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Annual report  
on human rights

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Preface by Mr Hubert Vedrine,  
minister for foreign affairs of France,  
president-in-office of the Council  
of the European Union



Our countries' commitment to common principles and values of freedom, democracy and respect for human rights is at the heart of the construction of Europe, and of its common foreign and security policy. The collective effort which went into producing this report is to my mind an illustration of the Union's political commitment to this theme.

This document is not intended to pass judgment on what happens outside the Union's borders, but to give a better insight into the Union's policy on human rights and support for democratic processes and into the instruments which it has available for taking action in this area. It gives a comprehensive picture of the Union's human rights policy, whether it be its positions on a number of today's fundamental issues, situations which demand its particular attention, or its cooperation policy.

In response to reactions to the first report, this second edition contains a substantial section on policy within the European Union on a number of important questions: child protection, women's rights, the fight against racism and social exclusion, and the plight of refugees.

While an important reference tool, this report cannot do justice by itself to the human rights policy of the Fifteen. To reduce that policy to a set of declarations or a series of instruments would be to diminish it in relation to the activity it carries out. It is in the day-to-day, multifaceted relations of trust that it builds with its various partners that the European Union is best able to promote the universal values which it holds dear and the democratisation processes which will not themselves endure if not bolstered by political, economic and social modernisation.

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to read 'H. Vedrine'.

HUBERT VÉDRINE



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## 1. Introduction: Why should there be a European Union report on human rights?

### *To make known and to share the European Union commitment*

The European Union is founded on the principles of liberty, democracy and respect for human rights and fundamental freedoms, and the rule of law. The principles proclaimed in the Universal Declaration underlie its activities both internally and externally.

In 1998, on the occasion of the celebration of the 50th anniversary of the Universal Declaration of Human Rights, the European Ministers for Foreign Affairs, gathered in Vienna, solemnly restated their commitment to human rights, and agreed on concrete measures to strengthen the European Union's ability to act in this field.

This report is the second of its kind, following the one published in October 1999; it implements one of the measures announced in Vienna. It does not aim to pass judgment, but to make the commitment of the European Union to universal respect for human rights and fundamental freedoms better known, and to share it. It is not intended to be exhaustive, but seeks to ensure greater transparency for the principal positions and activities of the EU, and to be a reference document on the latter for the period which it covers, namely 1 July 1999 to 30 June 2000.

Although its contents are primarily focused on the external activities of the European Union and its role on the international stage, this second report, in accordance with the wishes expressed at the first European Union Human Rights Forum which met in Brussels from 30 November to 1 December 1999 during the Finnish Presidency, also includes a substantial section devoted to human rights within the European Union. This looks at the activities undertaken by the Fifteen in a number of priority areas (racism, security and justice, social exclu-

sion, rights of the child, and women's rights). The European Union is aware that it must begin by applying to itself the principles for which it stands.

On the international front, this report attempts to highlight the positions and activities of the European Union as regards human rights vis-à-vis its partners, and in international bodies. In the latter, apart from the regular meetings (Commission on Human Rights, United Nations General Assembly), the period covered has been rich in special occasions where the Member States of the European Union have been able to work together: the Beijing + 5 and Copenhagen + 5 reviews; preparation for the European and world conferences against racism; negotiation and adoption of two optional protocols to the Convention on the Rights of the Child, one on the involvement of children in armed conflict, and the other on the sale of children, child prostitution and child pornography; the creation of the post of Special Representative of the Secretary-General for Human Rights Defenders; and OSCE 'human dimension' conferences and seminars on children in armed conflicts and on trafficking in human beings.

This report is the result of joint work carried out by human rights experts from the 15 Member States, with the support of the staff of the Commission and the Council Secretariat.



*To increase transparency and promote dialogue with civil society*

Dialogue and cooperation between governments and civil society, and support for the human rights defenders, are of the utmost importance for achieving progress in the global implementation of human rights and fundamental freedoms. The European Union is committed to strengthening this relationship further, at the level of both Member State governments and EU institutions.

Following a tradition of cooperation with non-governmental organisations at national and international level, the EU recognises the importance of their contribution as part of civil society to the promotion of democracy and human rights, and values their expertise and the impact of their action.

NGO involvement in extremely important issues such as the fight against racism and xenophobia, efforts to stop the use of children in armed conflict, rights of women, the fight against the death penalty, support for the victims of torture and support for the establishment of the International Criminal Court — just to mention a few — is strongly encouraged by the EU. The role of NGOs in the review processes of the World Conference on Women (Beijing + 5) and Summit on Social Development (Copenhagen + 5) has proved useful and constructive. Their mobilisation before and during the Commission on Human Rights and the General Assembly, on both country-specific situations and thematic issues, has become an important element of these two-yearly events in the field of human rights.

Transparency is a key word in public administration nowadays. It means both openness to outside scrutiny and broad-based and regular consultations with relevant actors, in particular during preparatory phases of international events. The EU is determined to enhance the transparency of its human rights policy. In this spirit, it has made increasing efforts to make relevant information accessible to the interested public, and to develop regular contacts with NGOs active in the field of human rights, in preparation for and during the main relevant meetings in this area, at European or international level.

In this context, two specific events aimed at promoting dialogue and transparency deserve

to be mentioned in particular: the first annual EU human rights discussion forum (30 November to 1 December 1999 in Brussels), and the Conference on the European Union and the central role of human rights and democratic principles in the relations with third countries (Venice, May 2000).

**The forum**

The first annual EU human rights discussion forum was organised jointly by the Finnish Presidency of the EU and the European Commission on 30 November and 1 December 1999 in Brussels. This event, organised following the adoption of the EU declaration on the occasion of the 50th anniversary of the UN Declaration on Human Rights, brought together representatives of EU institutions including the European Parliament, non-governmental organisations, academics, as well as governments of the Member States of the EU. It was one of the first occasions on which decision-makers at Community and Member State level were able to share ideas with representatives of the NGO sector and academic sphere in a concentrated and focused way. It also provided a good opportunity for strengthening exchanges and cooperation with the European Parliament. The forum examined the following four broad thematic areas: development of EU human rights policy, EC cooperation in the field of human rights, racism and non-discrimination — including in the context of enlargement — and legal perspectives. Some common issues emerged from the discussion, notably the need for more consistency in the EU's approach to human rights within the Union and in its external relations, as human rights issues cross over the three-pillar structure of the EU; the importance of adequate information and expertise in order to achieve the best impact on the defence of human rights on the ground, and the role played by civil society organisations in this respect; the need for greater networking and coordination among the NGOs and a more structured dialogue with the EU institutions.

**The conference on the European Union and the central role of human rights and democratic principles in relations with third countries**

Organised jointly by the Portuguese Presidency of the EU and the European Commission, in co-



operation with the European Master's Degree in Human Rights and Democratisation, this event, although not formally a follow-up to the discussion forum, was again an opportunity for strengthening the ties between policy-thinkers and public opinion in the area of human rights. The active participation of representatives of the governments of Member States, EU institutions and NGOs as well as academics and scientific experts, provided a frank and lively exchange of views on how to reinforce the integration of human rights and democratic principles in the EU's relations with third countries. The conference addressed the following four thematic areas: EU human rights policy in the context of globalisation, human rights clauses in agreements between the EU and third countries, the human rights dimension in practice and human rights education, training and information in EU external relations. The participants agreed on the need to build an overall long-term political strategy and to make better use of the existing instruments and resources of the Union (development cooperation, humanitarian assistance, human rights clauses in trade agreements and the EC financial instruments available, such as the European initiative for democracy and human rights (Chapter B7-7 of the budget)); they stressed the importance of a coherent outreach education policy with respect to human rights education in third countries and they insisted on the need to improve mainstreaming while pursuing a spirit of complementarity between institutions as well as between the existing tools or instruments.

In both meetings there was an overall acknowledgement of the need to continue this process on a regular basis, as it provides fruitful ground on which a more structured dialogue can be developed with a view to the improvement of the EU human rights policy. The full conclusions of both meetings are available on the Internet.

*To restate the legal bases for, and the role of the various players in, European human rights policy, and the principles which underpin it*

The EU takes universality of human rights, as reaffirmed by the World Conference on Human Rights (Vienna, 1993), as a central principle

which guides its action. The EU recognises the diversity of the world, which is a source of wealth for the whole of humanity. But, regardless of different cultures, social background, state of development, or geographical region, human rights are inalienable rights of every person. Respect for human rights is a legacy to preserve and to pass on to future generations, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status. The principle of respect for national sovereignty should not be used by governments to absolve them from their obligations to respect human rights and fundamental freedoms. Based on the declaration adopted during the World Conference on Human Rights (Vienna, 1993), the EU considers the promotion and protection of human rights in the world as a legitimate concern of the international community. The EU is committed to continuing to work in the UN and within the European framework to improve the implementation of the principles enshrined in human rights instruments, notably the Universal Declaration of Human Rights and the core human rights covenants and conventions.

It considers that all human rights, be they civil and political or economic, social and cultural rights, are not only equal but also indivisible, interdependent and interrelated. The realisation of the latter should not be a prerequisite for the application of the former. At the same time the mutually reinforcing action between human rights, democracy, development and fundamental freedoms must be recognised and fostered. The contribution of human rights to peace and stability should be enhanced.



Finally, it feels that cooperation and dialogue ought to be given priority whenever possible as the best means to help make progress.

The Treaty on European Union and the Treaty establishing the European Community contain several provisions relating to human rights, which constitute the foundation and basis for EU action in this area.

Article 2 of the Treaty on European Union (TEU) states that one of the objectives of the Union is to: 'strengthen the protection of the rights and interests of the nationals of its Member States' and 'to maintain and develop the Union as an area of freedom, security and justice'. Also, Article 6(1) states that the European Union 'is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States'. Under Article 6(2) the Union is bound to respect 'fundamental rights, as guaranteed by the (...) Convention (of the Council of Europe) for the Protection of Human Rights and Fundamental Freedoms (...), and as they result from the constitutional conditions common to the Member States, as general principles of Community law' (Article 6(2), the application of which is subject to control by the Court of Justice as regards action by the institutions).

A procedure to monitor respect for human rights and fundamental freedoms by Member States is laid down by the Treaty: in accordance with Article 7 of the TEU, the Council may decide to suspend certain rights deriving from the application of the TEU to a Member State if the existence is determined of a serious and persistent breach by that Member State of the principles mentioned in Article 6(1). Finally, Article 11 of the TEU states that 'to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms' are among the objectives of the common foreign and security policy of the EU.

On the other hand, it is important to remember the declaration on the abolition of the death penalty which was adopted by the Amsterdam Treaty Conference. It recalled that Protocol No 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed and ratified by a large majority of Member States, provided for the abolition of the

death penalty. In that context, the conference noted that since the signing of the Protocol on 28 April 1983 the death penalty had been abolished in most of the Member States of the EU and had not been applied in any of them. Since 1988, all Member States have abolished the death penalty.

The Treaty establishing the European Community (TEC) states specifically that the 'Community ... may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation' (Article 13). As regards development cooperation, the TEC states that 'Community policy ... shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms' (Article 177).

At Union level, several bodies or institutions are involved in human rights matters: while the Commission, the European Council and the Council play a primary role in the process of policy direction, decision-making and implementation, the respective roles of the European Parliament, the European Court of Justice and the Ombudsman also deserve to be highlighted.

### **The European Parliament**

Over the years, the European Parliament has assumed an ever greater role in making human rights one of the central concerns of the EU. The powers of Parliament have thus gradually increased, particularly since the entry into force of the Maastricht and Amsterdam Treaties. The European Parliament, which has become a recognised forum for discussion on human rights, maintains regular contact with human rights organisations and human rights defenders. It has some influence in treaty-making processes with third countries. It also undertakes human rights missions to countries outside the EU and draws up reports on specific human rights situations as well as thematic issues. In February 2000, an annual report was adopted on international human rights and European Union human rights policy, 1999 (rapporteur Cecilia Malmstrom). Special emphasis was placed on the promotion and protection of the human rights of women. The European Parliament also adopts resolutions and issues declarations in matters related

to human rights and submits questions to the Council and the Commission. One example is the Declaration on Fundamental Rights and Freedoms. Several of its Committees deal with this subject. The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the Committee on Development Cooperation both deal with this issue as regards external relations, and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, and the Committee on Women's Rights and Equal Opportunities, deal with human rights issues within the Union. The Council of Ministers and the European Commission ensure close cooperation with the European Parliament on human rights matters. The European Parliament is kept regularly informed by the Presidency and the Commission of the development of the Union's common foreign and security policy. Each year the Parliament awards an individual or organisation the Sakharov prize for freedom of thought. In 1999, this prize was awarded to José Alexandre 'Xanana' Gusmão, President of the National Council of the Timorese Resistance.

### **The European Court of Justice**

The European Court of Justice in Luxembourg ensures respect for the law in applying the Treaties. Member States, EU institutions and individuals can bring matters pertaining to Community law before the Court. The rulings given by the Court are binding. Since 1989 there has been a Court of First Instance attached to the Court of Justice, with jurisdiction to hear direct actions including cases brought by individuals, which may also concern human rights. Although the EEC Treaty originally contained no specific clauses on human rights, the Court of Justice has consistently recognised that fundamental rights form an integral part of the Community legal order, thereby ensuring that human rights are fully taken into account in the administration of justice. This case-law of the Court was gradually built up from 1969 onwards, by referring to the constitutional traditions common to

the Member States and to international treaties for the protection of human rights on which Member States have collaborated or which they have signed. In this regard, the Court has stated that the European Convention for the Protection of Human Rights and Fundamental Freedoms has special significance. The Court's very important case law is now reflected in Article 6 of the Treaty on European Union. The case law of the Court has confirmed that the obligation to respect fundamental rights applies both to EU institutions and to Member States in the area of Community law.

### **The European Ombudsman**

The principal task of the European Ombudsman is to examine alleged cases of maladministration in the actions of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance when they are acting in their judicial role. These cases are generally brought to his attention through complaints from European citizens. He is also able to undertake investigations on his own initiative. A number of these complaints and investigations relate to questions of human rights, particularly freedom of expression and non-discrimination.

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Nonetheless, the protection and promotion of human rights is primarily a matter for the Member States of the Union, in accordance with their own judicial systems. The governments of the Member States cooperate with certain international control mechanisms, including those in the framework of the Council of Europe, the Organisation for Security and Cooperation in Europe and the United Nations, to which they account for their actions in the areas which concern them (the annex contains a detailed list of the most recent reports presented in implementation of international instruments by the Member States, and visits by the latter).



## 2. Human rights within the EU

The present chapter is not intended to address the situation in each Member State. It provides an overview of EU policy and activities in the field of a number of human rights issues within the EU, and information on recent developments (European Charter of Fundamental Rights, enlargement).

### 2.1. Presentation of some themes

#### 2.1.1. Racism and xenophobia

The first article of the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights. The principle of non-discrimination constitutes one of the key elements in the system for the protection of human rights, which along with freedom, democracy and the rule of law is one of the pillars on which the European Union is based.

The right of everyone to equality before the law and to protection from discrimination is a fundamental right, the respect and implementation of which are indispensable to the proper functioning of any democratic society. Respect for others in their diversity and the practice of non-discrimination are the cement for stability and security; they promote the flowering and dignity of all people, harmonious relationships between communities and the development of society.

Whatever reasons lie behind them, acts of racism, racial discrimination and xenophobia constitute an essential denial of the right to non-discrimination and are a violation of human rights. For that reason, they should be condemned by public authorities, their perpetrators should be punished, and appropriate compensation given to their victims. Preventive policies should be implemented. The concepts of racism, racial discrimination and xenophobia should be based on the definition contained in the first

article of the Convention on the Elimination of All Forms of Racial Discrimination.

This definition makes it possible to take account of the situation of all those belonging to vulnerable groups, directly or indirectly or from the angle of double discrimination, i.e. the combination of racist practices and other forms of discrimination.

To combat racism, racial discrimination and xenophobia effectively requires a sustained and global approach, implemented by means of a wide range of measures which are complementary and mutually reinforcing by covering all aspects of life in society. Strategies which rely particularly upon measures of an educational nature are crucial to stem the various manifestations of these dangerous and unacceptable phenomena, which Europe and other continents have witnessed.

Governments have a particular responsibility in the fight against racism but their efforts must also be supported by civil society and non-governmental organisations.

In its declaration to the most recent Commission on Human Rights, the EU reaffirmed its condemnation of all anti-Semitic, racist and xenophobic acts, and its firm resolve to take measures to combat them whenever and wherever they occurred within the Union.

#### *EU activities*

While the Member States of the European Union have been active for many years in the fight against racism and xenophobia and in upholding human rights and fundamental freedoms at national and international levels, the history of practical action by the Union itself is much shorter. The entry into force of the Amsterdam Treaty on 1 May 1999 provides new scope for such action, with reinforcement of the provi-

sions on fundamental rights (Articles 6 and 7 of the Treaty on European Union), on police and judicial cooperation to fight racism and xenophobia (Article 29 TEU), on non-discrimination (Article 13 of the Treaty establishing the European Community) and on visa, immigration and asylum policy (Articles 61–69 TEC).

### *The fight against discrimination*

For the EU's human rights policy's credibility, it is essential that the treatment of persons who reside in or seek access to the territory of the Union follows the relevant international human rights standards. The fight against racism and xenophobia is an important aspect of fair treatment of third-country nationals.

Following the 1997 European Year against Racism, the Community has continued to promote initiatives both to raise awareness of the need to combat racism and to exchange ideas and good practice between organisations most closely involved in the fight against racism. Following the entry into force of the Amsterdam Treaty on 1 May 1999, these activities have been broadened to cover other grounds of discrimination such as disability, age and sexual orientation.

On the basis of the new Treaty powers allowing action to combat discrimination, the Commission made proposals in November 1999 for a package of measures, consisting of two directives and an action programme. The first of these directives (Directive 2000/43/EC) was rapidly adopted by the Council on 29 June 2000, prohibiting discrimination in the fields of employment, education, social protection and healthcare and access to goods and services. Member States now have three years in which to transpose the directive into national law. The remaining directive — on discrimination in employment on grounds of religion and belief, disability, age and sexual orientation — and the draft action programme are still under consideration by the Council.

### *Mainstreaming*

At the same time, the Commission departments have been promoting the mainstreaming of the fight against racism and racial discrimination into other relevant areas of Community policy. A

report on progress so far was produced in February 2000 showing how the fight against racism has been integrated into practical action in the fields of education, research, youth, development and external policies. An external evaluation of the possibilities for strengthening future work is currently underway.

### *European Union Monitoring Centre on Racism and Xenophobia*

The European Union believes that reliable and comparable data are essential to the effectiveness of the fight against racism and xenophobia. To this end, the Community established the European Monitoring Centre in 1997 and, after the necessary setting up period, the Centre is now coming into full operation. The Centre produced its first annual report on racism and xenophobia in the Member States in December 1999 and held its formal opening ceremony in April 2000. It continues to organise Round Table meetings in the Member States, involving public administrations, non-governmental organisations and specialised bodies, in a large number of Member States and held a European Round Table meeting in Vienna at the end of June 2000.

The Centre is also in the process of establishing a series of national focal points which will be responsible for providing information from within the Member States as part of the RAXEN network. At national level, each national focal point will cooperate with a network of relevant actors in the field of racism, xenophobia and anti-Semitism with regard to the data to be analysed and collected. RAXEN will be complemented by a separate network of independent experts intended to provide rapid information on events and incidents across the Union. These networks are due to be operational in 2001.

The Centre has also contributed widely to the preparations for the World Conference on Racism, submitting four policy papers (on legal protection, policies and practices, education and awareness-raising and information, communication and the media) to the European regional conference to be held in Strasbourg in October 2000. The Council looks forward to further contributions from the Monitoring Centre as it develops.



### 2.1.2. Towards a Union based on freedom, security and justice: the Tampere milestones

The European Council held a special meeting on 15 and 16 October 1999 in Tampere on the creation of an area of freedom, security and justice in the European Union. The meeting was convened on the basis of the Treaty of Amsterdam, which stipulates that the Member States shall maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured.

In Tampere, the Heads of State or Government recognised that the aim is an open and secure EU that is fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments and able to respond to humanitarian needs on the basis of solidarity. Human rights, democratic institutions and the rule of law are among the guiding principles of the Area of Freedom, Security and Justice, which should be based on the principles of transparency and democratic control with an open dialogue with civil society.

The Tampere European Council invited the Commission to make a proposal for a scoreboard to monitor the progress achieved by the Union in creating the area of freedom, security and justice. This proposal has already been presented in the Commission's communication on the scoreboard that paves the way for implementation of the Tampere conclusions for the European Union (COM(2000) 167 final; Brussels 24.3.2000).

### *Asylum and migration*

The Tampere European Council recognised the need for a common EU asylum and migration policy. At the same time asylum and migration were conceived as closely related but separate issues.

A direct consequence of the human rights-based approach is that the area of freedom, security and justice has to cover all persons residing in or seeking access to the Union. The Tampere conclusions set this as an important objective in the efforts to create a truly encompassing area of free movement of persons. This principle applies both to asylum and to migration policy of the Union. According to the Tampere milestones the challenge is to ensure that freedom includes the right for all those who reside legally to move freely throughout the Union in a way which is not restricted to the Union's citizens.

The first element of the common policy is partnership with countries of origin. This approach should address political, human rights and development issues in countries and regions of origin and transit requiring, *inter alia*, respect for human rights, in particular rights of persons belonging to minorities, women and children. To meet these aims, the Heads of State continued the mandate of the High Level Working Group on Asylum and Migration. To prevent and reduce human rights violations in countries of origin and transit will pose remarkable challenges for the EU's human rights policy and its implementation in the future.



The Union and its Member States attach particular importance to absolute respect for the right to seek asylum. Accordingly, the Tampere European Council agreed to work to establish a common European asylum system, which is the second element of the common policy. This system will be based on full and inclusive application of the Geneva Convention maintaining the principle of 'non-refoulement', which means that nobody shall be sent back to a country where he or she may face persecution. Taking into account the basic principles of the Union's human rights policy, it should also be ensured that access to international protection is not endangered through administrative measures when managing migration.

The Commission prepared proposals for a European fund for refugees, the aim of which is to provide financial support for reception, integration and voluntary repatriation of persons in need of international protection.

The third aspect of the common asylum and migration policy is fair treatment of third-country nationals. The aim of the common policy should be to grant legally residing third-country nationals (in particular long-term residents) rights and obligations comparable to those of EU citizens.

In December 1999, the Commission presented a proposal for a Council directive on the right to family reunification for third-country nationals residing lawfully in a Member State, which is under consideration by the Council and the European Parliament.

The fourth element of the common policy on asylum and migration is management of migration flows. This includes, among other things, combating trafficking in human beings and economic exploitation of migrants. The Tampere European Council urged the adoption of severe sanctions against trafficking in human beings. The rights of the victims of such activities must be secured, with special emphasis on the problems of women and children. The Commission was invited to propose legislation to this end.

#### *A genuine European area of justice*

Respect for the rule of law is essential for the full realisation of human rights. The Tampere

conclusions recognise the importance of access to justice by stating that incompatibility or complexity of legal and administrative systems in the Member States should not discourage individuals from exercising their rights.

#### *A Union-wide fight against crime*

The Tampere European Council called for balanced Union-wide measures against crime and for protecting the freedom and legal rights of individuals and economic operators. Special attention is given to trafficking in human beings, particularly exploitation of women and sexual exploitation of children.

The Commission has prepared a communication on criminalisation of trafficking in human beings and sexual exploitation of children, with particular reference to child pornography on the Internet.

#### **2.1.3. Combating social exclusion**

The existing social problems of poverty, unemployment and other forms of social exclusion undermine human dignity and the effective enjoyment of human rights, thus requiring urgent and effective action. Hence promotion of social inclusion with due respect for the principle of equality, including non-discrimination and equality of opportunities, remains a major priority for the EU.

In this context, an overall strategy was defined in Lisbon, one of the aims being the renewal of the European social model by investing in people and combating social exclusion.

The EU has undertaken as a new strategic goal for the next decade to become a more competitive and dynamic knowledge-based economy, capable of sustainable economic growth with more and better jobs and greater social cohesion, as set out in the conclusions of the Lisbon European Council (23 and 24 March 2000), the best safeguard against social exclusion being a job.

The results of this new stage in the process of promoting economic and social progress in the EU are meaningful with regard to human rights and accordingly consistent with the essential objectives of raising the standard of living,





ensuring lasting employment and improving working conditions throughout the Union, as well as that of promoting the development of the highest possible level of knowledge for people (see, in particular, Article 2 of the TEU, and also Article 2, Title VIII on Employment and Title XI on Social Policy, Education, Vocational Training and Youth of the EC Treaty). The decisions adopted in Lisbon are therefore aimed at enhancing EU action in relevant policy fields:

- (i) The EU considers that investing in people and skills is of fundamental importance for a knowledge-based economy. With regard to this, info-exclusion and digital illiteracy require reinforced remedial action, with a view to preventing the risk of an ever-widening gap between those who have access to the new knowledge and those who are excluded. In this context, the eEurope 2002 (an information society for all) action plan, which was endorsed by the European Council in June 2000, lays the basis for encouraging info-inclusion and ensuring participation for all in the knowledge-based economy.
- (ii) The EU is also deeply committed to lifelong learning for all as an essential tool to face the challenges of a rapidly-changing world and stresses the need for education and training systems to adapt in order to offer learning and training opportunities tailored to target groups, such as young people, unemployed adults and those in employment who are at risk of seeing their skills overtaken. According to this view, a lifelong learning policy requires promotion of the involvement of social partners. The Commission has already drawn up a communi-

cation on e-learning and the Council has adopted guidelines on future challenges and objectives for education systems in the learning society, which provide a framework for fostering education and training designed to enable people to live and work in the knowledge society.

