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P5_TA(2004)0376

Human rights in 2003 and EU policy

European Parliament resolution on human rights in the world in 2003 and the European Union's policy on the matter (2003/2005(INI))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments⁽¹⁾,
- having regard to the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002 and to its resolutions of 19 November 1998, 18 January 2001, 28 February 2002 and 4 July 2002⁽²⁾ related to the ICC,
- having regard to the United Nations Charter, particularly Article 2,
- having regard to the entry into force on 1 July 2003 of Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances,
- having regard to Article 3 of the four Geneva Conventions,
- having regard to Article 12 of the United Nations International Covenant on Economic, Social and Cultural Rights,
- having regard to the UN declarations and resolutions on the rights of disabled persons and the Unesco Universal Declaration on the Human Genome and Human Rights (1997),
- having regard to Articles 12(1) and 16(1)(e) of the Convention on the Elimination of All Forms of Discrimination Against Women, as well as to General Recommendations 21 and 24 of the Committee on the Elimination of Discrimination Against Women,
- having regard to the Declaration and Action Programme of the Fourth World Conference on Women adopted in Beijing on 15 September 1995, and to the Outcome Document of the Fourth World Conference on Women +5 Conference adopted on 10 June 2000,
- having regard to the Millennium Development Goals adopted at the Millennium Summit of the United Nations on 8 September 2000 and the Declaration adopted by the United Nations World Summit on Sustainable Development on 4 September 2002,
- having regard to the 2002 report of the UN Population Fund on the state of world population,
- having regard to the report of the Council of Europe on the impact of the Mexico City Policy⁽³⁾ and the Commission's proposal for a Regulation on aid for policies and actions on reproductive and sexual health and rights in developing countries (COM(2002) 120),
- having regard to its resolution of 1 November 2001 on HIV/AIDS⁽⁴⁾,
- having regard to its resolution of 20 September 2001 on female genital mutilation⁽⁵⁾,
- having regard to the Charter of Fundamental Rights of the European Union⁽⁶⁾,

⁽¹⁾ NB: for all relevant basic texts, please consult the table annexed to report A5-0270/2004 of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy.

⁽²⁾ 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.

⁽³⁾ CoE document 9901, 11.9.2003.

⁽⁴⁾ OJ C 78, 2.4.2002, p. 66.

⁽⁵⁾ OJ C 77 E, 28.3.2002, p. 126.

⁽⁶⁾ OJ C 364, 18.12.2000, p. 1.

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- having regard to its resolution of 3 September 2003 on the Commission communication 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' ⁽¹⁾,
 - having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the Treaty establishing the European Community,
 - having regard to the entry into force on 1 April 2003 of the ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000 ⁽²⁾,
 - having regard to the Euro-Mediterranean Assembly, which was established on 22/23 March 2004, and to its related resolution of 20 November 2003 ⁽³⁾,
 - having regard to the European Convention for Human Rights and Biomedicine (1999),
 - having regard to its resolution of 13 December 1996 on the rights of disabled people ⁽⁴⁾, its resolution of 9 March 2004 on population and development ⁽⁵⁾, and its previous resolutions on human rights in the world ⁽⁶⁾,
 - having regard to its previous resolutions on the situation of fundamental rights in the European Union, in particular its resolution of 15 January 2003 ⁽⁷⁾,
 - having regard to its resolution of 23 October 2003 on peace and dignity in the Middle East ⁽⁸⁾,
 - having regard to its resolution of 10 February 2004 on the 60th Session of the United Nations Commission on Human Rights in Geneva, 15 March to 23 April 2004 ⁽⁹⁾,
 - having regard to the fifth EU Annual Report on Human Rights (13449/03),
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0270/2004),
- A. whereas progress has been made worldwide in particular through the European Union's commitment to establishing and strengthening democracy, human rights, the rule of law and good governance,
- B. whereas at the same time the situation has worsened in a large number of countries, where human rights continue to be violated as a result of discrimination on the basis of race, gender, religion and social class, and of bad governance, corruption, repression, abuse of power, weak institutions, lack of accountability and armed conflict,
- C. whereas on paper there is an impressive degree of endorsement of human rights values by the international community, with over 140 countries having ratified the two major covenants and almost all states having ratified the Convention on the Rights of the Child,
- D. whereas a steadily growing number of countries has abolished the death penalty or has established or extended moratoria on executions, but in some countries there appears to be a reverse trend, in particular in China,

⁽¹⁾ P5_TA(2003)0370.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ P5_TA(2003)0518.

⁽⁴⁾ OJ C 20, 20.1.1997, p. 389.

⁽⁵⁾ P5_TA-PROV(2004)0154.

