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1. Approves the Commission proposal, subject to Parliament's amendments;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
3. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 189c(a) of the EC Treaty;
4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
5. Instructs its President to forward this opinion to the Council and Commission.

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## 9. External dimension of human rights policy – European Union policy in the field of human rights

(a) A4-0409/98

### **Resolution on the communication from the Commission to the Council and the European Parliament on 'The European Union and the external dimension of human rights policy: from Rome to Maastricht and beyond' (COM(95)0567 – C4-0568/95)**

*The European Parliament,*

- having regard to the Commission communication (COM(95)0567 – C4-0568/95),
  - having regard to Articles 3, 6, 7 and 11 of the revised Treaty on European Union and Articles 177 and 300 of the revised Treaty establishing the European Community,
  - having regard to its previous resolutions and, in particular, its resolution of 12 December 1996 on human rights throughout the world in 1995-1996 and the Union's human rights policy<sup>(1)</sup>,
  - having regard to its resolution of 3 December 1998 on the management and funding of human rights and democratisation programmes<sup>(2)</sup>,
  - having regard to the report of the Committee on Foreign Affairs, Security and Defence Policy and the opinions of the Committee on External Economic Relations, the Committee on Development and Cooperation, the Committee on Civil Liberties and Internal Affairs, the Committee on Institutional Affairs and the Committee on Women's Rights (A4-0409/98),
- A. whereas the principles of democracy, human rights and fundamental freedom are universal values,
- B. whereas the rights described in the Universal Declaration are universal and are not the product of a single culture seeking to impose itself upon the world,
- C. whereas the major UN world conferences of recent years – on Human Rights (Vienna 1993), on Population (Cairo 1994), on Social Development (Copenhagen 1995) and on Women (Beijing 1995) – have endorsed common objectives,
1. Considers that the gradual evolution of a human rights policy from the Treaty of Rome to the Treaty of Maastricht has broadly been positive and has responded to public expectations, and must now be regarded as part of the *acquis communautaire*;

<sup>(1)</sup> OJ C 20, 20.1.1997, p. 161.

<sup>(2)</sup> Minutes of that sitting, Part II, Item 8.

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2. Welcomes Articles 6 and 7 of the Treaty of Amsterdam, which reinforce the previous provisions on human rights, but stresses once again that Council decisions concerning action in the field of human rights should be taken by a qualified majority to allow a swifter and more effective response;
3. Believes that one of the key moments in orienting EU human rights policy coincided with the World Conference on Human Rights at Vienna in 1993;
4. Endorses the current EU emphasis on 'positive measures' and dialogue, and on supporting programmes to promote human rights, good governance and democratisation, but insists that this can only be a complement to the policy of 'conditionality';
5. Notes that the concept of 'conditionality' still has a role to play, within the concept of 'partnership with mutual obligations' as proposed in the new Lomé negotiating mandate;
6. Welcomes the suggestion in the above-mentioned Lomé mandate to consider 'active and organised civil society' and 'equity and social development' as integral parts of a 'secure and democratic political environment', and thus part of the 'essential element clause';
7. Notes that in this perspective budget funding for human rights and democracy programmes has increased substantially since 1993 but that a further substantial increase is essential;
8. Acknowledges that the European Union has been engaged in an ambitious range of activities to promote human rights on a broad front;
9. Notes that the current political and administrative structure and resources within the Commission for the accomplishment of these activities make it difficult for all of these ambitious objectives to be accomplished in a consistent way;
10. Believes that the time is now ripe for a review of developments during the past decade, with a view to putting in place a more consolidated system to support the annual human rights programmes as we move into the new millennium;
11. Believes that the current system of management of human rights activities, involving a mixture of central administration and with some recourse to 'agencies', is unsatisfactory and needs to be reassessed;
12. Believes that the administrative reform called for by the European Parliament has so far not been implemented adequately and that it is necessary for the Commission's decision-making and management structures to be organised as one unit to ensure a coherent and consistent human rights policy;
13. Calls for the establishment of a Human Rights Forum, empowered to make recommendations on the human rights dimension of EU policies and to evaluate the EU's human rights-related activities; the Forum should include experts from international organisations, NGOs and the academic world as well as representatives of the Parliament, Commission and Council; reiterates its proposals for a cohesive unit at senior level within the Commission;
14. Asks once again that when the new Commission is formed a Vice-President should be given responsibility for coordinating external relations and a Commissioner should be given responsibility for human rights issues;
15. Reiterates its call for improved transparency, efficiency and effectiveness in the selection, implementation and monitoring of projects geared to the promotion of human rights, and recommends a review of the staff resources available to the Commission in this area;
16. Notes that the full realisation of human rights depends directly on economic, social and cultural factors as well as civil and political rights;
17. Insists that the primary focus of the Union should be on political and civil rights; supports however also greater consideration within the Commission of programmes geared to economic, social and cultural rights, in order to make it clear that there is a link between all human rights;

