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43. Points to the crucial role of Parliament and the US Congress in supporting this momentum, and to the fact that any non-tariff barriers can only be removed by legislators; proposes to hold a well-prepared annual debate on the progress made on issues discussed within the TEC, as well as its structure;

44. Calls, therefore, upon the leadership of the EU and the US and the co-chairs of the TEC to take account of the crucial role of legislators for the long-term success of the process, and urges them to involve the representatives of the TLD fully and directly in the work of the TEC; acknowledges at the same time the importance of business and consumer stakeholders in providing reflection on, and expert input into, the work of the TEC; is however of the view that their consultative role is to be differentiated from the legislative role of the US Congress and Parliament;

45. Notes the establishment of a Group of Advisers, consisting of representatives of the TLD, Transatlantic Business Dialogue and Transatlantic Consumer Dialogue; commends the contribution of legislators and stakeholders to the success of the first TEC meeting in November 2007; hopes that the Transatlantic Labour Dialogue (TALD) and the Transatlantic Environment Dialogue (TAED) will play a greater role in the near future; calls for the chairs of the TALD and the TAED to be included in the Group of Advisers;

46. Reiterates its desire to strengthen dialogue between both parliaments, and calls for their early involvement in particular as regards any future rules developed by global self-regulatory bodies in order to address, at an early stage, political accountability issues;

47. Believes that these are now issues of a substantive nature and that national parliamentarians should be kept informed on a regular basis of developments in relation thereto; calls on its President to ensure that a mechanism is established to this end;

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48. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the secretariat of the Transatlantic Economic Council and the US Congress.

Human Rights in the World 2007 and the EU's policy on the matter

P6_TA(2008)0193

European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter (2007/2274(INI))

(2009/C 271 E/02)

The European Parliament,

- having regard to the ninth European Union Annual Report on Human Rights (2007) ⁽¹⁾,
- 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 ⁽²⁾,
- having regard to the United Nations Charter,
- having regard to all United Nations human rights conventions and the optional protocols thereto,

⁽¹⁾ Council document 13288/1/07.

⁽²⁾ For all relevant basic texts, please consult the table in Annex III to report A6-0128/2007 of the Committee on Foreign Affairs.

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- 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 the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to its resolutions related to the ICC ⁽¹⁾,
- 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 ⁽²⁾,
- 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,
- having regard to the Charter of Fundamental Rights of the European Union ⁽³⁾,
- having regard to the ACP-EC Partnership Agreement and its revision ⁽⁴⁾,
- 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 ⁽⁵⁾ (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 ⁽⁶⁾ and 21 February 2008 ⁽⁷⁾ 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 ⁽⁸⁾,
- having regard to its resolutions of 1 February 2007 ⁽⁹⁾ and of 26 April 2007 ⁽¹⁰⁾ 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 of the use of death penalty,

⁽¹⁾ OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293E, 28.11.2002, p. 88; OJ C 271E, 12.11.2003, p. 576.

⁽²⁾ OJ C 311, 9.12.2005, p. 1.

⁽³⁾ OJ C 303, 14.12.2007, p. 1.

⁽⁴⁾ OJ L 317, 15.12.2000, p. 3; OJ L 209, 11.8.2005, p. 27.

⁽⁵⁾ OJ L 386, 29.12.2006, p. 1.

⁽⁶⁾ Texts Adopted, P6_TA(2007)0235.

⁽⁷⁾ Texts Adopted, P6_TA(2008)0065.

⁽⁸⁾ OJ C 290 E, 29.11.2006, p. 107.

⁽⁹⁾ OJ C 250 E, 25.10.2007, p. 91.

⁽¹⁰⁾ OJ C 74 E, 20.3.2008, p. 775.

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- having regard to its resolution of 20 September 2001 on female genital mutilation ⁽¹⁾, 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 ⁽²⁾, including women's rights which are to be explicitly addressed in all human rights dialogues,
 - having regard to its resolution of 6 July 2006 on freedom of expression on the Internet ⁽³⁾,
 - 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,
 - having regard to the Guidance Note on Disability and Development for European Union delegations and services, published in July 2004,
 - 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) ⁽⁴⁾, 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 and on promotion and protection of the rights of the child,
 - having regard to Rules 45 and 112(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Civil Liberties, Justice and Home Affairs (A6-0153/2008),
- A. whereas the ninth European Union Annual Report on Human Rights (2007) produced by the Council and the Commission provides a general overview of the activities of the European Union institutions regarding human rights inside and outside the European Union,
- B. 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,
- C. whereas the European Union's internal human rights record undoubtedly has a direct impact on its credibility and ability to implement an effective external policy,
- D. whereas human rights and their protection rely on — and should be promoted in parallel with — the rule of law, democratic governance, the principle of the separation of powers and political accountability, as well as political rights that can allow their beneficiaries to be their own advocates of human rights,

⁽¹⁾ OJ C 77 E, 28.3.2002, p. 126.

⁽²⁾ Texts Adopted, P6_TA(2007)0381.

⁽³⁾ OJ C 303 E, 13.12.2006, p. 879.

⁽⁴⁾ OJ C 327, 23.12.2005, p. 4.

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- E. 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,
- F. whereas justice, freedom, democracy and the rule of law, guaranteeing as they do fundamental freedoms and human rights, are the pillars of sustainable peace, and whereas sustainable peace cannot be achieved through deals to protect those responsible for systematic human rights abuses or violations of IHL,
- G. 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,
- H. whereas 82 % of disabled people still live below the poverty line in developing countries and continue to be subjected to the most grave human rights abuses, including denial of the right to life and exposure to inhuman or degrading treatment, and whereas the situation of children with disabilities is of particular concern in this regard,
- I. whereas, according to the Constitution of the World Health Organization (WHO), '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', and whereas the health of all peoples is fundamental to the attainment of peace and security,
1. Deplores the fact that that the European Union is still far from conducting a coherent and hard-hitting policy to uphold and promote human rights around the world, and stresses the need to conduct such a policy more effectively; considers that substantial progress needs to be made in order to ensure strict compliance with existing EU human rights provisions;
 2. Believes that, in order to bring about a significant improvement in the promotion of human rights, steps should be taken to strengthen the EU's common foreign and security policy (CFSP), which is often hampered by the predominance of Member States' national interests, with the aim of ensuring that the promotion of human rights is regarded as a priority, and to ensure that the promotion of human rights as an objective of the CFSP, as outlined in Article 11 of the Treaty on European Union, is strictly implemented;
 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, not least by mainstreaming human rights policy into all external European Union policies vis-à-vis such countries and systematically addressing human rights issues within the framework of the political dialogue at all levels;

General principles and proposals on human rights, democracy, peace and non-violence

4. Reaffirms that human rights — as defined in the main international instruments and conventions, including the Charter of Fundamental Rights of the European Union — are universal and indivisible, practical and effective respect for which is an essential means of guaranteeing the implementation and enforcement of international law and order, and the promotion of peace, freedom, justice and democracy;
5. Considers that the effective 'justiciability' of human rights throughout the world in local and national courts or, where this is not possible, supranational courts, should be established as an explicit and key objective of EU policies, starting with the CFSP;
6. Considers that one of the main political goals of the European Union should be to support judicial institutions at all levels, as part of efforts to ensure effective compliance with human rights, and in particular to provide support for international courts;

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7. Calls on the Council and the Commission, therefore, to take priority action — along the same lines as for the establishment of the ICC — to support the activities of all courts involved in protecting human rights; considers, in particular, that the excessive workload of the European Court of Human Rights must be tackled by the allocation of additional financial resources, that maximum support should be given to the work of the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights, and that steps should be taken to help facilitate the establishment of a Court of Human Rights between states in Asia and the Pacific;

8. Considers that the right to democracy — understood as the right of every citizen to take part in the exercise of the sovereignty of the people within the framework of institutions subject to the rule of law — is an historically acquired universal human right explicitly recognised by the ECHR, the International Covenant on Civil and Political Rights, the 1993 Vienna Declaration of the World Conference on Human Rights and the United Nations Millennium Declaration; considers that this right to democracy carries with it the duty for international community institutions, the European Union and all the Member States to work towards removing obstacles in the way of their full enjoyment throughout the world; considers that, in order to achieve this, a new additional step should be taken, namely the setting-up of a genuine network of democracies around the world by transforming and strengthening existing organisations;

9. Considers that nonviolence is the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected to the full; believes that its promotion should constitute a priority objective in EU human rights and democracy policy and intends to contribute to keeping up to date with and studying modern non-violent theory and practice, partly through a comparative analysis of the best practice used in the past; proposes, with a view to giving this idea a central political role, that a European Conference on Non-Violence be convened in 2009 and that 2010 be designated 'European Year of Non-Violence'; calls on the Member States to endeavour, under the auspices of the United Nations, to ensure that the 'Decade of Non-Violence 2010-2020' is proclaimed;