⁽⁶⁾ P5_TA(2003)0375 adopted 4.9.2003; OJ C 131 E, 5.06.2003, p. 138; OJ C 65 E, 14.3.2002, p. 336; OJ C 377, 29.12.2000, p. 336; OJ C 98, 9.4.1999, p. 270; OJ C 20, 20.1.1997, p. 161; OJ C 126, 22.5.1995, p. 15; OJ C 115, 26.4.1993, p. 214; OJ C 267, 14.10.1991, p. 165; OJ C 47, 27.2.1989, p. 61; OJ C 99, 13.4.1987, p. 157; OJ C 343, 31.12.1985, p. 29; OJ C 172, 2.7.1984, p. 36; OJ C 161, 10.6.1983, p. 58.

⁽⁷⁾ OJ C 38 E, 12.2.2004, p. 247.

⁽⁸⁾ P5_TA(2003)0462.

⁽⁹⁾ P5_TA(2004) 0079.

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- E. whereas the role of the international community in assisting the truth and reconciliation process in post-conflict societies is recognised as a means of fostering reconciliation, peace, stability and development,
- F. whereas in countries which respect and uphold human rights, pressure groups and a free press help ensure that the democratic state functions well; whereas they must not be subject to censorship or restricted freedom of expression,
- G. stressing that in recent years control and repression of Internet use has increased dramatically in the People's Republic of China and dozens of people have been arrested for distributing messages calling for greater freedom and democracy, or for simply having distributed information via the Internet; whereas the number of arrests in such cases increased by 60 % compared to the previous year,
- H. whereas the same phenomenon is occurring systematically in Vietnam, where several democracy activists have been arrested in recent months,
- I. convinced that all acts of terrorism deny the very concept of human rights,
- J. whereas the European Union supports and actively cooperates with the work of the Ad Hoc Committee of the 6th Committee of the UNGA in its work towards the preparation of a Draft Comprehensive Convention on International Terrorism and the preparation of a Draft International Convention for the Suppression of Acts of Nuclear Terrorism,
- K. whereas a state that has suffered acts of terrorism may collaborate with other states in a spirit of reciprocity, but with due respect for human rights and international law,
- L. whereas extradition should be refused if there are serious reasons to believe that the person to be extradited would be subject, in the country applying for extradition, to treatment that does not comply with international law,
- M. whereas in some cases a military procedure with no appeal or monitoring is imposed on alleged terrorists except those with the nationality of the country accusing them,
- N. whereas democratic countries must set an example when they want to pursue the perpetrators of such acts or bring them to justice, by granting them all the rights and safeguards that a country that respects human rights must provide for any accused person,
- O. whereas certain countries have created and/or put in place extra-territorial areas which are not subject to any concept of basic law or monitoring, contrary to all the international conventions and treaties,
- P. whereas the fight against terrorism constitutes a special situation that allows for restrictions on, and even outright suspension of, individual freedoms, particularly in countries with dictatorial regimes; stressing that all these countries have used the fight against terrorism as a pretext for stepping up repression against subjugated populations or any form of political dissidence,
- Q. subscribing to the principle that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition; fully supporting the WHO principles; concerned in particular about the situation as regards the right to access to health, as this right is closely linked to the economic, social and political situation of every individual country,
- R. recognising that access to reproductive health is a fundamental human right and that women and men should therefore be guaranteed the freedom to make their own informed and responsible choice in regard to their sexual and reproductive health and rights, while being conscious of the importance of their decisions for other individuals as well as for society,
- S. whereas studies have proved that there is a direct link between access to information and high standards in all aspects of health, including lower levels of HIV/AIDS and other transmitted infections, the risk of unwanted pregnancies and correlated abortions, the risk of still-births and maternal and infant deaths,