- (iii) Another identified key area for developing an active employment policy relates to furthering all aspects of equal opportunities, including reducing occupational segregation, paving the way for more easily reconciling family and working life, in particular by setting a new benchmark for improved childcare provision. As for the specifically female employment rate, the objective set by the EU is to increase it to more than 60 % by 2010.
- (iv) In relation to the European social model, modernisation of social protection systems is also considered a major priority. In an active welfare state these systems are indeed instrumental for promoting social inclusion and gender equality, as well as for providing quality health services. In this field, exchanges of experience and best practice are referred to as important and appropriate tools to address the challenge of modernising social protection.

The EU emphasises the view that promotion of social inclusion requires decisive action designed to eradicate poverty by setting adequate targets.

With regard to this, the EU has identified the objective of mainstreaming the promotion of inclusion in Member States' employment, education

and training, health and housing policies, supplemented by action at Community level. These policies particularly concern social, economic and cultural rights, and such strategy contributes to raising the level of implementation of human rights. The setting up of the Social Protection Committee was designed to improve development and systematic monitoring of work on the matters of modernising social protection and promoting social inclusion at Community level, as well as to contribute to strengthening cooperation between the Member States in this field by means of exchanging experience and best practice. In addition to this, the Commission has proposed a Community programme to combat social exclusion (COM(2000) 368) which would incorporate the promotion of social inclusion within the overall strategy of the European Union for the next 10 years.

Commonly accepted structural indicators play a major role in the exercise of monitoring, evaluating and measuring progress in those areas. In this context, the Lisbon European Council reaffirmed the need to further develop, where appropriate, quantitative and qualitative indicators and benchmarks.

The European Council will hold a regular spring meeting on economic and social questions, designed to define the relevant mandates and follow progress towards the new strategic goal.

#### **2.1.4. Rights of the child**

The promotion and protection of the rights of the child is an issue of particular importance to the EU. The 1989 UN Convention on the Rights of the Child (CRC), which has been ratified by all Member States of the EU, forms the basis for policies and practices of the Union both multilaterally and inside the EU.

##### *Violence against children and young persons*

According to Article 29 of the TEU, the Union's objective to provide citizens with a high level of safety within an area of freedom, security and justice is to be achieved by, e.g. preventing and combating crime. A particular reference is made here to trafficking in persons and offences against children. The Vienna action plan of 1998 lists the measures to be adopted to attain these

goals. At its special meeting in Tampere in October 1999, the European Council considered that efforts to agree on common definitions, incriminations and sanctions should be focused on a limited number of sectors of particular relevance, including sexual exploitation of children.

On 24 January 2000, the European Parliament and the Council adopted the Daphne programme, a Community action on preventive measures to combat violence against children, young persons and women. Violence was understood in the widest possible sense, from sexual abuse to domestic violence, from commercial exploitation to bullying in schools, from trafficking to discrimination-based violence against disabled, minority, migrant or other vulnerable people. The Daphne initiative funded 54 projects in 1999.

With the introduction of the Daphne programme (2000–03), the remit of possible activity has widened in three principal areas: a wider group of organisations is eligible to submit applications for funding, the geographical coverage is extended and projects may now run for more than one year. The objective of the Daphne programme is to contribute towards ensuring a high level of protection of physical and mental health by the protection of children, young persons and women against violence (including violence in the form of sexual exploitation and abuse), by the prevention of violence and by the provision of support for victims of violence in order, in particular, to prevent future exposure to violence. As part of the pre-accession strategy and in order to encourage respect for human rights, the Daphne programme will be open to the applicant countries of central and eastern Europe and Cyprus as well as the EFTA/EEA countries, Cyprus, Malta and Turkey under special provisions. The budget for the Daphne programme is set at EUR 20 million.

##### *Combating the abuse and sexual exploitation of children*

The EU is working actively on questions related to sexual exploitation of children. The 1996 STOP programme strives to promote and improve international cooperation in the field of combating trafficking in human beings and the sexual exploitation of children. Its aim is to en-



courage and reinforce networks and practical cooperation. It seeks in general to improve and adapt the training and skills of persons responsible for combating this form of crime in the Member States. In 1997, a joint action was adopted for the combating of trafficking in human beings and sexual exploitation of children, establishing common rules for action. One of the tasks of the European Police Office (Europol) is to improve the effectiveness of the competent authorities in the Member States and the cooperation between them. As part of the cooperation with several Asian countries in the so-called ASEM-process, exchanges of experience are undertaken. This is also a follow-up to the plan of action of the World Congress Against the Commercial Sexual Exploitation of Children held in Stockholm in 1996.

Programmes have been set up in order to counter child sex tourism, including legal measures within the Member States as well as cooperation with third countries. A specific budget heading has been set up to fund public awareness campaigns to combat child sex tourism. In December 1999, the Council adopted conclusions on the implementation of measures to combat child sex tourism.

It prescribes an integrated approach involving various policies; justice and home affairs, health, education, tourism, external policy,

etc. The Commission and the Member States are invited to continue to support awareness-raising measures and the establishment of codes of conduct. Efforts must be made to put an end to child sex tourism originating in the Member States. Measures should be incorporated in national and Community development policies.

Measures are also taken to stop the production and dissemination of child pornography on the Internet and otherwise. A Council decision of 29 May 2000 aims at combating the production, processing, distribution and possession of child pornography material and promoting the effective investigation and prosecution of offences in this area. Welcoming the European Parliament's opinion and mindful of the urgent need to take immediate measures against child pornography on the Internet, the Council declared its willingness to examine questions relating to substantive criminal law and criminal procedure in the light of the 1997 joint action and on the basis of proposals which are expected in the future.

Complementary actions are the Commission's 'Green Paper on the protection of minors and human dignity in audiovisual and information services' and the 1998 Council recommendation on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity. In January 1999, the Council adopted a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks. The objective is to foster a favourable environment for the development of the Internet industry by promoting safe use of the Internet and combating illegal or harmful content. The decision concerns a wide range of problems, among them the protection of minors and the protection of human dignity.

#### *Protection of minors who are nationals of third countries*

Children seeking asylum may need protection, due to persecution in their countries of origin, irrespective of whether they are with their parents or unaccompanied. It is important to recog-

nise also that the uncertainty of the asylum process may be a vulnerable and sensitive situation for the child. The integration process in the new country may also be perceived by the child as difficult and frightening. The European Council adopted an action plan in Vienna in December 1998 in which the Member States committed themselves to ensuring that a child perspective is emphasised in future decisions concerning the reception of asylum seekers and the asylum procedure. The UN Convention on the Rights of the Child (CRC) is guiding the ongoing discussions on the implementation of this action plan. The convention's principles of the best interest of the child and of the family unit will particularly influence further measures in this field.

The process for unaccompanied minors seeking asylum in or otherwise entering a Member State of the EU is guided by a resolution adopted by the Council in 1997. The resolution acknowledges that minors are in need of special protection and care, and that the process must be guided by the principle of the best interest of the child, as depicted in the CRC.

The 1993 resolution on family reunification is not legally binding but was followed up when, in January 2000, the Commission presented a draft directive, based on the Treaty of Amsterdam, regarding the right to family reunification.



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According to the directive the best interest of the child shall be taken into account when deciding upon an application. The directive aims at children in third countries who wish to join their families living in a Member State. The directive equally aims at children who have been granted asylum as refugees and are staying in a Member State without parents and who wish to reunite with their families living in a third country.

The action plan adopted by the European Council in Vienna on 11 and 12 December 1998 on establishing an area of freedom, security and justice contains implementation priorities within a time frame of two years. In the field of asylum and immigration, it is stipulated that within two years of the entry into force of the Amsterdam Treaty, 'minimum standards on procedures for granting or withdrawing refugee status, with a view, *inter alia*, to reducing the duration of asylum procedures, and paying special attention to the situation of children' should be adopted (Article 63(1)(d) of the EC Treaty).

#### 2.1.5. Human rights of women

The promotion and protection of the human rights of women is an integral part of the EU's human rights policy, in line with the declaration and plan of action of the 1993 World Conference on Human Rights (Vienna), and the Beijing platform for action (1995). The European Community's policy of promoting gender equality relates to the question of full enjoyment of human rights and fundamental freedoms by both women and men. Equal access to the economy, decision-making bodies and social rights are important rights in this regard, as are freedom from violence and sexual harassment.

#### *Gender mainstreaming*

Article 2 of the EC Treaty makes equality for women and men one of the explicit objectives of the Community. Mainstreaming a gender perspective in all activities and policies is explicitly mentioned in Article 3, which obliges the Community to aim to eliminate inequalities, and promote equality, between women and men in all its activities.



The Commission follows a twin-track approach by combining and complementing its gender mainstreaming strategy with specific actions for women. The basic documents for the gender mainstreaming approach in the Commission are the Commission communication on incorporating equal opportunities for women and men into all Community policies and the implementation report (see COM(1998) 122 final).

### *Enjoyment by women of their economic rights*

The conclusions of the Lisbon European Council (23 and 24 March 2000) underlined the need to give women access to the labour market and the new economy. Gender-related discrimination in the allocation of economic resources is incompatible with the enjoyment by women of their economic rights and their entitlement to contribute to and enjoy economic and social development.



The promotion of women's independence and access to their economic rights includes access to employment, appropriate working conditions, the elimination of occupational segregation and employment discrimination, and the promotion of harmonisation of work and family responsibilities for women and men. These objectives are central to the European Union's employment strategy, in the recognition that women's full participation in the labour market is necessary for Europe's economic and social development.

The *Employment guidelines for 2000* and those for 1998 and 1999 include recommendations on gender equality and call on the Member States to

continue their efforts to take appropriate measures to tackle the gender pay gap by initiating positive steps to promote equal pay for work of equal value and to diminish differentials in incomes between women and men. The annual exercise of adopting employment guidelines and drafting joint employment reports permits continuity and annual revision and improvement.

The European Social Fund was the main fund to take the issue of equal opportunities into consideration, mainly through the employment NOW initiative. The other Structural Funds have become progressively involved in the promotion of equality. Over the last few years, some specific initiatives have been launched in the framework of the European Regional Development Fund (ERDF) and the European Agricultural Guidance and Guarantee Fund (EAGGF) with a special impact on women.

In 1999, the new Structural Funds regulations were approved by the Council for the period 2000–06 (Regulation 1260/1999, OJ L 161, 26.6.1999). The new Structural Funds will contribute to promoting equality between women and men through a dual strategy: mainstreaming and developing specific actions targeted at women. According to the new regulations, the gender dimension must be taken into account in the planning, implementation, monitoring and evaluation phases.

### *Women in decision-making*

The promotion of women in decision-making in all fields of society is a core objective of Community policy. The persistent under-representation of women in all areas of decision-making marks a fundamental democratic deficit. In December 1996, the Council adopted a Council recommendation on the balanced participation of women and men in the decision-making process (Recommendation 96/694/CE, OJ L 319, 10.12.1996), which was addressed to Member States and the European institutions. A report on the implementation of the Council recommendation on the basis of information provided by Member States and the European institutions, adopted on 7 March 2000 (COM(2000) 120 final), concluded that the overall outcome of the policies applied since 1996 was positive. However, it did not match the expectations set out in 1996 and further actions were therefore required.



On 19 June 2000, the Commission took the decision (Decision 2000/407/EC, OJ L 154, 27.6.2000) to commit itself formally to gender balance in all its expert groups and committees. The decision, which extends to both new and existing groups and committees, sets a target of at least 40 % of each sex in each group or committee in the medium term.

### *Violence against women*

Violence against women is a serious obstacle to the achievement of the human rights of women. The issues of violence against and trafficking in women were first raised in the context of the European Union in 1996 with the communication on trafficking in women (COM(96)567 final) and the STOP programme (OJ L 322, 12.12.1996, pp. 7–10), followed by the Daphne initiative launched in 1997, now succeeded by the Daphne programme (2000–03), adopted by Decision No 293/2000 (OJ L 34, 9.2.2000). The role of the Commission in this policy field is to support actions and research and to coordinate policies in the EU. The main objective of the European Commission has been to ensure that the issue of violence against women, including the fight against trafficking in women, is put high on the political agenda of the European Union.

In January 1999 the European Commission launched the European campaign to raise awareness about violence against women with a budget of approximately EUR 4 million in 1999. The main objectives of the campaign were to promote public awareness of the subject and to find ways to prevent domestic violence. The European campaign was an occasion for numerous initiatives at national and local level in every Member State, like the promotion of nation-wide campaigns and action plans to combat violence against women. One major result is the recognition of violence against women as a serious and permanent problem.

The campaign was closed by its international conference in Lisbon in May 2000. At the conference the Presidency called on the Council, the Commission and the Member States to make the solemn commitment to combat all forms of violence against women, through the adoption of legal, administrative and other provisions, to ensure a study on violence and its prevention and the protection, assistance and compensation of the victims and, furthermore, to coordinate a violence against women year around 2001–03, to set up a unit (within the Commission) to maintain the momentum of the Commission's work on the issue and to present a communication on violence against women.

## **2.2. European Charter of Fundamental Rights**

Since respect for human rights was one of the founding principles of the EU and is an indispensable condition for its legitimacy, the Heads of State or Government meeting at the Cologne European Council (June 1999) felt that at the current stage in the development of the European Union there was a need to anchor the exceptional importance of those rights, and to ensure that they were more visible within the Union, through the drawing up of a Charter of Fundamental Rights.

The ad hoc body, also called the convention, responsible for drawing up the draft Charter includes 62 members who may be divided into four groups: 15 representatives of the Heads of State or Government of the Member States, one Commission representative, 16 Members of the European Parliament and 30 members of national



parliaments. Representatives from the Economic and Social Committee and the Committee of the Regions, and representatives of civil society and experts were also to be heard. Two representatives of the Court of Justice of the European Communities and two representatives of the Council of Europe, including one representative from the Court, are also participating as observers.

In June 2000, the convention had completed its first reading of the first 30 articles of the draft charter, devoted to civil and political rights. The great interest which the public, and particularly civil society, are showing in the drawing up of this charter revealed itself in the 500 or so proposals put forward for amendments to these first 30 articles. In July, the convention began examination of the 20 or so articles on economic and social rights and the horizontal clauses, and a draft charter has been established.

The working methods of the convention, the broad outline of which was laid down in the conclusions of the Tampere European Council (October 1999), and which were worked out in detail at the first meeting of that body on 17 December 1999, are notable for their transparency. The Tampere European Council set out the principle of the public openness of discussions at the convention and of the documents. The Internet site (<http://db.consilium.eu.int/>) constitutes a first step in the implementation of this principle.

The Feira European Council (June 2000) asked the convention to continue its work in accordance with the timetable set out in the conclusions of the Cologne European Council (June

1999) so that a draft document could be presented before the Biarritz European Council (13 and 14 October 2000). On 28 July, the Presidency presented a complete draft which will be considered by the convention in September 2000.

The question of the integration of the charter into the Treaties, and if so the procedure for doing so, and the measures to be taken for its implementation, will be studied at a later date. It will be for the Council to decide on this question. Although the convention has worked on the assumption that the charter will have binding legal force, the question of its integration into the Treaties does not come within its remit.

### 2.3. Enlargement

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of that Treaty may apply to become a member of the Union. These principles were laid down by the Copenhagen European Council in June 1993, which stated that membership required that the applicant country had achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Respect for these criteria is a precondition for the opening of accession negotiations.

On the basis of the criteria established in Copenhagen, the Luxembourg European Council (December 1997) decided to begin negotiations with six applicant countries: Poland, the Czech Republic, Hungary, Slovenia, Estonia and Cyprus. These negotiations were extended by the Helsinki European Council to six other applicants: Slovakia, Romania, Bulgaria, Lithuania, Latvia and Malta. The Union also recognised the full applicant status of Turkey, while pointing out that respect for the Copenhagen political criteria would constitute a prior requirement for the opening of accession negotiations.

The European Council held in Santa Maria da Feira (June 2000), while reiterating the commitment of the Union to maintaining the momentum of the accession process, laid stress on the actual capacity of the applicant countries to apply the *acquis* and to strengthen their administrative and judicial structures. It took note of the initiatives taken by Turkey to fulfil the accession criteria and asked that applicant country for concrete

progress, particularly in the field of human rights, the rule of law and the judicial system. The Nice European Council (7 and 8 December 2000) will assess the progress made by these applicant countries and will strive to define a political vision of the enlargement process as a whole.

The opening of negotiations has gone hand in hand with monitoring of the progress made by the applicant countries as regards respect for the Copenhagen political criteria. This monitoring is being carried out by the Commission in particular, through its regular reports which aim to analyse the way in which the principles of democracy and the rule of law are actually being applied by the applicant countries, which means in particular the efficient functioning of their institutions, of their judicial systems, of their police and local government, and respect for human rights, particularly of those belonging to minorities. The next regular Commission reports will be submitted to the Council on 8 November 2000.

As a part of preparations for membership, the candidate countries are expected to make full use of the pre-accession strategy of the Union,

which centres on accession partnerships and financial assistance.

The accession partnerships set out the priority areas on which each candidate country concerned should focus in aligning with the Union *acquis*. These include, where appropriate, priorities related to the fulfilment of the political criteria for membership. EU financial assistance, in particular that provided in the framework of the Phare programme, is conditional on respect by each candidate State for the Copenhagen criteria and for commitments under the association agreements, as well as progress in implementing the accession partnerships.

In the pre-accession phase, the Phare programme provides financial assistance for institution-building in the central and east European countries, including the promotion of democratic governance, the rule of law and compliance with human rights. Specific support is given to the candidate countries concerned in their efforts to counter racism, xenophobia and anti-Semitism, in the framework of the objective of the integration and protection of national and ethnic minorities.



## 3. European Union human rights activities on the international stage

### 3.1. EU instruments and initiatives in relations with third countries

This section gives examples of initiatives taken by the EU in the period covered by this report, to show its concerns in the human rights field and to welcome the progress made.

Common strategies, common positions and joint actions are the main legal instruments of the EU's common foreign and security policy (Articles 13, 14 and 15 of the Treaty on European Union). A significant number of them are focused on human rights and democratisation or contain substantial human rights elements.

#### 3.1.1. Common strategies

Common strategies are a new instrument created by the Amsterdam Treaty. Their aim is to enhance the overall coherence of the Union's international action. They are adopted by the European Council (Heads of State or Government), to be implemented by the Union in areas where the Member States have important interests in common. They are adopted unanimously (but foreign and security policy decisions taken on the basis of common strategies, including joint actions and common positions, are adopted by qualified majority voting).

In the CFSP field, the implementation of the common strategy on Russia, adopted by the Cologne European Council, made it possible to establish a new framework for political dialogue and security in which all the questions of common interest have been tackled, Chechnya in particular.

Two new strategies have been adopted in the period covered by this report, one on Ukraine and the other on the Mediterranean Region. They were adopted respectively by the Helsinki European Council in December 1999 and by the European Council in Santa Maria da Feira in June

2000. The consolidation of democracy, the rule of law and civil society was one of their principal objectives.

#### 3.1.2. Joint actions

Joint actions address specific situations where operational action by the Union is deemed to be required. For that reason, they usually contain budgetary provisions. They commit Member States in the positions they adopt and in the conduct of their activity. Joint actions relevant to human rights adopted by the EU in the period covered by this report include the following.

**The Palestinian Authority:** The multi-annual joint action on assistance to the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control includes provisions for training security and police services in the field of human rights and the rule of law. The programme can be suspended if the Palestinian Authority fails to take appropriate measures to ensure respect for human rights in its implementation.

**Bosnia and Herzegovina:** Initially, through joint actions, the EU supported the peace implementation structures in Bosnia and Herzegovina, as well as the election processes in that country. It co-funded, to the tune of about 50 %, the office of the High Representative, whose task includes the consolidation of democracy and human rights in Bosnia and Herzegovina. Since May 2000, these activities have been financed through the Community budget (Regulation No 1080/2000 on support for the UNMIK and the office of the High Representative in Bosnia and Herzegovina (OJ L 122, 24.5.2000)).

#### 3.1.3. Common positions

Common positions define the approach of the Union to a particular matter of general interest of a geographical or thematic nature. Member

States must ensure that their national policies conform to the common positions.

In the period covered by this report, the EU in particular defined the following human rights-related common positions:

**FRY:** Reacting to the massive violations of human rights in Kosovo by the authorities of the Federal Republic of Yugoslavia, the EU imposed a number of restrictive measures against the FRY through a series of common positions and implementing decisions. It also supported democracy in the FRY by actively supporting forces attached to democratic values (common position of October 1999).

**Africa:** In July 1999, the EU updated a common position on human rights, democracy, the rule of law and good governance in Africa which it had adopted in May 1998. It is planned that the 1998 common position will be reviewed every six months.



In this common position, the EU sets out principles and a framework for its action and the action of Member States. A key aspect is the principle that the Union, working with both governments and civil society on the basis of partnership and cooperation, shall consider increasing its support for African countries in which positive changes are engaged towards respect for human rights and democratic principles. If the situation gets worse, it shall consider the appropriate responses that could help reverse those developments. In the latest six-monthly review of the common position (June

2000), the Union recalled that human rights and democratic principles were key criteria and objectives in a number of cooperation agreements between the EU and African countries, in particular the revised Lomé Convention, and listed actions taken by the Union in the past six months to promote respect for human rights and democracy.

**Rwanda:** Reviewed in July 1999, the 1998 common position on Rwanda places protection of human rights and fundamental freedoms and the transition to democracy at the centre of the Union's policy objectives towards that country.

**Democratic Republic of the Congo:** In November 1999, the EU adopted a common position on EU support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of the Congo. The EU affirmed that lasting peace in the DRC could be achieved only through respect for democratic principles and human rights in all States of the region.

**Angola:** In its common position of June 2000 on Angola, the EU declared that it was prepared to support initiatives contributing to a political solution for the Angolan conflict and urged the Angolan Government to ensure respect for human rights, freedom of the media, the rule of law and justice.

**Burma/Myanmar:** In April 2000, in view of the further deteriorating human rights situation in Burma/Myanmar, the Union reinforced its common position of 1996 by agreeing on additional



restrictive measures against the authorities of that country and prolonging the validity of the common position.

**East Timor:** In July 1999, the EU adopted a common position concerning support for the popular consultation of the East Timorese people in August 1999, with the aim of contributing to achieving a just and lasting settlement to the issue of East Timor based on the principle of self-determination.

**Indonesia:** On 13 September 1999, the EU adopted a common position prohibiting arms exports to and military cooperation with the Republic of Indonesia for a four-month period, following serious human rights violations in East Timor.

**Afghanistan:** The Union made the promotion of respect for international humanitarian law and human rights, including the rights of women and children, one of the central elements of its common position on Afghanistan in January 2000.

#### 3.1.4. **Démarches/declarations**

Démarches on human rights to the authorities of third countries and press statements are also important instruments of the EU's foreign policy. Démarches are usually carried out, sometimes in a confidential manner, in 'troika' format, or by the Presidency. In addition, the EU can make public declarations calling upon a government or other parties to respect human rights, or welcoming positive developments. These declarations are published simultaneously in Brussels and in the Presidency's capital.

Démarches and declarations are widely used to convey concerns related to human rights. The main subjects tackled by them are illegal detention, forced disappearances, the death penalty, extrajudicial executions, freedom of expression and of association, and the right to a fair trial.

During the period covered by this report, besides the démarches on the death penalty (see Section 1.5), démarches concerning human rights have been made *inter alia* in Afghanistan, Algeria, Angola, to the Palestinian Authority, in Belarus, China, Colombia, India, Indonesia, Iran, Laos, Malaysia, Pakistan, Russia, Tanzania, Turkmenistan, Turkey, Uzbekistan and Vietnam.

#### 3.1.5. **Guidelines on EU policy towards third countries on the death penalty**

The EU countries have all concluded that the death penalty is a uniquely inhuman and irreversible punishment. The European Union is therefore opposed to the death penalty in all circumstances and has agreed to promote universal abolition of the death penalty. It is concerned that some 87 States retain the death penalty, although only a minority (around 30) will carry out executions in any given year.

In pursuing its goal of universal abolition, the European Union has defined a set of guidelines for identifying circumstances in which it should take specific, targeted action (see annex). The guidelines specify that the EU will encourage States to accede to the second optional protocol of the ICCPR and comparable regional mechanisms aimed at the abolition of the death penalty, and will raise the issue of the death penalty in multilateral forums.

Regarding the démarches to be made, the guidelines for EU policy towards third countries on the death penalty stipulate that:

- (i) the subject should be mentioned, if appropriate, during political dialogue with these countries;
- (ii) démarches should be made when there is a threat that the death penalty will be restored or that an official or de facto moratorium will cease;
- (iii) supportive démarches or public statements should be made when a country takes steps towards abolition;
- (iv) individual démarches should be made when it seems that minimum standards in this area are being violated, namely:
  - when there is a lack of legal safeguards,
  - when the death penalty is to be applied to those who were minors when the offence was committed, to pregnant women or to the mother of a young child, and to the mentally ill,
  - the application of the death penalty for non-violent crimes or offences such as crimes of opinion/conscience and financial crimes.