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10. Underlines the importance of the European Union Annual Report on Human Rights in analysing and evaluating the European Union's human rights policy, and recognises that the Report has given an overview of the rising volume of European Union human rights-related activities;

11. Considers that more and better information should be provided for the assessment of previous policies and that elements and guidelines should be proposed to modify the general approach as well as to 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;

12. Welcomes the public presentation of the 2007 Report by the Council and the Commission at Parliament's December 2007 plenary session, in parallel with the award of its annual Sakharov Prize for Freedom of Thought to Salih Mahmoud Mohamed Osman from Sudan; has now established a regular practice and made the December plenary session an annual focal point for the EU's activities on human rights;

13. 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 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;

Council and Commission activities in the area of human rights in international fora

14. Considers that a quantitative and qualitative improvement of the Council's human rights secretariat would enable the European Union to raise its profile and consolidate its role in promoting and ensuring respect for human rights in its external policy; expects the appointment of a High Representative for Foreign Affairs and Security Policy, who will also be a Vice-President of the Commission, to enhance considerably the coherence and effectiveness of the EU in this area;

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15. Considers that the progress made in setting up the Fundamental Rights Agency represents a first step in responding to Parliament's call for the establishment of an integrated framework of rules and institutions designed to confer binding force on the Charter of Fundamental Rights and to ensure compliance with the system provided for in the ECHR, as well as to draw up a comprehensive EU policy on minority rights; underlines the importance of the fact that the mandate of the Agency also covers those countries which have concluded a Stabilisation and Association Agreement with the EU;

16. Considers it essential that European Union special representatives should in future have a mandate which specifically mentions promoting and ensuring respect for human rights;

17. Considers that the European Union's capacity to prevent, respond to, manage and resolve crises has proven to be insufficient, and requests the Council, following its previous recommendations on the establishment of a European Civil Peace Corps, to gradually transform the civilian aspects of the European Security and Defence Policy into a 'Civil Peace Service' for the management of short-term civilian crises and longer-term peace-building; is of the opinion that, within this framework, the European Union should strengthen civil society networks on the ground — at sub-national, national and regional levels — so as to foster confidence-building, capacity-building, monitoring and awareness-raising, thereby supporting the institutionalisation of civil society participation in regional and sub-regional peace and security structures;

18. Reiterates its request to the Commission to encourage European Union Member States, and third countries with which there are ongoing negotiations for future accession, to sign up to, and ratify, all core United Nations and Council of Europe human rights conventions and the optional protocols thereto; draws the attention of European Union Member States to, in particular, the need to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which none of the Member States has ratified to date ⁽¹⁾;

19. Calls for prompt ratification of the United Nations Convention on the Rights of Persons with Disabilities by the European Community and its Member States; 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;

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 fora in 2008, including in the work of the UNHRC, the United Nations General Assembly, the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe;

21. Calls for improved cooperation and coordination between the Council of Europe and the European Union; welcomes the fact that a Memorandum of Understanding between the Council of Europe and the European Union was signed on 11 May 2007 and calls on both parties to put it into practice; in particular, refers to the following recommendations contained in the Juncker Report of 11 April 2006 entitled 'Council of Europe-European Union: a sole ambition for the European continent':

- the recommendation that a mechanism be explicitly created for the European Union to refer issues to the Commissioner for Human Rights, complementing the action of the European Union's existing bodies, whether in the context of enlargement, the European Neighbourhood Policy (ENP) or the Stabilisation and Association Process;
- the recommendation that machinery be devised to promote and strengthen democracy and make full use of the Council of Europe Venice Commission's expertise;
- the recommendation that a system be created for referring issues to the expertise of the Council of Europe, with a view to ensuring coherence and complementarity between the work of the European Union and of the Council of Europe;

⁽¹⁾ As of June 2007.

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22. 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; calls for the use of the legally binding conventions of the Council of Europe, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and their well-functioning monitoring mechanism; urges consideration of the Convention's Advisory Committee's opinion on the measures taken by the reporting States and consideration of the reports of the Charter's Committee of Experts on the fulfilment of the States Parties' undertakings in the work of the EU institutions, and in particular during the accession process in respect of candidate countries;

23. Notes that the UNHRC has the potential to develop into a valuable framework for the European Union's multilateral human rights efforts; notes, with concern, the fact that during the last year of activities that new body has not proved its credibility but stresses once again the crucial role of the UNHRC within the overall UN architecture; trusts that the implementation of the Universal Periodic Review mechanism will achieve the first concrete results and improvements; calls on the Council and the Commission closely to monitor this process so as to ensure that it implements United Nations General Assembly Resolution 60/251 of 15 March 2006 on the UNHRC, which is the starting point for the universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; calls on the Council to consult Parliament on this matter;

24. Welcomes the fact that the complaint procedure based on the previous '1503 procedure' will continue to allow individuals and organisations to bring complaints about gross and reliably attested violations of human rights to the attention of the UNHRC, and calls on the Council and the Commission to ensure that non-governmental organisations (NGOs) continue to be heard in the UNHRC, so that they may avail themselves of the prerogatives granted by their consultative status to submit written communications and make oral declarations;

25. Reaffirms the importance of the special procedures and country mandates within the UNHRC; insists that the process for the renewal of mandates must be transparent and that efforts must be made to appoint independent and experienced candidates who are properly representative, both geographically and in terms of gender; notes that the mandate of the expert panel on Darfur has had to be merged with that of the Special Rapporteur on Sudan; also notes the European Union's decision to support a resolution calling for the non-renewal of the mandate of the human rights experts on Darfur and the UNHRC's decision not to renew the mandates in respect of Belarus and Cuba;

26. Calls on the Council, the Commission and the Member States to continue to press for the establishment of membership criteria for election to the UNHRC, including the issuing of permanent invitations to Special Procedures; also calls for monitoring of the actual implementation of the election pledges of the governments of the UN Member States; calls for this rule to be applied in determining whether the EU should support candidate countries;

27. In this regard, calls on the European Union to formally engage with democratic governments from other regional groups in order to start formal cooperation and consultation within the UNHRC with a view to guaranteeing the success of initiatives aimed at the respect of the principles contained in the Universal Declaration of Human Rights; considers that it is only through concerted action by a cross-regional alliance of democratic states that the European Union's multilateral human rights efforts can be effective in United Nations fora, as has been shown by the recent successful adoption, on 18 December 2007, of the abovementioned General Assembly Resolution 62/149 on a moratorium on the use of the death penalty;

28. Welcomes the fact that the Commission used its position, as chair of the Kimberley Process throughout 2007, to strengthen the mechanisms designed to stem the flow of conflict diamonds; reiterates the importance of the Kimberley Process, given the connection between stopping the trade in conflict diamonds and the achievement of sustainable peace and security; also welcomes Turkey and Liberia as new participants in 2007 and the readmission of the Republic of the Congo to the Kimberley Process (bringing to 48 the total number of participants, including the European Community representing 27 Member States);

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29. Welcomes the fact that the third international conference aiming at the conclusion of an international treaty prohibiting the production, use, transfer or storage of cluster bombs in accordance with the principles of IHL was held in Vienna in December 2007 with the full support of the European Union ⁽¹⁾; calls on Romania and Cyprus, as the only two EU Member States that have not yet done so, to endorse the Oslo Declaration on Cluster Munitions of 23 February 2007; fully supports the Oslo process conferences held in Wellington from 18 to 22 February 2008 and fixed to take place in Dublin from 19 to 30 May 2008; expects that all European Union Member States will be able to sign the treaty at the ceremony planned to be held in Oslo in late 2008;

30. Calls on the Council and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the adoption of the requisite national implementing legislation, in conformity with Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court ⁽²⁾ and the Action Plan; points out that not all Council presidencies pursue this common goal with the same vigour; asks all presidencies to mention the status of the ICC cooperation in all summits with third countries; 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; notes the entry into force on 8 December 2007 of the agreement with the United Kingdom on the enforcement of sentences (and the entry into force of a similar agreement concluded with Austria in 2005), and urges all Member States to consider concluding similar agreements with the ICC; acknowledges the Cooperation and Assistance Agreement between the European Union and the ICC as an important tool to supplement the obligations incumbent on individual Member States;

31. Welcomes the fact that Japan ratified the Rome Statute in July 2007, thereby bringing the total number of States Parties to 105 in December 2007; urges the Czech Republic, as the only remaining European Union Member State not to have ratified the Rome Statute, to do so without delay; calls once again on all countries that have not yet ratified the Rome Statute to do so without delay ⁽³⁾; calls on Romania to rescind its Bilateral Immunity Agreement with the United States;

32. Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice; in this regard, notes with satisfaction the cooperation of the Democratic Republic of the Congo in the transfer of Germain Katanga to the ICC, the cooperation of Serbia in the arrest and transfer of Zdravko Tolimir to the International Criminal Tribunal for the former Yugoslavia (ICTY) and the cooperation of Serbia and Montenegro in the arrest and transfer of Vlastimir Đjordžević to the ICTY; however, notes with concern the persistent failure of Sudan to cooperate with the ICC by arresting and transferring Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman; notes with concern that the ICC warrants for the arrest of four members of the Lord's Resistance Army in Uganda have not yet been executed; also notes with concern that Radovan Karadžić and Ratko Mladić 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; considers further that the current proceedings brought against Liberia's former President, Charles Taylor, by the Special Court for Sierra Leone in The Hague constitute a significant development towards the ending of impunity;

⁽¹⁾ Over 140 civil society representatives and 138 states participated (of which 94 have endorsed the Oslo Declaration or the Oslo process).