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- T. condemning the practice of female genital mutilation still used in many countries which has already produced more than 130 million victims worldwide, and poses a threat to some two million young girls or women each year; welcoming, in this connection, the Maputo Protocol adopted by the African Union in July 2003,
- U. whereas reproductive health is a major concern for the social and economic well-being of a nation, and deficiencies in access to reproductive health have direct effects on the economic and social fabric of the country concerned,
- V. concerned at the deliberate withholding of information in a large number of countries, which are the most affected by low standards of reproductive health,
- W. shocked by the lack of willingness shown by developed countries to ensure the necessary funding to meet the basic standards outlined in the Action Programme of the UN Conference on Population and Development adopted in Cairo on 13 September 1994 and even more concerned by the sharp decrease in the funds available since the entry into force of the Mexico City Policy, diminishing US funding to any NGO which is not following a strict abstinence promotion policy,
- X. whereas access to information on, and the promotion through social marketing of condoms can for the moment be considered as the most effective preventive measure against all forms of sexually transmitted diseases,
- Y. whereas the denial of access to treatment for HIV/AIDS through a lack of available funds, in particular access to anti-retroviral drug combinations, which are proving successful at stabilising but not curing HIV/AIDS, is causing a major security threat both regionally and worldwide, including in Eastern Europe and Central Asia where there is a sharp and deplorable increase in sexually transmitted diseases and in sexual violence;
- Z. concerned by the sharp decrease in the funds available since the entry into force of the Mexico City Policy,
- AA. whereas 2003 was the European Year of the Disabled,
- AB. whereas the UN estimates that more than half a billion people in the world are disabled through mental, physical or sensory impairment,
- AC. noting that in many countries unacceptable barriers are still too often raised against the inclusion of disabled people, thus preventing them from fully enjoying a social, professional, family, emotional and sexual life,
- AD. stressing that the specific needs of disabled people apply unreservedly to disabled people who are accused or suspected of crimes and/or are or could be imprisoned or held on remand,
- AE. whereas the international community must take into account the problem represented each year by the hundreds of thousands of people who, as a result of wars and conflicts, are disabled or physically or mentally handicapped;
1. Expresses its satisfaction that the fifth parliamentary term has seen a number of major innovations in relation to EU policy on human rights, including the creation or further development of important instruments, that correspond largely to its own initiatives;
 2. Notes that it has contributed considerably to strengthening the human rights dimension and in putting human rights issues on the European agenda;

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3. Considers that terrorism is one of the most serious common challenges facing the international community; condemns all acts of terrorism as criminal and unjustifiable, irrespective of their motivation, forms and manifestations; underlines that the fight against terrorism has to remain a matter of the highest priority for the EU;
4. Manifests its commitment to continuing to act in support of respect for human rights and promotion of democracy worldwide, and to pursuing in particular its initiatives in favour of the abolition of the death penalty and torture, the fight against impunity, the elimination of racism, xenophobia and discrimination, the protection of women's rights and children's rights (including child soldiers and child labour); the protection and accompaniment of human rights defenders; the protection of social and workers' rights, the protection of refugees (including internally displaced people), the defence of the interests of indigenous populations and of minorities, such as mountain-dwellers in Vietnam, the victims of systematic repression, freedom of the press and other means of expression, non-discrimination of homosexuality, freedom of religion and conviction and all other rights;
5. Reiterates its view that strengthened efforts are needed to find a coordinated approach in order to mainstream human rights in its external relations activities, to link the activities of its future subcommittee on human rights, its main committees responsible and its interparliamentary delegations and to ensure a consistent follow-up to Parliament's resolutions by the Commission, the Council and the third countries concerned; reiterates its call for Parliament's financial and human resources dedicated to human rights activities to be considerably increased;
6. Underlines the need to pursue its efforts in order to make major progress in dialogue with the Council on EU human rights policy and calls on the Council to agree upon a structure which allows systematic and timely reaction to EP resolutions; recalls, in this context, its proposals made on the basis of the Council's conclusions of December 2002;
7. Strongly supports the Council's intention to achieve a more effective and visible EU human rights and democratisation policy through increased coherence and consistency between Community action and the CFSP, mainstreaming, greater openness and regular identification and the review of priority action;
8. Insists that concerns on human rights situations be discussed more openly and regularly at Association/Cooperation Councils and at EU summits with third countries and that the respective conclusions should fully reflect this discussion point;
9. Welcomes the recent release of political prisoners in Syria, but insists that all political prisoners should be set free, at the latest before the signing of the EU-Syria Association Agreement, as this would significantly facilitate Parliament's assent;
10. Welcomes the fact that the Council's annual operational programme for 2003 was the first to be jointly drawn up by the Greek and Italian Presidencies; considers, however, that the major political priorities and actions in external relations outlined in the work programmes of the Commission and the Council would need a more explicit human rights perspective;
11. Welcomes the fact that, at the invitation of the EU Presidency, Members of the European Parliament participated in the third round of the EU-Iran Human Rights Dialogue on 8/9 October 2003 and considers that Members of the European Parliament should be involved in the same way in future human rights dialogues with third countries; invites the Presidency to transmit its in-depth evaluation of the China dialogue as soon as possible and to prepare a similar evaluation of the Iran dialogue;
12. Deplores the fact that the third Round Table of the EU-Iran Human Rights Dialogue had a very abstract academic character and considers that at coming Round Tables the debate must have a stronger political dimension and contain real dialogues;

