in accordance with China's own laws and the rights of its citizens; notes the persisting frailty of internet freedom in China, and in this respect asks European businesses providing an internet content hosting service to refrain from disclosing to any foreign official any information that personally identifies a particular user of the service in question save for legitimate foreign law-enforcement purposes in compliance with the Universal Declaration of Human Rights;

90. Remains concerned that the human rights dialogue with Iran has been interrupted since 2004 due to the absence of any positive progress in improving the human rights situation and a lack of cooperation from Iran; calls 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 – through peaceful and non-violent means – existing processes that can foster democratic, institutional and constitutional reforms, ensure the sustainability of those reforms and consolidate the involvement of all Iranian human rights defenders and civil society representatives in policy-making processes, reinforcing the role played by them in the general political discourse; is deeply concerned that, in 2008, the human rights situation in Iran has worsened and the restrictions on freedom of expression and assembly have persisted; in this context, is deeply concerned by the suppression of the journalists, writers, scholars and women's rights and human rights activists; remains concerned about the repression of ethnic and religious minorities in Iran; condemns the increasing use of the death penalty in Iran, including in respect of juveniles;

91. Regrets the lack of results from the European Union-Russia consultations on human rights; regrets 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; notes that during the consultations the European Union 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; regrets that, despite this, the European Union has not succeeded in bringing about any change of policy in Russia, particularly with regard to impunity and the independence of the judiciary, the treatment of human rights defenders and political prisoners including Mikhail Khodorkovsky, the independence of the media and freedom of expression, the treatment of ethnic and religious minorities, respect for the rule of law and human rights protection in the armed forces, discrimination based on sexual orientation as well as other issues; refers to its resolution of 19 June 2008 on the EU-Russia Summit of 26-27 June 2008 in Khanty-Mansiysk <sup>(2)</sup>; expresses once again its concerns at the deteriorating situation of human rights defenders and the difficulties faced by NGOs with regard to their registration and in carrying out their activities; reiterates its concerns about the Anti-Extremism Law, which could affect the free flow of information and could lead the Russian authorities to further restrict the right to free expression of independent journalists and political opponents; expresses further concern, in line with the Amnesty International Report of 2008, as to 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 in accordance with international standards, and deeply regrets the treatment of former Yukos vice-president Vasily Aleksanian, whose refusal

<sup>(1)</sup> OJ C 41 E, 19.2.2009, p. 82.

<sup>(2)</sup> Texts adopted, P6\_TA(2008)0309.



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to provide false testimony against Mikhail Khodorkovsky led the Russian authorities to allow his medical condition to deteriorate to a terminal state; joins the Parliamentary Assembly of the Council of Europe in calling on the Russian authorities to 'use all available legal means' to secure the release of Igor Sutiagin and Valentin Danilov; welcomes the release of Mikhail Trepashkin; deeply regrets that the ODIHR election-monitoring mission covering the Russian presidential election of March 2008 had to be cancelled due to the restrictions and limitations imposed by the Russian authorities on that mission;

92. Notes the existence of human rights subcommittees involving countries on the southern shore of the Mediterranean (Morocco, Tunisia, Lebanon, Jordan, Egypt, Israel and the Palestinian Authority) in the context of the European Neighbourhood Policy and calls on the Council and the Commission to set up human rights subcommittees with all neighbourhood countries; reiterates its call for parliamentarians to be associated with the preparations for meetings of such subcommittees and to be informed of their outcome; welcomes the consultation with civil society, both before and after, by the Commission delegation in the country concerned and by the Commission's relevant departments in Brussels; questions, however, the effectiveness and coherence of the methodology used, and, in particular, of the criteria for evaluating the discussions held in these subcommittees; believes that these subcommittees should allow the human rights issues included in the action plan to be specifically followed up but stresses that discussions on human rights should certainly not be confined to these subcommittees, and emphasises the importance of coordination with other subcommittees dealing with human rights-related issues, such as migration; highlights the need to include these issues in the political dialogue up to the highest level so as to increase the coherence of the EU's policy in this field; is convinced that the European Neighbourhood Policy as designed and structured (action plan, follow-up report and subcommittees) could give real leverage for the promotion of human rights were the European Union to demonstrate a genuine political will to ensure respect for the primacy of human rights in a coherent, systematic and wide-ranging manner; believes, therefore, that respect for human rights and democratic principles must be a precondition for strengthening relations between the Union and a third country; in the context of concluding a framework agreement with Libya, calls on the Council and the Commission to give due attention to dialogue and cooperation on human rights;