⁽²⁾ OJ L 150, 18.6.2003, p. 67.

⁽³⁾ As of 13 March 2008, 87 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, Madagascar, 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, Sao Tome and Principe, Saudi Arabia, Seychelles, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, 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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33. Underscores the need to strengthen the international criminal justice system and in this respect recognises the establishment of the Justice Rapid Response mechanism in November 2007 as a new international cooperative mechanism for the provision of expertise and assistance where the identification, collection and preservation of information would assist in a wide range of international and transitional justice options; urges the ICC to intensify its outreach efforts with a view to engaging communities in situations under investigation 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; highlights the role that can be played by non-judicial mechanisms in addressing violations of human rights and international criminal law, provided that such efforts respect due process and are not a sham;

34. Welcomes the adoption by the United Nations General Assembly of the declaration on the rights of indigenous peoples and congratulates the Council and Member States for backing the adoption of that text, which will create a framework in which States can protect and promote the rights of indigenous people without exclusion or discrimination; at the same time, notes with concern that, without new instruments to guarantee the implementation of the declaration in question, real improvements in the life of indigenous peoples, especially those living under authoritarian and dictatorial regimes, cannot be expected; urges the Commission, therefore, to follow up on the implementation of the declaration, in particular through the European Instrument for Democracy and Human Rights (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;

35. Calls once again on the Commission to develop 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 in respect of the Western Balkans;

36. Urges the EU to play a key role at the Durban Review Conference in promoting a balanced text that will combat racism rather than seeking to delegitimise democratic States and to promote hatred, as was the case in Durban in 2001;

37. Notes with regret that, despite the fact that the Commission has recommended ratification of ILO Convention 169 on several occasions, at the present time, almost twenty years after its entry into force, only three Member States — Denmark, the Netherlands and Spain — have ratified it; encourages, therefore, initiatives to increase awareness of this important legislative instrument and enhance its effectiveness worldwide by ensuring that it is ratified by all the Member States;

Performance as regards the European Union human rights guidelines

38. Calls once again on the Commission and Member States' embassies and consulates to ensure that all their staff are fully aware of the human rights guidelines; considers that 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';

39. Takes note of the German and Portuguese 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;

40. Calls on the Presidency to find ways to improve coordination and cooperation between the Council's working parties in relation to making demarches in areas of common concern, for example between the Working Party on Human Rights (COHOM) and the Working Party on Public International Law (COJUR), which deals with the ICC, as regards international criminal justice and children and armed conflict;

41. Urges the Council to update the guidelines in order to fully recognise the importance of enjoyment of the highest attainable standard of health as a fundamental right, with particular regard to pain management;

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The death penalty

42. Welcomes the abovementioned 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, and recognises the positive cross-regional nature of the initiative;

43. Urges the Council to update the guidelines on the death penalty, in order to support all activities aimed at full implementation of the General Assembly resolution, which *inter alia* calls upon all States that still maintain the death penalty to respect international standards that provide safeguards guaranteeing the protection of the rights of those facing the death penalty, in particular the minimum standards set out in the annex to Economic and Social Council Resolution 1984/50 of 25 May 1984; points out that the resolution provides the Secretary-General with information relating to the use of capital punishment and observance of the safeguards guaranteeing protection of the rights of those facing the death penalty and seeks to progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed; further points out 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;

44. Calls on the Presidency to encourage Italy, Latvia, Poland and Spain, which have not yet ratified Protocol No 13 to the ECHR concerning the abolition of the death penalty in all circumstances, to do so ⁽¹⁾; 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;

45. Welcomes the decision by the Justice and Home Affairs Council on 7 December 2007 to subscribe to the joint Council of Europe/European Union Declaration establishing a European Day against the Death Penalty, which will be celebrated on 10 October each year; welcomes the proceedings of the European Conference in Lisbon on 9 October 2007, calling once again for the eradication of the capital punishment in Europe and promoting the universal abolition of the death penalty;

46. Welcomes the abolition of the death penalty in Albania on 25 March 2007 (for all crimes); in Kyrgyzstan on 27 June 2007; in Rwanda on 26 July 2007; in the State of New Jersey (in the United States) on 13 December 2007; and in Uzbekistan on 1 January 2008; expresses its disquiet at the possibility that the death penalty might again start to be enforced in Guatemala; urges the Guatemalan Government, on the contrary, to genuinely commit itself to the universal moratorium on the death penalty; welcomes the decision by China to have all death penalty cases reviewed by the Supreme Court, but remains concerned that China still carries out the greatest number of executions worldwide; condemns the practising of the death penalty in Belarus, which runs counter to European values; condemns the Iranian regime's increasing use of capital punishment; is very concerned that the Iranian regime still sentences to death defendants under the age of 18;

Torture and other cruel, inhumane or degrading treatment

47. Notes that Greece, Hungary, Latvia, Lithuania and Slovakia have so far neither signed nor ratified the Optional Protocol to the Convention Against Torture (OPCAT); notes that Austria, Belgium, Cyprus, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Portugal and Romania have so far signed but not ratified it; urges all European Union Member States which have not hitherto signed and/or ratified OPCAT to do so without delay;

48. Is concerned about the true commitment to human rights of European Union Member States that refuse to sign the abovementioned International Convention for the Protection of All Persons from Enforced Disappearance; asks all European Union Member States that have not done so to sign and ratify it promptly ⁽²⁾;

⁽¹⁾ As of 10 January 2008, Italy, Latvia, Poland and Spain had signed but not ratified Protocol No 13.

⁽²⁾ Signatories (as of December 2007): Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia, Spain, Sweden. (Only two countries — Albania and Argentina — have ratified the Convention, which requires 20 ratifications for entry into force.)

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49. Refers the Council and the Commission to the recent 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; calls on both to follow its recommendations, e.g. the recommendation that a clear global vision be developed with a national focus examining the local political, social, cultural, and legal context; calls on the Council and the Commission — after analysis — to send instructions to their delegations and to Member States' missions with a view to helping them to implement the guidelines;

50. Calls on 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 these practices also within their borders;

51. Looks forward to the assessment of the implementation of the European Union Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, which is being prepared for presentation to COHOM; in the context of the revision of those Guidelines, expects COHOM to discuss specific criteria for action concerning individual cases with a view to improving the implementation of the Guidelines; recommends the adoption of measures to ensure respect for the absolute prohibition of torture and other inhuman and degrading punishment and to resist any attempt to establish a European Union position legitimising the use of diplomatic assurances to facilitate the transfer of persons to a country where they may be at risk of torture or other inhuman or degrading punishment;

52. Calls for an update of the European Union Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment in the light of Article 15 of the United Nations Convention on the Rights of Persons with Disabilities, which concerns freedom from torture or cruel, inhuman or degrading treatment or punishment;

53. Requests the regular presence of the Presidency or the Council Secretariat in the relevant United Nations Committees as well as further cooperation with the Council of Europe and its Committee for the Prevention of Torture in order to achieve substantial and useful material input into decision-making concerning demarches towards certain countries;

54. 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 European Union to regard the fight against torture and ill-treatment as a top priority of its human rights policy, in particular through enhanced implementation of the European Union guidelines and all other European Union 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;

Children and armed conflict

55. Welcomes the report of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict, published on 13 August 2007, concluding that Member States of the United Nations should apply concrete and targeted measures against recalcitrant violators;

56. Welcomes the report and recommendations of the UN Secretary-General on children and armed conflict in Burma; condemns the grave violations of children's rights in that country and calls on COHOM to prioritise Burma in the implementation of its guidelines on children and armed conflict;