During the presidencies of Finland and Portugal, the EU has drawn on these guidelines to raise the death penalty with the authorities in Antigua and Barbuda, Burundi, the Bahamas, China, Guyana, India, Iran, Kyrgyzstan, the Palestinian Authority, Pakistan, the Philippines, Tajikistan, Thailand, Trinidad and Tobago, Turkey, the United Arab Emirates, United States, Uzbekistan, the Yemen and Zimbabwe.

### *Specific approach to the United States*

Besides démarches to the United States authorities on individual cases of the death penalty, the EU made a general démarche in February 2000. The EU called upon the United States to establish a moratorium on the use of the death penalty, with a view to completely eliminating capital punishment. The EU urged the United States to withdraw its reservation on Article 6 of the International Covenant on Civil and Political Rights (ICCPR), concerning the prohibition on imposing the death penalty on minors. Furthermore, the EU called upon the United States to respect the strict conditions under which the death penalty may be used, which are set forth in several international instruments.

The general démarche was coupled with a memorandum presenting an overview of the principles, experiences, policies and alternative solutions guiding the abolitionist movement in Western Europe. The memorandum was delivered to the relevant federal and state US authorities (see annex).

In December 1999, the EU embassies in Washington drew up the 'Common EU embassy actions on death penalty in the United States'. The document is intended to provide a basis for local action in the United States based on the common EU guidelines on capital punishment.

In February 2000, the EU welcomed the decision taken by the Governor of Illinois to declare a moratorium on all pending executions in that state, and in April the EU Presidency sent two letters to the Governor of Tennessee, in which it expressed its concerns about the termination after 40 years of the de facto moratorium on executions.

In May 2000, the EU sent a letter to the Governor of New Hampshire, in which it called upon the governor to permit the bill abolishing the death penalty in New Hampshire to pass into law.

### **3.1.6. Political dialogue, including human rights-specific dialogue, with associated countries, United States, Canada, China**

The EU maintains a special dialogue on the theme of human rights with a number of countries.

With the United States, Canada and the associated countries this takes the form of a six-monthly meeting of experts, with the troika representing the EU, before the Commission on Human Rights and the annual United Nations General Assembly. The main objective of these dialogues is to tackle questions of common interest and the possibilities for cooperation within multilateral human rights bodies. The dialogue sessions with the United States also provide the European Union with the opportunity to raise the question of the death penalty. As regards the associated countries, the EU keeps them informed of its initiatives, with which they may associate themselves if they judge it appropriate to do so. This may be the case, for example, for the speeches made by the EU at the UNGA and the Commission on Human Rights on the worldwide human rights situation.

Also, as described in Section 3.1.8 (EU-ACP partnership agreements), the European Union tackles human rights issues in the framework of its relations with the applicant countries and with the ACP countries.

Finally, the question of human rights is regularly tackled in the framework of the regular political dialogue with some of the EU's major partners (Iran, GCC, Sudan, SADC).

### *The EU-China human rights dialogue and cooperation programme*

Besides the general political dialogue, the EU conducts a specific dialogue on human rights with China. This dialogue, which resumed in 1997, aims to discuss human rights issues of concern in an open and frank manner. The EU troika and the representatives of the Chinese Government meet twice a year. Official meetings were held in October 1999 and in February 2000. Legal seminars, in which representatives of the academic community and of civil society from the EU and China participate, are also organised in this framework. A seminar was organised in Finland (Rovaniemi) in September



1999 on the rights of women and minorities, and another in May 2000 in Portugal (Lisbon) on the death penalty and ratification of the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights. These covenants were signed by China in 1997 and 1998 respectively but have not yet been ratified. The EU wants China to ratify and implement these covenants rapidly. It is ready to offer its cooperation to support this process. Areas of EU concern include freedom of opinion, expression and assembly, extensive use of the death penalty, arbitrary detention and the use of labour camps, and the treatment of religious and cultural minorities. The situation in Tibet, including the 'patriotic education campaign', continues to give serious cause for concern. EU troika ambassadors visited Tibet in May 1998 in order to make an assessment of the situation there. Through the dialogue process, the EU has also raised concerns about the lack of due processes of law in China's 'reform through education' system, and the continued broad definition of crimes endangering State security. The EU has also sought retrospective action from the Chinese authorities to review the cases of those detained under the former legislation on 'counter-revolutionary crimes'.

The excessive use of the death penalty in China remains a matter of deep concern for the EU. This concern has been expressed on several occasions within the framework of the human rights dialogue with China. The EU has pressed the Chinese authorities to ensure that all appeals are heard by the Supreme People's Court, and for data on the number of executions and other information related to the use of the death penalty.

The EU has also raised the cases of many individuals detained in China. Some of these have subsequently been released.

Several cooperative projects have also been set up to support the dialogue, under the headings of the European initiative for democracy and human rights (Title B7-7) and financial and technical cooperation with Asian developing countries (B7-3000). An EU-China judicial cooperation programme was launched in March 2000. It is intended to support the strengthening of the rule of law in China through exchange and training

programmes for Chinese lawyers. This is the largest initiative of this sort ever to have been launched in China by western countries. Work is continuing to finalise a support programme for local democracy.

In July 2000, the Commission decided to finance a project promoting economic and social rights for the disabled in China through the Chinese Federation for the Disabled. The Commission's programme for 2000 also includes the establishment of a human rights facility at the Commission's delegation in China, making it possible to finance small projects on the ground.

At the General Affairs Council on 20 March 2000, ministers recalled the importance of the dialogue while considering that it should be matched by concrete progress on the ground. They felt it to be desirable that concrete targets should be set for the dialogue and that its progress should be evaluated (see the General Affairs Council communiqué in the annex).



*The General Affairs Council on March 2000: from left to right, the President of the Council, Mr Jaime Gamma, the Secretary-General of the Council/High Representative for CFSP, Mr Javier Solana, and Mr Pierre de Boissieu, deputy Secretary-General*

### **3.1.7. Reports from European heads of mission, a key instrument in evaluating the human rights situation on the ground**

The EU heads of mission periodically report to EU bodies on the human rights situation in certain countries. Guidelines concerning the drafting of joint reports were adopted by the Union and revised in January 1999. These reports give

the EU a basis for its analysis and decisions as regards human rights. The EU makes summaries of its reports concerning the Middle East peace process ('EU settlements watch', 'EU Jerusalem watch' and 'EU human rights watch') publicly available, *inter alia* on the Council's web site (<http://ue.eu.int>).

### 3.1.8. The 'human rights' clause in agreements with third countries

#### *Human rights clauses in EC legislation*

The EU's external trade and cooperation relations have been institutionalised in a series of treaties, ranging from simple bilateral commercial agreements to elaborate association agreements including clauses on different kinds of cooperation.

Since the early 1990s, the EU has inserted human rights clauses in a substantial number of bilateral trade and cooperation agreements with third countries (such as the association agreements, Mediterranean agreements and the Lomé Convention). In May 1995, the Council approved a model clause, with the aim of ensuring consistency between different instruments. The model consists of a provision stipulating that respect for fundamental human rights and democratic principles as laid down in the Universal Declaration of Human Rights of 1948 (or, in a European context, also the Helsinki Final Act and the Paris Charter for a New Europe) and for the rule of law underpins the domestic and external policies of the parties and constitutes an 'essential element' of the agreement. A provision dealing with non-execution of the agreement requires each party to consult the other before taking measures, except in cases of special urgency. An interpretative declaration, and the enacting terms, specify that cases of special urgency usually include breaches of an 'essential element' of the agreement. The Community thus makes it possible to suspend all or part of the implementation of an agreement in the event of human rights violations.

Since then, the human rights clause has been included in all bilateral agreements of a general nature (excluding sectoral agreements on textiles, agricultural products, and so on). More than 20 such agreements have already been signed. These agreements are in addition to the more than 30 agreements negotiated before May

1995. If the Lomé Convention is included, human rights clauses already apply to more than 120 countries.

The human rights clause does not transform the nature of agreements which are otherwise concerned with matters not directly related to the promotion of human rights. It simply constitutes a mutual reaffirmation of commonly shared values and principles, a precondition for cooperation in the context of those agreements. Such a clause thus does not seek to establish new standards in the international protection of human rights. It merely reaffirms existing commitments which, as general international law, already bind all States as well as the EC in its capacity as a subject of international law.

Besides the human rights clause, most of the agreements concluded with third countries also arrange for regular political dialogue on all subjects of common interest, and aim for cooperation with a view to realising objectives such as peace, security, democracy and regional stability. This dialogue makes it possible for the Community to bring up human rights questions also, as does indeed regularly happen whenever this is necessary, particularly at ministerial level in the Association Council framework.



In this spirit, the EU has used the mechanisms of the Lomé Convention to seek to resolve problems connected with human rights, democracy and the rule of law. In April 1999, following the coup d'état in Niger, the EU held consultations with the Niger government and the ACP States in line with the provisions of Article 366a of the Lomé Convention. At these consultations the Niger Government committed itself to a plan for

transition to democracy; its implementation is accompanied by the progressive normalisation of relations between the Union and that country. Article 366a of the Lomé Convention has also been used in the cases of Togo, the Comoros, Guinea Bissau and Côte d'Ivoire.

In all these cases, the procedure was characterised by a desire to use dialogue to remedy situations in which essential elements of the convention were being violated, before having recourse to possible unilateral measures to suspend cooperation.

The generalised system of preferences (GSP) is a scheme under which the European Community grants autonomous and non-reciprocal trade preferences to developing countries in order to use trade as an instrument for development. Subsequently the conception of the scheme is adjusted to the requirements of sustainable development and the protection of human rights. The benefits of GSP preferences may be withdrawn in some specific cases of unacceptable practices. These include any form of slavery or forced labour and the export of goods made by prison labour. This procedure was launched against Burma/Myanmar for practices of forced labour and led to the withdrawal of GSP preferences; it has been in force since 1997.

#### *New ACP-EC partnership agreement*

The new partnership agreement was signed on 23 June 2000 in Cotonou (Benin) by 77 ACP States and by the European Community and its Member States, to succeed the Lomé Convention. It describes respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy, the rule of law, and transparent and responsible governance, as an integral part of sustainable development.

Respect for human rights, democratic principles and the rule of law constitute essential elements of the partnership agreement. The parties refer to their international obligations and commitments on this issue. Equality between men and women is also reaffirmed.

A new consultation procedure has been established for cases where these essential elements are being violated. By comparison with the pro-

visions of the Lomé Convention, the Cotonou Agreement puts more emphasis on the responsibility of the State concerned and provides for greater flexibility in the consultation process. In cases of particular urgency — in cases of serious violations of one of the essential elements — measures may be taken immediately. They are then notified to the other party and to the ACP-EC Council of Ministers.

The Cotonou Agreement also makes good governance, defined by common agreement in broad terms, a fundamental element.

Furthermore, the parties agreed that serious cases of corruption, both active and passive, could from now on lead to the implementation of a specific non-execution clause. This procedure will be applied not only in cases of corruption involving EDF funding but also more broadly, in every country where the Community is financially involved and where corruption constitutes an obstacle to development.

All these essential and fundamental elements will be the subject of regular dialogue between the parties, which will pay particular attention to ongoing developments and to the continuation of current progress. This regular assessment will take account of the economic, social, cultural and historical situation of each country.

These areas will also be the subject of increased attention in support for development strategies. In this framework, the Community will be able to promote political, institutional and judicial reform and the strengthening of the capacities of those in public and private life and of civil society. By systematically integrating gender-linked questions, cooperation will also aim to ensure the equal participation of men and women. This cooperation should also contribute to improving the access of women to all the resources needed for the full exercise of their fundamental rights.

#### **3.1.9. Regional partnership arrangements**

##### *EU-Latin America and Caribbean Summit*

The first summit between the European Union and Latin America and the Caribbean region, held in Rio de Janeiro on 28 and 29 June 1999, provided a good opportunity for the leaders

present to state their commitment to the further strengthening and protection of human rights. The 'Declaration of Rio de Janeiro' and the 'priorities for action' agreed at the summit highlighted the political and other values shared by the participating States.

In the Declaration of Rio de Janeiro several points refer to human rights, and in particular points 5 and 21. The second priority for action noted the agreement between the leaders to formulate programmes of cooperation aimed at further strengthening the protection and promotion of human rights. The third and fourth priorities reflected the need to prevent and combat xenophobia and racism as well as the importance of promoting and protecting the rights of the most vulnerable groups in society and of women. There have been two senior officials' follow-up meetings to discuss the implementation of the priorities for action. At the meeting in Vilamoura, Portugal on 25 February 2000 several programmes connected with human rights were proposed. These were as follows:

1. A conference of human rights experts in Brazil in November 2000 to be organised by Brazil and Portugal.
2. Seminars of human rights ombudsmen to be held in 2000 and to be organised by Denmark and Finland.

#### *EU–Africa Summit (3 and 4 April 2000)*

The first Africa–Europe summit under the aegis of the OAU and EU, which was held in Cairo on 3 and 4 April 2000, gave the Heads of State or Government of both regions the opportunity to solemnly reaffirm a body of principles and commitments which constitute the foundation for the global partnership between Africa and Europe for the 21st century. The Cairo declaration and action plan adopted at the end of the summit highlight the common values shared by the participants, primarily the strengthening of representative and participative democracy, respect for human rights and fundamental freedoms, the rule of law, good governance and pluralism.

The principles and commitments relating to human rights listed in Chapter IV (paragraphs 42 to 61) of the Cairo Declaration will be put into practice *inter alia* by the implementation of the measures described in Chapter IV (paragraphs 41 to 71) of the action plan. Those measures, which

consist priorities to guide the actions of summit participants and will be subject to regular monitoring, cover the whole field of international cooperation in the human rights field in the broad sense, and will contribute to giving substance to the commitment of both regions to give a new dimension to their global partnership.

#### *Third informal ASEM seminar on human rights (Paris, 19 and 20 June 2000)*

The third informal ASEM seminar on human rights was held in Paris on 19 and 20 June 2000. It followed the meetings in Lund (Sweden) in December 1997 and in Beijing (June 1999). The initiative for this type of seminar was taken by France and Sweden at the meeting of ASEM Ministers for Foreign Affairs in February 1997. It was intended to make progress on the political aspect of the Europe–Asia dialogue.

The seminar brought together more than 60 participants (governments, NGOs, academics) from the member countries of ASEM. Three subjects were on the agenda:

- freedom of expression and the right to information;
- humanitarian intervention and national sovereignty;
- is there a right to a healthy environment?

This informal seminar facilitated a better understanding of one another's positions, and took place in a constructive atmosphere. It will lead to a joint publication by ASEF, the French Ministry of Foreign Affairs and the Wallenberg Institute (Lund, Sweden). Indonesia will host the next seminar in 2001.

#### *Stability and association process towards south-eastern Europe*

The European Union is strongly committed to the stabilisation and development of south-eastern Europe. The Union's strategy is to draw the countries of the region closer to the prospect of European integration. The key element in this strategy is the stabilisation and association process for five countries in the region: Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav republic of Macedonia. For the first time, the stabilisation and association process offers these five countries a prospect of EU integration,



based on a progressive approach adapted to the situation of the specific countries.

Aimed at bringing peace, stability and economic development to south-eastern Europe, the stabilisation and association process is based on political and economic conditionality. General conditions to be met by all countries include democratic reforms, respect for human and minority rights, return of refugees and displaced persons. Compliance with these conditions forms the basis for the development of bilateral relations with the EC in the field of trade, financial and economic assistance and contractual relations. These bilateral relations include, as appropriate:

- (i) stabilisation and association agreements: a new kind of contractual relationship offering for the first time a clear prospect of integration into the EU's structures — in return for compliance with the relevant conditions — to Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Albania;



- (ii) autonomous and trade measures and other economic and trade relations;
- (iii) economic and financial assistance, *inter alia* Phare assistance, Obnova assistance, budgetary assistance and balance-of-payments support;
- (iv) assistance for democratisation and civil society;
- (v) humanitarian aid for refugees, returnees and other persons concerned;
- (vi) cooperation on justice and home affairs;
- (vii) development of a political dialogue.

The stabilisation and association process is the EU's main contribution to the stability pact for south-eastern Europe. The stability pact was launched by the EU in June 1999 and involves also the United States, Russia, Canada, Japan, international organisations (UN, NATO, OSCE, CoE) and IFIs. It aims to support countries in south-eastern Europe in their regional efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region.

Stability Pact Working Table I is devoted to democratisation and human rights, and the EU, as well as the Council of Europe, has played an active role in it since the table first met in October 1999. At a regional donors conference held in March 2000 in Brussels, the EU pledged EUR 314 million to projects promoting human rights and democratisation (the Community pledged EUR 191 million). These projects will start being implemented by March 2001.

#### *The Euro-Mediterranean partnership*

The Barcelona Declaration, adopted in November 1995 by the Ministers for Foreign Affairs of 27 countries from north, south and east of the Mediterranean, was the founding act for a large-scale partnership between the European Union and the Mediterranean countries, with the aim of establishing an area of peace, stability and prosperity in the region.

To that end, the Barcelona process is focused around three main strands:

- (i) political and security, including *inter alia* the approval of a Euro-Mediterranean charter for peace and stability to be adopted at the fourth conference of Ministers for Foreign Affairs of the partnership (Marseilles, November 2000);
- (ii) economic and financial, with the aim of establishing a Euro-Mediterranean free trade area between the 27 by the year 2010, through the conclusion of association agreements between the Fifteen and each partner from south of the Mediterranean, with accompanying finance from the Union in the MEDA framework;
- (iii) social, cultural and human, to promote dialogue between the cultures and peoples from

both shores of the Mediterranean and the co-operation of the 27 in important areas such as migration and the fight against terrorism and all forms of illegal trafficking.

In Barcelona, the 27 partners subscribed to a number of essential principles and obligations, particularly those stemming from the United Nations Charter and the Universal Declaration of Human Rights. They committed themselves to developing the rule of law and democracy, to promoting respect for human rights and fundamental freedoms and promoting pluralism and tolerance in their societies. Several initiatives were taken by the 27 to that end, including the holding of seminars of experts, the creation of networks between actors from civil society and the establishment of a 'civil forum' to be held in parallel with the ministerial conferences.

### 3.1.10. Election observation and assistance

Under the Treaties, the consolidation of democracy is one of the fundamental objectives of the EU's common foreign and security policy and the Community cooperation policy. During the last decade an increasing number of countries worldwide have adopted democratic forms of governance. Although some countries have abruptly reverted to autocracy or have been sunk in civil and regional conflicts, a case exists for being 'demooptimist', as countries where people's representatives are elected by universal suffrage are now a majority worldwide. With more and more countries moving towards democracy, Community assistance to support these transitions has increased consistently. Support for election organisation and electoral observation has received the lion's share of the commitments, reaching nearly EUR 150 m in the last four years, and has taken several different forms:

- (i) technical assistance to needs identification;
- (ii) provision of long-term technical assistance to national electoral commissions and election administration bodies;
- (iii) provision of electoral and voters' registration material and other financial support to national electoral commissions and election administration bodies;
- (iv) support for electoral jurisdiction bodies;

- (v) financing of training for civic education and electoral administration officers;
- (vi) financing of civic education activities either via the country's authorities or via civil society organisations;
- (vii) support for media monitoring by independent bodies;
- (viii) support for civil society organisations promoting democratic values and acting as 'watchdog' during electoral processes and observing elections;
- (ix) supporting training courses for electoral observation;
- (x) supporting seminars and training for journalists covering electoral processes;
- (xi) financing seminars and research on electoral issues;
- (xii) supporting actions aimed at promoting a common European approach to electoral observation;
- (xiii) contributions to UN-managed trust funds;
- (xiv) support for parties' observers during the registration and voting processes.

On April 11 2000 the Commission adopted a communication on electoral assistance and observation aimed at creating a new framework for EU election assistance and observation by defining a coherent European policy with a clear strategy, drawing heavily on the lessons learned from previous EU electoral missions. The communication makes proposals to improve the decision-making process and to coordinate the roles of the EU institutions. In particular, it underlines the importance of appropriate arrangements among EU institutions in the field of electoral observation to clearly define the respective responsibilities of the Commission, the Council and the Parliament. The Council plans to consider the communication in the near future.

In the year 2000, electoral projects financed and co-financed through the EU Commission were implemented in the following countries (additionally, a number of Member States made bilateral contributions to electoral observation and assistance projects).



### *Electoral assistance*

Guyana, with the deployment of a needs assessment mission during the month of April, in view of the parliamentary elections to be held in 2001.

In Côte d'Ivoire, the EC contributed to the financing of the July referendum on the constitutional amendments, the presidential elections held in September, the parliamentary elections held in October and the municipal elections held in November. Around EUR 9 million were made available out of previously frozen counterpart funds.

In Ghana, the Community has financed three projects in support of deepening the democratisation process in Ghana. Funds totalling EUR 1.93 million have been committed to finance supplies to the national electoral commission. EUR 1 million was used for civic and voters' education. These two projects were financed out of the national indicative programme. Additionally, nearly EUR 600 000 were granted to the Friedrich Naumann Foundation for the programme 'Building a network of domestic observers', which aims to create long-term domestic capacity for electoral observation.

In Albania, the EC has contributed to a UNDP-managed project in support of the local election with up to EUR 3.7 million.

In Kosovo the Community financed the organisation of local elections with a contribution of EUR 5 million to the electoral budget prepared by the UN.

The Community financed a EUR 5.5 million project in support of general elections in Tanzania. The EC contribution to the electoral budget will meet the costs of electoral material such as bal-

lot papers and civic education campaigns. Moreover, the Community will finance a separate project on voters' education and the deployment of an EU electoral observation mission including long- and short-term observers.

In Pakistan, the Commission organised a needs assessment mission in September 2000 in view of the municipal elections to be held from December 2000 to June 2001. The mission was to assess the feasibility and advisability of deploying a fully-fledged EU electoral observation mission.

### *Electoral observation*

EU electoral observation missions were deployed to observe several important and politically significant elections, particularly in Africa. The Community financed EU electoral observation missions in the following countries.

The case of Zimbabwe was exemplary in terms of coordination and complementarity between the Community's and Member States' actions, in terms of rapidity of execution and of its concrete impact on an electoral process that had serious flaws and irregularities and was marred by a high level of violence and intimidation. The total cost of the 190 observer-strong mission amounted to EUR 2.6 million, of which 1.8 million were financed by the Community and the balance by Member States. The mission, led by prominent chief observers, enjoyed an extremely high visibility and contributed to reducing the level of intimidation and violence.



A 150 observer-strong mission was deployed to Côte d'Ivoire, where democratic elections took place after the December 1999 coup with a EUR 2 million commitment from the resources of the EDF.

The EU organised a large electoral observation mission to Tanzania, to observe the second democratic general elections that were held in October. Moreover, nearly 0.5 million were devoted to supporting observation by local civil society organisations.

In August 2000, the Commission organised a needs assessment mission to Sri Lanka in order to assess the advisability of observing the parliamentary elections.

Commission officials, EU diplomats posted in Mexico City and MEPs observed the historic presidential elections held in Mexico on 2 July.

#### *Media monitoring*

Media monitoring carried out by the European Institute for the Media in all central and east European and CIS countries has been financed. This project has usefully complemented EC-financed intervention in support or observation of elections in Albania, Kosovo and Belarus.

#### *Training of observers*

As a follow-up to the Seville and Stockholm seminars, the Commission has approved the financing of a programme implemented by the Swedish Agency for International Development for the establishment of a common European standard for electoral observers. Experts from all Member States have been trained to act as trainers of observers where necessary. The medium- to long-term objective of this project is to have long and short-term observers receive initial general training while still in their home country before their deployment to the host country, where they will receive a briefing dealing only with the prevailing local conditions and legal framework.

#### *Total amount of funds committed*

The total amount of funds committed by the Commission, acting on behalf of the EC, to electoral assistance and observation can be estimated at around EUR 33 million.

Compared to the previous financial year this marks a decrease of nearly 45 % in funds committed. However, the number of operations supported by the Commission has not changed significantly. The exceptional amount committed in

the 1999 exercise is due to three major operations that added up to 50 % of the total commitments (Mozambique: EUR 21 million, Indonesia: EUR 7 million and East Timor: EUR 5 million).

#### **3.1.11. Implementation of the European initiative for democracy and human rights (Chapter B7-7 of the EU budget) in 1999**

1999 was the first year the two Regulations 975/1999 and 976/1999 laying down the requirements for the implementation of human rights operations in third countries came into force. They provide a legal basis for the implementation of the 11 headings of Budget Chapter B7-7 known collectively as the European initiative for democracy and human rights, and a comprehensive framework for the EU's human rights operations. Activities implemented under Chapter B7-7 are complementary to the other EU instruments such as Phare, Tacis, MEDA and other instruments of financial and technical cooperation under which human rights and good governance initiatives can be supported in third countries.

