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7. Calls on the Palestinian Authority to make every effort to prevent any violent or terrorist acts, particularly by former prisoners and, especially, by children;
 8. Expresses its belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with all obligations under international law;
 9. Welcomes the decision taken at the eighth meeting of the EU-Israel Association Council to establish a fully-fledged Subcommittee on Human Rights replacing the current Working Group on Human Rights; calls for human rights organisations and non-governmental organisations in Israel and in the Occupied Palestinian Territories to be extensively consulted and fully involved in monitoring Israel's progress towards compliance with its obligations under international law;
 10. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Knesset, the President of the Palestinian Authority, the Palestinian Legislative Council, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Quartet Envoy to the Middle East, the President of the Euro-Mediterranean Parliamentary Assembly, the UN High Commissioner for Human Rights and the International Committee of the Red Cross.
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The evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights

P6_TA(2008)0405

European Parliament resolution of 4 September 2008 on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights (2008/2031(INI))

(2009/C 295 E/15)

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
- having regard to all United Nations human rights conventions and the optional protocols thereto,
- having regard to the International Covenant on Civil and Political Rights and the two optional protocols thereto,
- having regard to the UN Charter and specifically Articles 1 and 25 and, in Chapter VII, Articles 39 and 41 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) and the protocols thereto,
- having regard to the Charter of Paris for a New Europe (the Paris Charter),
- having regard to the 1975 Final Act of the Conference on Security and Cooperation in Europe (the Helsinki Final Act),
- having regard to Articles 3, 6, 11, 13, 19, 21, 29 and 39 of the Treaty on European Union (TEU) and Articles 60, 133, 296, 297, 301 and 308 of the Treaty establishing the European Community (TEC),

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- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to its previous resolutions on the situation with regard to human rights in the world,
- having regard to its previous debates and urgency resolutions on cases of breaches of human rights, democracy and the rule of law,
- having regard to its resolution of 20 September 1996 on the Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries ⁽¹⁾,
- having regard to the international obligations of the European Community and its Member States, including those contained in WTO Agreements,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) ⁽²⁾, specifically Articles 8, 9, 33, 96 and 98 thereof, and to the revision of that Agreement ⁽³⁾,
- having regard to the Council document entitled 'Establishment of a Sanctions formation of the Foreign Relations Counsellors Working party (RELEX/Sanctions)' of 22 January 2004 (5603/2004),
- having regard to the Council document entitled 'Basic Principles on the Use of Restrictive Measures (Sanctions)' of 7 June 2004 (10198/1/2004),
- having regard to the Council document entitled 'Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy', last reviewed on 2 December 2005 (15114/2005),
- having regard to the Council document entitled 'EU Best Practices for the effective implementation of restrictive measures' of 9 July 2007 (11679/2007),
- having regard to Common Position 96/697/CFSP on Cuba ⁽⁴⁾, adopted on 2 December 1996 by the Council,
- having regard to Council Common Positions 2001/930/CFSP on combating terrorism ⁽⁵⁾ and 2001/931/CFSP on the application of specific measures to combat terrorism ⁽⁶⁾, both of 27 December 2001, and Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽⁷⁾,
- having regard to Council Common Position 2002/402/CFSP concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them ⁽⁸⁾, and Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban ⁽⁹⁾, both of 27 May 2002,

⁽¹⁾ OJ C 320, 28.10.1996, p. 261.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ OJ L 209, 11.8.2005, p. 27.

⁽⁴⁾ OJ L 322, 12.12.1996, p. 1.

⁽⁵⁾ OJ L 344, 28.12.2001, p. 90.

⁽⁶⁾ OJ L 344, 28.12.2001, p. 93.

⁽⁷⁾ OJ L 344, 28.12.2001, p. 70.

⁽⁸⁾ OJ L 139, 29.5.2002, p. 4.

⁽⁹⁾ OJ L 139, 29.5.2002, p. 9.

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- having regard to the Common Military List of the European Union ⁽¹⁾,
 - having regard to its resolution of 25 April 2002 on the Communication from the Commission to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries ⁽²⁾,
 - having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements ⁽³⁾,
 - having regard to all the agreements concluded between the European Union and third countries and the human rights clauses contained in these agreements,
 - having regard to its resolution of 11 October 1982 on the significance of economic sanctions, particularly trade embargoes and boycotts, and their consequences for the EEC's relations with third countries ⁽⁴⁾,
 - having regard to the resolution on the impact of sanctions and, in particular, of embargoes on the people of the countries on which such measures are imposed ⁽⁵⁾, adopted by the ACP-EU Joint Parliamentary Assembly on 1 November 2001 in Brussels (Belgium),
 - 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 ⁽⁶⁾,
 - having regard to Resolution 1597 (2008) and Recommendation 1824 (2008) on United Nations Security Council and European Union blacklists, adopted by the Parliamentary Assembly of the Council of Europe on 23 January 2008,
 - having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, which is expected to enter into force on 1 January 2009,
 - having regard to Rule 45 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 International Trade (A6-0309/2008),
- A. whereas Article 11(1) of the TEU recognises respect for human rights as one of the objectives of the Common Foreign and Security Policy (CFSP), and whereas the new Article 21 of the TEU, as introduced by Article 1(24) of the Treaty of Lisbon, recognises that 'the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the United Nations Charter and international law',

⁽¹⁾ OJ C 98, 18.4.2008, p. 1.