57. Welcomes the progress made in the application of international child protection standards as regards holding alleged perpetrators to account, such as the charges brought by the ICC against senior leaders of various fighting factions in the Democratic Republic of the Congo and the charges brought against four senior members of the Lord's Resistance Army in Uganda; regards as notable achievements the ruling by the Special Court for Sierra Leone that the recruitment or use of children aged under 15 in hostilities is a war crime under customary international law and its recent conviction of military commanders for recruiting children;

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58. Welcomes the increased attention paid to children's rights in a wide range of negotiations, agreements, peace-building and peace-keeping efforts, agendas and treaties; emphasises, however, that clauses on children in peace agreements should be specific and that their goals should be achievable;

59. Welcomes the increased attention paid to children's rights in mechanisms for accountability for crimes under international law (recognising in this regard the efforts made by the Liberian Truth and Reconciliation Commission to that end in 2007) as an important means by which to give effect to the right of children to participate in decisions that affect their lives; emphasises, however, that the best interests of the child must guide any such involvement, including through the implementation of age-appropriate policies and procedures and the promotion of the rehabilitation and reintegration of child victims;

60. Welcomes the progress made in policy formulation with regard to the Integrated Disarmament, Demobilisation and Reintegration Standards (2006), the Paris Principles and the Guidelines on Children Associated with Armed Forces or Armed Groups (2007); stresses, however, that effective implementation is now required;

61. Welcomes the fact that seven more nations (Argentina, Croatia, Guatemala, Laos, Mauritania, Morocco and Ukraine) have joined the international commitment to stop the recruitment of children in armed conflicts known as the Paris Commitments, and regrets that the United States has not signed because of its opposition to the clause concerning the ICC;

62. Welcomes the fact that 11 European Union Member States have signed the Geneva Declaration on Armed Violence and Development, thereby bringing the total number of States Parties to 42; urges the remaining 16 European Union Member States that have yet not signed the Geneva Declaration to do so without delay;

63. 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 ⁽¹⁾;

64. Recalls the absence of a final settlement of unresolved conflicts in the ENP countries; stresses that such situations create a context in which the rule of law and human rights violations in their areas are neglected, as well as representing a major impediment to ensuring and respecting all the rights of the child; calls for the specific situation of children and their families in the areas of unresolved conflicts in ENP countries to be addressed as a matter of priority in the context of the action taken by the EU in this field;

65. Notes that the Portuguese Presidency followed the German initiatives under the guidelines and instructed all EU diplomatic missions in priority countries to regard the country-specific strategies adopted by COHOM on 15 June 2007 as standing instructions to be incorporated in the work of the Heads of Mission in the area of children in armed conflicts; welcomes the fact that the Presidency-in-office has also forwarded to local Presidencies the reports received by relevant NGOs regarding specific countries; welcomes the Slovenian Presidency's initiative in commissioning a study on the impact of EU measures on children affected by armed conflict; stresses in this connection the limited impact the guidelines have on children and armed conflicts, owing in particular to the fact that the majority of the Commission delegations and Member State embassies were not informed that their host country was considered a priority country for the application of these guidelines;

66. Calls on the Council and the Commission to include in their humanitarian and trade policies efforts to combat forced child labour;

⁽¹⁾ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (as of November 2007): not ratified by the Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Luxembourg, Malta, the United Kingdom. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (as of October 2007): not ratified by Estonia, Greece, Hungary, the Netherlands; neither ratified nor signed by Cyprus.

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Human rights defenders

67. Calls on the Council and the Commission to engage in a more transparent and systematic implementation of the European Union Guidelines on Human Rights Defenders, given that this is an important and innovative instrument designed to support human rights defenders and protect those who are at risk;

68. Expects that the identification of the Guidelines on Human Rights Defenders as a priority element of the European Union's human rights foreign policy will be matched by the effective implementation of those Guidelines in local strategies concerning 120 countries; points out that the lack of European Union demarches on behalf of human rights defenders in certain countries, such as in China, Tunisia, Ethiopia, Iran and Russia, appears to reflect a lack of consensus among EU Member States, with individual Member States prioritising different foreign policy interests and thus making collective action impossible;

69. Considers that a consistent approach should also focus on strengthening capacity-building among human rights activists, including those committed to defending economic, social and cultural rights, and fostering consultation and interaction mechanisms between them and their governments on issues of democratic reform and human rights promotion, in particular when processes of democratisation are at stake;

70. Calls on the Council and the Commission to actively encourage human rights defenders to disseminate information on non-violent theory and practice and seek to promote knowledge of and exchanges between them on best practice, based on first-hand experience in the field;

71. Asks the Council and the Member States to consider urgently 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 Common Code on Visas and thus creating a specific and accelerated visa procedure which could draw on the experience of the Irish and Spanish governments in this matter; considers that the confidentiality of European Union demarches in favour of human rights defenders is sometimes useful but asks that, despite this confidentiality, European Union local staff should always inform NGOs on the ground about such demarches in a confidential manner;

72. Notes that, despite significant economic reforms, systematic violations of political and human rights still persist in China, taking such forms as political imprisonment, attacks on, and intimidation of, lawyers, human rights defenders and journalists including the weiquan movement, the lack of an independent judiciary, forced labour, the suppression of freedom of expression and religion and of the rights of religious and ethnic minorities, arbitrary detentions, the Laogai camp system and alleged organ harvesting; remains equally concerned about the blacklisting of journalists and human rights activists, the Dalai Lama and his associates and Falun Gong practitioners;

73. Regrets the fact that only five human rights organisations remain registered in Belarus and that the authorities continually seek to intimidate and control those groups whilst repeatedly refusing applications by other human rights groups to register legally; welcomes the decision of the UN General Assembly in May 2007 to reject Belarus' bid for a seat on the UNHRC, pointing to its poor human rights record; once again urges the Belarus authorities to stop using intimidation, harassment, targeted arrests and politically motivated prosecutions against human rights defenders and civil society activists in Belarus;

74. Is greatly concerned that in 2007 the Iranian authorities intensified their harassment of independent human rights defenders and lawyers in an attempt to prevent them from publicising and pursuing human rights violations; regrets the closure by the Iranian government of NGOs that encourage civil society participation and raise awareness of human rights violations, including those providing legal and social aid to women victims of violence;

75. Emphasises once again the importance of making the handbook for the implementation of the Guidelines available to human rights defenders on the ground; encourages COHOM to disseminate translations of the European Union Guidelines for Human Rights Defenders in European Union languages that are the lingua franca in third countries and in key non-European Union languages amongst regional desks and embassies/delegations; welcomes the fact that, so far, translations are available in languages such as Russian, Arabic, Chinese and Farsi but stresses that more translations need to be produced locally; urges European Union Member States to simplify the issue of visas to human rights defenders who are invited to attend events organised within the European Union or who are fleeing worsening security conditions;

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Guidelines on human rights dialogues and recognised consultations with third countries

76. Calls on the Council and the Commission to initiate a comprehensive evaluation of the guidelines on human rights dialogues and to develop clear indicators for the impact of each dialogue and criteria for the initiation, cessation and resumption of dialogues;

77. Reiterates its call for human rights dialogues to be extended to include the situation both in third countries and in the European Union, so as to enhance the credibility of the dialogue in question;

78. Reiterates its call for human rights issues to be reviewed at the highest political level in order to give greater political weight to human rights concerns and for Member States or third countries to be prevented from isolating human rights issues from the political dialogue; considers that this dialogue should therefore never be used to confine the subject to experts' meetings and thereby relegate it to a secondary position in relation to other political issues; consequently, calls on the Council and the Commission to take the following measures:

- to publicise the objectives set for each dialogue and monitor their implementation;
- to require an evaluation to be carried out on each dialogue, preferably every year and at least every two years;
- to ensure that each meeting within the dialogue entails, in addition to a strand of technical discussions for officials, a political strand directly involving those with responsibilities at ministerial level;

79. Emphasises once again in this context the proposals set out in Parliament's abovementioned resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries; stresses in this connection that a dialogue between the Council, the Commission and Parliament's Subcommittee on Human Rights was launched in January 2008 with a view to implementing the recommendations of that resolution as regards Parliament's involvement in dialogues in general; recalls, in that connection, the Council's obligation to consult Parliament and to duly take its views into consideration pursuant to Article 21 of the Treaty on European Union;