The regulations provide for the establishment of a Human Rights and Democracy Committee which started its work in July 1999. It is composed of representatives of the 15 Member States and chaired by the Commission. The Committee may examine any issue concerning Community aid in the field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the EC towards third countries. Once a year, it examines planning for the following financial year or discusses general guidelines for operations under the regulations to be undertaken in the year ahead. Its task is also to assist the Commission in the implementation of Chapter B7-7 by delivering opinions on projects over EUR 1 million. The Committee is also systematically notified of projects below EUR 1 million.

In 2000, the thematic priorities can be summarised as follows:

- (i) human rights education and awareness-raising in civil society;
- (ii) innovative schemes in the field of conflict prevention and innovation in countries in crisis;
- (iii) promotion of inter-ethnic and inter-racial tolerance in preparation for the World Con-



ference Against Racism (2001) and support for indigenous people;

- (iv) good governance — measures to promote transparency, accountability and the fight against corruption, notably those which would strengthen cooperation and dialogue between the EU and its partners;
- (v) economic, social and cultural rights;
- (vi) protection of particularly vulnerable groups, especially children.

A gender dimension is mainstreamed in the implementation of the budget chapter. The regulations refer explicitly to women as a target group. They include several references to equal opportunities, non-discrimination and the promotion of women in: 'the promotion of equality of opportunity and non-discriminatory practices', 'promoting the equal participation of women and men in civil society, in economic life and politics', 'promoting the equal participation of specific groups, particularly women, in the electoral process'.

A variety of methods were used to implement the chapter in 1999. None is sufficient in itself since Community action involves a combination of methods determined by the operational objectives pursued, timing, the beneficiaries and the partnerships involved.

- (i) A call for proposals was launched in June 1999 for some of the budget headings in of the chapter. The aim was to mobilise a wide range of civil society actors in support of the Commission's priorities. 560 proposals were received and 77 projects selected for funding in 1999. 44 projects were also earmarked for funding in 2000 in the framework of the call.
- (ii) The Commission chose decentralised management methods to tap the full potential of small local grassroots NGOs in the countries of former Yugoslavia, central and eastern Europe and the NIS. So-called micro-projects in those regions range from EUR 3 000 to 50 000. A total of EUR 5 250 000 was allocated to micro-projects in 1999.
- (iii) Multiannual regional approaches were adopted in Asia (Bangladesh) and in Latin America.

(iv) Projects developed in close cooperation with international organisations, such as the OSCE and the Council of Europe. Five new joint programmes were signed with the Council of Europe in 1999. Contacts were established with the office of the High Commissioner for Human Rights to strengthen cooperation, especially in the context of preparation of the World Conference Against Racism.

- (v) Activities resulting from political initiatives and commitments.

A detailed list of the various programmes financed under Chapter B7-7 in 1999 is annexed.

## 3.2. Multilateral organisations

Multilateral organisations (United Nations, OSCE, Council of Europe, etc.) constitute an important reference framework for the EU in establishing its basic standards and defining its position on various thematic issues. The debates and initiatives which take place there offer it the opportunity to show consistency between its policy and its action.

The Member States and the Commission, acting on behalf of the EC, coordinate their activities in international organisations and at international conferences, and defend the common positions of the EU within those bodies. The positions adopted by the EU in international forums are regularly coordinated in various bodies including Council working parties (particularly in the COHOM and COSCE working parties), and on the spot.

In general, the EU works in these bodies to promote the strengthening of monitoring mechanisms and the effective respect for human rights, and for coordinated participation in developing new standards.

### 3.2.1. United Nations

The EU attaches great importance to the work of the United Nations and to its human rights mechanisms, which include monitoring bodies laid down by the Treaties as well as non-conventional mechanisms — special rapporteurs and representatives, both thematic and geographical. Over the years, important steps have been



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taken to place the question of human rights and fundamental freedoms at centre-stage internationally, particularly through the creation in 1994 of the post of United Nations High Commissioner for Human Rights. The EU supports the work of Ms Robinson, who currently holds that post. She will continue to work towards the target set by the United Nations Secretary-General, of placing human rights at the heart of every aspect of United Nations activity.

The EU encourages the development of technical assistance activities. Several Member States and the Commission acting on behalf of the EC make substantial voluntary contributions to the activities of the High Commissioner for Human Rights (see details in annex). In this respect, the launch of the office's annual appeal for 2000 marked a serious attempt to convey the complete range of the office's activities and to comprehensively outline its needs. The EU warmly welcomes improvements that have taken place over recent years and is encouraged by the ongoing commitment to greater efficiency demonstrated by the appeal initiative and other innovations over the past year. The launch of the annual appeal also underlines the need for increased funding to be made available to the office.

In this regard, the EU, in a statement delivered at this year's Commission on Human Rights, unequivocally stated its belief that the office's share in the UN regular budget should be increased significantly to meet the growing demands in its work and to finance its wide range of activities. The scope of the growing demands faced by the office was clearly outlined by the United Nations Secretary-General in his address to the 56th Commission on Human Rights when he stated that 'Human rights must be established as an essential

component of the rule of law in international affairs' and that human rights are at the core of meaningful development. The EU subscribes to this broad perspective on human rights and emphasises how this view highlights the need for adequate funding of the office.

Coordination between EU Member States within the United Nations is becoming increasingly well-established, as can be seen from the number of resolutions adopted on the initiative of the EU (6 resolutions at the 54th UNGA, eight resolutions and two declarations at the 56th CHR), and the fact that Member States vote together on practically all issues put to the vote in those bodies. At the General Assembly, as in the Commission on Human Rights, the EU speaks with one voice on the human rights situation in the world (see below, and in the annex, for the statement by the EU Presidency in the CHR), and on the main themes relating to human rights (also see below). The particular importance which the EU attaches to the universal abolition of the death penalty and to the protection of the rights of the child is also reflected by the initiative taken for a resolution on each of these subjects (see the sections on the UNGA and the CHR for these issues).

During the period covered by this report, the EU has taken an active part in human rights debates and events organised at the United Nations, in particular:

- (i) the Third Committee;
- (ii) opening for signature of the Protocol to the CEDAW Convention allowing for individual recourse in cases of discrimination;
- (iii) celebration of the 10th anniversary of the Convention on the Rights of the Child;
- (iv) preparation for the Beijing + 5 review (women) and the Copenhagen + 5 review (social summit);
- (v) Commission on Human Rights;
- (vi) preparation for the World Conference on Racism.

#### *3.2.1.1. 54th session of the General Assembly: work of the Third Committee*

In contrast to the previous year, when the UNGA session was marked by the celebration of

the 50th anniversary of the Universal Declaration of Human Rights and the adoption of texts such as the Declaration on Human Rights Defenders, discussions in the Third Committee at the 54th session of the UNGA, influenced by the theme, which dominated the session, of humanitarian intervention confronted with national sovereignty, were relatively difficult. Several proposals suffered as a result, including the draft European resolution on the death penalty, which was opposed in the name of sovereignty by a group of determined countries; or the proposal presented by Romania for a 'democratic code of conduct' which met with lively opposition from a small group of countries. The debate on the right to development was also difficult, concluding with a vote on the entire text and on certain contentious paragraphs.

The EU, led by the Finnish Presidency, was behind resolutions adopted on the human rights situation in Iran, Iraq, Sudan and the Democratic Republic of the Congo, which it drew up in close consultation with the relevant special rapporteurs. Individually, Sweden and Italy respectively tabled resolutions on the situation in Burma/Myanmar and in Afghanistan.

With the Latin American and Caribbean Group (Grulac), the EU also tabled the resolution on the rights of the child. New elements were introduced to strengthen the text, particularly as regards children in armed conflicts, migrant children and the sexual exploitation of children. This resolution was co-sponsored by 132 countries, 10 countries more than in the previous year.

Finally, the EU tried for the first time to have a resolution adopted on the death penalty, using the terms of the text adopted on its initiative by the Commission on Human Rights. Despite significant support (72 countries had co-sponsored the proposal), the draft European resolution encountered firm opposition from the countries wishing to retain the penalty, which were determined to include a series of amendments in the text which would have partly reduced its scope. The EU therefore decided not to pursue its initiative at the UNGA and to suspend it for the moment.

The Finnish Presidency spoke on behalf of the EU on the human rights situation in the world. This text, reproduced in the annex, reflects the EU's position on the situation in nearly 50 countries.

The EU also spoke on several thematic items on the agenda (International Year of the Elderly, world social development summit, crime prevention, promotion of women and follow-up to the world conference in Beijing, refugees, rights of the child, racism, self-determination and the application of human rights instruments). In addition, the EU explained its vote or its position on several resolutions concerning certain countries or certain subjects (see below).

As regards initiatives by third countries, the EU *inter alia* co-sponsored the resolution on the situation in Bosnia and Herzegovina/Croatia/the FRY (Serbia and Montenegro), and the resolution on the situation in Kosovo. It gave an explanation of vote on the resolutions on Rwanda (Canada), Human rights and cultural diversity (Iran), globalisation (Egypt), human rights and unilateral coercive measures (Cuba) and the right to development (South Africa on behalf of the G77).

### 3.2.1.2. 56th session of the Commission on Human Rights

The 56th session of the Commission was marked in particular by the agreement reached in the review of the mechanisms of the Commission on Human Rights and by the adoption of both optional protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. The decision to establish a new mechanism (Special Representative of the Secretary-General) on the question of human rights defenders represented an important success as did the adoption, on the EU's initiative, of a resolution on the situation in Chechnya.

The EU, led by the Portuguese Presidency, was one of the main players at the Commission on Human Rights, the main United Nations body in this field. In total, either directly or through one

of its Member States it was behind nearly one third of the resolutions adopted. It also made numerous statements and participated actively in a large number of negotiations on initiatives presented by third countries.

The Portuguese Minister for Foreign Affairs spoke on behalf of the EU at the opening of the session, to present the EU's human rights priorities and policy. He particularly mentioned the gravity of the humanitarian and human rights situation in Chechnya, and the EU's concern at the lack of progress in China. He underlined that the dialogue which the EU had entered into with that country needed to result in real improvements and did not constitute an end in itself. The text of this statement is annexed hereto.

Judging that the situation in those countries or territories remained a matter of concern, the Union again took the initiative with resolutions adopted on Iran, Iraq, Israeli settlements in the Occupied Territories, Burma/Myanmar, the Democratic Republic of the Congo and Sudan.

The EU was behind the resolution adopted on Chechnya, in which it wished to express its concern about the serious human rights situation and the violations of humanitarian law, and insist that there be an investigation and the perpetrators prosecuted.

The EU also took the initiative in drawing up consensus declarations by the Presidency of the Commission on Human Rights on Colombia and East Timor. In the latter case the purpose was to commit Indonesia to act on the outcome of the special session of the Commission on Human Rights devoted to Timor in September 1999, which had set up an international procedure to investigate human rights violations. The declaration took note of the report of the Indonesian investigative committee and of cooperation with the international community. It also took note of the Indonesian Government's commitment to hold enquiries into violations of human rights and humanitarian law and to bring their perpetrators to justice.

The EU gave explanations of vote to express its particular concern over a number of situations. It explained the reasons which had led it to oppose the motion for non-action introduced by

China to obstruct the draft resolution tabled by the United States on the human rights situation in that country. Thus it regretted the fact that the use of that procedure prevented the Commission from examining the human rights situation in China in depth, on which it had had occasion to express its concern. The EU also supported the resolution tabled by Qatar on the situation in the Palestinian Occupied Territories, reaffirming the right of the Palestinian people to self-determination including the right to create a State. The EU also associated itself with concerns about the human rights situation in Cuba, while regretting that the resolution tabled on the initiative of Poland and the Czech Republic did not mention the negative effects of the unilateral economic sanctions applied to that country. Finally, it co-sponsored the US resolution on the former Yugoslavia, voicing its concern about the lack of progress in the FRY, noting some progress in Bosnia and Herzegovina, and welcoming positive developments on the political front in Croatia.

As for thematic questions, apart from the decision to appoint a special representative for human rights defenders, which the EU strongly supported, one of the most notable successes was the adoption of the 'resolution on the death penalty' tabled by the EU. The resolution was co-sponsored by 67 countries and adopted by 27 votes in favour, with 13 against and 12 abstentions.

## **Thematic overview of the priorities and positions of the EU at the UNGA and in the CHR**

### **Death penalty**

Capital punishment raises a range of philosophical, religious, political and criminological questions. The EU countries have all concluded that the death penalty is a uniquely inhuman and irreversible punishment.

Even highly advanced legal systems, which rest upon the principle of the rule of law, including the principle of due process, are not immune to miscarriages of justice, for example through different interpretations of the law, convictions based on unreliable evidence, or a lack of adequate legal representation. This inevitably leads to the execution of the innocent. And the irre-



versible nature of capital punishment removes any possibility of correcting such miscarriages of justice.

Nor is there sufficient justification on either criminal or criminological grounds for maintaining capital punishment. Studies have failed to demonstrate scientifically that the death penalty deters crime any more effectively than other forms of punishment, such as life imprisonment. And capital punishment assumes that those convicted of crimes are incapable of rehabilitation.

The European Union is therefore opposed to the death penalty in all circumstances. This view is increasingly shared throughout the international community. To date some 108 countries have abolished the death penalty in law (86 States) or in practice (22 States). And neither the Rome statute of the International Criminal Court nor the United Nations Security Council resolutions establishing the International Criminal Tribunals for the former Yugoslavia and for Rwanda include any provision for the death penalty even for war crimes, genocide and crimes against humanity.

The EU has therefore agreed to promote universal abolition of the death penalty. Over the last year, the EU has publicly welcomed full abolition of the death penalty or announcements of moratoria in Cyprus, the Philippines, Turkmenistan and Ukraine.

In those countries which retain the death penalty, the EU aims at the progressive restriction of its scope and full respect for strict minimum safeguards as set out in international human rights instruments. The EU also actively encourages retentionist States to establish moratoria on executions as a first step towards full abolition.

The EU is concerned that some 87 States retain the death penalty, although only a minority (around 30) will carry out executions in any given year. The EU is particularly concerned about those countries which execute large numbers of prisoners (e.g. China, DRC, Iran, Iraq and United States), as well as cases where countries have resumed executions or which have withdrawn from international safeguards aimed at prevent-

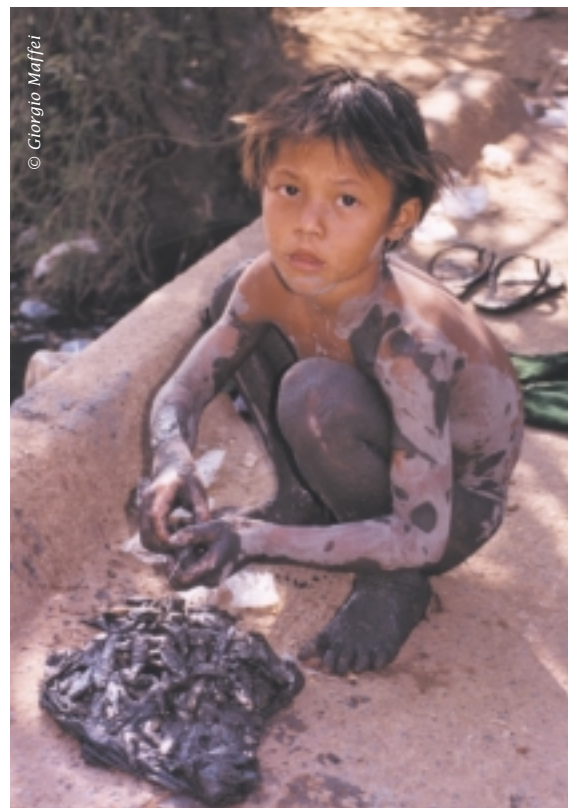
ing miscarriages of justice, such as Trinidad and Tobago and Peru.

While many African countries still retain the death penalty, positive developments have also taken place in recent years with a number of countries applying the death penalty more restrictively. In its dialogue with African governments, the EU has actively encouraged them to take various steps towards the ultimate aim of abolishing the death penalty.

In pursuing its goal of universal abolition the European Union has defined a set of guidelines for identifying circumstances in which Member States should take specific, targeted action (see annex).

### **Rights of the child**

Through the worldwide promotion of the convention and its almost universal ratification, children have gained recognition as individuals in their own right. According to the convention, the child is not to be envisaged simply as a vulnerable human being, needing special attention



and assistance, but should rather be respected as a subject with rights. The significance of the CRC for public policy worldwide cannot be questioned. The EU has regularly called on the States that have not yet ratified the convention to do so as a matter of urgency. The number of reservations on the CRC is of concern to the EU, and the Member States of the Union continue to object to reservations incompatible with the object and purpose of the convention and strongly urge State parties to regularly review other reservations with the aim of withdrawing them. The EU fully supports the work of the UN Committee on the Rights of the Child, stressing the important role played by the members of the Committee in defining better means to improve the implementation of the convention. The EU welcomes the decision by the Committee to begin adopting general comments, which serve as useful guidelines for State parties. In order for the Committee to undertake its tasks successfully it is of considerable importance that the decision to increase the number of Committee members be accepted by the State parties.

The EU has on a number of occasions expressed its support for the work of the office of the High Commissioner for Human Rights (OHCHR) in the field of the rights of the child, including its efforts to ensure that national institutions for promoting and protecting human rights focus on the rights of the child. The EU also strongly supports Unicef's important work in protecting the rights of the child and in improving the welfare of children. The EU particularly welcomes the leading role of Unicef in adopting a rights-based approach using the CRC as the basic tool when pursuing the best interests of the child through humanitarian aid and social programmes as well as through advocacy work.

The EU considers the adoption of Convention 182 of 17 June 1999 concerning the prohibition and immediate action for the elimination of the worst forms of child labour an important step forward. Since the adoption of the new convention all EU States have either ratified the convention or expressed their intention to do so. The EU supports the work done by the ILO to combat this problem, in particular its IPEC programme (international programme on the elimination of child labour).

In order to move forward and to improve implementation of the rights envisaged in the Convention on the Rights of the Child, further coordination is needed among the international actors, including within the UN family. The EU has therefore encouraged other parts of the UN system to make similar efforts to those of Unicef and the OHCHR in order to adopt a child-rights approach to development in various fields. Appropriate mechanisms for collaboration with the international community must be identified, in particular with those agencies charged with coordinating the follow-up to the major international meetings.

In its work to promote the rights of the child the EU recognises the important role played by international and national NGOs, inside as well as outside the EU. In many countries international and national NGOs have cooperated to mobilise interest in the CRC and thus encouraged the implementation of the convention. The EU continues to give political and financial support to such NGO activities, which are fundamental to the implementation of the CRC.

Notwithstanding the progress which has been achieved, millions of children and juveniles are exploited worldwide and they are often deliberate victims of a broad range of human rights violations. In its statement on the rights of the child at the General Assembly, the EU reiterated its commitment to the rights of the child, underlining that full respect for and protection of these rights are preconditions for a stable and peaceful future. Areas of special concern raised in the statement were: the right of every child to education free of charge; the unacceptable discrimination in many countries against girls throughout their childhood and into adulthood; the need for immediate elimination of the worst forms of child labour, where the EU recognises that child labour is both a consequence and a cause of poverty and must be seen in the context of strategies for poverty eradication and social development; the situation of children in armed conflict; and the need for strong national action and international cooperation in order effectively to fight the sexual abuse and exploitation of children.

The EU Member States participated actively in the negotiation of the two additional protocols, on the involvement of children in armed conflict

and on the sale of children, child prostitution and child pornography. They welcome the opening for signature of these two new important instruments for the protection of children, and encourage all States to consider signing and ratifying them.

The EU has become involved in preparations for the extraordinary session of the General Assembly devoted to following up the World Summit for Children to be held in September 2001.

### Human rights of women

The EU considers that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. Yet, even though much has been done to end gender-specific discrimination and other violations of the human rights of women, much still remains to be done to end these violations and to achieve the goal of full equality between women and men globally. Violence against girls and women in various forms, trafficking in women and children, disproportionate exposure of women to extreme poverty, insufficient healthcare, malnutrition and other social ills,

under-representation in decision-making, in the economy and in the public domain and other shortcomings continue to exist in unsettling proportions. Fighting these ills on the national as well as the international level is one of the priorities of EU action both inside and outside the UN forums.

One historic step towards ending discrimination against women was taken at the 54th session of the UN General Assembly with the unanimous adoption of the optional protocol to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on 6 October 1999. It provides for the right to petition and an inquiry procedure to protect the human rights of women. EU Member States were among the first to sign the protocol when it was opened for signature on 10 December 1999, and have been among the first to ratify it. In a statement to the plenary of the General Assembly, the Presidency called on all States to give serious consideration to signing and ratifying the protocol as soon as possible in order to improve the chances of its speedy entry into force (after ratification by 10 State parties). The Presidency also encouraged all States that have not yet done so to ratify or accede to CEDAW in order to achieve its universal ratification and observance.



The 11 resolutions adopted at the 54th General Assembly relating to the human rights of women were co-sponsored by many, in some cases by all EU Member States. In the negotiations leading up to the adoption of the resolutions — all by consensus — EU Member States played a coordinated, active and instrumental part in bringing about solutions based on the Beijing Declaration and the platform for action (Fourth World Conference on Women, Beijing, 1995). The EU summarised its stance on these issues at the 54th General Assembly in an extensive statement on the advancement of women (agenda item 109) and the implementation of the outcome of the Fourth World Conference on Women (agenda item 110). Therein, with a view to the special session of the General Assembly on women's issues in June 2000 ('Beijing + 5', see 2.1.3 below), the EU expressed its unconditional commitment to the full implementation of the Beijing Declaration and platform for action and called for new strategies and further initiatives for achieving gender equality on the basis of the Beijing commit-

ments. The EU also stated clearly that the participation of civil society, including NGOs, was essential to this process.

At the 56th session of the CHR, as at the preceding 54th General Assembly (see 2.1.1.), the EU voiced its deep concern at the fact that by no means all women and girls currently enjoy all human rights and fundamental freedoms in full equality with men and boys. In a statement on behalf of the EU on agenda item 12, 'Integration of the human rights of women and a gender perspective', the Presidency called upon States to prevent and punish all types of gender-based violence in the private and public sphere. It demanded urgent and effective action against harmful traditional practices and violence against women and girls, including the eradication of female genital mutilation. Also it called on all States to end discrimination and gender segregation in the economic and social spheres and ensure gender equality in education, decision-making, health care and other areas. The EU noted with concern the phenomenon of the feminisation of poverty and welcomed efforts to suppress and punish trafficking in persons, especially women and children, for the purpose of sexual exploitation and other forms of exploitation. Contrary to the stance taken by other delegations, the EU emphasised that the human rights of women included sexual rights and rights related to reproductive health.

With regard to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the EU expressed its regret that in spite of existing commitments the aim of universal ratification of CEDAW has not been achieved. It encourages all States to ratify or accede to CEDAW urgently. The number of reservations on CEDAW is of serious concern to the EU, and the Union continues to call on State parties to withdraw reservations incompatible with the object and purpose of the convention and strongly urges states parties to regularly review other reservations with a view to withdrawing them.

### **Refugees and displaced persons**

The EU's approach to dealing with crisis situations involving displacement of persons takes into account the fact that human rights viola-

tions, including attacks on and intimidation of the civilian population, often constitute a root cause of involuntary displacement within and beyond borders. Hence, respect for human rights, notably the rights of persons belonging to minorities, as well as democracy and good governance, are crucial for preventing the displacement of people. Safeguarding the rights of persons belonging to minorities is an essential way to increase political stability and achieve sustained human security. In other words, a well-functioning human rights policy is a precondition for preventing refugee flows and internal displacement.

The European Union participated actively in the deliberations of the Third Committee of the 54th Session of the General Assembly on the agenda items related to refugees and internal displacement. The Finnish Presidency, on behalf of the Union, delivered a statement on the report of the High Commissioner for refugees and expressed concern about the continued occurrence of new conflicts and refugees crises, in which civilians have been increasingly targeted, such as in Kosovo, Sierra Leone and East Timor. The grave situation in the Great Lakes region, and the deteriorating humanitarian situation in the Caucasus were also mentioned.

The EU contributed actively to the resolutions under these items, most notably the resolution on the office of the High Commissioner for Human Rights, and on the follow-up to the conference of the CIS to address the problems of refugees, displaced persons, and other forms of involuntary displacement and returnees, which were both co-sponsored by all 15 Member States. The EU further supported the resolution on the protection of and assistance to internally displaced persons. Drawing on the resolution on the issue of the Commission on Human Rights, the initiative commended the work of the Representative of the Secretary-General on internally displaced persons and noted with appreciation that the UN agencies, regional and non-governmental organisations are making use of the guiding principles on internal displacement in their work, and encouraged their further dissemination and application.

The EU has been, in recent years, collectively the largest donor to UNHCR, and has pledged con-



tinued full support to the efforts of the High Commissioner to effectively face the numerous challenges for the protection of refugees. In this context, the EU stressed the need to tackle today's mass displacements of people through concerted and coordinated action, a need that became even more compelling in the light of the Kosovo crisis. This can be achieved only by granting the UNHCR complete access to affected areas. The promotion of lasting solutions is of the highest importance. States have primary responsibility for the prevention of involuntary displacements and for creating conditions for the voluntary return of displaced persons in safety and dignity. Refugees and displaced persons who wish to return to their homes must be allowed to do so swiftly and without hindrance. Special attention should be given to women and children who have special needs both at refugee camps and when seeking protection and settling into a new homeland.