⁽²⁾ OJ C 131 E, 5.6.2003, p. 147.

⁽³⁾ OJ C 290 E, 29.11.2006, p. 107.

⁽⁴⁾ OJ C 292, 8.11.1982, p. 13.

⁽⁵⁾ OJ C 78, 2.4.2002, p. 32.

⁽⁶⁾ OJ C 187 E, 24.7.2008, p. 214.

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- B. whereas sanctions are applied in pursuit of specific CFSP objectives set out in Article 11 of the TEU, which include, but are not limited to, promoting respect for human rights and fundamental freedoms, democracy, the rule of law and good governance,
- C. whereas the abovementioned Basic Principles on the Use of Restrictive Measures (Sanctions) is the first pragmatic document defining the framework within which the EU imposes sanctions; whereas, however, the EU has in practice been doing so since the early 1980s and, in particular, following the entry into force of the TEU in 1993; whereas that document formally establishes sanctions as an instrument of the CFSP and, as a result, represents the starting point for an EU sanctions policy,
- D. whereas this sanctions policy is based principally on the following five objectives within the CFSP: to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the UN Charter; to strengthen the security of the Union in all ways; to preserve peace and strengthen international security, in accordance with the principles of the UN Charter and the Helsinki Final Act, and the objectives of the Paris Charter, including those on external borders; to promote international cooperation; to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms,
- E. whereas international consensus is growing that any serious and voluntary damage caused to the environment undermines world peace and security and constitutes a violation of human rights,
- F. whereas the EU is committed to the systematic implementation of sanctions decided on by the UN Security Council under Chapter VII of the UN Charter and at the same time imposes autonomous sanctions in the absence of a UN Security Council mandate, in cases where the UN Security Council is not empowered to take action or is prevented from doing so by a lack of agreement amongst its members; stressing in this regard the obligation incumbent on both the UN and the EU to impose sanctions in conformity with international law,
- G. whereas the EU's sanctions policy therefore incorporates UN Security Council sanctions, but its scope and objectives are broader than those of the UN Security Council policy (international peace and security),
- H. whereas sanctions are one of the instruments which the EU may use to implement its policy on human rights; recalling that the use of sanctions must be consistent with the Union's overall strategy in the area concerned and must constitute the final attempt, in the list of priorities, to pursue the specific objectives of the CFSP; whereas the effectiveness of sanctions depends on their simultaneous application by all Member States,
- I. whereas there is no authoritative definition of what a sanction is under either international law or EU/EC law; whereas, however, within the framework of the CFSP, sanctions or restrictive measures are regarded as measures interrupting or reducing, wholly or in part, diplomatic or economic relations with one or more third countries which seek to bring about a change in certain activities or policies, such as violations of international law or human rights, or policies that do not respect the rule of law or democratic principles by governments of third countries, non-state entities or natural and legal persons,
- J. whereas the types of restrictive measures include a variety of measures such as arms embargoes, trade sanctions, financial/economic sanctions, freezing of assets, flight bans, restriction on admission, diplomatic sanctions, boycotts of sports and cultural events, and suspension of cooperation with a third country,

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- K. whereas, in line with general EU practice, this resolution makes no distinction between the terms 'sanctions' and 'restrictive measures'; whereas this resolution takes over the definition of 'appropriate measures' contained in Article 96 of the Cotonou Agreement ⁽¹⁾
- L. whereas EU sanctions themselves are founded on a variety of legal bases, depending on the exact nature of the restrictive measures and on the legal nature of the relations with the third country concerned, as well as on the sectors and objectives in question; whereas these factors determine both the procedure for adoption of the sanctions — which often, but not always, require a CFSP Common Position and therefore unanimity within the Council — and the legislative procedure to be followed in order to make the sanctions legally binding and enforceable, the common procedure being that set out in Article 301 of the TEC,
- M. whereas visa bans and arms embargoes have become the most frequently imposed CFSP sanctions and constitute one of the initial steps in the EU's sanctions sequence; whereas these two types of measures are the only ones directly implemented by the Member States due to the fact that they do not require specific sanctions legislation under the TEC; whereas, on the other hand, financial sanctions (asset freezing) and trade sanctions require the adoption of specific sanctions legislation,
- N. whereas, in accordance with the abovementioned Basic Principles on the Use of Restrictive Measures (Sanctions) and the guidelines on the subject, targeted sanctions can be more effective than more general sanctions, and are hence preferable, firstly because they avoid negative consequences for a larger proportion of the population and, secondly, because they directly affect the people responsible and are thus more likely to bring about change in the policies pursued by those people,
- O. acknowledging the existence of measures which, while they are adopted by the Council in Presidency Conclusions, are not labelled 'sanctions' and differ, at the same time, from the other restrictive measures listed as a CFSP tool,