80. Emphasises the need for a radical intensification of the European Union-China human rights dialogue, and is concerned that China provided replies only to two thirds of the points raised by the EU in individual cases of concern as part of this dialogue; expresses its disquiet at the serious human rights violations in China and stresses that, despite promises made by the regime with a view to the forthcoming Olympic Games in accordance with the Olympic Charter, the situation on the ground regarding human rights has not improved; in accordance with the Olympic Charter, welcomes the fact that China is working to implement the recommendations of the Special Rapporteur on Torture and has recently directed courts not to rely on confessions; 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; regrets that no common European Union-China declaration on human rights was adopted at the European Union-China Summit held on 28 November 2007 in Beijing, despite the fact that the intention to issue such a declaration had been announced originally; calls on the Council to provide a more detailed briefing to Parliament following discussions, including a detailed list of demarches conducted in individual cases by the Council and Member States; notes that these concerns should be emphasised in the run-up to the Beijing Olympic Games, which constitute an important historic opportunity for the improvement of human rights in China; in this regard, remains concerned about Chinese legislation, 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; is concerned about the limits placed on the freedom of the Chinese and international media, including the Internet, blogging and access to information for the Chinese and international press; remains equally concerned about the blacklisting of journalists and human rights activists, including the Dalai Lama, his associates and Falun Gong practitioners; calls in this regard for the immediate release of the prominent AIDS activist Hu Jia; emphasises the need to continue, even after the Olympic Games, carefully to monitor the human rights situation and the changes in the legislation concerning this issue; urges the European Union to ensure that its trading relationship with China is contingent on human rights reforms, and calls in this regard on the Council to make a comprehensive

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evaluation of the human rights situation before finalising any new Partnership and Cooperation Framework Agreement; calls on the Council and the Commission to raise the issues of the Inner Mongolia Autonomous Region, Eastern Turkestan and the Tibet Autonomous Region, to actively support a transparent dialogue between the Chinese Government and envoys of the Tibetan Government in Exile and to mainstream the issue of human rights implications of Chinese policies in Africa; remains alarmed by the systematic violation of the human rights of ethnic Uyghurs in the Xinjiang Uighur Autonomous Region;

81. 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 respect for fundamental human rights in Iran, especially freedom of expression and assembly, continued to deteriorate in 2007; condemns the new morality campaign launched by the Iranian authorities since early April 2007, whereby thousands of men and women were arrested in moves to 'counter immoral behaviour'; condemns the Iranian regime's increasing use of capital punishment;

82. Regrets the lack of results from the European Union-Russia consultations on human rights and calls for Parliament to be involved in such a process; encourages the efforts made by the Council and the Commission to bring about a state of affairs whereby the consultations take place alternately in Russia and in the European Union, whereby Russian Ministries other than the Ministry of Foreign Affairs also participate in the consultations, and whereby the Russian delegation participates in the meetings of Russian and European Parliamentary bodies or NGOs organised in conjunction with the consultations; regrets that the European Union has not succeeded in bringing about policy change in Russia, particularly with regard to sensitive issues such as the situation in Chechnya and other Caucasian Republics, 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; believes that the long-standing debate on Chechnya should be extended to cover the worrying situations in Ingushetia and Dagestan; calls on the Russian authorities to protect the national minorities in the Republic of Mari-El and to ensure respect for human and minority rights in accordance with the Constitution of Mari-El and European standards; deplores the continued persecution of journalists, human rights defenders, political prisoners and NGOs, for instance the recent harassment of Novaya Gazeta and of the Nizhny Novgorod Foundation to Promote Tolerance; is concerned that in 2007, following its entry into force in 2006, the new Russian legislation on NGOs has proved to be open to arbitrary and selective implementation and has been used to impede, restrict and punish legitimate NGO activities, thereby contributing to growing insecurity and vulnerability of NGOs; expresses further concern, in line with the Amnesty International Report of December 2007, 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 distress at the refusal to provide life-saving medical treatment for Vasily Alexanyan, ex-Vice-President of Yukos, despite being repeatedly called upon by the European Court of Human Rights and the President of the Parliamentary Assembly of the Council of Europe to provide the same; urges Russia to take further measures to protect freedom of expression and the security of journalists and human rights defenders; considers, in this regard, that Russian cooperation with OSCE, Council of Europe and United Nations human rights mechanisms as well as the ratification of all relevant human rights conventions should be regarded as a priority by the European Union, most notably the ratification of Protocol No 14 to the ECHR, amending the control system of the Convention; deplores Russia's unwillingness to invite international election observers in suitable numbers and sufficiently in advance to allow them to properly supervise the elections in accordance with OSCE standards, thereby making it impossible for the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to undertake its planned election observation mission in accordance with its mandate, and is therefore compelled to question the democratic credentials of the 2007 parliamentary and the 2008 presidential elections; urges the Council and the Commission to raise human rights issues, including individual cases, with Russian authorities at the highest level and in the new Partnership and Cooperation Agreement with Russia; urges the Commission to lay down clearer obligations and establish more efficient monitoring mechanisms, in addition to the human rights clause, in order to achieve a real improvement in the human rights situation;

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83. Urges 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; is of the view that, while first rounds of meetings, as was the case with Tunisia, might focus on establishing the durability of the subcommittee and fostering trust and confidence among partners, such subcommittees, notably with Morocco now, should move towards a result-oriented phase, with the establishment of concrete benchmarks and indicators of progress, as well as the possibility of raising individual cases; stresses that discussions on human rights should certainly not be confined to these subcommittees, and 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 and reduce discrepancies in statements on the human rights situation given by both sides to the press; welcomes the Council's statement of 16 October 2007 that discussions concerning a future EU-Libya framework agreement will specifically address, *inter alia*, cooperation and progress on human rights;

84. Recalls the deteriorating situation in Syria, where the regime's authorities refuse to accord official status to human rights groups and where human rights groups are harassed by the security services and their members are imprisoned for lack of legal status; condemns the arrests of dissenters and people from opposition parties, and urges the Council and the Commission to call on the Syrian government to free the journalists, human rights activists and independent lawyers thus detained and to lift the state of emergency;

85. Condemns the measures taken against the opposition by the Belarusian authorities; notes that these measures are increasingly taking the form of systematic attempts to humiliate and ill-treat members of the opposition; as an example, points to the recent arrest of Sakharov Prize winner Alexander Milinkiewicz; notes that the European Union has had no success in improving the situation with regard to human rights reforms in Belarus;

86. Expresses its deep disquiet at the catastrophic humanitarian crisis in the Gaza Strip; calls on all parties concerned to adhere to the Universal Declaration of Human Rights; reaffirms the content of its resolution of 21 February 2008 on the situation in the Gaza Strip (1);

87. Recognises attempts by the Council and the Commission to organise a second round of the European Union-Uzbekistan dialogue on human rights in May 2008 and commends the Commission on its efforts to organise a civil society seminar on media expression in the margins of the dialogue, possibly in Tashkent; points out once again that the holding of a dialogue on human rights and experts' meetings on the 2005 Andijan massacre do not in themselves constitute progress and cannot be used as a reason for the lifting of sanctions; notes that the absence of an independent international inquiry into the Andijan massacre and the lack of any improvement in the human rights situation in Uzbekistan — these being the conditions laid down by the European Union for the lifting of sanctions — have logically led to the sanctions against Uzbekistan being extended; welcomes the fact that the conclusions of the General Affairs and External Relations Council of 15-16 October 2007 have introduced specific conditions which have to be met within a period of six months in order for the visa restriction suspension to be maintained; invites the Council and the Commission to carry out a serious assessment of the impact of the decision to suspend for six months some of the visa restrictions that form part of the European Union sanctions against Uzbekistan, and to review the overall human rights situation in the country; deplores the fact that Uzbekistan has so far failed to deliver any progress in any of these respects; pays tribute to the work done by its Subcommittee on Human Rights in closely monitoring the human rights situation every six months so as to provide the Council with regular parliamentary assessments and recommendations as regards the EU policy to be adopted in this matter; is appalled by the presidential election held on 23 December 2007 in Uzbekistan, which according to the ODIHR was 'held in a strictly controlled political environment, leaving no room for real opposition, and ... generally failed to meet many OSCE commitments for democratic elections'; condemns the murders of Mark Weil, founder and art director of the independent Ilkhom Theatre, in Tashkent on 9 September 2007, and of the journalist and critic of the Uzbek regime Alisher Saipov in the Kyrgyz city of Osh on 24 October 2007; reiterates its call for the immediate release of political prisoners (2);

(1) Texts Adopted, P6_TA(2008)0064.

(2) In particular of Mutabar Tadjibaeva, chair of the human rights organisation Plammenoe Serdtse, and of the 9 human rights defenders: Nosim Isakov, Norboi Kholjigitov, Abdusattor Irzaev, Habibulla Okpulatov, Azam Formonov, Alisher Karamatov, Mamarajab Nazarov, Dilmurad Mukhiddinov and Rasul Khudainasarov.