While recognising the need for international solidarity and burden-sharing, the Union reiterates that the primary responsibility for the protection of refugees lies with the host country. International human rights obligations and the principle of 'non-refoulement' should be respected in all circumstances. Consequently, the EU condemns the forced return and expulsion of refugees. In this context the EU expresses satisfaction at the recent accession of Kazakhstan to the 1951 convention and its 1967 protocol and urged others who have not done so to accede to or ratify the treaty at the earliest possible stage.

### **Racism, non-discrimination and respect for diversity**

#### *Racism and non-discrimination*

The European Union is convinced of the importance of the United Nations as an international body dealing with the question of racism and xenophobia, which exists in all parts of the world, on a global basis. Amongst the many international instruments concerning human rights which have been adopted under its aegis, a special place is held by the Convention on the Elimination of all Forms of Racial Discrimination; the European Union hopes that it will be universally ratified or acceded to.

The European Union considers that tolerance and respect for diversity are essential elements in the fight against racism, particularly as regards those belonging to minorities, native populations and migrants.

At the 54th General Assembly, on 21 October 1999, the European Union made a declaration on the elimination of racism and racial discrimination. During the same session, all Member States of the Union co-sponsored both resolutions on racism, adopted by consensus: the one on the implementation of the action programme for the third decade of the fight against racism and racial discrimination and the world conference, and the one on measures to combat modern forms of racism, racial discrimination and associated intolerance.

At the last session of the Commission on Human Rights, the EU made a declaration on racism, racial discrimination, xenophobia and associated intolerance. This played a decisive role in the negotiation of resolution 2000/14 on racism, which was adopted by consensus. This text establishes the office of 11 members (including, amongst the Member States of the EU, France) tasked with preparing for the world conference against racism to be held in South Africa in 2001, a major date for the EU in the coming year. The European Union considers that the world conference and the preparatory process are an important contribution to a general mobilisation against racism, racial discrimination, xenophobia and associated intolerance. It supports the High Commissioner for Human Rights in her role as Secretary-General of the world conference. It is actively involved in preparations for the conference, particularly by means of the European conference. It has made known its willingness to support the other regional preparatory processes for the world conference with a voluntary contribution.

#### *Native peoples*

All the EU countries supported the resolution tabled by Denmark recommending to Ecosoc that a permanent forum for native peoples should be created. Although not all aspects of this forum have been definitively decided upon, this initiative nonetheless represents a significant step towards the United Nations taking the problems of native peoples into account.

### *Minorities*

Finally, the resolution tabled by Austria on the rights of persons belonging to national, ethnic, religious or linguistic minorities was adopted by consensus. It particularly asked States and the international community to defend and protect the rights of persons belonging to national, ethnic, religious or linguistic minorities, as listed in the 1993 declaration, and asked the United Nations High Commissioner for Human Rights to begin new interinstitutional consultations with United Nations bodies and programmes on the problems of minorities.

### **The right to development**

The EU attaches great importance to the right to development and to assessing the question of development from the perspective of human rights, underlining the fact that, in the declaration on the right to development, the human being is defined as the central subject of development. The right to development is the human right by virtue of which everyone is entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised. Indeed, democracy, development and respect for human rights, civil and political as well as economic, social and cultural, are interdependent and mutually reinforcing factors.

The concept of the right to development has been defined mainly through the work of various UN conferences, the UN General Assembly and the UN Commission. Since the UN General Assembly first adopted a declaration on the right to development in 1986, the notion of the right to development has gradually been broadened and deepened, most notably when the World Conference on Human Rights in Vienna, 1993, affirmed the right to development as a universal and inalienable human right.

As is the case with all human rights, fulfilment of the right to development is primarily the responsibility of States. Since national governments have the primary responsibility to eliminate the obstacles to development, it becomes absolutely necessary that governments act in a transparent and accountable manner and the importance of democracy and good governance

thus moves to the forefront of efforts concerning the right to development.

At the same time the international community also has an important role to play in support of the efforts of national governments through effective international cooperation. Consequently, the right to development is an important element in the EU's agreements with developing countries. As a major donor of ODA the EU has continuously affirmed its commitment to raise its share of this burden and to ensure that structural adjustment is economically viable and socially and politically bearable. The EU offers its assistance in the strengthening of democracy, rule of law and respect for human rights, which are explicit objectives of the Union's development cooperation policy.

Due to procedural problems, the Working Group on the Right to Development established by the Commission on Human Rights did not get off the ground for a long period, and consensus was not achieved on the resolution on the right to development at the 55th UN General Assembly. The problems were, however, resolved immediately before the 56th session of the Commission on Human Rights. The EU noted with satisfaction that it was possible for the Commission to adopt a resolution on the right to development by consensus and welcomed the fact that the working group will now be able to begin its substantive work. Furthermore, the EU has welcomed the efforts of the UN High Commissioner for Human Rights to further integrate the right to development into the work of the entire UN system, including strengthening ties with the international financial institutions.

The EU will continue to participate actively in the deliberations on the right to development in the various international fora, notably the UN bodies concerned with human rights and development issues.

### *Economic, social and cultural rights*

For the EU, the indivisibility, interdependence and interrelationship of all human rights is beyond question. Economic, social and cultural rights are not inherently different from civil rights with which they share important common

denominators, such as respect for the individual and her/his dignity and the principles of equality and non-discrimination. Both sets of rights are mutually reinforcing: for example, the rights to food, education, health, social security and adequate housing contribute to the enjoyment of civil and political rights. In the same way, respect for civil and political rights — for example freedom of speech and trade union rights — are instrumental in the implementation of economic, social and cultural rights. Both sets of rights should be implemented together, and indeed the European initiative for democracy and human rights (the Union's major budget heading for human rights and democratisation activities, see Chapter B7-7 in point 3.1.11) gives equal prominence to the promotion of both sets of rights.

In a statement before the Commission's plenary, the Presidency (Portugal) reiterated the EU's abovementioned position on the status of economic, social and cultural rights. The Presidency noted that implementation of these rights should be strengthened and welcomed the important work undertaken by the High Commissioner for Human Rights, specialised agencies and international financial institutions in this area. Through resolutions introduced by Member States (France and Germany) the EU also pledged support for two existing mechanisms in the field of economic, social and cultural rights: the Independent Expert on Human Rights and Extreme Poverty (Anne-Marie Lizin, Belgium), whose mandate was renewed for a period of two years and the Special Rapporteur on the Right to Education (Katarina Toma\_evski, Croatia/ Denmark). EU Member States also supported, at the Commission's 56th session, the creation of the mandates of two new Special Rapporteurs: on housing rights (common co-sponsorship of a consensus resolution introduced by Germany) and on the right to food (common vote in favour of a Cuban resolution). Their mandates contain monitoring tasks, the formulation of policy recommendations and the facilitation of enhanced cooperation.

With regard to another potentially important implementation mechanism — a suggested complaints procedure — the EU acknowledges that, as a matter of principle, the enjoyment of all human rights should be fostered through the availability of adequate legal recourse. It

feels it is important to work further on the matter, in a positive manner, in order to clarify the different legal and practical aspects of the enforceability of economic, social and cultural rights.

Aware that poverty, child labour, malnutrition and social exclusion are phenomena that seriously affect the enjoyment of economic, social and cultural rights, and against the background of the occurrence of these phenomena within the EU also, the Presidency's statement before the Commission focused on these questions. The EU also participated actively in the special session of dialogue organised by the Commission on poverty. The EC Treaty has among its objectives the obligation for the EC and Member States to combat exclusion (see point 2.1.3 and introduction to Section 3). The EU entered into more detail on these questions in statements at the special session of the UN General Assembly 'World social summit and beyond: achieving social development for all in a globalising world' ('Copenhagen + 5', Geneva, June 2000) (see point 3.2.1.4).

### **Civil and political rights**

In its statements both in the GA and the CHR the EU regularly reaffirms its commitment to upholding civil and political rights as set out in the Universal Declaration on Human Rights and other relevant human rights instruments. EU Members also play a full role in negotiating and supporting important resolutions under the relevant points of the agenda. The following matters are the subject of special attention.

#### *Arbitrary detention and torture*

At the last CHR, all EU Member States co-sponsored a resolution on torture tabled by Denmark. Reaffirming that torture could never be justified, the text called upon all governments to prohibit torture and to ratify the UN Convention Against Torture. It also welcomed the important work of both the Committee against torture and the special rapporteur, while calling for increased contributions to the UN voluntary fund for the victims of torture. The principles of the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment were annexed to the



resolution. EU Member States also co-sponsored the Costa Rican resolution supporting the early conclusion of the draft optional protocol to the Convention Against Torture (CAT). The EU Member States support the negotiation of this optional protocol which seeks to establish a preventive system of regular visits to places of detention, in the spirit of the existing mechanism in the framework of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Committee for the Prevention of Torture, CPT).

EU Member States also co-sponsored a draft resolution tabled by France on arbitrary detention. The text renewed for three years the mandate of the working group on arbitrary detention, and called on States to respond to the working group's 'urgent appeals'. The resolution also called on States to ensure that their domestic legislation was in line with relevant international standards.

In their statement, EU Members called on all States to cooperate fully with UN special procedures relevant to torture and arbitrary detention. The EU welcomed recent accessions to the CAT by Bolivia, Belgium, Turkmenistan, Japan and Mozambique, and visits by the special rapporteur to Kenya, Cameroon and Romania. The EU expressed its hope that the special rapporteur would be able to undertake a visit to China, and its regret that the governments of Algeria, Bahrain, Brazil, Egypt, India, Indonesia and Tunisia had all failed to respond to the special rapporteur's requests to visit. The EU statement also set out Member States' shared concerns about the practices of administrative detention and re-education through labour in China.

#### *Standards of justice*

EU Member States supported a number of initiatives aimed at strengthening the application of justice, a vital component in enabling individuals to fully enjoy all their rights.

The EU joined consensus on Austria's draft resolution welcoming the work of the Committee on the Rights of the Child and the High Commissioner for Human Rights in recommending improvements to national juvenile justice systems

and monitoring the issue. The text also called on all States to allocate adequate resources to ensure full implementation at national level of international standards of juvenile justice.

EU Member States co-sponsored the Hungarian resolution emphasising the vital importance of an independent and impartial judiciary in protecting all human rights, and recognising the role of civil society in upholding these principles. The text welcomed the efforts of the special rapporteur on the independence of judges and lawyers, in particular his publications through OHCHR and the human rights training manual for judges and lawyers.

The EU recognises the importance of effective remedies for miscarriages of justice and other human rights violations. EU Member States were therefore able to join the consensus on the Chilean resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. The text invited States' comments on the draft basic principles and guidelines prepared by the independent expert on restitution.

In its statement to the CHR, the EU reiterated the importance of non-discrimination in administering justice, as well as the principles of the presumption of innocence, fair, public and timely trials, and adequate legal representation. The EU welcomed the special rapporteur's visit to Guatemala, while regretting that financial constraints had prevented a planned visit to South Africa. The EU also reiterated its deep concern about libel proceedings initiated against the special rapporteur in Malaysia, and in particular the Malaysian government's continued failure to abide by the advisory opinion of the International Court of Justice on the rapporteur's immunity from legal process of any kind for statements made in his official role.

#### *Freedom of expression and freedom of religion or belief*

All EU Member States co-sponsored a resolution tabled by Ireland in the CHR on implementation of the declaration on elimination of all forms of intolerance and of discrimination

based on religion or belief. The text called on all States to ensure that domestic laws provided adequate safeguards and effective guarantees on freedom of religion and belief, including the provision of remedies. The text also encouraged the special rapporteur to contribute further to the forthcoming World Conference Against Racism.

In a related issue, EU Member States supported the consensus on a draft resolution tabled by Finland recognising the right of all persons to have conscientious objections to military service, as a legitimate exercise of freedom of thought, conscience and religion. The text requested the UNHCHR to prepare a compilation and analysis of best practice ahead of next year's CHR. EU Member States were co-sponsors of the Canadian-run resolution on freedom of opinion and expression. The text called for the release of all persons detained for their beliefs, and called upon States to take steps to reduce the incidence of violations against those who exercise their right of freedom of expression. Such steps include clearer definitions of State security laws and an end to the abuse of state-of-emergency provisions. The text reiterated the Commission's support for the special rapporteur.



The EU statement emphasised the importance of freedom of opinion and expression, as well as freedom of religion and belief as fundamental in any State based on the principles of democracy, the rule of law and respect for the dignity of the human person. The EU reiterated its concern in particular about the harassment and intimidation of political opponents and activists, journalists and human rights defenders.

Specifically, the EU expressed its concern about recent harsh sentences announced against members of the China democratic party and of Falun Gong. The EU condemned the fact that individuals may be punished in China as a result of exercising their freedom of expression or religion.

*Enforced or involuntary disappearances, extrajudicial, summary or arbitrary executions*

EU Members co-sponsored a resolution tabled by France on enforced or involuntary disappearances. The resolution urged governments to cooperate more closely with the UN working group, and reiterated that enforced or involuntary disappearances constitute crimes against humanity. The text also invited the UN Secretary-General to disseminate widely the draft international convention on the protection of all persons from enforced disappearances, and to seek the views of States, international organisations and NGOs. On a related issue, EU Member States joined consensus on a draft resolution introduced by Russia on the subject of hostage-taking, calling on States to take necessary measures to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation.

EU Member States joined Sweden in co-sponsoring a draft resolution on extrajudicial, summary or arbitrary executions. The text highlighted the fact that impunity continues to be a major factor in perpetuating human rights violations. It noted the large number of extrajudicial killings committed in the name of passion or of honour, or against human rights defenders. The resolution further called upon those States which retain the death penalty to comply fully with their obligations under international human rights law.

The EU recognised the important role of forensic science in joining consensus on a draft resolution tabled by Sweden. The resolution emphasised the usefulness of forensic science in detecting evidence of serious human rights violations such as torture and extrajudicial killings, and in investigating cases of disappearance. It invited the OHCHR to continue to produce reference materials and training of local forensic teams.

In its statement, the EU vigorously condemned enforced or involuntary disappearances as well as extrajudicial, summary or arbitrary executions. Such violations are incompatible with the rule of law and represent an outrageous denial of human and personal dignity. The EU welcomed the report of the relevant working groups, and called on all governments to work closely with them.

#### *Promoting and consolidating democracy*

EU Member States co-sponsored an initiative tabled by Romania, aimed at defining the essential elements of democracy and their relation to universal human rights standards. The draft resolution — adopted by a vote — reaffirmed the indissoluble link between human rights and a democratic society, called upon States to consolidate democracy through pluralism, protection of human rights, wider participation in decision-making, the development of competent and public institutions, respect for the rule of law, free, fair and periodic elections and good governance — especially through transparency and accountability.

#### **Human rights defenders**

The EU attaches the utmost importance to the work performed all over the world by human rights defenders, be they acting as individuals or as members of NGOs, democratic parties or trade unions. These courageous individuals, often at great personal risk, defend human rights, and provide information on human rights situations in their home countries or worldwide. They seek remedies for the victims and fight against impunity. Most of the time these individuals remain anonymous to us, yet they fight for rights that are universal. They have also contributed substantially to many of the advances in the field of human rights. We know their work is difficult and too often dangerous.

The EU considers that the Human Rights Defenders Declaration adopted by the General Assembly in December 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, is a significant achievement of the international community. The aim of this declaration is to provide recognition

and protection for these individuals, groups and organisations. It does not create special rights, but reinforces the fact that the human rights of those who speak out for the human rights of others have to be respected and protected.

States, under the provisions of the declaration, have committed themselves to protect effectively human rights defenders at risk, but complementary efforts to promote the implementation of this new human rights instrument should also be made at international level.

It is for that purpose that the European Union strongly supported and co-sponsored during the 56th Session of the Commission on Human Rights the resolution on human rights defenders initiated by Norway, which asked for the creation of a special mechanism, through the designation by the Secretary-General of a Special Representative for Human Rights Defenders.

The European Union is of the opinion that this new mechanism will contribute to tackling the problems faced by the human rights defenders. The Secretariat-General representative, in accordance with his mandate, will have to review the tasks necessary for the effective promotion and implementation of the declaration. On the one hand, he will have to seek and receive information on violations of the rights of human rights defenders and to examine and react in an effective way to such information. On the other hand he will also have to examine measures or practices that affect the activities of human rights defenders and should recommend programmes of technical assistance to be provided by the office of the HCHR. The EU is ready to work with the person designated, to identify the best way to support him or her in the task.

#### **Right of peoples to self-determination**

In the United Nations human rights forums, questions concerning the right of self-determination include discussion of situations in the Occupied Territories and in Western Sahara, as well as the question of mercenaries. In its explanation of position at the 54th session of the General Assembly, the EU reaffirmed the right of self-determination of the Palestinian people, in-

cluding the option of a State. At the 56th session of the Commission on Human Rights, the European Union was again unable to support the resolution tabled by Cuba on mercenaries. In its statement, the EU expressed its concerns about the dangers of mercenary activity, while reiterating its belief that this issue should be dealt with in the sixth committee (legal affairs) of the General Assembly, and not the Commission on Human Rights.

### 3.2.1.3. Beijing review process

The United Nations Special Session of the General Assembly (Ungass) 'Beijing + 5' in June 2000 provided a welcome opportunity for an overall assessment of the current situation of women regarding the goals of gender equality, non-discrimination and — as a result — of the actual degree of empowerment of women. The evaluation took place across the 12 critical areas of concern of the Beijing platform for action, while ensuring that the goals and objectives of Beijing were not to be renegotiated and that the new initiatives should not fall short of the Beijing goals.

An innovative and interactive regional preparatory meeting of European (Economic Commission for Europe (ECE)) States in Geneva, 19–21 January 2000, yielded agreed conclusions (E/CN.6/2000/PC/6/Add.4) as a forward-looking input to Ungass. The meeting provided central and east European countries with the opportunity to make their efforts in promoting gender equality visible. The meeting was also marked by intensive participation of non-governmental organisations.

Ungass 'Women 2000: gender equality, development and peace for the 21st century' (Beijing + 5) managed to agree — after lengthy negotiations — on a substantive outcome document which assessed progress and obstacles since Beijing, identified new challenges to gender equality and provided new and further initiatives necessary for the full and accelerated implementation of the platform for action.

In its assessment, Ungass stated that 'legal reforms had been undertaken to prohibit all forms of discrimination and that discriminatory provisions had been eliminated in civil, penal and personal status law governing marriage and

family relations, all forms of violence, women's property and ownership rights and women's political, work and employment rights'.

It was also noted that 'gender discrimination and all other forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance continue to pose a threat to the enjoyment by women of their human rights and fundamental freedoms ... Discriminatory legislation as well as harmful traditional and customary practices and negative stereotyping of women and men still persist ... Legislative and regulatory gaps, as well as lack of implementation and enforcement of legislation and regulations, perpetuate *de jure* as well as *de facto* inequality and discrimination, and in a few cases new laws discriminating against women have been introduced'.

Despite considerable efforts, the EU could not gather sufficient support to have discrimination on the basis of sexual orientation addressed specifically in the text.

The outcome document contains a number of new initiatives which were agreed upon in order to overcome obstacles and to address new challenges in achieving gender equality. Most notable in the field of human rights are the commitments to:

- (i) strive to remove discriminatory legislation as soon as possible, preferably by 2005 (102b);
- (ii) take all appropriate measures to eliminate discrimination and violence against women and girls (102m);
- (iii) establish legislation to handle criminal matters relating to all forms of domestic violence, including marital rape (103c);
- (iv) develop and implement laws to eradicate so called honour crimes that are violations of the human rights of women and girls (103d);
- (v) develop with the full participation of all countries an international consensus on indicators and ways to measure violence against women (125h);

- (vi) increase international cooperation and effectively implement national legislation aimed at the elimination of violence against women and girls, including crimes committed in the name of honour, crimes committed in the name of passion, dowry related violence and deaths and acid attacks (130a);
- (vii) promote and protect the human rights of all migrant women (132b);
- (viii) take legal action and enforce existing laws in order to enhance women's access to property and ownership rights;
- (ix) promote women's access to political rights and work and employment rights.

The outcome document further entrusted the Commission on the Status of Women (CSW) with assessing and advancing the implementation of the Beijing platform for action and its follow-up. Having served as a preparatory committee for the Ungass, the CSW thus will also have to consider appropriate forms for the follow-up of the outcome of 'Women 2000'.

The European Commission, which represents the European Community at the UN (with observer status), was actively involved in the five-year review of the Beijing platform for action. The Commission prepared an overview of the implementation at EC level of the platform for action in response to the UN questionnaire on the subject. The Commission examined progress achieved at EC level on all the 12 critical areas of concern. The Commission also organised a European conference in Brussels on 3 and 4 February 2000 on the follow-up to the platform in close cooperation with the European Parliament and NGOs. The conference focused on four cross-cutting issues: mainstreaming gender in all policy areas; gender in development cooperation; women's participation in politics, society and the economy and the human rights of women.

#### 3.2.1.4. Copenhagen review process

The UN World Summit for Social Development (1995) marked the first time in history that heads of State or Government recognised and gave the highest priority to the significance of social development and human well-being with

full respect for all human rights and fundamental freedoms. The declaration on social development and programme of action established a new consensus to place people at the centre of sustainable development and to eradicate poverty, promote full and productive employment, and foster social integration to achieve stable, safe and just societies for all.

Since the summit, increased priority has been given to social development in national and international policy objectives. However, the review and appraisal process five years after Copenhagen, as part of the GA special session (Geneva, June 2000) outcome document, indicates that, despite some advances, the inequality within and among States continues to grow.

Since the summit, the world has been confronted with new challenges for the fulfilment of the commitments and goals of the declaration and programme of action, such as increasing globalisation and interdependence. Therefore, the special session at Geneva adopted a number of new initiatives to improve implementation of the Copenhagen declaration and programme of action, reaffirming full commitment to the latter in the years to come.

At the special session, the European Union reiterated the principle of the VDPA that 'democracy, development and respect for human rights and fundamental freedoms are interdependent and strengthen each other mutually'. Moreover, it emphasised the importance of the existence of a political, legal and economic environment that would be favourable to achieving social development, and that socially sustainable development can only be attained within an enabling political environment based on good governance.

At the same time, the attainment of equality between men and women, ensuring the full enjoyment by women of all human rights and fundamental freedoms, has been reinforced with support by the European Union for the initiatives adopted at the special session 'Women 2000' (Beijing+5), which have been appropriately incorporated into the final document adopted in Geneva.





Without prejudice to continuing the eradication of global poverty and the promotion of full employment and social integration as basic priorities of our economic and social policies, the following three issues were the subject of special attention on the part of the European Union during the Geneva meeting.

With regard to labour matters, the need has been to respect, promote and implement the principles contained in the ILO declaration on fundamental principles and rights at work and its follow-up, as a prerequisite for economic and social development. Furthermore, it is recognised that primary importance must be attached to the ratification and full implementation of the ILO core conventions. On this point, although the EU was in favour of stronger language on this issue (especially regarding business and workers' basic rights), the way it is reflected in the outcome document can be considered a step forward.

Moreover, the elimination of child labour is also included in the outcome document, which requires — among other measures — support for and participation in the global campaign for the immediate elimination of the worst forms of child labour, including by the promo-

tion of universal ratification and full implementation of ILO Convention 182 on this matter. Likewise, the need is highlighted for close collaboration between the ILO, Unicef, the World Bank and other relevant bodies in the design and application of national plans that ensure access to basic education, strengthen opportunities for employment and create earning opportunities for families of former child workers, paying special attention to the situation of girls.

The references to 'good governance' in the text were equally important for the European Union. In this respect, although the inclusion of the term met with great difficulties (inherited from the Seattle and Unctad X talks), its descriptive inclusion in the final document, both in the political declaration and in the document on new initiatives, is deemed acceptable.

Further, within the framework of the issues contained in the sphere of the International Pact on Economic, Social and Cultural Rights and the Declaration on the Right to Development, it can be pointed out that in the final documents the governments reaffirm their commitment to promote implementation of the rights which are the subject of both instruments. More specifically, the special session adopted the comprehensive goal (until then enunciated only by the OECD) of reducing by half the proportion of the world population living in extreme poverty by the year 2015.

The special session also took into account the results of the Dakar Conference on Education for all, and an important part was devoted to general issues of health, access to basic social services and the combating of AIDS.

### *3.2.1.5. Follow-up to the World Summit on Children: preparatory process for the Special Session of the General Assembly in 2001*

The special session for the follow-up to the World Summit for Children, the Ungass 2001, is to be held in New York in September of next year. The special session will be an important opportunity for the world community to renew its commitment to children in line with the obligations under the CRC, and to develop these commitments to work for children and their rights in the next



decade. The review and preparatory process leading up to the special session will allow States to take stock of what has been accomplished since 1990 in the goals identified by the World Summit for Children, within the broader context of promoting the realisation of the rights of children. The EU attaches the greatest importance to the participation of civil society in this preparatory process, as well as in the Ungass itself, and will therefore promote the necessary arrangements for the participation of non-governmental organisations in the session.

The central goals on the rights of the child cannot be achieved without the participation of youth organisations. Enhanced interaction with young persons in the framework of the national review process and at the intergovernmental level must likewise continue to be encouraged. The EU would welcome a special event/forum for the rights of the child directly linked to the special session with broad participation by children and youth, civil society and the private sector in future actions for children. The EU believes that the focus of the preparatory process should be the progress made against the goals identified, highlighting the main obstacles and ensuring that a set of concrete and focused initiatives and indicators of progress are produced to take implementation forward.