93. Strongly deplores the recent military escalation and the further deterioration of the humanitarian situation in Gaza, expressing at the same time its unconditional sympathy for the civilian population in southern Israel; urges all parties to fully implement UN Security Council resolution 1860 (2009) with a view to securing a permanent ceasefire; underlines the urgent need for effective accountability in cases of violations of international humanitarian law; welcomes in this regard the decision of the UNHRC to appoint an independent fact-finding mission to investigate war crimes and serious human rights violations by all sides during the recent conflict in Gaza; urges all parties to cooperate with the UN human rights investigators; takes note of the commitment of the External Relations Council of 27 January 2009 to follow those investigations closely and asks the Commission to decide, in close consultation with the Member States, on the further action to be taken once the findings are known;

94. Recognises the second round of the EU-Uzbekistan human rights dialogue, which took place on 5 June 2008; notes the seminar on media freedom, held in Tashkent on 2 and 3 October 2008; however, considers that the seminar failed to achieve its aim of providing an open discussion on the human rights violations and freedom of the media in Uzbekistan, as was originally intended; notes 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; welcomes the release of two human rights defenders, Dilmurod Mukhiddinov and Mamarajab Nazarov; condemns the holding of human rights defenders and independent journalists in prison on politically motivated charges and urges the Uzbek authorities to release all human rights defenders and other political prisoners; reiterates its deep concern at the imprisonment of Salijon Abdurakhmanov, an independent journalist, and Agzam Turgunov, a human rights activist; takes note of the Council's Conclusions of 13 October 2008 on Uzbekistan; urges the Uzbek authorities to accept the accreditation of the new Country Director of Human Rights Watch and to allow that organisation and other international organisations and NGOs to operate without hindrance; asks Uzbekistan to cooperate fully and effectively with the UN Special Rapporteurs on torture and on freedom of expression and to revoke restrictions on the registration and operation of NGOs in Uzbekistan; notes that the Council has

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decided not to renew the travel restrictions applying to certain individuals referred to in Common Position 2007/734/CFSP<sup>(1)</sup>, which had been suspended in accordance with the Council's conclusions of 15-16 October 2007 and 29 April 2008; welcomes the fact that the Council has however decided to renew, for a period of 12 months, the arms embargo imposed in that Common Position; invites the Council and the Commission to review the overall human rights situation in Uzbekistan; reiterates its call for the immediate release of political prisoners; notes the declaration by the EU Presidency of 17 December 2008 on individual cases;

95. Welcomes the fact that the European Union and Turkmenistan held the first round of the human rights dialogue in July 2008; welcomes the raising of concerns about the human rights situation in Turkmenistan, particularly regarding freedom of opinion and assembly, the independence of the judiciary and the functioning of civil society; refers to its resolution of 20 February 2008 on an EU Strategy for Central Asia<sup>(2)</sup> and reiterates 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 reforming the education system in accordance with international standards, 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; calls on the Council and the Commission to clearly articulate, prior to the signing of the Interim Agreement, specific human rights improvements and to that end, to adopt a roadmap with clear timelines for compliance;

96. Supports the willingness of the Council to establish human rights dialogues with each of the remaining Central Asian countries; calls for the dialogues to be results-oriented and fully in line with the European Union Guidelines on Human Rights Dialogues with Third Countries, guaranteeing the involvement of civil society and of the European Parliament; calls for the establishment of the dialogues to be matched by adequate resources within the Council and Commission secretariats;

97. Notes the importance of both Turkey's and the EU's commitment to Turkey's accession process for the ongoing human rights reforms in Turkey; regards as a positive step towards freedom of speech in Turkey the decision of the government to permit the broadcasting of Kurdish television; regrets, however, the fact that the use of the Kurdish language is still banned in parliament and in political campaigning; reiterates 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 line with the ECHR and the case-law of the European Court of Human Rights; notes with concern that no progress has been made as regards ratification of human rights instruments, in particular the OPCAT, the UN Convention on the Rights of Persons with Disabilities and Additional Protocol Nos 4, 7 and 12 to the ECHR;

98. Urges the new Pakistani Government to take adequate steps towards the improvement of the human rights situation in Pakistan; refers to Amnesty International's request urging the Pakistani Government to reinstate all the judges illegally deposed by former President Pervez Musharraf in 2007; welcomes the fact that the EU deployed an independent election observation mission for the general parliamentary elections in February 2008; notes with satisfaction that the elections were competitive and resulted in increased public confidence in the democratic process; notes that the EU is committed to supporting the strengthening of democratic institutions, and calls on the Council and the Commission to support the movement for democracy started by the judiciary and the bar, particularly by extending invitations to some of their representatives, including Mr Choudhry; stresses the need for human rights to be one of the EU's main priorities within the framework of continuing dialogue with Pakistan;

(1) Council Common Position 2007/734/CFSP of 13 November 2007 concerning restrictive measures against Uzbekistan (OJ L 295, 14.11.2007, p. 34).