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13. Welcomes the establishment in 2003 of a Subgroup on Governance and Human Rights under the Cooperation Agreement with Bangladesh and calls on the Council and the Commission to create similar Subgroups where appropriate for the other Cooperation Agreements;
14. Welcomes the efforts undertaken to engage in a similar exercise with other third countries and looks forward to the start of the work with Vietnam and Morocco;
15. Is strongly convinced that human rights dialogues should not be a justification for the marginalisation of human rights vis-à-vis security, economic or political priorities; recalls its demand on the Council to formulate concrete objectives and benchmarks for human rights dialogues and to ensure that the results are regularly evaluated;
16. Reiterates its demand for more openness and transparency on the part of the EU institutions and on the part of the Council in particular; maintains its criticism that the calls made in its resolutions for the Council to report back on the outcome of specific human rights issues, in particular as these come up in international organisations, are systematically disregarded; insists that Parliament should be given a full explanation whenever its human rights recommendations are not followed by Council or Commission;
17. Takes note of the fact that the structure of the EU Annual Report on Human Rights 2003 has been improved, but regrets that the report still does not focus particular attention on individual cases and their follow-up, including those raised in Parliament's resolutions, nor contain any response to proposals adopted in its own Annual Report on Human Rights in the World;
18. Calls on the Council, in this connection, to step up dialogue with civil society and, in future, to involve the relevant NGOs more closely in its initiatives and in the drawing up of its Report on Human Rights and the shaping of the annual Human Rights Forum;
19. Welcomes the creation of the Commission's website on human rights which includes analyses, reports and research done on key issues and which allows even better information to NGOs and civil society as a whole;
20. Recognises the progress made in paying outstanding commitments and in speeding up the pace of payments' execution in the EIDHR budget implementation within the general 60 days' time scale and the implementation plan for each budget heading as well as the Council's guidelines ensuring complementarity and consistency of EU external policy measures between the Community and Member States;
21. Decides to create a proper format for its Annual Reports on Human Rights in the World, which adequately evaluates the human rights policy of the Council, Commission and European Parliament in the period under consideration, and provides a systematic follow-up to proposals and statements included in the preceding Annual Report on Human Rights of the European Parliament; considers that the rapporteur can further choose special themes of particular relevance for the report;
22. Considers that the European Parliament Annual Report should be produced at a fixed time every year, and include an analysis and evaluation of the Annual Report of the Council of the same year;
23. Decides to retain closer contacts with former winners of the Sakharov Prize to enable the prize to play a role in safeguarding and helping to ensure respect for human rights in the countries concerned; stresses, in particular, the need to continue and increase support for former Sakharov Prize winners who are still suffering from repression in their country, in particular Leyla Zana, Aung San Suu Kyi and Oswaldo Payá Sardiñas; with regard to the last of these, recalls the support given to the 'Sakharov Initiative' conducted within the European Parliament and calls on the Cuban authorities to refrain from placing any further obstacles in the way of Oswaldo Payá Sardiñas travelling to the European Union to meet with its institutions;

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24. Underlines the fact that serious human rights crises persist in a large number of countries, often in a context of violent conflict, with the international community failing to have any decisive influence; notes that the EU's existing potential has not been used in such a way as to effectively confront some of the world's worst violators; regrets that in such situations human rights have never constituted a bottom line in the EU's external policies; is convinced that respect for human rights will not result from solemn declarations which are not supported by effective actions for their implementation;
25. Is convinced that the new European security strategy provides an important conceptual framework in relation to armed conflict and conflict resolution and insists that a proper human rights dimension has to be developed, based on a concept of prevention;
26. Welcomes the London Declaration on Colombia (10 July 2003) and reaffirms the requirement that all parties in the Colombia conflict are required to comply without qualification with all recommendations of the office of the UN High Commissioner for Human Rights in Colombia;
27. Calls on the Council to ensure that responsibility on human rights issues is made a part of crisis management and of long-term engagement in post-conflict resolution;
28. Fully supports the Guidelines adopted by the Council on 8 December 2003 on Children and Armed Conflict and looks forward to the Commission's review of Community assistance in this area as a first contribution to the implementation of the Guidelines;
29. Regrets, in particular, that Parliament's demands for a serious and non-selective application of human rights clauses appear to have had no visible effect on the human rights policies of the Council, the EU Member States and the Commission;
30. Stresses, in addition, that on several occasions EU human rights policies have been undermined by the non-respect of EU arms embargoes, efforts to lift arms embargoes prematurely and by Member States not maintaining systematically a strict application of the EU Code of Conduct on Arms Exports; emphasises that firm political action against the proliferation of all types of weapons, both conventional and WMD, both heavy arms and light weapons, is essential to the success of any EU campaign on human rights;
31. Regrets that the Euro-Mediterranean Association Agreements lack clearly defined procedures for implementation of the human rights clause;
32. Insists on the necessity for a mid-term review of Article 2 of all Association Agreements in order to evaluate whether respect for human rights, particularly women's rights and democratic principles, is fully implemented, and calls for specific mechanisms to enable human rights clauses to be applied more effectively and efficiently;
33. Calls on the Commission to report back to Parliament on the state of preparation of an implementation mechanism for the human rights clause in order to maintain explicit pressure for significant improvements of the human rights situation in the countries concerned and to encourage sections of society that are in favour of promoting democracy and respect for human rights;
34. Reiterates its call on the Council, the Commission and Member States to enforce effectively all EU political instruments, including the sanctions policies, in furtherance of human rights and to ensure that actions are not taken which deliberately undermine such policies;
35. Reiterates its call for periodic review of sanctions policies in order to assess and enhance their effectiveness;
36. Considers that meetings with parliamentarians and civil society from third countries having signed the human rights clause contribute to Parliament's monitoring of the concrete implementation of the clause, but is of the opinion that this effectiveness could be enhanced;