### 3.2.2. OSCE

For the European Union, the human dimension is particularly important as one of the major components of the comprehensive concept of security. The Union therefore supports vigorously all activities in the framework of the human dimension as well as the need to address human dimension issues in individual participating States. The EU bases this commitment on the Copenhagen document and the other OSCE human dimension commitments.

The EU also considers the human dimension of the OSCE as crucial in its relations with other participating States, including in the context of the enlargement process of the EU, which are based upon a joint endeavour to create a partnership of freedom and prosperity.

The EU is fully committed to supporting the OSCE institutions that are working to implement the OSCE normative 'acquis' and thus prevent conflict. It is a major contributor to the OSCE, its field missions and institutions. The EU values the human rights activities of the organs of the OSCE specifically mandated with human rights issues, namely the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media. The EU reiterates its full support for the supplementary human dimension meetings which have already demonstrated their valuable role, not least as a forum for dialogue between governments and NGO representatives.

The EU has consistently underlined the important role played by NGOs in human dimension activities and has welcomed the growing interest by NGOs in the human dimension implementation meetings as well as in the supplementary human dimension meetings. At the same time the EU believes that these meetings should continue to develop their dynamics so as to ensure their value in the eyes of civil society.

The long-standing cooperation between the OSCE and the EU on human rights has been made even stronger with the platform for cooperative security, incorporated into the Charter for European Security, which was approved by the OSCE Summit in Istanbul in November 1999.

Furthermore, the charter created the instrument REACT, enabling the OSCE to respond more rapidly to human rights violations in order to prevent conflict. By a decision of 30 June 2000, REACT was made operational. The EU actively supported the establishment of REACT.

The EU intends to improve the overall implementation of its several programmes of assistance and cooperation at regional level, as well as those defined in the vast network of diversified agreements with almost all OSCE participating States.

## **Overview of some priority themes for the EU in the OSCE**

### **Gender issues**

The EU welcomes the growing emphasis on gender-related issues within the OSCE. The Supplementary Human Dimension Meeting on Gender Issues (14 and 15 June 1999), the discussion on this topic in the review conference in Vienna, the Human Dimension Meeting on Trafficking in Human Beings (19 June 2000) and the finalisation of the OSCE gender action plan produced several constructive proposals on how to strive for the full realisation of equal rights and opportunities for women and men in both legislation and practice. The EU will play an active role in the efforts to fulfil the aims set out in the gender action plan.

### **Death penalty**

The issue of capital punishment was introduced into the catalogue of OSCE human dimension commitments on the occasion of the 1989 Vienna concluding document and the 1990 Copenhagen document which state the commitments of the OSCE participating States.

These principles and commitments were subsequently reaffirmed by the participating States at the Moscow Meeting (1991), the Helsinki Summit (1992) and the Budapest Summit (1994).

A supplementary human dimension meeting was organised by the OSCE in Vienna on 27 March 2000, which was mainly intended to discuss the theme 'Human rights and inhuman treatment or punishment'. At this meeting, the Office for Demo-

cratic Institutions and Human Rights (ODIHR) issued a background paper on 'The death penalty in the OSCE area'. The worldwide trend towards abolition, actively supported by the EU, has also been reflected within the borders of the OSCE area.

### **Rights of the child**

The EU fully agrees with proposals made during the review conference in Vienna suggesting that the rights of the child, as stated in the Copenhagen document, should permanently feature on the agenda of the OSCE and in the activities and programmes of assistance of the ODIHR.

The EU welcomed the new momentum within the OSCE gained by topics relating to children and supported the initiative in bringing together the various OSCE dimensions such as politico-military and economic aspects.

### **Children in armed conflict**

Awareness of the child's victimisation in the context of armed conflict has increased in the work of the OSCE, as on the occasion of the Copenhagen meeting of the Conference on the





Human Dimension of the OSCE in 1990 and, more recently, during the Istanbul Summit in November 1999.

This year's annual human dimension seminar of the OSCE, held in Warsaw from 23–26 May, was specifically devoted to the issue of children and armed conflict. A comprehensive report on the seminar has been published by the Office for Democratic Institutions and Human Rights (ODIHR) (see: [www.odihr.org](http://www.odihr.org)).

The EU welcomed the comprehensive debate at the seminar in Warsaw, which yielded a rich and useful discussion relating to the future role of the OSCE in the field of children and armed conflict. The comparative advantages of the OSCE in early warning, conflict prevention, crisis management and post-conflict stabilisation could be fully explored in accordance with the mandate from the Heads of States and Government in Istanbul. In its final statement on the outcome of the Seminar, the EU particularly stressed the following aspects.

- The OSCE should, through its competent bodies, encourage participating States to sign, ratify or accede to existing international instruments relevant to the rights of the child and to withdraw those reservations which are incompatible with the object and purpose of these instruments. Further, it should be recalled that the primary responsibility for implementing those international obligations and commitments in the domestic legislation of participating States lies with national governments.
- OSCE heads of missions should, where appropriate, include the issue of the rights of the child in their regular reports.
- The OSCE should further develop specialised child rights training for its mission members and should also examine the need to develop guidelines concerning children's rights for all Mission personnel and staff of relevant OSCE institutions.
- Experts should be seconded by participating States to conduct an assessment of the situation in conjunction with local authorities and communities, NGOs and with the participation of children.
- Participating States should take into consideration the requirements in practice for Unit-

ed Nations peacekeepers in their selection of mission members.

- The issue of children and armed conflict should also be linked to the problem of small arms and light weapons.

While the EU did not favour re-opening the Code of Conduct on Politico-Military Aspects of Security, it could envisage possible ways of developing a supplement or an understanding focusing on the specific provisions of the code, in the light of the new standards set out in international humanitarian law and human rights law.

### **Trafficking in human beings**

The Supplementary Human Dimension Meeting held in Vienna on 19 June 2000 was devoted to the issue of trafficking in human beings.

The OSCE participating States have a significant role in this regard since in the Moscow Document of 1991 they agreed that they would 'seek to eliminate all forms of trafficking in women and exploitation of prostitution of women'. This commitment is reaffirmed in Paragraph 24 of the Charter for European Security, adopted at the OSCE Istanbul Summit in November 1999.



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Participating States of the OSCE should further adapt their internal legislation in order to provide adequate protection for victims and prompt prosecution of offenders. Action at national level should also include bilateral agreements between States, the implementation of social policies as well as the creation of programmes in countries of origin to prevent all forms of trafficking, as recommended by the ODIHR in its proposed Action Plan 2000 for activities to combat trafficking in human beings.

The EU believes that the OSCE could serve as a particularly effective forum for the exchange of information and development of joint or coordinated anti-trafficking strategies, as many major countries of origin, transit and destination are OSCE participating States. The EU welcomes the appointment in the ODIHR of an adviser on trafficking issues.

### 3.2.3. Council of Europe

The Union and the Council of Europe share the objectives of defending and promoting human rights. In 1999, the Council of Europe's 50th anniversary year, the Union reaffirmed its commitment to that institution's values, namely democracy, respect for human rights and the rule of law.

The EU will continue to work for closer cooperation on this subject on the basis of the conclusions of the Dublin European Council in 1996.

In recent years there has been a significant mobilisation of EC resources in support of the Council of Europe, notably in implementing joint programmes for cooperation and assistance to central and east European countries.

The EU will continue to support and contribute actively to the implementation of the reform process within the Council of Europe, which is aimed at refocusing the Council's roles and priorities and reinforcing its cooperation with other European organisations, in particular the EU and the OSCE.

The EU recognises that the enlarged Council of Europe is an important pan-European political forum bringing together the EU and other European States and promotes a further strengthening of common human rights and policies within Europe, for example on the abolition of the death penalty. The role of the COE complements EU common strategies towards a number of key States, in particular the Russian Federation. The human rights standards and values of the Council of Europe are also complementary to the criteria for future enlargement of the European Union.

The EU shares the recognition by the Council of Europe, under the concept of 'democratic stability', of the interdependence between human rights, democracy, good governance and the rule of law as well as peace-building, stability and

conflict prevention. The EU welcomes the increased role of the Council of Europe in regional crises (south-eastern Europe, Chechnya), in particular through the stability pact.

The EU appreciates the involvement of the newly mandated Human Rights Commissioner of the Council of Europe in these regional crises and welcomes the agreement between the Council of Europe and the Russian Federation on the presence in Chechnya of human rights experts from the Council and looks for the full cooperation of the Russian authorities in this work.

The European Union congratulates the Council of Europe on the remarkable work it has done on setting standards since it was created, and on the range of mechanisms established to check and guarantee the effective implementation of human rights.

Those rights are enshrined in particular in the European Convention on Human Rights, which established a unique and permanent court to examine any alleged violations of the convention by a State party. The case law established by that European court exerts an ever greater influence on the legislation and judicial systems of the States party to the convention.

The European Union also wishes to highlight the importance of the European Social Charter, intended to be the equivalent of the European convention in the social field, which also has a monitoring system.

The Union welcomes the fundamental role played by the European Committee for the Prevention of Torture, a non-judicial mechanism established in 1987 by the European Convention for the Prevention of Torture, which aims to prevent the ill-treatment which may be inflicted on persons in detention.

## Overview of some issues

### Rome Ministerial Conference (3 and 4 November 2000)

The EU looks forward to contributing to the Rome Ministerial Conference in November to mark the 50th anniversary of the European Convention on Human Rights.



The main theme of the conference will be the future of human rights protection in Europe, and particularly ways of improving such protection, notably in the case of crisis or conflict situations.

The conference will be an important opportunity for Europe to take stock of the new challenges facing the convention and the Court. Protocol No 12 to the European convention (on non-discrimination) will be opened for signature on that occasion.

### **Organisation of the European conference against racism**

The EU will participate fully in the forthcoming conference 'All different all equal: from principle to practice. The European contribution to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance'.

The Member States, the European Commission and the European Parliament have all been active in the preparations for the European regional conference. The Community has provided funding to enable NGOs to participate and has, in addition, offered to make funding available for NGO participation in preparatory conferences in other regions.

The Union welcomes the fact that the European preparatory process for the world conference is taking place in the framework of the Council of Europe, a regional organisation which plays a key role in the promotion of tolerant societies without discrimination, particularly through the

development of an appropriate legal framework. The contribution of the European Commission against Racism and Intolerance (ECRI) must be emphasised.

This conference is to be held in Strasbourg from 11 to 13 October 2000. It will look to the future, be pragmatic and action-oriented, and be open to civil society; it will tackle the question of racism in the context of human rights and overall. It will stress European experience, particularly as regards analysis of the problems and good practice. It will draw up general conclusions which reflect the views of all the participants and a political declaration which will be adopted by the Member States of the Council of Europe.

### **Role of the Council of Europe in the stability pact**

The Council of Europe is playing a significant role in two different 'task forces' established in the framework of Working Table No 1 of the stability pact, the Task Force for Human Rights and the Task Force on Good Governance.

Concerning the Task Force for Human Rights, the Council of Europe, in consultation with the special coordinator of the pact, has developed its internal priorities and action plans, highlighting the need for ethnic reconciliation in the region.

In the framework of the Task Force on Good Governance, the Council of Europe has identified three main areas of activity: local government, the creation of effective ombudsman institutions and public administration law.

## ANNEX 1

### TREATY ON EUROPEAN UNION (Selection of articles)

#### Article 2

The Union shall set itself the following objectives:

- to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with the provisions of Article 17;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime;
- to maintain in full the *acquis communautaire* and build on it with a view to considering to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein

while respecting the principle of subsidiarity as defined in Article 5 of the Treaty establishing the European Community.

#### Article 6

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States.
4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

#### Article 7

1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.
2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights

deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.

3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 2 in response to changes in the situation which led to their being imposed.
4. For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 1. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community.

This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 2.

5. For the purposes of this Article, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its members.

#### Article 11

1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:
  - to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations 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 United Nations Charter, as

well as the principles of 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.

2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council shall ensure that these principles are complied with.

#### Article 19

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such forums.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.

2. Without prejudice to paragraph 1 and Article 14(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

#### Article 29

Without prejudice to the powers of the European Community, the Union's objective shall be to

provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.

That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:

- closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles 30 and 32;
- closer cooperation between judicial and other competent authorities of the Member States in accordance with the provisions of Articles 31(a) to (d) and 32;

- approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article 31(e).

#### **Article 49**

Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

## ANNEX 2

# TREATY ESTABLISHING THE EUROPEAN COMMUNITY (Selection of articles)

### Article 3

2. In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women.

### Article 13

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

### Article 17

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.
2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

### Article 18

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.
2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act

in accordance with the procedure referred to in Article 251. The Council shall act unanimously throughout this procedure.

### Article 19

1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.
2. Without prejudice to Article 190(4) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

### Article 20

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the



same conditions as the nationals of that State. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

#### **Article 21**

Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 194.

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 195.

Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 7 in one of the languages mentioned in Article 314 and have an answer in the same language.

#### **Article 22**

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of this Treaty, the Council, acting unanimously on a proposal from the Commis-

sion and after consulting the European Parliament, may adopt provisions to strengthen or to add to the rights laid down in this Part, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements.

#### **Article 177**

1. Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the Member States, shall foster:
  - the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them;
  - the smooth and gradual integration of the developing countries into the world economy;
  - the campaign against poverty in the developing countries.
2. Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.
3. The Community and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations.

## ANNEX 3

### RELEVANT EC DIRECTIVES, COMMUNICATIONS ON HUMAN RIGHTS ISSUES

- Council conclusions on the implementation by the Member States and the EU institutions of the Beijing platform for action (Press release 11944/99 — not to be published in the OJ)
- Council resolution on a balanced participation of women and men in family and working life (Press release 8980/00 — to be published in the OJ later)
- Council directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22)

## ANNEX 4

### THE COPENHAGEN CRITERIA Presidency conclusions European Council, Copenhagen, 21 to 22 June 1993

(iii) The European Council today agreed that the associated countries in central and eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required.

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Mem-

bership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries.

The European Council will continue to follow closely progress in each associated country towards fulfilling the conditions of accession to the Union and draw the appropriate conclusions.



## ANNEX 5

### EU MEMORANDUM ON THE DEATH PENALTY

*If I can prove that this punishment is neither useful nor necessary, I will have furthered the cause of humanity.*

*Cesare Beccaria, 'Dei delitti e delle pene' (1764)*

The European Union (EU) is opposed to the death penalty in all cases and has consistently espoused its universal abolition, working towards this goal. In countries which maintain the death penalty, the EU aims at the progressive restriction of its scope and respect for the strict conditions, set forth in several international human rights instruments, under which the capital punishment may be used, as well as at the establishment of a moratorium on executions so as to completely eliminate the death penalty.

The EU is deeply concerned about the increasing number of executions in the United States of America (United States), all the more since the great majority of executions since reinstatement of the death penalty in 1976 have been carried out in the 1990s. Furthermore, it is permitted to sentence to death and execute young offenders aged under 18 at the time of the commission of the crime, in clear infringement of internationally-recognised human rights norms.

At the dawn of a new millennium the EU wishes to share with the United States the principles, experiences, policies and alternative solutions guiding the European abolitionist movement, all EU Member States having abolished the death penalty. By doing so, the EU hopes that the United States, which has risen upon the principles of freedom, democracy, the rule of law and respect for human rights, considers joining the abolitionist vanguard, including as a first step towards abolition establishing a moratorium in the use of the death penalty, and by this way becoming itself a paradigm for retentionist countries.

#### **1. Europe: on the road to abolition**

In western Europe the death penalty issue aroused the attention of some circles within society at an early stage.

Included among the instruments of both criminal law and criminal policy through ages, capital punishment soon raised a debate on humanitarian values. This evolution in attitudes to the death penalty began particularly in the context of the establishment of the democratic State in the 18th century and since then, step by step, it has gained the support of the peoples of the States nowadays assembled in the EU.

In fact, the questioning of the legitimacy of the death penalty dawned in the context of the Enlightenment, at the end of the 18th century. At that time deprivation of liberty was the preferred means of criminal punishment, in parallel with the rise of classic criminal law. Although early attempts to repeal the death penalty were not a total success, several European countries had by then accepted the limitation of the death penalty to capital crimes and reformed their law accordingly. This trend towards restriction of the scope of capital punishment would continue throughout the next two centuries, although not without various backward steps due to particular political circumstances.

Nevertheless some of those countries went even further and definitively abolished the death penalty in their laws for ordinary crimes. Portugal led the way in 1867, immediately followed by the Netherlands. Sweden and Denmark joined this abolitionist movement after the First World War. After the Second World War, Italy, Finland and Austria did likewise. The mid-century was also the time for Germany to outlaw capital pun-

ishment, encompassing abolition for all crimes. In the 1960s and 1970s, the United Kingdom and Spain also became legally abolitionist for civil crimes.

In the meantime the trend towards abolition for all crimes, thus including crimes under military law or committed in exceptional circumstances such as during wartime, was also affirmed. Since the end of the 1960s, all EU Member States have absolutely abandoned the death penalty in law.

From this, it is clear that for the majority of Member States the total abolition of capital punishment was achieved in two stages of which the second was, in general, a lengthy process. Furthermore, it has to be stressed that, although countries such as the United Kingdom, Spain, Luxembourg, France, Ireland, Greece and Belgium maintained the death penalty in their laws into the second half of this century, executions took place quite rarely or else this form of punishment simply remained unused. In fact, a long period of time generally passed between the carrying out of the last execution and abolition of the death penalty, which leads to the conclusion that when European countries formally abandoned capital punishment they were already abolitionist *de facto* or even by tradition, capital punishment having clearly fallen into disuse in judicial practice.

On the other hand, while in some EU Member States abolitionist measures have met the deep sentiment of the population and thus corresponded to the accomplishment of a national tradition, in others the political decision towards abolition was not taken with the support of the majority of public opinion. Nevertheless in countries where this was the case, the decision did not result in any form of negative reaction, usually leading to minimal debate on the issue. Therefore, mention should be made of the fact that abolition itself contributed favourably to better-informed public opinion, which helped to shape different feelings among community members.

## **2. The common basis for abolition: values, principles and criminal policy**

The death penalty poses a set of distinct questions of a philosophical, religious, political and criminological nature.

Although Member States' experiences in abolition varied in time, they shared common ground — that of the inhumane, unnecessary and irreversible character of capital punishment, no matter how cruel the crime committed by the offender.

Besides, this justification now seems to be shared by the international community as a whole, in so far as both the Rome Statute of the International Criminal Court and the United Nations Security Council resolutions establishing the International Criminal Tribunals for the former Yugoslavia and for Rwanda do not provide the death penalty among the range of sanctions, even when the most serious crimes, including genocide, crimes against humanity and war crimes are to be tried.

Humanistic values, ethical points of view and human rights reasons weighed in favour of the abolition of the death penalty. Effectively, for the European governments the death penalty as a means of State punishment rapidly revealed itself as a denial of human dignity, which is a fundamental basis of the common heritage of the EU as a union of shared values and principles.

At the same time, there is insufficient justification on either criminal or criminological grounds for maintaining such a punishment. First of all, it is scientifically undemonstrated that the death penalty and its application deter criminality any more effectively than other forms of punishment. Indeed, crime rate and the death penalty are independent realities, capital punishment and its execution failing to have a deterrent effect and thus to produce less violent societies. Besides, maintaining capital punishment would not fit the philosophy of rehabilitation pursued in the criminal justice systems of all EU Member States and according to which one of the penological aims of penalties is that of rehabilitating or resocialising the offender. Furthermore, emphasis is also placed upon the penological goal of prevention, understood as a process *ante delictum* (before crime) and *post delictum* (post-crime), implying the rejection of any form of brutality, either physical or psychological, with a view to promoting respect for human rights and preventing the development of an even more crime-ridden society. Last but not



the least, capital punishment should not be seen as an appropriate way of compensating the suffering of crime victims' families, as this view turns the justice system into a mere tool of illegitimate private vengeance. This does not mean that European criminal systems are insensitive to victims' rights and interests. Quite the contrary. Legislation safeguarding those rights, as well as victim's assistance agencies and programmes are provided.

Besides, there are appropriate alternatives to the death penalty which respond to their needs and ensure adequate assistance to them. Both offenders and victims' families stand in need of rehabilitation. As far as the latter are concerned, it is essential that the emotion caused by the loss they suffered is surmounted and this requires the availability of financial and psychological support.

In the realm of judicial practice, the irreversible nature of capital punishment has also to be taken into account. Even highly advanced legal systems, which rest upon the principle of the rule of law, including the principle of due process, are not immune to miscarriages of justice. That irreversibility removes any possibility of correcting such miscarriages of justice, allowing for the execution of innocent people. Judicial error, different interpretations of the law, conviction based on unclear and non-convincing evidence, as well as lack of adequate legal assistance at all stages of the proceedings, in particular where the offender is indigent, are just some of the circumstances which may result in the innocent being executed.

As a result, criminal policy programmes were intentionally humanised in order to pursue the view under which the State's actions should not have human beings as victims, but also that of the promotion of the human person as one of the major purposes of criminology. Maintaining the death penalty would, instead, bring to light undesirable expiatory features of criminal law. Accordingly, major reform initiatives were carried out, restructuring the criminal sanctions so as to make them more conducive mainly to the rationale of social rehabilitation and reintegration of the offender in the community, simultaneously taking into account the need to ensure the protection of society and to prevent crime, rather than punish it.

### 3. Envisaging alternative sanctions

Opting for a more humane, but also more effective, criminal justice system paved the way for considering appropriate alternative criminal sanctions to the death penalty. In fact, European lawmakers assumed that crime could be punishable by means of non-lethal penalties, such as long-term or life imprisonment. In practice, even when the death penalty was still contemplated in law, and even mandatory, either the judge would decide upon an alternative penalty by reason of mitigating circumstances or the sentence would be systematically the object of a pardon and thus commuted.

Imprisonment for life remains the usual alternative for very serious crimes. In any case, although nearly all Member States provide for this type of punishment in their respective penal codes either as a possibility or mandatorily, it is understood rather as a principle than as a common practice.

In some countries, life imprisonment can indeed be replaced by temporary incarceration once there are mitigating circumstances. Furthermore, in practically all Member States, parole can be granted to those sentenced to life after having served a certain term in prison and depending on other factors, such as good behaviour, signs of readaptation or illness. Commutation of the penalty by way of pardon is also provided for in almost all the sanctions systems concerned. Moreover, in some of these countries imprisonment for life simply can not be applied to juveniles or to the mentally ill.

As to long-term imprisonment, the present criminal policy in the EU Member States clearly shows a decreasing trust in the resocialising effect of long prison sentences and is moving towards keeping imprisonment to an absolute minimum.

It is well established that long-term imprisonment, and above all imprisonment for life, fails to achieve its criminal policy's goals, unless relevant measures are adopted in order to enable the return of the prisoner to social life at the appropriate moment. In this context, the possibility of parole is of paramount importance. In fact, a crime prevention policy which admits maintaining imprisoned for life a convicted per-

son who has served in prison a term corresponding to the gravity of the committed crime and is no longer a danger to society, would fail to meet either recognised minimum standards for the treatment of prisoners or the goal of social rehabilitation which is achieved in view of the willingness and ability of the offender to lead a law-abiding and self-supporting life.

Moreover, it must be underlined that the United Nations (UN) Convention on the Rights of the Child expressly deals with issue of imprisonment for life imposed on minors, stating that life imprisonment without the possibility of release shall be not imposed for offences committed by persons below 18 years of age.

#### 4. The international context

The *de jure* abolitionist trend endorsed by European legislators, clearly evident in the second half of this century, was also favoured by the international environment. In fact, abolition of the death penalty soon became an issue of international concern, contributing to the enhancement of human dignity and the progressive development of human rights.

In 1971, the UN General Assembly in Resolution 2857 (XXVI) affirmed the desirability of abolishing the death penalty in all countries. As for international abolitionist treaties, the Council of Europe took the first steps in 1983 by adopting Protocol No 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the abolition of the death penalty. In the framework of the UN a second optional protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty was adopted in 1989. More recently, the Inter-American system for the protection of human rights followed the abolitionist vanguard and the Organisation of American States — of which the United States is a member — adopted the Protocol to the American Convention on Human Rights to Abolish the Death Penalty in 1990.

Furthermore, strict conditions under which the death penalty may be used are laid down in international human rights instruments, such as the ICCPR or in the UN Economic and Social Council (Ecosoc) Safeguards Guaranteeing Protection of those Facing the Death Penalty. The

EU seeks to ensure that in countries where the death penalty has not been abolished executions are carried out in accordance with those generally accepted safeguard standards. It particularly pays attention to: imposition of capital punishment beyond the most serious crimes; retroactive enforcement of the death penalty; imposition of capital punishment on pregnant women and on persons suffering from any form of mental disorder; disrespect for procedural safeguards, including the right to a fair trial and the right to petition for clemency; or inhumane enforcement of the death penalty. Executions under these circumstances are contrary to internationally recognised human rights norms and neglect the dignity and worth of the human person.

#### 5. Juvenile justice

The EU is equally concerned about the imposition of the death penalty on persons below 18 years of age.