⁽¹⁾ Article 96 of the Cotonou Agreement of 23 June 2000 reads as follows:

'Essential elements: consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law

1. Within the meaning of this Article, the term Party refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

2. (a) If, despite the political dialogue conducted regularly between the Parties, a Party considers that the other Party has failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in paragraph 2 of Article 9, it shall, except in cases of special urgency, supply the other Party and the Council of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the party concerned to remedy the situation.

The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution. The consultations shall begin no later than 15 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In any case, the consultations shall last no longer than 60 days.

If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused, or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them have disappeared.

(b) The term cases of special urgency shall refer to exceptional cases of particularly serious and flagrant violation of one of the essential elements referred to in paragraph 2 of Article 9, that require an immediate reaction. The Party resorting to the special urgency procedure shall inform the other Party and the Council of Ministers separately of the fact unless it does not have time to do so.

(c) The appropriate measures referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.

If measures are taken in cases of special urgency, they shall be immediately notified to the other Party and the Council of Ministers. At the request of the Party concerned, consultations may then be called in order to examine the situation thoroughly and, if possible, find solutions. These consultations shall be conducted according to the arrangements set out in the second and third subparagraphs of paragraph (a).'

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- P. whereas economic relations between the EU and third states are often governed by sectoral bilateral or multilateral agreements which the EU is required to respect while applying sanctions; whereas, where necessary, the EU should therefore suspend or denounce the relevant agreement before applying economic sanctions which are not compatible with the rights granted to the third country in question by an existing agreement,
- Q. whereas relations between the EU and third states are often governed by bilateral or multilateral agreements which allow one of the parties to take appropriate measures in cases of violation by the other party of an essential element of the agreement, namely respect for human rights, international law, democratic principles and the rule of law (the human rights clause), the Cotonou Agreement being a prominent example,
- R. whereas the introduction and implementation of restrictive measures must comply with human rights and international humanitarian law, including due process and the right to an effective remedy, as well as proportionality, and must provide for appropriate exemptions to take account of basic human needs of the targeted persons, such as access to primary education, to drinkable water and to basic medical care including basic medicines; whereas a sanctions policy has to take fully into account the standards established by the Geneva Convention, the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, as well as the UN resolutions concerning the protection of civilians and of children in armed conflict,
- S. whereas the credibility of the EU and its individual Member States is compromised when EU sanctions appear to be broken, and whereas Robert Mugabe was invited to attend the EU-Africa Summit in Lisbon on 8-9 December 2007 despite having been formally banned from all territories of EU Member States under Council Common Position 2004/161/CFSP of 19 February 2004 renewing restrictive measures against Zimbabwe ⁽¹⁾ as most recently extended by Council Common Position 2008/135/CFSP of 18 February 2008 ⁽²⁾,

General considerations with a view to an effective EU sanctions policy

1. Deplores the fact that, to date, no evaluation or impact assessment has been carried out in respect of the EU's sanctions policy and that it is therefore extremely difficult to gauge the policy's impact and effectiveness on the ground and thus to draw the necessary conclusions; calls on the Council and the Commission to carry out this evaluation work; considers, nevertheless, that the sanctions policy used against South Africa proved effective in helping to end apartheid;
2. Considers that disparities in the legal bases for the implementation of the EU's sanctions policy, involving different decision-making, implementation and supervision levels, are undermining the transparency and coherence of the EU's sanctions policy and, as a result, the credibility thereof;
3. Considers that, for sanctions to be effective, their introduction must be seen as legitimate by public opinion at European and international levels and in countries in which changes are expected; stresses that consultation of Parliament in the decision-making process gives them added legitimacy;
4. Notes also that sanctions can have symbolic value as an expression of the EU's moral condemnation, thus giving added visibility and credibility to EU foreign policy; warns, however, against placing too much emphasis on the idea of sanctions as symbolic measures, as this could result in them becoming totally devalued;
5. Considers that recourse to sanctions should be envisaged in the case of actions by authorities or non-state entities or natural and legal persons which seriously undermine security and human rights or where all contractual and/or diplomatic options have been explored or have clearly reached stalemate, owing to the actions of the third party;

⁽¹⁾ OJ L 50, 20.2.2004, p. 66.

⁽²⁾ OJ L 43, 19.2.2008, p. 39.