(2) Texts adopted, P6\_TA(2008)0059.

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99. Welcomes the Council's proposals for launching human rights dialogues with a number of Latin American countries; underlines that those dialogues should go hand in hand with firm, concrete and tangible demands in respect of human rights matters, which will equally impose obligations on the EU institutions in their relations with the countries concerned; stresses the desirability of including the countries of Central America; notes the signing of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by the Cuban government in February 2008; calls for those Covenants to be ratified without any reservations; asks the Cuban government to release all political prisoners and to honour the rights protected in the signed treaties; notes the Council's decision of 20 June 2008 to lift the informal sanctions with regard to Cuba; notes that the Council will decide in 2009 whether to pursue the political dialogue with Cuba, depending on whether or not there have been significant improvements as regards human rights;

100. Calls 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; calls on all parties to continue to implement their commitments pursuant to the agreements of 12 August and 8 September 2008; asks all governments concerned to continue to provide detailed maps and information concerning all areas affected by the conflict onto which cluster bombs were fired, so as to facilitate the clearance of cluster weapon munitions and make those areas safe for civilians; considers that both governments should also ensure that the public is made aware of the dangers of unexploded material through public information campaigns; calls on the responsible administrations to agree to the deployment of international human rights monitors to South Ossetia and Abkhazia;

101. Expresses its concern about the lack of progress in the human rights situation in Burma, especially in view of the upcoming elections scheduled for 2010; condemns the recent arrests and convictions after show trials of more than one hundred members of the Burmese opposition and the draconian sentences they received; urges the Burmese government to release all political prisoners immediately; considers that Parliament should send a heavyweight mission to Burma, seeing that the current human rights situation is still not improving despite all sanctions and that international pressure on the Burmese regime has to be reinforced;

***General scrutiny of Council and Commission activities including the performances of the two Presidencies***

102. Calls on the Council Presidency to focus on countries of particular concern as regards human rights;

103. Welcomes the events and discussions taking place within the framework of the European Year of Intercultural Dialogue 2008, and notes with satisfaction the initiatives taken under the two presidencies;

104. Welcomes the tenth European Union NGO Human Rights Forum organised by the French Presidency and the Commission, which took place on 10 December 2008 on the topic of the 60th anniversary of the Universal Declaration of Human Rights and which focused in particular on discrimination against women;

105. Calls for greater efforts and more determined action by the EU with a view to achieving a political settlement to the Darfur conflict and facilitating the implementation of a global peace agreement; stresses the need to end impunity and impose the UN Security Council's sanctions; welcomes the European Union's support for the arrest warrants issued by the ICC in relation to Darfur, which must be executed as soon as possible;

106. Welcomes UN Security Council Resolution 1834 of 24 September 2008 extending the mandate of the UN Mission in the Central African Republic and Chad until March 2009, together with the United Nations' intention to authorise the deployment of a UN military component to follow up EUFOR Chad/CAR in both Chad and the Central African Republic;

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107. Welcomes 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;

108. Reiterates its 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 including intolerance against any religion and discriminatory practices towards minority religions, caste-based discrimination, the protection and promotion of the rights of indigenous peoples, the human rights of women, and the rights of children, disabled people including people with intellectual disabilities, and people of all sexual orientations, and gender identities, fully involving their organisations, both within the European Union and in third countries, where appropriate;

109. Notes 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; stresses that the development of new initiatives by the Union for the Mediterranean 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***

110. Welcomes the fact that Parliament's priorities have been taken into consideration in the 2007 and 2008 programming documents of the EIDHR;

111. Calls for the updating of the electronic compendiums, which are intended to cover all EIDHR projects organised geographically and thematically;

112. Notes with satisfaction the interest shown in presenting projects under the new objective of support to human rights defenders and the possibility of urgent action for their protection; notes that the Commission has selected 11 beneficiaries to implement these projects and expects that real activities will start at the beginning of 2009;

113. Once again calls 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;

114. Calls on the Commission to ensure coherence between the Union's political priorities and the projects and programmes which it supports, particularly in connection with its bilateral programming with third countries;