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37. Welcomes the Commission's communication on 'Reinvigorating EU actions on human rights and democratisation with Mediterranean partners – Strategic Guidelines' (COM(2003) 294), which is aimed at finding a structured approach in order to regularly assess compliance by States with their human rights obligations; supports, in particular, in line with its own proposals, a systematic discussion of human rights issues in the Association Council's meetings and welcomes the fact that the idea of establishing working groups on human rights with partner countries is gaining ground; appreciates, in particular, the 10 concrete recommendations to upgrade knowledge and expertise, improve the dialogue between the EU and its Mediterranean partners as well as to enhance cooperation on human rights issues, including through the development of MEDA National Action Plans on human rights and democracy with those partners willing to engage in such an exercise;

38. Calls on the Commission to define a coherent EU strategy on human rights, which includes all relevant elements such as the human rights clause, dialogue, financial assistance and the reinforcement of international standards, and which is elaborated in the same way as the existing strategies for the Mediterranean partners, as well as other countries and regions;

39. Welcomes the entry into force of the new ACP-EU partnership agreement (Cotonou) on 1 April 2003; considers that the human rights clause in the agreement has a clear implementation mechanism providing for procedures to make its application binding, suspension as a last resort and the establishment of dialogue between government and civil society, which merits being negotiated for further agreements with third countries;

40. Stresses nevertheless that strengthening or resuming EU economic, financial and technical assistance to the developing countries, particularly the ACP countries, can only be envisaged if the authorities of the countries concerned give a parallel undertaking to remedy any continuing human rights abuses in a verifiable and lasting manner and demonstrate their commitment to good governance, democracy and the rule of law through joining in concrete action against persistent human rights violators such as the Mugabe regime in Zimbabwe;

41. In the framework of implementation of the 'Wider Europe' policy, supports the Commission in its commitment to ensure that human rights and democratisation issues are fully taken into account in the political chapter of 'Wider Europe Action Plans', to be negotiated with the Union's eastern and southern neighbours;

42. Calls on all states, in the spirit of the UN Millennium Declaration, to put their commitment to uphold respect for human rights and fundamental freedoms into practice and to dedicate themselves to the full and effective implementation of international human rights treaties to which they are parties; this means that whenever domestic laws (e.g. Sharia laws) are contrary to the Universal Declaration of Human Rights and international treaties, these laws must be amended and brought into line with the commitments that have been given;

43. Welcomes the UN Human Rights Sub-Commission guidelines on multinational enterprise (18 August 2003), as an important stepping stone towards a binding global code of conduct;

44. Reiterates its call on all states that have not done so to establish a moratorium on executions, as a first step towards the universal abolition of the death penalty, which no state should reject; calls upon the EU to start a dialogue on invoking the human rights clause against those countries which continue to execute non-adult and disabled individuals;

45. Regrets the deaths of UN staff in Iraq, symbolic of human rights defenders worldwide; insists that firm policies should be developed to support all those who campaign for the respect of human rights; welcomes therefore the initiative of the Irish Presidency to produce guidelines on the protection of human rights defenders;

46. Expresses grave concern at the continuation of the Israeli-Palestinian conflict, which has led to a seemingly endless spiral of hatred and violence and to increased suffering for both Israelis and Palestinians;