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88. Supports the willingness of the Council to establish human rights dialogues with each of the remaining four 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;

89. 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;

90. Hopes that those responsible for the assassination of Benazir Bhutto are identified and held responsible as soon as possible; notes the worsening human rights situation in Pakistan throughout 2007, including in particular the threats to the independence of the judiciary and the freedom of the media; with that in mind, condemns the defamation campaign against Iftikhar Mohammad Choudhry, former Chief Justice of Pakistan, as well as the fact that he has been removed from office and placed under house arrest; 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; calls for the reinstatement of all deposed judges; notes the adoption of a new Country Strategy Paper for Pakistan and welcomes the mainstreaming of conflict prevention and human rights throughout that document; notes that the first meeting of the European Community-Pakistan Joint Commission was held in Islamabad on 24 May 2007 and stresses the need for human rights to be at the forefront of the agenda for all subsequent meetings;

Female genital mutilation and other harmful traditional practices

91. Emphasises that efforts to eliminate all forms of female genital mutilation should be intensified both at the grass-roots level and within the policy-making process, so as to highlight the fact that such mutilation is both a gender issue and a human rights violation relating to physical integrity;

92. Insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls, including, most prominently, gender-selected abortion, all forms of harmful traditional or customary practices, for example female genital mutilation and early or forced marriage, all forms of trafficking in human beings, domestic violence and femicide, exploitation at work and economic exploitation, and that the invocation by States of any custom, tradition, or religious consideration of any kind, in order to evade their duty to eliminate such brutality and any practice that may endanger the lives of women, be rejected;

93. Calls on the Council, the Commission and Member States to use the human rights clause to make combating all forms of female genital mutilation a priority issue in relations with non-Member States, particularly those States that have preferential relations with the European Union within the framework of the Cotonou Agreement (now under the European Partnership Agreements), and to put pressure on them to adopt the necessary legislative, administrative, judicial and preventive measures to put an end to these practices;

94. Recalls the Millennium Development Goals, and stresses that access to education and health are basic human rights; believes that health programmes, including those covering sexual health, promotion of gender equality, empowerment of women and rights of the child should be prominent in the EU's development and human rights policy, in particular where gender-based violence is pervasive and women and children are put at risk of HIV/AIDS, or denied access to information, prevention and/or treatment; calls on the Commission to integrate core labour rights and the decent work agenda in its development policy, in particular in trade-related assistance programmes;

95. Calls on the Council, the Commission and Member States to promote in particular the ratification and implementation by African Union Member States of the African Union Protocol on the Rights of Women in Africa;

96. Calls on the Council, the Commission and Member States to enhance the EIDHR and to ensure the allocation of funds for activities addressing the elimination of all forms of female genital mutilation;

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

97. Deplores the ongoing violations of human rights and democracy by the military junta in Burma and supports the European Union's commitment to attaining its stated objectives, namely an inclusive and genuine 'tripartite dialogue' between the military regime, the democratic opposition (namely the National League for Democracy, which won the 1990 elections) and the ethnic nationalities with a view to securing the national reconciliation which is needed for a transition to democracy in Burma and the establishment of a legitimate, democratic civilian government which respects the human rights of its people and restores normal relations with the international community; welcomes the Council's adoption in November 2007 of a common position renewing existing restrictive measures and introducing additional restrictive measures, but regrets the exclusion from those measures of crucial sectors such as energy and financial and banking sanctions against the military regime; considers in this connection that the adoption of restrictive measures should be accompanied as a matter of course by firm support for civil society, which has not been the case in Burma; condemns the brutal response of the Burmese authorities to the demonstrations by the Buddhist monks and all other peaceful demonstrators; deplores the ongoing arrests and detention of democratic activists and journalists, and calls on the Council to continue to highlight the human rights situation in Burma as a top priority on the UNHRC and to keep up pressure for a second visit to the country by Mr Tomas Ojea Quintana, the UN Special Rapporteur on Human Rights in Burma, to further assess human rights violations; welcomes the appointment of Piero Fassino as European Union Special Envoy for Burma and asks the Commission to actively support the Burmese pro-democracy movement within the framework of the EIDHR; condemns the assassination on 14 February 2008 of Padoh Mahn Sha, the General Secretary of the Karen National Union (KNU), who was murdered in his home in Thailand; asks that an investigation take place into the circumstances of this assassination, and that the EU express outrage to the military regime and urge for better protection for exiled democracy leaders from Burma living in Thailand; is concerned that Burmese refugees in Malaysia are extremely vulnerable and are at risk of arrest, detention, caning and deportation by the Malaysian authorities; urges the Council to call on the Malaysian authorities to cease their brutal treatment of refugees, to encourage the United Nations High Commissioner for Refugees to register all refugees in order to provide greater protection and to urge more countries to agree to accept Burmese refugees from Malaysia for resettlement;

98. Calls on the Council Presidency to focus on countries of particular concern as regards human rights; in particular, encourages the Council to fully implement the European Union Guidelines on Human Rights Defenders and to allocate additional resources for projects under the EIDHR, in particular for promoting democracy in Belarus, Burma, Cuba, Eritrea, Laos, North Korea, Uzbekistan, Vietnam and Zimbabwe; considers that the conception and implementation of those projects should not be conditional on the consent or cooperation of the respective regimes;

99. Welcomes the holding of the European Union's first Anti-Trafficking Day on 18 October 2007, designed to raise awareness of human trafficking and stress the European Union's long-standing commitment to its eradication;

100. Welcomes the European Union NGO Human Rights Forum organised by the Portuguese Presidency and the Commission and held in Lisbon in December 2007 on the topic of economic, social and cultural rights; endorses the recommendations of the Forum, which reaffirmed the indivisibility and universality of human rights and succeeded in linking the external and internal aspects of European Union policies; encourages the Council and the Commission, therefore, to strengthen the current Sustainability Impact Assessment carried out by the Commission's DG Trade through an adequate human rights impact assessment;

101. Welcomes the fourth meeting of the European Union Network of Contact Points in respect of persons responsible for genocide, war crimes and crimes against humanity, which took place in The Hague on 7 and 8 May 2007; takes note of the work of that meeting, which was entirely devoted to Rwanda and investigations of Rwandan suspects by European states; regrets the failure to organise a fifth meeting of the Network under the Portuguese Presidency; reminds the Council of the commitment to organise such a meeting under each Presidency;

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102. Calls on the Council Presidency to address the lack of action by the European Union in Darfur; welcomes the African Union/United Nations Hybrid operation in Darfur (UNAMID), unanimously approved on 31 July 2007 by United Nations Security Council Resolution 1769 (2007) as a small step in the right direction; notes that UNAMID took over from the African Union Mission in Sudan (AMIS) on 31 December 2007, and has an initial mandate expiring on 31 July 2008; expects that the 7 000-strong AMIS, which has hitherto been responsible for peacekeeping, will merge into this new force and that all necessary measures to ensure the ability of UNAMID to fulfil its mandate will be undertaken, including periodic review of the number of peacekeepers deployed; insists, none the less, that the arrest warrants issued by the ICC in relation to Darfur must be executed as soon as possible; notes that the inadequacy of the measures to combat the humanitarian disaster in Darfur was one of the reasons behind the worsening of the political and social situation in Chad; calls for immediate measures to be taken to provide greater assistance for that country;

103. Expresses its concern at the rebel offensive in N'Djamena, the capital of Chad, at the beginning of February 2008; highlights the importance of EU involvement in increasing diplomatic pressure for a ceasefire in Chad to protect beleaguered civilians and in supporting discussions aimed at peace and national reconciliation in that country; condemns the crackdown on political opponents in N'Djamena by the Chadian government after February's coup attempt; urges the Council to do its utmost to ensure freedom of the political opposition in Chad; underscores the gravity of the crisis concerning refugees and internally displaced persons (IDPs) in eastern Chad, where over 400 000 refugees and IDPs are being hosted in 12 camps along Chad's eastern border; welcomes the establishment of the peace-keeping mission European Union Force in the Republic of Chad and the Central African Republic (EUFOR TCHAD/RCA) and its vital objective of protecting refugees, IDPs and humanitarian personnel in this crisis region;

104. Welcomes the fact that work has begun in the United Nations on achieving a uniform standard of conduct for all categories of personnel involved in peacekeeping missions; notes that the Task Force Plan of Action outlines the requirement that a set of six core principles be incorporated into all codes of conduct of the Inter-Agency Standing Committee, including a principle prohibiting sexual activity with persons under the age of 18, regardless of the age of majority or age of consent applying locally; welcomes the fact that this code of conduct now applies to all United Nations peacekeeping and humanitarian personnel; welcomes the creation of personal conduct units within the United Nations Missions in Burundi, Cote d'Ivoire, the Democratic Republic of the Congo and Haiti to investigate allegations and to assist victims; expects full implementation of the code of conduct in all United Nations Missions, including where appropriate the enforcement of criminal sanctions against those personnel proved to have raped or sexually exploited children;