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6. Takes the view that any voluntary and irreversible degradation of the environment constitutes a threat to security and a serious violation of human rights; in this connection, calls on the Council and the Commission to include any voluntary and irreversible damage caused to the environment among the grounds which may lead to the adoption of sanctions;
7. Acknowledges that the overall EU sanctions instruments are generally deployed flexibly in accordance with needs on a case-by-case basis; deplores, however, the fact that the EU has often applied its sanctions policy inconsistently, by treating third countries differently even though their human rights and democratic records are similar, and thus triggering criticism for applying 'double standards';
8. Believes in this respect that the application and evaluation of sanctions by the European Union for infringements of human rights must in principle prevail over any harm deriving from their application to the trading interests of the European Union and its citizens;
9. Regrets that the existence of intra-EU disagreements on policies towards a given country such as Cuba or the reluctance of Member States to antagonise major partners such as Russia have led the EU to adopt only 'informal sanctions' in Presidency Conclusions, reflecting an unbalanced or inconsistent application of EU sanctions; recognises, however, that measures included in the Council conclusions, such as the deferral of the signing of agreements with countries such as Serbia, could be a useful tool in order to pressurise third countries into cooperating fully with international mechanisms;
10. Recalls that, with regard to Cuba, the abovementioned Common Position adopted in 1996 and periodically renewed reflects the roadmap for peaceful transition to democracy, remains fully in force and is not the subject of controversy in the European institutions; regrets that, to date, there has been no significant improvement as regards human rights; notes the Council's decision of 20 June 2008 to lift the informal sanctions with regard to Cuba whilst calling on that country to free all political prisoners immediately and unconditionally, to facilitate access to prisons and to ratify and implement the International Covenant on Civil and Political Rights; notes that the Council will decide in a year's time whether to pursue the political dialogue with Cuba, depending on whether or not there have been significant improvements as regards human rights; recalls that the Council's position is also binding on the European Union institutions as regards dialogue both with the Cuban authorities and with the representatives of civil society; reiterates its position with regard to the Sakharov Prize winners Oswaldo Payá Sardiñas and the group known as 'Damas de Blanco' ('Ladies in White');
11. Considers that the argument of the 'ineffectiveness' of sanctions cannot be used in favour of lifting them and that it should be used instead to re-orientate and reassess the sanction itself; takes the view, moreover, that the continuation or not of sanctions should depend solely on whether their objectives have been achieved, and that their type may be strengthened or altered on the basis of their evaluation; considers that, to this end, sanctions should always be accompanied by clear benchmarks;
12. Considers that the effectiveness of sanctions should be analysed at a number of levels, both in terms of the measures' intrinsic effectiveness, i.e. their ability to have an impact on the private and professional activities of the individuals targeted as members of a target regime, or on the operation thereof, and in terms of their political effectiveness, i.e. their ability to bring about a stop to, or to alter, the activities or policies which have led to their adoption;
13. Believes that the effectiveness of a sanction depends on the European Union's capacity to maintain it for the full period and, in this connection, deplores the use of provisions such as 'sunset clauses' involving the automatic lifting of sanctions;
14. Opposes the application, in all circumstances, of generalised, indiscriminate sanctions to any country, since this approach leads de facto to the total isolation of the population; considers that, unless coordinated with other political instruments, economic sanctions can succeed only with great difficulty in facilitating political reform within the regime targeted; stresses, therefore, that any sanctions taken against government authorities should systematically be coupled with support for civil society in the country concerned;

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Sanctions as part of an overall human rights strategy

15. Points out that most EU sanctions are being imposed on the basis of security concerns; underlines however that human rights violations should constitute a sufficient basis for the application of sanctions since they likewise represent a threat to security and stability;

16. Points out that the main purpose of sanctions is to bring about a change of policy or activities in line with the objectives of the CFSP Common Position or conclusions adopted by the Council, or the international decision on which the sanctions are based;

17. Insists on the fact that the Council, by adopting the abovementioned Basic Principles on the Use of Restrictive Measures (Sanctions), has committed itself to using sanctions as part of a comprehensive and integrated policy approach; stresses in this respect that this approach includes in parallel political dialogue, incentives and conditionality, and could even involve, as a last resort, the use of coercive measures, as set out in the Basic Principles; considers that human rights and democracy clauses, the system of generalised preferences and development aid should be used as tools of such a comprehensive and integrated policy approach;

18. Stresses that the implementation of the human rights clause cannot be regarded as an entirely autonomous or unilateral EU sanction, as it stems directly from the bilateral or multilateral agreement, which establishes a reciprocal undertaking to respect human rights; considers that appropriate measures taken in accordance with this clause exclusively concern the implementation of the relevant agreement in giving either party the lawful basis for suspending or annulling the agreement; considers, therefore, that the implementation of human rights clauses and autonomous or unilateral sanctions necessarily complement each other;