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47. Shares the deep concern expressed by the Council at the continuation of illegal settlements and expropriation of land for the construction of the so-called 'security fence', which leads to the violation of a number of basic human rights such as freedom of movement, and the right to family life, to work, to health, to an adequate standard of living, including adequate food, clothing and housing, and to education; the prohibition on discrimination contained in many international conventions is clearly violated in the closed zone in which Palestinians, but not Israelis, are required to have permits;
48. Takes note of the fact that the situation in each of the Central Asian countries is different; reiterates its concern with regard to human rights violations and cases of political repression, particularly in Turkmenistan where the human rights situation has deteriorated dramatically recently and in Uzbekistan where there are continuing serious concerns;
49. Welcomes the determined EU campaign against all forms of torture and degrading behaviour; regrets that by December 2003 only six EU Member States had signed (and ratified) the Optional Protocol to the Convention Against Torture as adopted by the UN in 2002; insists that the human rights clause must be invoked against all economic and political partners of the EU which allow their judiciary and police services to continue torture practices against their citizens; reiterates its concern that the Commission undertakes the financing of torture prevention projects at the cost of projects for the rehabilitation of torture victims; urges that a ban be introduced on the production, sale and exportation of torture equipment;
50. Reiterates its demand on the EU, and the Commission in particular, to fully support the cause of indigenous populations, in particular to provide all aid possible to the UN Permanent Forum on Indigenous Peoples and the UN Working Group on Indigenous Populations;
51. Recalls its priorities for the 60th Session of the UNCHR as spelled out in its abovementioned resolution of 10 February 2004;
52. Reaffirms the importance of the United Nations Commission on Human Rights as the world's highest body for human rights protection to ensure public scrutiny of situations of gross and persistent abuse;
53. Insists that, for the EU's global human rights policies to be effective, there cannot be 'double standards' in which human rights violations within the enlarged EU are not addressed properly and exemplarily;
54. Welcomes the EU's support for the establishment of the International Criminal Court (ICC) but reiterates that the EU and its current and future Member States should stand more firm and united against pressure from states which do not wish to adhere to the Court and who want to reduce the ICC's scope and efficiency;
55. Underlines that no immunity, as recognised under Article 41, paragraph 2, of the Vienna Convention of 18 April 1961 on Diplomatic Relations, should ever afford the possibility of impunity for any individual accused of war crimes, crimes against humanity or genocide, and is concerned about the fact that some regions of the world are still severely under-represented within the group of countries that have signed and ratified the Rome ICC Statute;
56. Urges the Council and the Commission to use the EU's political leverage under Cooperation Agreements in order to promote the signature and the ratification of the Rome ICC Statute by as many countries as possible;
57. Expresses its regret that an ad hoc International Criminal Court has not yet been established by the UN Security Council, as this would be the most expedient way of dealing with the case of the detainees held in Guantánamo;
58. Asks the US authorities to put an end immediately to the current legal limbo in which the detainees held in Guantánamo Bay have, since their arrival, been placed and to guarantee immediate access to justice in order to determine the status of each individual detainee on a case-by-case basis, either by charging them under the rules laid down in the Third and Fourth Geneva Conventions and the International Covenant on Civil and Political Rights (particularly Articles 9 and 14 thereof) or by releasing them instantly, and to ensure that those charged with war crimes receive a fair trial in accordance with international humanitarian law and in full compliance with international human rights instruments;

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59. Welcomes the projects undertaken by the Commission to promote freedom of expression under the EIDHR, and calls on the Commission to extend such projects specifically to the promotion of freedom of conscience and religion;
60. Reiterates its call on the Council and the Commission to make the early identification of the abuse of religions for political purposes a priority of EU human rights policy, and calls for reinforced EU efforts to seek to prevent violent religious extremism which threatens human rights;
61. Calls again on the Council, Commission and Member States to make religious freedom a priority for action in the European Union's relations with third countries where appropriate, and requests that penalties be laid down for violation of this freedom;
62. Recalls the decision of the Valencia Euro-Mediterranean Ministerial Conference to set up a EuroMed Foundation, providing a structure for intercultural and interreligious dialogue with and between the countries and societies on the Mediterranean's southern shore, and urges all governments involved to provide sufficient funding in order to make the establishment of the Foundation possible by the announced date of 1 July 2004;
63. Calls on the Commission to enhance the dialogue with non-governmental organisations, including with religious and non-religious organisations, in order to promote peaceful coexistence between different religious and cultural communities; considers that such dialogue should, to start with, take place in the framework of the implementation of the abovementioned Commission Communication;
64. Reiterates that access to modern communications technologies and language courses can facilitate inter-cultural exchanges, tolerance and understanding for other cultures and religions within and outside the European Union, and welcomes in this respect the many initiatives undertaken by the Commission such as the Euromed Youth programme, the Asialink and the eSchola Programmes, and looks forward to receiving annual evaluations of these programmes;
65. Insists that there should be no diminution of support by the Commission and Council for mine action and stresses the importance of assistance to countries and NGOs engaged in activities to clear anti-personnel landmines and other unexploded ordnance, as well as assistance to mine victims; urges the Commission to publish regular progress reports to clarify how far the Member States of the enlarged EU adhere to their obligations under the Ottawa Treaty (a global ban on anti-personnel landmines) and to what extent these states follow Parliament's expressed wish that cluster submunitions no longer be used;
66. Underlines that the fight against terrorism has to take place in the framework of international law; calls on the Council and the Member States to work actively in the preparation of the Draft International Convention for the Suppression of Acts of Nuclear Terrorism and the Comprehensive Convention on International Terrorism, which should include an internationally recognised status for victims of terrorist acts, as a means of further developing a comprehensive legal framework of conventions dealing with terrorism and to inform Parliament regularly about important developments in this area;
67. Acknowledges that the legal or regulatory policy concerning reproductive health falls within the Member States' sphere of competence, but considers that on an international level the EU is obliged to do its utmost to meet the Millennium Development Goals and to ensure that obligations are fulfilled in the framework of the UN Charter, UN Conventions and many other agreements covering the issue;
68. Calls on the Commission to pay particular attention to assisting not only developing countries, but also countries in Eastern Europe, Latin America and Asia, which are not covered by the Cotonou Agreement, and to provide financial and technical support as well as training for personnel;
69. Welcomes the action taken by ECHO in the field of humanitarian aid, which often has a component of reproductive health, and urges it to pay even greater attention to the dramatic situation caused by the lack of access to all aspects of reproductive health in emergency situations and in refugee camps;