#### ***Electoral assistance and election observation***

115. Notes with satisfaction that the EU makes increasing use of electoral assistance and election observation to promote democracy in third countries, thereby enhancing respect for human rights, fundamental freedoms and the rule of law, and that the quality and independence of these missions are widely recognised;

116. Stresses that the comprehensive EU methodology, which covers the whole electoral cycle and includes both electoral assistance and election observation, has been very successful for the EU, transforming it into a leading international election observation organisation;

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117. Welcomes the first Handbook for EU election observation, issued in April 2008; notes with satisfaction the specific section on gender issues; notes that the new Handbook provides a comprehensive overview of the EU election observation mission's methodology and a description of how the missions are planned, deployed and implemented as well as of how the international standards are used in assessment and reporting;

118. Calls for increased vigilance with regard to the criteria for selection of the countries in which electoral assistance/election observation is to take place, and for compliance with the methodology and rules set up at international level, particularly concerning the independent nature of the mission;

119. Reiterates its calls for the electoral process, including both the pre- and post-electoral stages, to be incorporated into the different levels of political dialogue with the third countries concerned, with a view to ensuring the coherence of EU policies and reaffirming the crucial role of human rights and democracy;

### ***Mainstreaming of human rights***

120. Calls 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, on account of breaches of civil and political rights or the use of prison labour; asks the Commission to develop criteria determining when the GSP should be withdrawn on human rights grounds;

### ***Economic, social and cultural (ESC) rights***

121. Underlines that economic, social and cultural rights are just as important as civil and political rights; underlines the EU's commitment to supporting the achievements of the Millennium Development Goals, as set out in the conclusions of the European Councils held in December 2007 and June 2008;

122. Calls on the EU to mainstream protection of ESC rights into its external relations with third countries, regularly placing them on the agenda of human rights dialogues and consultations with third countries and pressing for implementation of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, especially with a view to the effective functioning of its individual complaint procedure;

123. Calls on the Council and the Commission to ensure the coherence of ESC rights in the EU's development, external trade and human rights policies, and, to that end, to set up an inter-service working group on ESC rights;

124. Stresses that human rights also 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, and that it is especially important to ensure that those rights are enjoyed by extremely vulnerable groups such as people in least-developed, post-conflict or emerging countries, indigenous peoples, climate-change refugees, migrants, etc.;

125. Calls on the Commission to make a special effort with a view to ensuring the right to food in the present food and general economic crisis;

126. Underlines the need to promote corporate social responsibility and to oblige trans-national companies with headquarters in EU Member States to respect, in their third-country operations, the relevant ILO regulations;

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127. Is pleased to note that the GSP+ regime, by linking human rights and international trade, encourages sustainable development as well as good governance, and calls for the effective monitoring of compliance with the essential element clause;

128. Once again calls 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, e.g. by promoting a resolution on this issue at United Nations level and granting support to NGOs and actors who promote equality and non-discrimination;

#### ***Effectiveness of the European Parliament's interventions in human rights cases***

129. Expects that resolutions and other key documents relating to human rights issues will be translated into the language spoken in the targeted areas;

130. Welcomes the ground-breaking statement, supported by 66 nations including all EU Member States, presented in the UN General Assembly on 18 December 2008, confirming that international human rights protections include sexual orientation and gender identity and reaffirming the principle of non-discrimination, which requires that human rights apply equally to every human being regardless of sexual orientation or gender identity;

131. Calls 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;

132. Reminds 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, in order to learn first-hand about the human rights situation in the country concerned and to provide them, where appropriate, with international visibility and protection;

133. Is convinced that only a strengthened human rights body in Parliament would be able to promote a coherent, effective, systematic and cross-cutting human rights policy within Parliament and vis-à-vis the Council and Commission, in particular in the light of the foreign policy provisions of the Lisbon Treaty;

134. Welcomes the setting-up of the Sakharov Network, as announced on the 20th anniversary of the Sakharov Prize; believes that it should quickly decide on its operating arrangements and put in place the resources necessary to achieve its objectives; reiterates its demand that all winners of the Sakharov Prize and, in particular, Aung San Suu Kyi, Oswaldo José Payá Sardiñas, the Cuban collective Damas de Blanco and Hu Jia be given access to the European institutions; deplores the absence of any significant response to the EU's calls made to the Chinese, Burmese and Cuban authorities to respect fundamental freedoms, especially freedom of expression and political association;

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135. Instructs its President to forward this resolution to the Council and the Commission, to the governments and parliaments of the Member States and of the candidate countries, to the United Nations, the Council of Europe and the Organization for Security and Co-operation in Europe, and to the governments of the countries and territories mentioned in this resolution.

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