19. Welcomes, therefore, the systematic inclusion of human rights clauses and insists on the incorporation of a specific implementation mechanism in all new bilateral agreements, including sector-specific agreements, signed with third countries; recalls, in this connection, the importance of the recommendations issued with a view to more effective and systematic implementation of the clause, namely the formulation of objectives and reference criteria and regular evaluation; reiterates its call for the human rights clauses to be implemented through a more transparent procedure of consultation between the parties, including the European Parliament and civil society, 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; supports the procedural model established under the Cotonou Agreement for reacting to grave violations of human rights, for democratic principles and for the rule of law; believes that the system of intensive political dialogue (Article 8 of the Cotonou Agreement) and consultations (Article 96 of the Cotonou Agreement), before and after the adoption of appropriate measures, has in several cases provided a successful instrument for improving the situation on the ground;

20. Urges the Commission and the Member States not to propose free trade agreements and/or association agreements — even containing human rights clauses — to governments of countries where, according to reports by the Office of the High Commissioner for Human Rights of the United Nations, massive human rights violations are being perpetrated;

21. Considers that failure to take appropriate or restrictive measures in the event of a situation marked by persistent human rights violations seriously undermines the Union's human rights strategy, sanctions policy and credibility;

22. Considers that a sanctions policy will be much more effective when it forms part of a coherent human rights strategy; reiterates its request to the Council and the Commission to devise a specific strategy on human rights and the situation as regards democracy as part of each country strategy paper and other similar types of documents;

23. Considers that, in the case of the imposition of sanctions, the human rights dialogues and consultations should necessarily and systematically incorporate discussions on progress made in the fulfilment of the objectives and benchmarks set out at the time of the adoption of the restrictive measures; considers, at the same time, that the objectives achieved in human rights dialogues and consultations should under no circumstances replace the achievement of the objectives underpinning sanctions;

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Coordinated action by the international community

24. Takes the view that coordinated action by the international community has a stronger impact than disparate and uneven actions by States or regional entities; welcomes, therefore, the fact that the EU's sanctions policy should continue to be based on the notion of a preference in favour of the UN regime;

25. Calls on the Council, in the absence of UN Security Council sanctions, to cooperate with non-EU sanctioning states, to share information, and to coordinate action at international level to prevent sanctions evasions and to maximise the effectiveness and implementation of EU sanctions and other sanctions, in conformity with international law;

26. Considers that the EU should seek cooperation with other regional organisations, such as the African Union and the Association of Southeast Asian Nations (ASEAN), in order to promote human rights and ensure coordination of actions on sanctions;

27. Calls on the EU to systematically develop a dialogue with non-sanctioning states with a view to reaching a common position on restrictive measures, especially at regional level; points out that, as shown in the case of Burma/Myanmar, sanctions do not often bring about the required change of policy or activities when the international community is divided and major players are not involved in their implementation;

28. Calls on the Council and the Commission systematically to include on the agenda for political dialogues with non-sanctioning states the issue of their role and influence vis-à-vis the target regime or non-state actors, whether individuals, organisations or companies;

29. Considers that the prospect of the signing of a free trade agreement with the regions in which a target country is situated should be used as a 'carrot' and means of pressure and that such an agreement should, in any case, not include the country to which sanctions are being applied;

Setting-up of clear decision-making processes, objectives, benchmarks and review mechanisms

30. Underlines the need for an in-depth analysis of each specific situation prior to the adoption of sanctions in order to assess the potential impact of different sanctions, and to determine which are the most effective in the light of all other relevant factors and comparable experiences; considers that such prior analysis is all the more justified since it is difficult to backtrack once the sanctions process has been initiated without undermining the EU's credibility and the expression of the EU's support for the population of the target third country, given the fact that the country's authorities can instrumentalise the EU decision; takes note in this respect of the current practice whereby the appropriateness, nature and effectiveness of the proposed sanctions are discussed in the Council on the basis of assessment by the EU Heads of Mission in the country concerned, and calls for the inclusion of an independent expert's report in such assessment;

31. Stresses, however, that such analysis should not be used to delay the adoption of sanctions; emphasises in this respect that the two-step procedure for the imposition of sanctions under the CFSP provides scope for an urgent political reaction, initially through the adoption of a common position to be set out after a more in-depth analysis of the Regulation, detailing the exact nature and scope of the sanctions;

32. Calls for the systematic inclusion in the legal instruments of clear and specific benchmarks as conditions for the lifting of the sanctions; insists, in particular, that the reference criteria should be established on the basis of an independent evaluation and that those criteria should not be altered at a later stage, depending on political changes within the Council;

33. Calls on the Council and the Commission to set up an exemplary sanctions review process, notably involving the systematic inclusion of a review clause which entails revisiting the sanctions regime on the basis of the established benchmarks and assessing whether the objectives have been met; insists that declarations of intent or the will to establish procedures that will produce positive results are to be welcomed, but stresses that they should under no circumstances, when sanctions are evaluated, replace the achievement of tangible and genuine progress in meeting reference criteria;

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34. Believes that the arms embargo imposed on China is an illustration of EU coherence and consistency, given that this embargo was originally established following the 1989 Tiananmen massacre and the EU has not received to date any explanations about that massacre, and that there is therefore no reason to lift this embargo;