All the EU Member States reject the idea of incorrigibility of juveniles. These States hold the view that the problem of juvenile delinquency should be addressed bearing in mind that young offenders are in the process of full development, facing several difficulties of adaptation. In addition, poor backgrounds, lack of success at school and dependence on drugs are just some of the social problems affecting them and fostering their criminal behaviour.

As a result, they are less mature, and thus less culpable, and should not be treated as adults, deserving a more lenient criminal sanctions system. This implies, among other things, rejection of death penalty for juveniles.

The European approach to juvenile justice is therefore deeply consistent with internationally-recognised juvenile justice standards, as enshrined in the following international human rights instruments: the UN International Covenant on Civil and Political Rights, the Ecosoc Safeguards Guaranteeing Protection of those Facing the Death Penalty, the UN Convention on the Rights of the Child and the American Convention on Human Rights. In fact, the international norms in question expressly prohibit sentencing to death persons below 18 years of age at the time of the commission of the crime.

A similar prohibition is set out in the fourth Geneva convention of 1949 relative to the protection of civilian persons in time of war and additional protocols of 1977 to the Geneva conventions.

The EU and its Member States base their action on the inherent dignity of all human beings and on the inviolability of the human person.

Offenders are human beings who committed a crime but who also enjoy an inherent and inalienable dignity, the very same dignity claimed by rationalist philosophy, all relevant religions and by law, the death penalty being a denial of human dignity.

The criminal justice system of a country, and in particular its sanctions system, may reflect tra-

ditions and specific historical aspects of a society. However, the death penal issue is, above political, legal or criminal considerations, a question of humanity. Humanisation of the problem of capital punishment should be a decisive aspect of a people's life.

Long ago European countries, either in practice or in law, made a choice for humanity, abolishing the death penalty and thus fostering respect for human dignity. And this is an ultimate principle that the EU wishes to share with all countries, as it shares other common values and principles such as freedom, democracy, and the rule of law and safeguard of human rights. If it succeeds in reaching this goal, both the EU and those countries will have furthered the cause of humanity, as Beccaria foretold. The EU thus invites the United States to equally embrace this cause.

## ANNEX 6

# GUIDELINES FOR EU POLICY towards third countries on the death penalty

### I. Introduction

- (i) The United Nations, *inter alia* in the ICCPR, the CRC and in the Ecosoc Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, has established strict conditions only under which the death penalty may be used. The second optional protocol to the ICCPR provides for states to commit themselves to permanent abolition of the death penalty. The European Union has now moved beyond this and now espouses abolition for itself and others.
- (ii) At its 53rd session, and at its 54th session in a resolution sponsored by all EU countries, the UN Commission on Human Rights called on countries which maintained the death penalty:
  - progressively to restrict the number of offences for which it may be imposed;
  - to establish a moratorium on executions with a view to completely abolishing the death penalty.
- (iii) At the October 1997 Council of Europe Summit, Heads of Government, including all EU Member States, called for universal abolition of the death penalty. Moreover, new Member States of the Council of Europe have committed themselves to moratoria and to ratify the sixth protocol of the ECHR committing them to permanent abolition.
- (iv) The 1997 Amsterdam Treaty of the European Union noted that since the signature of the sixth protocol to the European Convention on Human Rights, the death penalty had been abolished in a majority of EU Member States, and had not been used in any of them.

- (v) In the OSCE, participating States are committed under the Copenhagen document to exchange information on the abolition of the death penalty and to make this available to the public. The EU fulfils this by regular statements within the OSCE's human dimension framework.
- (vi) The statutes of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, both of which the EU supported, contain no provision for the death penalty, notwithstanding the fact that they were set up to deal with mass violations of humanitarian law including genocide.

### II. Operational paper

The EU considers that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

The objectives of the European Union are:

- to work towards universal abolition of the death penalty as a strongly held policy view agreed by all EU Member States;
- where the death penalty still exists, to call for its use to be progressively restricted and to insist that it be carried out according to minimum standards as set out in the attached paper.

The EU will make these objectives known as an integral part of its human rights policy.

The European Union will intensify its initiatives, including declarations or démarches on the death penalty, in international forums and towards other countries, in the light of the attached minimum standards paper.

The European Union will consider, case by case, and on the basis of the criteria, whether to make démarches to other countries over the use of the death penalty.

The main elements of the EU approach will be as follows.

### **General démarches**

Where relevant, the European Union will raise the issue of the death penalty in its dialogue with third countries. Elements in these contacts will include the following.

- The EU's call for universal abolition of the death penalty, or at least for a moratorium.
- Where its use is maintained, the EU will emphasise that states should only use the death penalty in line with the minimum standards as set out in the attached paper, and they should maintain maximum transparency over its use.

The precise nature of such approaches will take into consideration, *inter alia*:

- whether the country has a properly functioning and open judicial system;
- whether the country has made international undertakings not to use the death penalty, e.g. in connection with regional organisations and instruments;
- whether the legal system of the country, and its use of the death penalty, is closed to public and international scrutiny, and whether there are indications that the death penalty is widely used in contravention of minimum standards.

Particular consideration will be given to making EU démarches on the use of the death penalty at times at which a country's policy on the death penalty is in flux, e.g. where an official or de facto moratorium on the death penalty is to be ended, or where the death penalty is to be reintroduced through legislation.

Particular consideration will be given to reports and findings by relevant international human rights mechanisms.

A démarche or public statement may be made where countries take steps towards abolition of the death penalty.

### **Individual cases**

In addition, where the European Union becomes aware of individual death penalty cases which violate minimum standards, the EU will consider making specific démarches.

Speed will often be essential in these cases. Member states proposing such démarches should therefore provide as much background as possible drawing on all available sources. This should include brief details of the alleged crime, criminal proceedings, the precise nature of the violation of the minimum standards, the status of any appeal and, if known, the expected date of execution.

Where there is sufficient time consideration should be given to seeking, from heads of mission, detailed information and advice on the case prior to démarches being made.

### **Human rights reporting**

EU heads of mission should, as a matter of course, include an analysis of the use of the death penalty in their human rights reports as well as including periodic evaluation of the effect and impact of EU approaches.

### **Possible results of EU interventions: other initiatives**

The EU's objective, where possible, is to persuade third countries to abolish the death penalty. To this end, the EU will encourage countries to consider acceding to the second optional protocol to the ICCPR and comparable regional instruments.

Additionally, where this is not possible, the EU will nevertheless maintain abolition as an objective, and will:

- encourage States to ratify and comply with international human rights instruments, especially those relating to the use of the death penalty, including the ICCPR;
- raise the issue in multilateral forums and work towards moratoria on the use of the death penalty and, in due course, abolition;
- encourage relevant international organisations to take appropriate steps to encourage States to ratify and comply with international standards relating to the death penalty;



- encourage and offer bilateral and multilateral cooperation, *inter alia* in collaboration with civil society, including in the legal field with the aim of establishing a fair and impartial judicial process for criminal cases.

### III. Minimum standards paper

Where states insist on maintaining the death penalty, the EU considers it important that the following minimum standards should be met:

- (i) Capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences. The death penalty should not be imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience.
- (ii) Capital punishment may be imposed only for a crime for which the death penalty was prescribed at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
- (iii) Capital punishment may not be imposed on:
  - persons below 18 years of age at the time of the commission of their crime;
  - pregnant women or new mothers;
  - persons who have become insane.
- (iv) Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for alternative explanation of the facts.
- (v) Capital punishment must only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings, and where appropriate, the right to contact a consular representative.
- (vi) Anyone sentenced to death shall have an effective right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals become mandatory.
- (vii) Where applicable, anyone sentenced to death shall have the right to submit an individual complaint under international procedures; the death sentence will not be carried out while the complaint remains under consideration under those procedures.
- (viii) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases of capital punishment.
- (ix) Capital punishment may not be carried out in contravention of a State's international commitments.
- (x) The length of time spent after having been sentenced to death may also be a factor.
- (xi) Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering. It may not be carried out in public or in any other degrading manner.
- (xii) The death penalty should not be imposed as an act of political revenge in contravention of the minimum standards, for example against coup plotters.

## ANNEX 7

56th session of the Commission on human rights (Geneva, 20 March to 28 April 2000)

### **STATEMENT BY MR JAIME GAMA, MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL, ON BEHALF OF THE EUROPEAN UNION**

*Geneva, 21 March 2000*

I have the honour to address this Commission on behalf of the European Union. The central and east European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia — and the associated countries Cyprus, Malta and Turkey have expressed the wish to align themselves with this statement.

Let me start by congratulating you, Ambassador Simkhada, on taking over the Chair of the 56th Session of the Commission on Human Rights. I would also like to express the appreciation of the European Union for the work carried out by your predecessor, Ambassador Anne Anderson.

Mr Chairman,

The importance of human rights in the definition of modern foreign policy is an undeniable reality at the dawn of a new millennium.

The European Union firmly believes that the well-being of all individuals in the world should be of utmost relevance for all governments. As Secretary-General Kofi Annan recently said, 'The State is now widely understood to be the servant of its people, and not vice-versa'. We do not consider that human rights as a concept can be attached to any particular culture or geographical region. The respect for human rights is a legacy that we have the duty to preserve and to pass on to future generations, irrespective of place, ethnic origin, gender, religion or belief. In other words, we are speaking about universality. No country should be free to invoke sovereignty or interference in internal affairs to prevent the people under its jurisdiction from fully enjoying their human rights. It is the duty of the international community to monitor violations of human rights whenever and wherever they occur. It is also the duty of the international community to call upon the States where those violations are taking place to cease those practices and bring the perpetrators to justice.

A new perspective on human rights has developed in recent decades. It would be difficult nowadays to argue reasonably for a separation between civil and political rights and economic,

social and cultural rights. Indivisibility, interdependence and interrelation are the key words when facing those two sets of rights. Progress in one set cannot be achieved without full respect for the other.

However, one should not think that nothing remains to be decided and achieved in the realm of human rights. As the world keeps moving, so we must redefine and deepen concepts and approaches. This effort is now under way within the European Union, as negotiations proceed for the drafting of a European Charter of Human Rights. We expect this charter to encompass the many different contributions spread out in numerous other sources. What we are striving for is a comprehensive code of common values with the purpose of better protecting those who live in the European Union.

New challenges surface almost continually. If we choose the right path we may be able to draw most of the positive aspects from those challenges. Globalisation is a good example. Globalisation has been accused of being a strategy devised by the developed countries to hamper the progress in developing countries. This is a great way from the truth. But as something which is still in its infancy, globalisation's inherent risks and dangers cannot be denied. However, one should realise the advantages that a global planet can bring to improving the quality of life worldwide. The effect this could produce on a more sustainable society, where people are more knowledgeable about the full enjoyment of their human rights, can scarcely be refuted.

Mr Chairman,

The European Union considers the individual as being at the centre of its policies. As such, the promotion and protection of human rights are integral to peace and security, economic development and social equity. Protecting the individual is at the core of our death penalty policy. The European Union considers that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights and continues to

strive for its universal abolition, or at least for a moratorium on executions.

Mr Chairman,

Tackling human rights issues should not be exclusive to the State structure. Administrations need to work in cooperation with civil society at large and with committed NGOs in particular. We praise the efforts made by NGOs all over the world to inform, monitor and denounce flagrant violations of human rights. We acknowledge their contribution in shaping policies more closely related to people's aspirations. We expect that their freedom of movement and expression is not hindered by any type of obstacle.

This continuous dialogue with NGOs has been helpful to promote more transparency in governments' activities in the European Union. Our policies should be accountable, and to that end people must be familiar with them. This is the main reason why the EU published in 1999 the first annual report on human rights. The European Union's human rights policies, priorities and practices are documented in this report, which is intended to foster a thorough debate.

The European Union is aware that the human rights situation in its Member States is not perfect. We do not consider ourselves to be above criticism and we do not rest on previous achievements. On the contrary, we are constantly seeking to improve our human rights mechanisms to avoid cases where the respect of a person's dignity might be endangered.

Mr Chairman,

The European Union continues to be actively involved in the review processes of the world conferences of Copenhagen on social development and Beijing on the rights of women. We hope that the progress achieved in those conferences can be enhanced in a spirit of cooperation and dialogue among their participants.

The European Union is also actively engaged in the European preparatory process of the World Conference on Racism, on the basis of the firm belief that the defence of the principle of non-discrimination should be at the centre of every country's understanding of human rights.

Mr Chairman,

This session of the Commission on Human Rights will have to face a huge task. It is our responsibility to address the human rights violations that are taking place. In order to better accomplish this mission, it is of utmost importance to improve and rationalise the functioning of the Commission's mechanisms. The report of the working group on this issue, to be approved at this session, reflects a compromise solution which we expect will contribute to more effective handling of human rights issues.

Mr Chairman,

The European Union will present initiatives and offer its comments under a number of agenda items dealing with thematic issues and country situations. Today, I would like to address a few particular situations.

People were shocked by the images coming out of East Timor last year. The situation demanded a strong reaction from the international community and this was achieved, *inter alia*, by the convening of a special session of this Commission. We took note of the recommendations of the International Commission of Inquiry and the Indonesian Commission of Inquiry regarding the violations of fundamental human rights and international humanitarian law perpetrated in East Timor. The European Union defends that those held responsible for human rights violations will be brought to justice.

The European Union remains concerned over the situation of the refugees and displaced persons in West Timor, and we strongly encourage the creation of conditions for their safe return and for the continued involvement of the international community in this regard.

The situation in Chechnya also demands our attention. Our public opinions are alarmed by reports of widespread human rights violations. A serious and independent investigation must be carried out without delay in order that those responsible can be brought to account. The European Union stresses the importance of an international presence in Chechnya and urges the Russian authorities to comply with their commitments and rapidly launch full and transparent investigations into alleged human rights violations.

The European Union is committed to the existing dialogue on human rights with China. We acknowledge progress made in fulfilling basic needs of the Chinese population. However, we remain concerned about the lack of progress still prevailing in other areas. The use of the death penalty, restrictions on fundamental freedoms, harsh sentences imposed on political dissidents, persecution of religious minorities, non-ratification of the UN human rights international covenants and insufficient cooperation with UN human rights mechanisms are relevant examples of fields where swift action needs to be taken.

Mr Chairman,

The European Union is convinced that at the end of this session progress will certainly have been achieved through the cooperation and efforts of all participants. We hope that this progress will be translated into effective improvement of the situation of human rights for all people worldwide.

Thank you, Mr Chairman.

## ANNEX 8

56th session of the Commission on human rights (Geneva, 20 March to 28 April 2000)

### **STATEMENT BY AMBASSADOR ALVARO MENDONÇA E MOURA ON BEHALF OF THE EUROPEAN UNION** on the question of the violation of human rights and fundamental freedoms in any part of the world

*Geneva, 29 March 2000*

On behalf of the European Union I would like to address the question of the violation of human rights and fundamental freedoms in any part of the world under agenda item 9. The central and east European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia — and the associated country Malta have expressed the wish to align themselves with this statement.

Respect for human rights and fundamental freedoms, as well as development and consolidation of democracy and the rule of law are major goals for the EU. This determination is expressly stated in the Amsterdam Treaty and is consistent with the obligations under international law to protect and promote human rights and fundamental freedoms. The inherent dignity of all human beings so requires.

In its bilateral relations with third countries, as well as in the framework of international organisations and conferences, the EU aims at actively contributing to building up a worldwide culture of human rights, based on the principles of universality, indivisibility and interdependence. This is the ultimate message of the Universal Declaration of Human Rights.

Human rights are therefore a core element of our policy and encouragement for compliance with international human rights standards rests primarily on the values of cooperation and incentive. Dialogue on human rights issues, cooperation agreements, funding mechanisms and assistance programmes, among others, are the main EU instruments through which we combine efforts with our interlocutors and partners to foster the worth and dignity of the human being. Yet the EU does not refrain from speaking out against human rights abuses and expressing its concern.

In an increasingly globalised world, a catalytic moment has arrived for achieving freedom from fear and freedom from want. Elimination of discrimination and all forms of intolerance, promo-

tion of social justice, addressing the special needs of those who are more vulnerable, universal abolition of the death penalty and the end of impunity are just some of the priorities to which we all must dedicate ourselves.

The EU will take initiatives on the situation of human rights in the Democratic Republic of the Congo, Sudan, Iran, Iraq and Burma/Myanmar. I would like to reserve the right to address these situations in the introduction of the respective initiatives under item 9. The EU also seeks support for initiatives on Colombia and East Timor. The human rights situation in Israel, the occupied territories and the territories under Palestinian authority have been referred to in our statement under item 8.

I will now address more closely the situation of human rights in a number of countries and regions of concern.

1. The EU expresses its deep concern about the situation in Chechnya and in particular the plight of innocent civilians and considers that a lasting solution to the conflict requires a political solution to be reached through political dialogue between all parties concerned. Therefore the EU calls again on the Russian Federation to establish a complete ceasefire.

The EU states that continuing reports of violations of human rights and breaches of international humanitarian law in Chechnya must be promptly and credibly addressed by the Russian authorities, in accordance with the international human rights and humanitarian law treaties and conventions to which it is a party. The EU notes the nomination of a presidential representative for human rights in Chechnya and the functioning of his office. In accordance with the agreement reached as regards the inclusion of two Council of Europe representatives in that office, these representatives must be granted full independence as well as freedom of movement and contacts. The EU also expects the presidential representative to closely cooperate with the OSCE Assistance Group. The EU further expects

the Russian Federation to conduct a thorough, independent and transparent investigation into the alleged killing, torture and ill-treatment of civilians and displaced persons in Chechnya and in the neighbouring republics, and to take criminal action against the perpetrators of these human rights violations, and calls upon Russia to give free access to international organisations and the media, including access to the detention camps.

The EU welcomes the willingness of the Russian authorities to receive the United Nations High Commissioner for Human Rights and looks forward to hearing her report.

The EU continues to be particularly concerned about the serious humanitarian situation in the region, not least in the light of the reports given by Mr Gil-Robles, the Council of Europe's Commissioner for Human Rights, and Lord Judd, Head of a visiting delegation of the parliamentary assembly, after their respective visits to Chechnya. The EU calls upon the Russian authorities to extend full cooperation to the regional organisations and welcomes the forthcoming visit of the OSCE's chair in office. The EU expresses its firm hope that the Russian authorities will create the necessary conditions for permanent international monitoring of the humanitarian and human rights situation, including monitoring by the Council of Europe. The EU underscores the need for a swift return of the OSCE Assistance Group under circumstances that will allow the entirety of its mandate to be fulfilled.

2. The EU is deeply concerned by the lack of progress in Federal Republic of Yugoslavia in the field of human rights and democratisation. The EU reiterates its view that the path towards the full integration of the FRY into the international community will depend on democratic change in the FRY and on compliance by the FRY with its international obligations. This includes in particular full respect for human rights and the rights of persons belonging to minorities, reform of the electoral system, organisation of free and fair elections, the establishment of a dialogue with the opposition, freedom of expression, in particular freedom of the media, association and peaceful assembly, and independence of the judiciary. The EU believes that freedom of expression is one of the cornerstones of democracy and calls upon the Serbian authorities to allow all citizens to freely express their political will. In particular the EU firmly condemns the recent intensification of repression and harassment of the independent media and the democratic opposition. The EU urges the FRY to cooperate fully with the International Criminal Tribunal for former Yugoslavia.

The EU is willing to strengthen its good relations with the people of the Federal Republic of Yugoslavia and to support its legitimate aspiration to democracy and economic prosperity, respect for human rights and the rule of law as well as the development of good neighbourly relations in the region.

The EU continues to attach the highest importance to the implementation of UN Security Council Resolution 1244 on Kosovo, reiterates its full support for KFOR and UNMIK and calls upon all parties to cooperate fully with them in this objective. The EU urges all people in Kosovo to comply fully with the resolution and to end all acts of ethnic violence in order to allow for the creation of a democratic and multi-ethnic Kosovo.

The EU recalls its determination to support the democratisation process in Kosovo. The EU has welcomed the establishment of interim co-administration structures, and recalls the attachment to effective participation by all parties, including the Kosovo Serbs, as provided for in the 31 December 1999 agreement. The EU attaches the utmost importance to the thorough preparation by UNMIK of the local elections to be held later this year. It calls on the Yugoslav authorities to fully cooperate with UNMIK for the civil registration of displaced Serbs from Kosovo in Serbia.

The EU furthermore stresses the need for a safe return of refugees and displaced persons to their homes, and the assurance of security and freedom of movement for all people in Kosovo regardless of their ethnic origin and considers that bringing the perpetrators of atrocities to justice is of the utmost importance.

3. The EU welcomes the steps taken to implement the peace agreement in Bosnia and Herzegovina. It nevertheless remains concerned about the lack of progress in many areas vital for the protection of, and respect for human rights and fundamental freedoms. The EU particularly stresses the need to continue reform of the police and the judicial system with a view to full establishment of the rule of law, and to end discriminatory practices in the area of economic and social rights, which have a negative effect on minority returns. The EU also remains concerned about continuing tension between the different ethnic communities and violence against returnees and calls upon all parties to implement their commitments under the Dayton Agreement and to create appropriate conditions for the unrestricted and safe return of displaced persons, particularly those belonging to minorities. The EU urges the authorities in the Republika Srpska part of Bosnia and Herzegovina to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY).



4. The EU welcomes significant developments recently achieved in Croatia and expresses its firm hope that they will strengthen the path towards the full establishment of democracy and the rule of law in the country. This includes the comprehensive implementation of measures concerning the return of refugees and displaced persons, respect for the rights of persons belonging to minorities, reform of the judicial system and ensuring freedom of expression. The EU welcomes the ongoing legislative process on the amendment of the discriminatory laws and the extradition to The Hague of Mladen Naletilic which reflects the willingness of the new Croatian leadership to cooperate with the ICTY.

5. The EU continues to be strongly committed to the stabilisation and development of the Western Balkans region and is determined to play a leading role in the implementation of the Stability Pact for South Eastern Europe. Along with all governments and organisations concerned, the EU is willing to work in close partnership with the countries of the region to create the conditions for their integration within the European structures.

6. The EU welcomes the decision of the Turkmen authorities to abolish the death penalty. We are otherwise deeply concerned at the deteriorating situation of human rights in Turkmenistan. The EU has raised its concerns about harassment of political opponents, political arrests and treatment of political prisoners. We observe with grave concern the difficult situation of small religious groups resulting from steadily growing repression. The EU urges Turkmenistan to implement the UN human rights covenants, which guarantee, *inter alia*, freedom of opinion, expression, religion, assembly and association. In this regard, the EU is gravely concerned by the events at the end of last year which opened the way for President Nyazov to remain President for life and which, if implemented, would undermine one of the fundamental bases of democracy.

7. The EU urges the government of Uzbekistan to respect freedom of opinion, expression, information, assembly and association, including freedom for religious groups. In particular, the EU encourages the authorities to actively protect the human rights of persons belonging to religious minorities. The government ought to allow human rights defenders to work unhindered and respect the right to personal integrity. The right to a fair trial, including fair treatment in pre-trial detention, must be protected as a fundamental right. The EU is deeply concerned at the death sentences passed in Uzbekistan and urges its authorities to

refrain from the use of the death penalty. The EU is concerned at the existence of a 'concentration camp' in the steppes of Karakalpakhia and calls for its immediate dissolution.

8. The EU has noted with concern the results of the latest parliamentary elections in Kyrgyzstan in which the majority of the opposition was prevented from taking part because of obstructions created by the government. This means a setback for the development of democracy in this country. Steps should be taken to ensure that the presidential elections in December can take place in a climate of freedom and fairness.

9. The EU remains concerned about the lack of civil and political rights in Belarus, in particular reports of arbitrary arrests and detentions, ill treatment and disappearances as well as restrictions on freedom of expression, association and peaceful assembly. Deficiencies in the legal and judicial system also raise our concern, especially as regards State interference in judicial proceedings, prolonged pre-trial detentions and poor prison conditions. The EU calls upon the government to undertake legislative reforms in order to improve civil and political rights and calls for the early implementation of such reforms, especially with a view to the parliamentary elections later this year, which should be conducted in a free and fair manner. Furthermore, the position of the parliament vis-à-vis the powers of the executive should be reinforced so as to ensure the restoration of the democratic balance of power in the State. The EU also urges the government to abolish the death penalty and, as a first step, to introduce a moratorium on executions.

10. The EU welcomes the launch of the talks aiming at an overdue, comprehensive, just and lasting solution to the Cyprus problem in December, in accordance with the relevant UN Security Council resolutions, and expresses its strong support for the UN Secretary-General's efforts to bring the process to a successful conclusion. The EU continues to follow the situation in Cyprus closely and reaffirms that the status quo there remains unacceptable. The EU calls for full respect for human rights and fundamental freedoms on the whole island. In the same context, we express our wish that the Committee of Missing Persons will very soon be able to duly proceed with its work.

The EU supports UNFICYP's continued efforts to implement its humanitarian mandate, calling upon all concerned to allow it to do so without hindrance.

We particularly welcome the recent decision of the Republic of Cyprus to ratify Protocol 6 to the European Convention for the Protection of

Human Rights and Fundamental Freedoms concerning the abolition of the death penalty.