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70. Insists that the Council and the Member States have to address even more firmly the magnitude of HIV/AIDS, which represents a major threat to global security, with three million people dying yearly despite the possibility of treatment; underlines that the fight against HIV/AIDS must include effective public health programmes involving education, prevention, treatment, care and support;
71. Calls on the Commission to step up its funding of educational programmes devoted to reproductive health, focusing on the fight against sexual violence and female genital cutting or mutilation, and educating people on responsible sexual behaviour and the use of modern family planning methods, as well as available HIV/AIDS preventive methods;
72. Calls on the Council to act upon its stated intention to step up funding for the Global Fund, specifically for programmes in the field of reproductive health as well as funding of NGOs under all assistance programmes (TACIS, PHARE, MEDA, CARDS, etc.) via not only health projects, but also projects dedicated to drug problems and general educational and awareness-raising projects;
73. Asks the Commission, in particular, to step up its reproductive health programmes in the TACIS area as the situation is increasingly worrying and the countries concerned do not have the means to meet educational and supply needs, which results in a sharp increase of HIV/AIDS transmission (1,2 million people living with HIV/AIDS in Eastern Europe/Central Asia), an extremely high rate of abortions (3,6 abortions per lifetime per woman), poor-quality contraceptive methods and a high infant mortality rate (up to 74 per 1 000 compared to 5 per 1 000 in France);
74. Calls on the Member States to meet their obligations under the Global Fund to fight AIDS, Tuberculosis and Malaria as one of the most effective means in the fight against AIDS and other contagious, poverty-related diseases;
75. Calls on the Commission and the Council to take all appropriate measures as soon as possible, including the necessary legislative measures, to fulfil their commitment to act upon the decision of the General Council of the World Trade Organisation on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health;
76. Welcomes the report on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health presented to the 60th Session of the Commission on Human Rights, and the report on the sale of children, child prostitution and child pornography and other aspects related to the issue;
77. Calls on the Commission to make up for the loss of funds due to the Mexico City Policy, and to the US policy advocating exclusively abstinence promotion programmes, in particular to step in for the funds withheld from UNFPA and the funds cancelled for NGO programmes;
78. Urges all Member States and applicant countries to respect the human right to privacy and the right to travel freely, and to fully respect the ruling of the European Court of Human Rights in this area; is outraged at recent attempts by applicant countries to disregard this ruling;
79. Calls on the Commission and Council to make ratification of the Maputo Protocol one of their priorities in relations with third countries affected by the phenomenon of female genital mutilation;
80. Regrets that people arrested in Egypt on grounds of their sexual orientation are all too often denied certain aspects of their fundamental human rights, including the right to a fair trial;
81. Following persistent arrests and harassment of homosexual men in Egypt and the entrapment of homosexuals by security services over the internet, expresses deep concern about the denial of fundamental rights, including the right to free association, the right to privacy and the right to a fair trial;

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82. Welcomes the statement of the Council in the EU Annual Report on Human Rights 2003 on the situation of disabled people and the steps taken in the international arena towards advancement of persons with disabilities; however, considers that although some progress has been made, persons with disabilities are still unable to fully enjoy human rights on an equal basis;

83. Notes with regret that in some states there are numerous obstacles, unacceptable restrictions and/or limits to access to training and/or education for disabled children, adolescents or students, in so-called normal as well as special schools, disregarding the human right to education and training;

84. Considers that accessibility and use of public space and the built environment, both public and private, is a fundamental right and an essential guarantee of disabled people's freedom of movement, equal opportunities, and freedom from discrimination and thus of respect for human rights;