35. Calls on the 'Sanctions' formation of the Foreign Relations Counsellors Working Party (RELEX/Sanctions) to fulfil their mandate to the full; insists in particular on the need to conduct research prior to the adoption of sanctions and, after their adoption, to provide on a regular basis updated information on developments and to develop best practices with regard to the implementation and enforcement of restrictive measures;

36. Recognises that states as well as international and regional organisations should be accountable for internationally wrongful acts in the implementation of sanctions and stresses in this regard the need for a judicial mechanism with a view to guaranteeing conformity with international law and humanitarian law;

37. Requests that Parliament be associated in all the stages of a sanctions process: the decision-making process leading to sanctions, the selection of the sanctions most appropriate to the situation, and also the definition of benchmarks and the evaluation of their implementation within the framework of the review mechanism and the lifting of the sanction;

Targeted sanctions as a more efficient tool?

38. Deplores the fact that, owing to a lack of evaluation, it is impossible to assess the effectiveness of targeted measures; recognises, however, the EU's strong humanitarian concern, which has led to the abandonment of sanctions of general economic scope, as previously done in the case of Iraq, and to the imposition of more targeted, 'smart' sanctions, geared to achieving the maximum impact on those whose behaviour it wants to influence while minimising adverse humanitarian effects or consequences for persons not targeted or neighbouring countries;

39. Considers that economic sanctions used in isolation from other policy instruments are extremely unlikely to force a targeted regime to make major policy changes; stresses, moreover, that far-reaching economic restrictions may entail excessively high economic and humanitarian costs, and therefore reiterates its call for more carefully designed and better targeted economic sanctions, designed to have an impact primarily on key leaders of targeted regimes and perpetrators of human rights violations;

40. Emphasises that any economic sanctions should first and foremost target those sectors that are not employment-intensive and are of limited relevance for small and medium-sized enterprises, which are important both for economic development and for redistribution of income;

41. Supports the use of targeted financial sanctions against key leaders of targeted regimes and their immediate family members, which act directly on the income of the sanctioned individuals; stresses the need for these sanctions to be accompanied by appropriate measures against EU economic operators cooperating with such persons; stresses that targeted commodity sanctions targeting a specific or major source of income of a regime present the risk of more wide-ranging, indiscriminate effects on the population and may favour the development of a 'black economy';

42. Considers that economic and financial sanctions, even when they are targeted, must be applied by all natural and legal persons pursuing commercial activities in the EU, including citizens of third countries, and EU citizens or legal persons registered or established in accordance with the legislation of an EU Member State who pursue commercial activities outside the EU;

43. Calls for a limited application of the 'extraordinary exemptions' to the freezing of assets; calls for the creation of a specific procedure for objections in the event that a Member State wishes to grant an exemption to the freezing of assets, since the efficiency of the restrictive measure is undermined by the lack of such a procedure given that the Member States are only required to inform the Commission in advance of such an exemption;

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44. Calls for action to improve the application of the EU's targeted financial sanctions, in order to ensure that, in practice, the measures comprehensively deny designated persons and entities access to all financial services within the EU's jurisdiction, including those that pass through EU clearing-house banks or otherwise make use of financial services within the EU's jurisdiction; stresses the need for greater flexibility in the distribution of sanction lists within the EU and within Member States to all persons covered by the obligations laid down in the Third Money Laundering Directive⁽¹⁾; proposes that each Member State designate one institution responsible for disseminating this information;

45. Calls for enhanced cooperation by the Council and the Commission with the SWIFT management and shareholders in Europe, so as to achieve improved results in the freezing of blacklisted accounts and the elimination of money transfers from/to such accounts;

46. Calls on the Council and the Commission to investigate the possibilities and ways to use frozen income of targeted authorities in a constructive manner, for example by allocating them to victims of human rights violations or for development purposes within the framework of Chapter VII of the UN Charter;

47. Notes that arms embargoes are a form of sanction designed to stop the flow of arms and military equipment to conflict areas or to regimes that are likely to use them for internal repression or aggression against a foreign country as set out in the Code of Conduct on arms exports;

48. Calls for coordinated cooperation between Member States and the Commission regarding the implementation of EU arms embargoes which are applied by each Member State;

49. Calls on the Member States to adopt the common position on arms exports that will make the current Code of Conduct on arms exports legally binding;

50. Urges the Council, the Commission and Member States to continue to work for improvements in UN monitoring and enforcement capabilities, and supports the view that a permanent UN team should be established to assess trade in conflict commodities and the value of sanctions in relation to them;

51. Recalls that restrictions on admission (travel bans, visa bans) constitute one of the initial steps in the EU's sanctions sequence, entailing the prohibition of blacklisted persons or non-state entities from attending EU official meetings and also from travelling to the EU for private reasons;

52. Notes with concern that Member States' adherence to EU visa bans has not been optimal; calls on the Member States to adopt a concerted approach in applying travel restrictions and the relevant exemption clauses;