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18. Resolves to pay close attention to the establishment of the Early Warning and Policy Planning Unit provided for in the Amsterdam Treaty, whose work should be guided by the Union's obligation to promote human rights and democracy;
19. Considers that the Unit should work closely with the Conflict Prevention Network;
20. Believes that it is essential from the point of view of conflict prevention to create an appropriate European Union monitoring body and to include the monitoring of human rights worldwide in its remit;
21. Believes that the mandate of this Unit should include the signalling of major human rights problems as they occur;
22. Calls for the establishment of a Parliament and Commission Working Party on Human Rights, as foreseen in the 1998 EU budget, in order to improve interinstitutional cooperation on activities for human rights and democracy;
23. Regrets that the Common Foreign and Security Policy (CFSP) continues to form a separate pillar of the Union, a factor which hinders the formulation of a coherent and consistent European Union human rights policy;
24. Recommends that the CFSP High Representative should regularly attend meetings of Parliament's Committee on Foreign Affairs, Security and Defence Policy and should submit in writing a detailed annual report to Parliament on her or his activities;
25. Recommends that the High Representative should participate in Question Time in Parliament, on the same basis as the President-in-Office and the Members of the Commission;
26. Urges that under Articles 300 and 310 of the EC Treaty (consolidated version), which enable the Community to conclude agreements with non-member countries, standard human rights clauses should be included not only in the preambles to all agreements but also in the enacting terms in order to create a solid and binding legal basis;
27. Insists that clear and operational criteria be developed for decision-making on the suspension of agreements, not only for the Lomé Convention in Article 366a, but for all international agreements;
28. Reiterates its belief that the European Union should accede without further delay to the European Convention on Human Rights;
29. Urges furthermore that, in order to remove the democratic deficit, interinstitutional agreements should be concluded to ensure that the European Parliament is better informed and more involved in all types of agreement with non-member countries, including agreements pursuant to Article 133 (consolidated version) of the EC Treaty;
30. Calls for the establishment of a comprehensive human rights impact assessment and monitoring system, which should be drawn up before an initiative is implemented, with due regard for consistency, proportionality and coherence, and which should be subsequently used as a basis for monitoring the human rights situation; to this end the European Network for Human Rights and Democracy called for in Parliament's resolution of 19 December 1997<sup>(1)</sup>, which will provide access to full and up-to-date information, should be set up;
31. Calls on this assessment to include the following:
  - a general analysis of the human rights situation in the country or countries concerned;
  - an evaluation of the compliance of each third country with internationally recognised legal instruments and their associated enforcement mechanisms, in particular those of the UN, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe;
  - a consideration of allegations of violations by reputable sources, including major non-governmental organisations;

<sup>(1)</sup> OJ C 14, 19.1.1998, p. 402.

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- an evaluation of the effectiveness of Union policies in achieving better protection of human rights, including an analysis of the consequences of military, security, and police transfers from the Union; and
  - a detailed analysis of the human rights consequences of the policy options under consideration;
32. Expects that human rights impact assessments will be guided by the fundamental principles accepted by the Union in the Treaties, through Resolutions or Declarations, and through its role in the international community, which principles may not be overruled on the grounds of economic, strategic or political interests of the Union or of one of its Member States;
33. Calls for these assessments to be published, in order to permit comment and examination by international, national and non-governmental agencies;
34. Deeply regrets the disruption of human rights and democracy programmes which resulted from the Court of Justice's ruling of 12 May 1998 (C-106/96);
35. Notes that the Commission's reaction to this judgement showed that human rights and democracy projects remain vulnerable to administrative and legal complications;
36. Welcomes the Inter-institutional Agreement on budget funding resulting from the tripartite dialogue of 17 July 1998 and urges all EU institutions to be committed to finding a long-term solution before the end of the current legislature;
37. Insists that the Interinstitutional Agreement of 17 July 1998 must lead to a valid legal basis being established for the European Union's future human rights policy and corresponding programmes;
38. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, and the United Nations.

(b) A4-0410/98

#### **Resolution on human rights in the world in 1997 and 1998 and European Union human rights policy**

*The European Parliament,*

- having regard to its previous resolutions on human rights in the world, adopted on 12 December 1996, 26 April 1995, 12 March 1993, 12 September 1991, 18 January 1989, 12 March 1987, 22 October 1985, 22 May 1984 and 17 May 1983<sup>(1)</sup>,
- having regard to its resolution on the Commission report on the implementation of measures intended to promote observance of human rights and democratic principles (COM(96)0672 — C4-0095/97)<sup>(2)</sup>,
- having regard to its resolution 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 (COM(95)0216 — C4-0917/95)<sup>(3)</sup>,
- having regard to its resolution on setting up a single coordinating structure within the Commission responsible for human rights and democratisation<sup>(4)</sup>,

<sup>(1)</sup> OJ C 20, 20.1.1997, p. 94; OJ C 126, 22.5.1995, p. 15; OJ C 115, 26.4.1993, p. 214; OJ C 267, 14.10.1991, p. 165; OJ C 47, 27.2.1989, p. 61; OJ C 99, 13.4.1987, p. 157; OJ C 343, 31.12.1985, p. 29; OJ C 172, 2.7.1984, p. 36; OJ C 161, 10.6.1983, p. 58.

<sup>(2)</sup> OJ C 14, 19.1.1998, p. 399.

<sup>(3)</sup> OJ C 320, 28.10.1996, p. 261.

<sup>(4)</sup> OJ C 14, 19.1.1998, p. 402.