85. Stresses that disabled people exercising their right to mobility must not suffer any form of direct or indirect discrimination, whether deliberate or not, or financial discrimination, and regrets that public transport (buses, coaches, taxis, underground trains, trams, and transport by rail, air, river and sea) are still hard for disabled people (and their guide dogs) to access and use;

86. Deplores the human rights abuse experienced by many disabled people in the world, notably disabled persons living in institutions subject to degrading treatment, violence and abuse, as well as exploitation of disabled persons by organised begging and cases of forced sterilisation, and calls on the Commission to draw up a specific report on the subject of human rights abuse of disabled people;

87. Condemns the continued use of caged beds for some mentally ill patients in a small number of Accession countries and calls on the Commission to encourage and support a swift end to this inhuman and degrading method of restraint;

88. Welcomes the programmes set up to provide proper medical assistance for at least some of the Chechen children terribly affected by the war in their country and calls on all Member States and the EU itself to help strengthen humanitarian programmes of this kind so as to cater for the enormous needs of the Chechen population in this respect;

89. Asks the Commission to include in the horizontal EIDHR programme measures to increase awareness of the human rights of disabled people among various social and political actors and decision-makers in the partner countries, as is happening in the area of cultural dialogue, and to include in the various countries' strategic programmes objectives concerning the accessibility for disabled people of health care, education and public buildings in that country;

90. Supports the assistance provided by ECHO and disability NGOs in emergencies; stresses that psychiatric problems caused by conflicts must be diagnosed and treated, particularly in children;

91. Asks the Commission to record the various ways of caring for and treating disabled people in the countries with which it has Cooperation Agreements and to identify and reinforce good practice, while remaining aware of the particular circumstances of each country;

92. Insists that the unacceptable differences between rich and poor countries in the options available for treating post-infection and post-trauma disabilities must be reduced as a priority through appropriate programmes;

93. Calls on the Member States and the Council to continue their support for an International Convention to ensure the full enjoyment of human rights by persons with disabilities, to actively support its resolution of 3 September 2003 and to ensure that the UN Convention includes effective monitoring and implementation mechanisms at both national and international level, also guaranteeing the active participation of representative disability organisations throughout the process;

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94. Reiterates its call on the Commission and the Council to strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations fora; calls on the Commission and the Council to ensure that the issue of caste discrimination and policies to combat this wide-spread form of racism is properly addressed in all country strategy papers, mid-term reviews of these and communications on countries affected by it;

95. Deplores that no action has been taken by the Commission and the Council to enhance the political and human rights dialogue with caste afflicted countries on the issue of the continued dehumanising practice of caste discrimination, and that the effectiveness of EU human rights policy in terms of addressing caste discrimination still remains to be assessed;

96. Instructs its President to forward this resolution to the Council, Commission, the governments and parliaments of the Member States and the accession countries, the United Nations, the Council of Europe, the OSCE and the governments of the countries mentioned in this resolution and the offices of the main human rights NGOs based in the EU.

P5_TA(2004)0377

Trial against Leyla Zana and others in Ankara

European Parliament resolution on the outcome of the trial against Leyla Zana and others in Ankara

The European Parliament,

- having regard to its previous resolutions on human rights in Turkey,
 - having regard, in particular, to its resolution of 1 April 2004 on Turkey's progress towards accession ⁽¹⁾,
 - having regard to Rule 37(4) of its Rules of Procedure,
- A. whereas in 1994 Mrs Leyla Zana, Mr Hatip Dicle, Mr Orhan Dogan and Mr Selim Sadak, MPs representing the DEP, were sentenced to 15 years' imprisonment for their political activities in support of the fundamental rights of the Kurdish people,
- B. whereas Mrs Leyla Zana was awarded Parliament's 1995 Sakharov Prize,
- C. whereas, in its judgment of 17 July 2001, the European Court of Human Rights (ECHR) in Strasbourg noted the lack of independence and impartiality of the State Security Court in Ankara, breaches of the rights of the defence and the presence in court of military judges, a judgment which prompted the Turkish authorities to hold a new trial against Leyla Zana and others,
- D. whereas Turkey has enacted new legislation which provides for the re-opening of trials declared 'unfair' by the ECHR in Strasbourg, and whereas a new trial against Leyla Zana and others opened on 28 March 2003,
1. Condemns the decision by the State Security Court in Ankara to confirm the 1994 sentence of 15 years' imprisonment imposed on Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak, a further breach of the guidelines laid down by the ECHR in Strasbourg;
 2. Takes the view that this new sentence stands in clear contradiction to the judicial reform process started by the Turkish Government, the implementation of which Parliament will follow very closely, also in the period leading up to December 2004;

⁽¹⁾ P5_TA(2004)0274.