Respect for human rights in applying targeted sanctions in the fight against terrorism

53. Takes account of the fact that both the autonomous EU anti-terrorist sanctions and the EU implementation of UN Security Council anti-terrorist sanctions are the subject of several cases before the Court of Justice and the Court of First Instance;

54. Recalls the obligation of Member States to draft sanctions in compliance with Article 6(2) of the TEU, which requires the Union to respect fundamental rights, as guaranteed by the European Convention on Human Rights and as they result from the constitutional traditions common to the Member States; stresses that the present blacklisting procedures at both the EU and the UN levels are deficient from the perspective of legal security and legal remedies; urges the Council to draw all the necessary conclusions and to fully apply the judgments of the Court of First Instance as regards EU autonomous sanctions;

⁽¹⁾ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

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55. Calls on the Council and the Commission to review the existing procedure for blacklisting and delisting, in order to respect blacklisted individuals' and entities' procedural and substantive human rights and notably international standards as regards the obtaining of an effective remedy before an independent and impartial body and due process, including the right to be notified and adequately informed of the charges brought against the individual or entity in question and of the decisions taken and the right to compensation for any violation of human rights; calls, similarly, on the EU Member States to promote such a review within the UN mechanisms in order to ensure respect for fundamental rights when applying targeted sanctions in the fight against terrorism;

56. Considers that Article 75 of the TFEU would be an opportunity to be seized by Parliament in order to remedy the shortcomings in current practice as regards the inclusion of names on a blacklist, and supports all the current parliamentary work aimed at being included on the agenda for the 2009 legislative programme;

57. Regrets that none of the judicial bodies is in position to assess the appropriateness of blacklisting, given that the evidence leading to blacklisting is based primarily on information held by the secret services, which *ipso facto* operate in secret; considers, however, that this fundamental discretion should not be transformed into impunity in the case of breaches of international law; calls in this regard on Member States to guarantee effective parliamentary control over the work of the secret services; considers in this regard that it is necessary to associate Parliament with the work done by the Conference of Oversight Committees of the Intelligence Bodies of the Member States already in place;

58. Reiterates, however, that the system of anti-terrorist lists, provided that it respects the most recent case-law of the Court of Justice, is an effective instrument of European Union anti-terrorist policy;

59. Stresses that terrorism is a threat to safety and freedom, and therefore urges the Council to review and update the list of terrorist organisations, taking into account their activities on all continents;

A varied sanctions policy

60. Notes that the EU has always promoted a positive approach to the use of sanctions with a view to encouraging change; stresses, to this end, that it is important to give priority to an integrated global action through a progressive strategy of pressures and incentives;

61. Considers that a strategy of openness and a policy of sanctions are not mutually exclusive; takes the view, therefore, that the EU's sanctions policy may help to improve respect for human rights in the sanctioned country when revised for the express purpose of introducing a policy of positive measures; in this respect, notes the cycle of sanctions imposed in respect of Uzbekistan from November 2007 to April 2008: while continuing for one year the sanctions imposed for failure to satisfy initial criteria pertaining to investigations into the Andijan massacre and respect for human rights, the Council decided to suspend the implementation of the visa ban, leaving the Uzbek Government six months in which to fulfil a set of human rights criteria, and with the looming threat of the automatic re-establishment of the visa ban; notes that the mix of engagement and sanctions produced some positive developments, thanks to the possible automatic re-establishment of the sanctions and the definition of precise conditions; emphasises that these conditions must be capable of being satisfied within a limited time frame and relevant to the general sanctions regime; regrets, however, that there have not yet been any substantial positive developments and that the lack of cooperation with the Uzbek Government continues;

62. Urges that sanctions be systematically accompanied, in the context of a multifold strategy, by enhanced positive measures to support civil society, human rights defenders and all kinds of projects promoting human rights and democracy; calls for the thematic programmes and instruments (EIDHR ⁽¹⁾, non-state actors, investing in people) to contribute fully to achieving this objective;

⁽¹⁾ 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 (OJ L 386, 29.12.2006, p. 1).

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63. Calls on the Council and the Commission to seize the opportunity provided by the ratification of the Lisbon Treaty and the subsequent creation of the European External Action Service (EEAS) to guarantee optimum consistency in the EU's various external action instruments as a key element of the further efficiency of the EU's sanctions policy;

Recommendations in relation to the EU institutions and Member States

64. Calls on the Council and the Commission to undertake a comprehensive and in-depth evaluation of the EU's sanctions policy so as to determine what influence it has and what measures should be taken to strengthen it; urges the Council and the Commission to submit a programme of such measures; calls on the Council and the Commission to assess the impact of sanctions on the development policy of the countries in question and on the EU's trade policy;