105. 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; notes that a similar practice is also envisaged under the Implementation Strategy of the new European Union Guidelines on the promotion and protection of the rights of the child; encourages the Council and the Commission to extend this good practice, which allows the European Union *inter alia* to react in a more effective manner through demarches, statements and other forms of action, to the European Union Guidelines on torture; encourages the Council and the Commission to involve United Nations Special Mechanisms and to take into account recommendations and urgency resolutions of the European Parliament when identifying focus countries;

106. 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, the rights of children, disabled people including people with intellectual disabilities, and people of all sexual orientations, fully involving their organisations, both within the European Union and in third countries, where appropriate;

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The Commission's external assistance programmes and the EIDHR

107. Expresses concern about the apparent rigging of the presidential poll in Kenya in December 2007 followed by the violence in that country, and calls for human rights to be guaranteed, including the right of free expression, the right of assembly and the right of association, as well as free and fair elections; is concerned at the payment of EU funding to Kenya the day after the elections in December 2007; urges that, in future, payments to governments should not be made within such a short time frame after a general election and, in particular, that such payments should not be made until after receipt of the report of the EU Election Observation Mission; notes, in the light of the peace talks, the importance of continued EU involvement in supporting ongoing efforts to achieve a functioning and stable democratic government and presidency in Kenya;

108. Welcomes the adoption of the EIDHR as a financial instrument for external aid specifically promoting human rights and democracy, and the fact that Parliament's priorities have been taken into consideration in the 2007 and 2008 programming documents;

109. Calls for complete transparency regarding the ways in which money is spent and projects are chosen and assessed under the EIDHR; calls for publication on the Internet of all chosen projects, whenever compatible with the protection of the recipient;

110. Welcomes the launching, under the EIDHR, of a new project making it possible to take urgent action for the protection of human rights defenders; calls on the Commission to implement this new project rapidly and effectively;

111. Proposes that the EIDHR's budget be increased from 2009 with a view, in particular, to making additional funding available both for projects in 'difficult' countries and for projects managed directly by the Commission delegations with local civil society organisations, so that any countries in which such projects are implemented can have access to Community funds;

112. Calls on the Commission to adjust the level of staffing allocated for the implementation of the EIDHR, both at headquarters and in the delegations, to take account of the peculiarities and problems of this new instrument, so as to make the necessary resources and expertise available taking into account the very sensitive nature of the projects it supports, the need to protect the civil society actors who carry out those projects and the importance of the political objective it represents;

113. Calls for specific human rights and democracy training to be given to EU delegation staff in third countries, up to the highest level, particularly in view of the projects carried out under the guidelines and the urgent need to support the defenders of human rights; also calls for the biennial training of delegation heads to include a human rights component, in the light of the delegations' new duties in this area;

114. Calls on the Commission to ensure coherence between the Union's political priorities and the projects and programmes it supports, particularly in connection with its bilateral programming with third countries; further calls for coherence to be guaranteed between the programmes and the thematic instruments, and for these instruments to be strengthened since they are the only means of enabling the Union to carry out projects in third countries without the backing of the authorities of the countries concerned;

115. Notes that EIDHR funds committed for European Union election observation missions in 2007 amounted to 23 % of the total EIDHR funds used (EUR 30,1 million) and that 11 such missions were conducted;

116. Notes that a large proportion (around 50 %) of the total EIDHR funding for projects contracted in 2007 went to big thematic projects and only a small proportion (24 %) to country-based support schemes (equivalent to micro-projects); notes also that only a small part of the funds were destined for Asia, and suggests that the geographical balance be rethought;

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117. Notes that care must be taken in funding international organisations whose funding is provided through assessed contributions of Member States, such as the ICC, since funding provided to such organisations is tantamount to subsidising States Parties, who are under an obligation to provide such funding to those organisations, and places other projects and institutions that rely on EIDHR funding at risk, such as NGO projects and the legacy programme and outreach work of the Special Court for Sierra Leone;

Electoral assistance and election observation

118. Notes with satisfaction that the EU makes increasing use of electoral assistance and election observation to promote democracy in third countries, and that the quality and independence of these missions are widely recognised;

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

120. Considers that, at this stage, in view of past experience, electoral assistance and election observation should be incorporated into a continuous process including a pre-electoral stage of support for the establishment of democracy and human rights, and most importantly a post-electoral stage to support and evaluate the democratic process with a view to strengthening the rule of law, consolidating democratic institutions, political pluralism, the independence of the judiciary and the role of civil society;

121. Recalls that the need for a post-electoral policy features in the legal basis of the EIDHR;

122. Calls for the electoral process, including both 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;

123. Further reminds the Council and the Commission that democracy and human rights strategies need to be devised for each country, as some Member States have already started to do, since these are essential means for ensuring the coherence of the policies pursued, including during electoral processes;

124. Calls on the Committee on Foreign Affairs to take stock, before the mid-term review, of the implementation of the various components of the EIDHR;

Implementation of human rights and democracy clauses in external agreements

125. Deplores the fact that the human rights and democracy clause, an essential element of all cooperation and partnership agreements with third countries, is still not being implemented in a concrete fashion, due to the lack of a mechanism that would allow it to be enforced;

126. Emphasises once again in this context the proposals set out in Parliament's abovementioned resolution of 14 February 2006 on human rights and democracy clauses in European Union agreements; stresses in particular the need to include such clauses in all EU agreements, including sector-specific agreements;

127. Calls on the Council and the Commission to take advantage of the present context of expiry of Partnership and Cooperation Agreements with several neighbourhood countries and Russia, and of the negotiation of new agreements, in order to mainstream human rights and effective dialogue concerning them in the future agreements, including through a follow-up mechanism;

128. Urges the Commission, within its EU foreign trade, investment and development policies, to ensure that the economic activities of EU private companies in third countries abide by international human rights standards, in particular as regards the exploitation of natural resources and the international obligation to obtain the prior and informed consent of local communities and indigenous people affected; considers that Parliament should monitor and report on the progress made in this matter;

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129. Reiterates its call for the human rights clauses to be implemented through a more transparent procedure of consultation between the parties, detailing the political and legal mechanisms to be used in the event of a request for bilateral cooperation being suspended on the grounds of repeated and/or systematic human rights violations in breach of international law; considers that such clauses should also include details of a mechanism to allow for the temporary suspension of a cooperation agreement as well as a 'warning mechanism';

130. Notes that the European Union did not in 2007 conclude any new agreements containing human rights clauses;

131. Welcomes the fact that the Council and the Commission suspended Belarus' trading preferences in June 2007 under the Generalized System of Preferences (GSP) in consequence of the failure of the government of Belarus to implement any of the recommendations presented by the ILO in 2004;

132. Believes that ensuring effective democracy and human rights protection at the external borders of the EU should constitute a top priority of the EU's efforts to mainstream human rights; calls on the Council and the Commission to further consolidate their mainstreaming efforts within the ENP, the strategic partnership with Russia and relations with Turkey and the countries of the Western Balkans, and also, to that end, to make full use of the existing regional frameworks of cooperation in those regions; reiterates the particular need to address human rights violations in the areas of unresolved conflicts in the countries in question, which considerably hamper consolidation of the rule of law and democracy at the current external borders of the EU;

Mainstreaming of human rights

133. Calls on the Commission to continue to monitor closely the granting of 'Generalized System of Preferences plus' 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;

134. Recalls the Declaration on the Right to Development, adopted by United Nations General Assembly Resolution 41/128 of 4 December 1986, which recognises that the right to development is an inalienable human right and that States have the primary responsibility for the creation of conditions favourable to the realisation of the right to development, and must take steps to formulate international development policies with a view to facilitating the full realisation of that right; calls for measures to ensure that international development programmes designed to address this responsibility of States are inclusive of and accessible to persons with disabilities, in accordance with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities, signed by the European Community on 30 March 2007;

135. Reminds the Council of its commitment to mainstream human rights across the CFSP and other EU policies, as outlined in its paper endorsed by the Political and Security Committee on 7 June 2006; calls for further progress with the implementation of the recommendations contained in that paper; reminds the Council in particular of the obligations incumbent on geographical working parties to identify key human rights issues, priorities and strategies as part of their overall planning, and to establish a more systematic exchange with international NGOs and human rights defenders;