65. Calls on the Commission to ensure that development assistance strategies under the Development Cooperation Instrument and the European Development Fund are consistent with existing sanction regimes and human rights dialogues; calls on the Commission to ensure that the conditions for general budget support, including under the so-called 'Millennium Development Goals contracts', are explicitly linked to human rights and democracy criteria;

66. Calls on the Council and the Commission to take advantage of the opportunity afforded by the ratification of the Lisbon Treaty, the appointment of a High Representative of the Union for Foreign Affairs and Security Policy — who will at the same time be Vice-President of the Commission and chair of the Foreign Affairs Council — and the subsequent creation of the EEAS in order to make the EU's external action more coherent and consistent, to improve the expertise of the relevant EU services working in the field of sanctions and to enhance cooperation between the different services;

67. Calls at the same time for enhanced cooperation between the competent authorities of the Member States and the Commission in order to ensure more coherent and effective implementation of restrictive measures;

68. Calls also on those Member States that are members of the UN Security Council systematically to seek to internationalise sanctions issued by the European Union, pursuant to Article 19 of the TEU;

69. Calls on the Member States, in their actions within the UN Security Council, not to infringe the human rights obligations which they have contracted, in particular under the European Convention on Human Rights;

70. Commits its parliamentary bodies, specifically its standing and ad hoc delegations, to using their contacts with parliaments in non-sanctioning countries so as to enhance understanding of existing EU sanctions regimes relevant to the region concerned and to examine possibilities for coordinated action for the promotion of human rights;

71. Calls on the Commission to set up a network of independent experts to put forward to the Council, as and when necessary, the most appropriate restrictive measures, to draw up regular reports on developments on the basis of the established criteria and objectives and, where necessary, to suggest ways in which implementation of sanctions might be improved; considers that the setting-up of such a network would improve transparency and discussions on sanctions in general, and would also strengthen the implementation and ongoing monitoring of sanctions in particular cases; considers at the same time that the Commission should play a more proactive role in defining a clear EU policy on sanctions;

72. Considers that the legitimacy of the EU's sanctions policy, which constitutes a key and sensitive element of the CFSP, must be enhanced by involving Parliament at all stages of the procedure, in accordance with Article 21 of the TEU, in particular in the drafting and implementation of sanctions in the form of systematic consultation with, and reports from, the Council and the Commission; considers also that Parliament should be involved in overseeing the attainment of benchmarks by those who are subject to sanctions; instructs its Subcommittee on Human Rights to structure and supervise work in this area as regards any sanction the objectives and reference criteria of which relate to human rights;

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73. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and the Secretaries-General of the United Nations and of the Council of Europe.

Maternal health

P6_TA(2008)0406

European Parliament resolution of 4 September 2008 on Maternal Mortality ahead of the UN High-level Event on the Millennium Development Goals to be held on 25 September 2008

(2009/C 295 E/16)

The European Parliament,

- having regard to the Millennium Development Goals (MDGs), adopted at the UN Millennium Summit in September 2000,
- having regard to the 'EU Agenda for Action on MDGs' of the June 2008 European Council and its 2010 milestones,
- having regard to the High-level Event on the Millennium Development Goals to be held at UN headquarters in New York on 25 September 2008,
- having regard to the 'EU report on Millennium Development Goals 2000-2004' of the Commission (SEC(2005)0456),
- having regard to the Presidency Conclusions of the Brussels European Council of 16 and 17 December 2004, confirming the full commitment of the European Union to the Millennium Development Goals and to policy coherence,
- having regard to the UN Declaration of the Rights of the Child of 20 November 1959, according to which 'special care and protection shall be provided both to [the child] and to his mother, including adequate pre-natal and post-natal care', and to the UN Convention on the Rights of the Child of 20 November 1989, under which States Parties shall 'ensure appropriate pre-natal and post-natal health care for mothers',
- having regard to the Communication from the Commission to the European Parliament and the Council on 'Gender Equality and Women Empowerment in Development Cooperation' (COM(2007)0100),
- having regard to the Joint Africa-EU Strategy adopted at the EU-Africa Lisbon Summit in 2007,
- having regard to its resolution of 13 March 2008 on Gender Equality and Women's Empowerment in Development Cooperation ⁽¹⁾,
- having regard to its resolutions of 12 April 2005 on the role of the European Union in the achievement of the Millennium Development Goals (MDGs) ⁽²⁾ and of 20 June 2007 on the Millennium Development Goals — the midway point ⁽³⁾,
- having regard to its resolutions of 17 November 2005 on a development strategy for Africa ⁽⁴⁾ and of 25 October 2007 on the state of play of EU-Africa relations ⁽⁵⁾,

⁽¹⁾ Texts Adopted, P6_TA(2008)0103.

⁽²⁾ OJ C 33 E, 9.2.2006, p. 311.

⁽³⁾ OJ C 146 E, 12.6.2008, p. 232.

⁽⁴⁾ OJ C 280 E, 18.11.2006, p. 475.

⁽⁵⁾ Texts Adopted, P6_TA(2007)0483.