136. Recalls that the European Union general budget for 2008 provides for appropriations that cover disability to be checked to ensure that, as Community aid, they comply with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities, and calls for these provisions of the budget to be rigorously implemented and followed up;

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137. Calls on the Council to do its utmost to implement the fundamental right to health as regards the treatment of pain and access to opioid analgesics, noting that the International Narcotics Control Board has asked the international community to promote the prescription of painkillers, on condition of stringent control by recognised international and national supervision agents, such as national governments and United Nations specialised agencies, especially in poor countries, as severe under-treatment is reported in more than 150 countries; calls on the Council and the Commission to work towards WHO membership being opened up to all States, as set out in Article 3 of its Constitution, thus enhancing the effectiveness and universality of WHO programmes;

138. Condemns unconditionally all forms of exploitation of children, whether in the form of sexual exploitation, including child pornography and child sex tourism, or compulsory labour, together with all forms of human trafficking; asks the Commission and Member States to recognise as a serious social and human rights issue, and take measures to solve, the problems of thousands of street children and children forced to beg, and calls on Member States to introduce sanctions against those responsible for the debasement of children forced to beg;

139. Urges the Commission to continue to promote corporate social responsibility among European and local companies; asks the Council to report back to Parliament on any feedback from the United Nations Special Representative on Business and Human Rights which clarifies standards of corporate responsibility and accountability for trans-national corporations and other business enterprises with regard to human rights;

140. Recognises that immigration policy has become a priority on the EU's internal and external policy agenda and that in its texts the EU has been attempting to link immigration and development and to ensure that the fundamental rights of immigrants are respected; maintains, however, that the reality on the ground belies those texts; stresses that agreements for the readmission of illegal immigrants must be concluded with countries having the legal and institutional machinery needed in order to handle the readmission of their nationals and protect their rights; stresses the need to ensure that the implementation of such readmission agreements fully respects the principle of non-refoulement, and to ensure access to a fair asylum procedure; calls for effective monitoring of the treatment of persons returned under readmission agreements, in particular with regard to possible 'chain refoulement';

141. Calls on the Council to ensure that the rights of refugees, asylum seekers and migrants are fully respected in practice when enhancing cooperation with third countries on immigration and asylum; emphasises that, in particular, the mechanism of the ENP should be used to monitor human rights performance in this field; calls on the Council and the Commission to make sure that, in the context of cooperation policies relating to action against illegal immigration, the utmost is done to ensure that police and judicial bodies in third countries respect human rights, and calls on the Council and the Commission to ensure that no support is given to police and judicial bodies in countries which commit serious and systematic violations of human rights and/or do not report on the way in which the relevant funds are used;

142. Calls on the Council and the Commission to take European Union initiatives at international level to fight 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; condemns the fact that many countries have criminalised homosexual behaviour, that Iran, Saudi Arabia, Yemen, Sudan, Mauritania, the United Arab Emirates and parts of Nigeria impose the death penalty for homosexual activities, that 77 countries have laws that allow state authorities to prosecute, and possibly impose a prison sentence on, people for same-sex acts and that several countries, such as Pakistan, Bangladesh, Uganda, Kenya, Tanzania, Zambia, Malawi, Niger, Burkina Faso, Sierra Leone, Malaysia and India (where the relevant provisions of the Penal Code are currently under judicial review) have laws providing for the imposition of terms of imprisonment lasting from 10 years to life; fully supports the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity; urges Member States to grant asylum to persons who risk persecution in their countries of origin because of their sexual orientation and gender identity;

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143. Calls on the Council and the Commission to ensure, with a view to the planned 2009 ministerial meeting of the United Nations Office on Drugs and Crime, that the funding supplied to international agencies such as those of the United Nations to combat illegal drugs is never used either directly or indirectly to support security bodies in countries which commit serious and systematic violations of human rights or apply the death penalty in drugs-related cases; calls also for a document to be prepared, setting out in a comprehensive and detailed manner the best practices implemented by all European Union Member States on human rights and drug policies on the occasion of the forthcoming session of the United Nations Commission on Narcotic Drugs;

144. Reiterates the importance of European Union internal policy promoting adherence to international human rights law and the need for Member States to legislate in a way consistent with, *inter alia*, the obligations arising out of the Geneva Conventions and the Additional Protocols thereto, the Convention against Torture, the Genocide Convention and the Rome Statute; welcomes the progress made in the application of universal jurisdiction in some Member States; in pursuit of greater coherence of internal and external policies, encourages the Council, the Commission and the Member States to incorporate the fight against impunity for serious international crimes in the development of a common European Union area of freedom, security and justice;

145. Reiterates its concern regarding restrictions on Internet content, whether they apply to the dissemination or to the receipt of information, that are imposed by governments and are not in strict conformity with the guarantee of freedom of expression; in this respect, requests the Council and the Commission to draw up Community rules on trade with third countries concerning goods, including software, hardware and other similar items, the sole purpose of which is to conduct general surveillance activities and to restrict access to the Internet in a manner inconsistent with freedom of expression, and the import and export of such goods, with the exception of goods the sole purpose of which is the protection of children; considers that the same should apply as regards surveillance and/or military technology destined for countries which are systematic violators of human rights; calls also for concrete solutions to be found in order to prevent European businesses from providing those countries with personal data that may be used to violate such rights, particularly freedom of expression;

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

146. Asks the Council to participate in debates on resolutions on urgent cases of breaches of human rights, democracy and the rule of law and calls for the Subcommittee on Human Rights to be given a more constructive role in the development of consistent and transparent criteria for the selection of urgency topics;

147. Recommends that resolutions and other key documents relating to human rights issues be translated into the language spoken in the targeted areas, particularly into languages the use of which is not recognised by government authorities responsible for human rights violations;

148. Strongly regrets the rejection by the Burmese and Cuban authorities of Parliament's request for their agreement to the sending of a delegation to visit former Sakharov Prize laureates; considers that Parliament should facilitate the establishment of a network of Sakharov Prize laureates, with regular meetings being held in Parliament;

149. Strongly rejects the systematic violence and the recurrent acts of harassment suffered by the Sakharov Prize laureates the 'Damas de Blanco' ('Ladies in White') when they peacefully demonstrate and ask for the release of their relatives, incarcerated in Cuba for more than five years now; calls on its President to reiterate to the Cuban authorities its request that Oswaldo Payá, winner of the Sakharov Prize in 2002, be permitted, in accordance with the invitation extended to him by the European institutions to appear before them in person and explain the current political situation in Cuba; further calls on its President to express to the Cuban authorities Parliament's strong wish and determination to welcome, in the coming weeks, the 'Damas de Blanco' to one of Parliament's places of work for the official presentation to them of the 2005 Sakharov Prize;

150. Reminds Parliament's delegations that they should systematically include in the agenda of their visits to third countries an inter-parliamentary debate on the human rights situation;

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151. Acknowledges the work of its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, and the report of that Committee resulting in the resolution in that regard adopted by Parliament on 14 February 2007 ⁽¹⁾; requests the European Union and Member States to work together at all levels to expose and denounce the practice of extraordinary rendition now and in the future; calls, in this respect, on the Commission to report back to Parliament on the answers to its letter of 23 July 2007 to the Polish and Romanian Governments requesting detailed information about the outcome of the inquiries which took place in both countries and on the results of the questionnaire sent to all EU Member States on their respective counter-terrorism legislation, as announced in plenary in September 2007;

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

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 309.

EU Election Observation Missions

P6_TA(2008)0194

European Parliament resolution of 8 May 2008 on EU election observation missions: objectives, practices and future challenges (2007/2217(INI))

(2009/C 271 E/03)

The European Parliament,

- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in particular Article 25 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to the OSCE commitments agreed upon in Copenhagen in 1990 and at the Istanbul Summit in 1999, at which all OSCE participating States committed themselves to invite international observers, and specifically the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), to their elections,
- having regard to the African Charter on Human and Peoples' Rights and to the American Convention on Human Rights,
- having regard to the Declaration of Principles for International Election Observation and the Code of Conduct for International Elections Observers commemorated at the United Nations in New York on 27 October 2005,
- having regard to all agreements between the EU and third countries and the human rights and democracy clauses contained in those agreements,
- having regard to Articles 3, 6 and 11 of the EU Treaty and Articles 3, 177, 179 and 181a of the EC Treaty,
- having regard to the Charter of Fundamental Rights of the European Union proclaimed in Strasbourg on 12 December 2007 ⁽¹⁾,
- 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 ⁽²⁾ (EIDHR),

⁽¹⁾ OJ C 303, 14.12.2007, p. 1.

⁽²⁾ OJ L 386, 29.12.2006, p. 1.