11. The EU welcomes recent positive developments in Turkey as well as its intention to continue its reforms towards fulfilling the criteria for accession to the EU, with particular reference to the issue of human rights. We welcome the government's efforts to implement democratic, social, legislative and administrative reforms, as well as initiatives adopted to improve human rights conditions, and we encourage further steps towards the strengthening of civil and political rights. The EU nevertheless remains concerned at continuing reports on the use of torture and ill-treatment, extra-judicial killings, lack of information on missing persons, restrictions on freedom of expression and assembly, as well as the insufficient observance of the rights of persons belonging to minorities. Despite some notable efforts to combat human rights violations in detention facilities, the situation in Turkish prisons remains alarming. The EU notes with satisfaction the stated intention of the government to adhere to the international covenants on civil and political as well as on economic, social and cultural rights, and calls upon Turkey to fully respect the rule of law and international standards of human rights, including in the fight against terrorism. The EU also calls upon the government of Turkey to urgently abolish the death penalty.

12. While noting some improvement, the EU remains concerned about the human rights situation in Syria and emphasises that further progress is needed in order to achieve compliance with international human rights norms. Arbitrary arrests, prison conditions and detentions beyond the end of prison sentences are of great concern to the EU. Notwithstanding the fact that an amnesty was granted in the previous year, we call upon the government of Syria to release all those imprisoned for exercising freedom of association and expression. The EU also urges Syria to provide information about the whereabouts and situation of detained persons to their families or, in the case of foreigners, to their country of origin. We particularly deplore the denial of freedom of expression, assembly and association, as well as restrictions on the freedom of movement. We equally condemn the repression in Syria of human rights activists and discrimination against the Kurdish minority, in particular stateless Syrian-born Kurds. The EU stresses that it is fundamental that Syria fulfil its obligations under international human rights treaties, taking all the appropriate measures to implement them.

13. With regard to Afghanistan, the EU remains deeply concerned about the continuing and wide-

spread human rights violations taking place. The EU's common position on Afghanistan, adopted in January 2000, renews our call to all parties to recognise, protect and promote all human rights and fundamental freedoms. The EU is also deeply concerned about the continuing grave violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan, particularly those under Taliban control. The EU is also disturbed by reports of human rights violations in the Shomali Plain during the Taliban's offensive in 1999, including house and crop burning, forced movements of civilian population and destruction of the agricultural infrastructure. The EU therefore welcomes the proposed deployment of UN civilian monitors. We urge all Afghan factions to end discriminatory policies and to promote equal rights, dignity and access to education, employment and healthcare for women and men. The EU is deeply concerned about reports of the use of child soldiers by the warring factions and strongly urges them to end this practice without any delay. The EU remains convinced that the conflict in Afghanistan has no military solution and that the major contribution to improving the human rights situation in Afghanistan would be an immediate ceasefire, followed by a negotiated settlement in line with the efforts of the UN leading to the establishment of a broad-based government.

14. The EU remains deeply concerned at the situation of human rights in Saudi Arabia. The EU urges the government to ensure the respect for civil and political rights. The EU remains particularly worried at prohibitions of, or restrictions on, fundamental freedoms, including freedom of expression, assembly and association. The EU encourages Saudi Arabia to remove obstacles to freedom of religion. The EU is gravely concerned about the serious violations of the human rights of women in Saudi Arabia and renews its call for the improvement of human rights of women in law and practice. We strongly urge Saudi Arabia to become party to and implement the Convention on the Elimination of All Forms of Discrimination Against Women. Reports of torture and other inhuman treatment and punishment particularly worry the EU, all the more so since Saudi Arabia is a party to the UN Convention against Torture. Considering that the accession of Saudi Arabia to some conventions in the field of human rights is a positive step, the EU encourages the government of Saudi Arabia to implement these texts and to go further by acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The EU encourages Saudi Arabia to cooperate with human rights mechanisms by inviting special rapporteurs, in particular the Special Rapporteur on

the Independence of Judges and Lawyers. The EU is also worried by the increasing number of executions in the country and urges Saudi Arabia to limit the use of the death penalty.

15. The EU remains concerned about the human rights situation in Jammu and Kashmir, where, despite positive steps taken by the Indian Government, the situation continues to be far from normal. Terrorism and armed infiltration across the line of control have substantially contributed to the current situation. The EU encourages Pakistan to prevent such infiltration by adopting the appropriate measures. At the same time, the EU encourages India to take all appropriate measures to stop human rights violations. Following the full access given to the EU troika mission to Jammu and Kashmir in October 1999 and in previous years, the EU would like to stress the need for improvement of access to Kashmir for international and non-governmental organisations as well as for the Special Rapporteur on Torture.

16. The EU is concerned about religious intolerance on the subcontinent, including cases of murder, assault and destruction of places of worship. In the case of India, the EU therefore welcomes the renewed commitment by the Indian Government to protect the rights of religious minorities. The EU calls upon Pakistan to protect the right of religious minorities and to abolish the death penalty for blasphemy.

17. The EU takes note of the declarations by the Pakistani authorities stating their commitment to democracy, the rule of law and respect for human rights. These are core elements for whose implementation we urge Pakistan to take all necessary and adequate measures. We remain disturbed by the occurrence of human rights violations in Pakistan, including the use of torture, the lack of fair trials, arbitrary detention, violations of the human rights of women and children and of the rights of ethnic minorities. The EU calls upon Pakistan to take effective measures to stop the practice of honour killings of women and girls. The EU is seriously concerned about the independence of the judiciary. The EU is particularly concerned about cases of individuals who have been kept in 'protective custody' since last October or have subsequently been arrested and transferred to an unknown destination, without being charged with offences. The EU urges Pakistan to accede to the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the Convention Against Torture.

18. The EU remains deeply concerned about the continuing armed conflict in Sri Lanka and urges all parties to end the conflict and work for a ne-

gotiated and just settlement. In this respect, the EU hails the resumption of the political dialogue between the incumbent President and the leader of UNP. The EU renews its condemnation of terrorist attacks by the LTTE and other paramilitary groups against civilian targets and calls for these to stop. The EU also calls on the LTTE to cease using child soldiers. While recognising some positive developments in the human rights situation, we remain concerned at continuing human rights violations such as arbitrary detentions, disappearances, torture and extra-judicial killings. We call upon the government to investigate these abuses thoroughly, bringing those responsible to justice. The EU again calls upon the government of Sri Lanka to strengthen the capacity of the Human Rights Commission of Sri Lanka to investigate and provide for the resolution of violations of human rights and for the Commission to be given increased resources and financial support. We are concerned about intimidation of the independent media. We call upon the government to respect the rights of the free press and to invite the UN Special Rapporteur on Freedom of Expression to visit Sri Lanka this year.

19. The EU is following with great attention the human rights situation in China and is deeply concerned about the fact that, despite some steps in the improvement of the legal system and social and economic rights, little progress has been achieved on the ground, in particular regarding civil and political rights. We firmly condemn the continuing restrictions upon fundamental freedoms, including freedom of thought, expression, religion, assembly and association. The EU expresses its concern in particular at the harsh sentences imposed on political dissidents calling for democracy in China, as well as at the alarming human rights situation in Tibet and Xinjiang. The EU is equally dismayed by the severe sentences passed upon the members of the Falun Gong movement. The maintaining of administrative detention and the use of the death penalty also remain matters of particularly serious concern to the EU. We attach great importance to the EU-China human rights dialogue, which we evaluate permanently, but we emphasise that it is fundamental that the willingness by the Chinese authorities to discuss human rights issues of common concern is translated into concrete actions towards the effective and full realisation of the human rights of all persons under Chinese jurisdiction. The EU urges China to restrict the use of the death penalty and to take steps towards its abolition. The EU calls upon the Chinese Government to ratify, as a matter of priority, the two UN human rights covenants and to cooperate with the CHR special rapporteurs and working groups. As

well, we urge the government of China to sign a memorandum of understanding with the office of the HCHR in the near future. The EU also urges China not to impose restrictions upon fundamental freedoms which are contrary to internationally recognised standards.

20. While a complete assessment of the human rights situation in the Democratic People's Republic of Korea is extremely difficult to obtain due to lack of transparency and openness, reports indicate widespread human rights violations. The EU condemns the denial of human rights and fundamental freedoms and underlines its concerns regarding the situation of political prisoners, the absence of the rule of law, attempts to disregard the obligations undertaken under the ICCPR and the grave humanitarian situation in general. The EU is equally concerned at persisting restrictions concerning freedom of movement, including the case of seven North Koreans who were repatriated to the Democratic People's Republic of Korea last January, after the UNHCR had granted refugee status to them.

21. The EU acknowledges the commitment shown by the Government of Indonesia to bring the perpetrators of violations of human rights and international humanitarian law in East Timor to justice, possibly through the establishment of a special human rights court. The EU calls on the Secretary-General and the High Commissioner to consult with the Government of Indonesia on any assistance it may need in order to establish a legal process that meets international standards of justice and fairness.

President Wahid's recent visit to East Timor was an important and constructive step towards the normalisation of the relationship between Indonesia and East Timor. Special reference should be made to the agreement between **Untaet** and the Indonesian authorities to exchange information relevant to investigations, prosecutions and trials. The EU is encouraged by the intention of the Government of Indonesia and **Untaet** to conclude a memorandum of understanding on mutual collaboration on legal, judicial and human rights affairs. Accountability of those responsible for the violations perpetrated in East Timor and the redress of victims are a core element of the process of reconciliation and of democratic institution building and will improve the prospects for friendly and peaceful relations between Indonesia and East Timor.

The EU is still concerned at the lack of a secure environment for the safe and voluntary return of refugees in West Timor. Intimidation and misinformation by pro-integration militias and the presence of TNI soldiers not integrated under a normal command structure appear to be the

strongest impediments to repatriations. The enhancement of cooperation between the Indonesian authorities and UNTAET announced during President Wahid's visit to East Timor should contribute to solving subsisting problems.

22. The EU is disturbed by the human rights situation in Malaysia. Restrictions of human rights and fundamental freedoms such as freedom of peaceful assembly and freedom of speech and opinion are matters of concern to the EU. We urge the Malaysian authorities to bring to an end politically motivated repressive measures against political opponents and activists as well as human rights defenders. The EU equally expresses its apprehension in view of the continued erosion of the independence and impartiality of the judiciary in Malaysia, as well as the persisting excessive use of force by police forces. We call upon the Malaysian Government to abide by the advisory opinion of the International Court of Justice on the immunity of the CHR Special Rapporteur on the Independence of Judges and Lawyers, Param Cumaraswamy. The EU regrets that doubts remain about the truly independent nature of the national commission on human rights recently established by law.

23. The government of Cambodia has manifested a political will to build a society based on the rule of law and respect for human rights. This political will needs to be reflected in decisive action. While noting that positive steps have been taken, in particular by virtue of the adoption of several legislative measures relating to human rights and the institutionalisation of a Governmental Committee on Human Rights, the EU recognises that areas of special concern in the overall human rights situation persist, such as impunity and the weakness of the rule of law. The EU is also particularly concerned at the use of violence by the security forces, as well as the sexual exploitation of women and children. We believe that the trial of the Khmers Rouges by an independent tribunal meeting the international standards of justice, fairness and due process of law is essential for tackling the problem of impunity in Cambodia. The EU calls upon the Cambodian Government to cooperate with the UN in this matter. The EU stresses its support for the continuing work of the office of the UNHCHR in Cambodia and encourages the Cambodian authorities to establish independent national institutions for the promotion and protection of human rights.

24. The EU is disturbed by the human rights situation in Laos. While the EU recognises that the government of Laos has a willingness to promote some of the economic, social, and cultural human rights, the EU regards the authoritarian rule of Laos to be a major obstacle to the fulfilment of



human rights in general. The EU is concerned about the fact that the exercise of political opposition is not tolerated, the arbitrary nature of some of the arrests, the non-existence in practice of the right to preparation of legal defence and counsel, and the lack of legal training of the judiciary, but takes note of progress on the last issue. The EU is prepared to cooperate with Laos in order to improve the situation in the abovementioned areas. The EU is also dismayed by the restrictions upon fundamental freedoms, including freedom of expression, assembly, association and religion. It is particularly concerned at the detention of several persons since last October for demonstrating against the government. The EU equally condemns the fact that militias are tolerated by the authorities. It also urges the Laotian authorities to ratify the two UN human rights covenants. The EU reiterates its humanitarian appeal regarding Mr Khamphoui and Mr Sakchitaphong, two sexagenarian prisoners of conscience in poor health conditions.

25. The EU recognises the undeniable regional dimension of human rights in the Great Lakes area. Indeed, the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region and will contribute to the necessary environment for cooperation among States in the region.

26. The EU remains concerned about continued human rights violations in Rwanda in spite of some progress, namely the improvement of the quality of the criminal procedures and the passing of the ruling on the capacity of widows to inherit. Recovery from genocide, promotion and protection of human rights and fundamental freedoms are primarily responsibilities of the government of Rwanda. The EU welcomes the establishment of the National Human Rights Commission and supports its work. We stress the importance of its independence, effectiveness, broad-based composition and its close cooperation with the human rights mechanisms of the UN. The EU welcomes the renewed cooperation between the government of Rwanda and the International Criminal Tribunal for Rwanda (ICTR). The use of capital punishment in Rwanda is of concern to the EU. The EU calls on the government of Rwanda to establish a moratorium on executions. Prison conditions in Rwanda are also of great concern. The EU is concerned that the programme of regrouped settlement (imudugudu) affects human rights and therefore urges the Government of Rwanda to apply the programme only with the participation and consent of the population. The EU hopes that the implementation of a system of traditional participatory justice will facilitate an independent and fair solution to the persisting problem of

detention without trial. The EU encourages the government of Rwanda to ensure that this system is in conformity with the law and international human rights standards. The EU encourages the government of Rwanda to strengthen its relationship with the UNHCHR in this regard.

27. The EU is seriously concerned about the continuing and serious human rights abuses in Burundi in spite of some progress, such as the entry into force of the new Code of Criminal Procedure. In the struggle between the armed forces and the rebels, the victims are mostly women, children and the elderly. The EU is particularly concerned about the forced removals of civilians by the Burundian army and welcomes the decision of the government to start dismantling regroupment camps. The EU also calls upon the government of Burundi to ensure that full protection is given to civilians returning home and support for their reintegration. The EU strongly condemns the renewed outbreak of indiscriminate violence in Burundi and the attack on humanitarian relief personnel. The EU urges all parties to refrain from any violence and to fully respect human rights. With respect to the Arusha peace process we encourage all parties to contribute constructively, to accept compromise and to reach a negotiated settlement as soon as possible. Progress is particularly needed with regard to the transnational arrangements, the reform of the army and the judicial sector as well as the question of land, property and housing for the returning refugees. The EU notes with interest a plan for reform of the judicial and penitentiary system prepared by the government of Burundi. The EU emphasises the importance of the fight against impunity and urges the government of Burundi to accelerate investigations relating to human rights violations, especially those where army units have been involved, and to bring those responsible to justice. The functioning of the legal system and the prison conditions in Burundi continue to be an area of deep concern. A great number of detained persons have not been charged or are still awaiting trial, the judicial procedure continues to lack transparency and prison conditions are extremely poor, particularly in the case of prisoners sentenced to death. The EU regrets the frequent violations of the human rights of prisoners. The EU calls on the government of Burundi to establish a moratorium on executions. The EU calls upon the government of Burundi to continue its cooperation with the UN human rights mechanisms, in particular with the office of the UNHCHR.

28. The EU is concerned about the present status of human rights in Uganda. The EU acknowledges the progress realised in this field such as the



recent adoption of an Amnesty Act, and the important role played by the Human Rights Commission. But the EU still notes serious violations of human rights such as torture, rape and arbitrary arrest of civilians by members of the police force and UPDF as well as cases of extra-judicial killings. The EU condemns the recruitment and use of child soldiers by rebel armies in Uganda. The EU urges the government of Uganda to abide by its obligations under the International Covenants on Civil and Political Rights as well as on Economic, Social and Cultural Rights.

29. The EU welcomes the ceasefire agreement recently signed in Brazzaville, the effective and complete interruption of fighting and the amnesty and reintegration decisions taken subsequently by the government of the Republic of Congo. The EU strongly hopes that the cessation of hostilities will quickly lead to an improvement of the situation of human rights and to the restoration of democracy. The EU is still strongly preoccupied by reports of human rights violations against the civilian population, such as arbitrary detention, torture, involuntary disappearances and arbitrary killings. The EU calls upon the authorities of the Republic of the Congo to investigate all human rights abuses and to bring the perpetrators to justice.

30. The EU welcomes the new developments in Algeria and signs of cooperation by the government with international partners. In this regard the EU welcomes the stated readiness of the Government of Algeria to develop a dialogue with all human rights mechanisms and calls for early, full and effective cooperation of the Government of Algeria with these mechanisms. The EU also notes the invitation issued by the President to human rights NGOs to visit the country and hopes that the visits will take place soon. Although reports of human rights violations such as disappearances, torture, arbitrary detention and extra-judicial executions have decreased the EU continues to remain concerned. The EU therefore calls on the government to investigate outstanding cases of serious human rights violations allegedly undertaken by the security forces, such as extra-judicial executions and forced disappearances, in order to promote the rule of law and combat impunity. The EU welcomes President Bouteflika's pursuit of national reconciliation. The EU condemns terrorist violence and underlines that terrorism can only be combated in the context of the rule of law and fully respecting international human rights standards. The EU is concerned at recent terrorist attacks that threaten the security situation in the country. The EU confirms its readiness to support and encourage the reform process in Algeria. It attaches great importance to continuing

a comprehensive political dialogue with the Algerian authorities.

31. The EU remains concerned about the human rights situation in Chad, in particular as regards extra-judicial killings, arbitrary arrest and detention and prison conditions including torture and ill treatment. Inadequacies of the judicial system as well as restrictions on freedom of speech and press, association and assembly also raise concern. The EU urges the government of Chad to take effective steps to end human rights violations in the country and ensure the effective establishment of the rule of law.

32. The EU notes with concern that the human rights situation in Ivory Coast continues to present insufficiencies in a number of areas, notably as regards the number of summary and extra-judicial executions as well as arbitrary detention and prison conditions. The EU calls upon the authorities in Ivory Coast to create the necessary conditions for the full respect of human rights and the establishment of the rule of law in the country and in particular to undertake a reform of its judicial and penitentiary system.

33. The EU has welcomed the political development in Nigeria, in particular the democratisation process and the overall improvements in the human rights situation. The EU appreciates the decision of President Obasanjo and his government to set up a commission mandated to investigate human rights abuses during the period of military rule. Further, the EU welcomes the fact that the judiciary has started to initiate penal proceedings against some individuals accused of grave human rights violations. The EU encourages the government of Nigeria to further promote human rights, in particular regarding ethnic minorities in the Delta area. The EU stresses its firm support for freedom of religion and for the right to a fair trial according to internationally set standards and its opposition to the application of degrading and cruel penalties. The EU welcomes the federal government's continuing commitment to these principles.

34. The EU has repeatedly condemned violations of human rights in the context of the Eritrea and Ethiopia conflict, including violations against other nationalities living within Eritrea's or Ethiopia's borders, and against persons belonging to minorities. The EU underlines that deportations and other violations of human rights and humanitarian principles undermine the quest for peace, reconciliation and confidence-building between the two nations. The EU urges Ethiopia and Eritrea to continue the cooperation with the OAU to find a diplomatic solution to end this tragic conflict. The EU commends the efforts of the OAU in seeking a peaceful solution to the conflict,

which has caused enormous losses in both countries. The EU urges Ethiopia and Eritrea to immediately end all hostilities and proceed to a ceasefire and to the signature and the implementation of the framework agreement.

35. The EU notes with concern that since the last parliamentary elections held in Equatorial Guinea, in March 1999, in themselves marred with irregularities, a single-party regime has been reintroduced in the country. The EU appeals to the government of Equatorial Guinea to continue to dialogue with all political parties and to ensure the independence and efficacy of the National Electoral Committee, so as to avoid these incidents in the future, namely in the local elections scheduled to take place in the middle of this year. The EU remains concerned by continuing allegations of torture, poor prison conditions and arbitrary detention of family members of wanted suspects and calls upon the government of Equatorial Guinea to give its full support to the newly appointed Special Representative of the Commission on Human Rights.

36. The EU welcomes the peace agreement between the government of Sierra Leone and the RUF signed in Togo on 7 July 1999. The EU calls upon all parties to implement the peace agreement speedily and in full as the only basis for lasting peace and stability. In particular, the EU urges the parties to step up efforts to implement all aspects of the disarmament, demobilisation and reintegration programme. The EU welcomes the establishment of a Truth and Reconciliation Commission as provided for in the agreement and stresses the importance of its successful functioning. The EU emphasises that the accountability of individual perpetrators of grave human rights violations is important in ensuring a fair and equitable justice system and ultimately reconciliation and stability in Sierra Leone. Grave violations of human rights, atrocities such as murder, mutilation, torture, abductions, rape and the use of children as soldiers must be addressed. The EU condemns continuing incidents of violence against civilians. The EU urges all parties to the peace agreement to cooperate with the UN human rights mechanisms, including the appointed UN adviser promoting children's rights, and to allow unhindered access for humanitarian organisations and Unamsil throughout the country.

37. The EU remains concerned about the continuing human rights violations caused by the ongoing conflict in Somalia, in particular in the southern parts of the country. The EU urges all parties in the conflict to continue their efforts to find a peaceful settlement and to respect and promote human rights. The situation is aggravated by a lack of legal authority and the

absence of the rule of law and of a fair judicial system as well as by persisting acts of violence against humanitarian relief workers. The violations of the human rights of women and girls, including the practice of female genital mutilation, are of deep concern.

38. The EU continues to be concerned about the human rights situation in Angola. The resumption of the war in December 1998, for which UNITA bears the primary responsibility, has led to serious human rights abuses and breaches of international humanitarian law also across the borders, including extra-judicial and arbitrary killing of civilians and forcible recruitment of children into military service. The number of refugees and displaced persons continues to rise. The EU reiterates its appeal to the government of Angola and UNITA to respect human rights and cooperate with the humanitarian organisations in the delivery of emergency relief assistance, to guarantee the safety and freedom of movement of their personnel, as well as access to affected populations. We call on the government, but particularly on UNITA, to immediately cease mine-laying activities and to allow the population access to food supplies. The EU considers the UN continued presence in Angola highly important for the promotion of peace, national reconciliation and respect for human rights and calls on the government and UNITA to cooperate fully with the UN human rights activities in the country.

39. The EU deplores the systematic and systemic denial of civil and political rights and fundamental freedoms in Cuba and calls upon the Cuban authorities to take vigorous steps with a view to guaranteeing freedom of expression, opinion, association and assembly for the Cuban people. We deplore the cases of detention and house arrests for political reasons, as well as the continued repression of dissidents and political opponents in the country. In line with the EU common position, the EU encourages the Cuban Government to enable a peaceful transition towards democratic pluralism and a multiparty system, where separation of powers, accountability and transparency in decision-making are ensured. We note with interest the steps taken to guarantee a degree of freedom of religion, but are concerned about the continued existence of the death penalty. The EU calls upon Cuba to accede to the UN human rights covenants.

40. The EU follows with great attention the political and human rights developments in Haiti and hopes that the parliamentary elections will create the conditions for the country to return to normal political life and the rule of law, while noting with concern the persistence of an environment of political tension and violence. The

EU remains hopeful that the current postponed elections will be held as soon as possible in a free, fair and transparent way, which is fundamental for the consolidation of the democratic process in Haiti as well as for granting international assistance. The EU notes with interest the steps so far taken in the realm of judicial reform, but condemns the persisting practices of popular justice, threats and intimidation of human rights defenders and human rights abuses by the security forces. The EU calls upon the Haitian authorities to fully cooperate with the International Civilian Mission for Support in Haiti (MICAH) so that it can favourably discharge its mandate in the fields of justice, human rights and training of police forces.

41. With regard to the Caribbean, the EU remains concerned about the trend towards further use of the death penalty. We continue to urge all countries to refrain from applying the death penalty. We deeply regret that some Caribbean countries have withdrawn as States party to the optional protocol to the ICCPR and re-acceded with a reservation on Article 1, which limits the obligations of the governments towards individuals under sentence of death.

42. The EU encourages the new government of Guatemala to take all the necessary and appropriate measures to implement the peace accords, with a view to fostering reconciliation in Guatemalan society. Major reforms are needed, mainly in the military and judicial realms, in order to improve the situation of human rights in the country, including tackling the problem of impunity for human rights violations. The investigation of the assassination of bishop Juan Gerardi shows clearly the current state of the justice administration system, characterised by threats and intimidation of those participating in lawsuits. It is encouraging that the new government has expressed its strong interest in promoting a situation in which those responsible for the murder of Bishop Gerardi can be brought to justice. The EU will be following this process closely. For the EU, compliance with the recommendations made by the Commission for Historical Clarification is of paramount importance and it strongly urges the Guatemalan authorities to take the necessary steps for their full implementation as a matter of urgency.

43. The EU notes with satisfaction the continued progress made in Mexico as far as the process of democratisation in the country is concerned and welcomes the invitation made to the UN for an observation mission in the forthcoming presidential and congressional elections. The EU takes note with satisfaction of the Mexican Government's commitment to human rights and the steps taken towards improvement of the

situation. The visit by the UNHCHR and the Special Rapporteur on Forced Executions, as well as the invitations to visit issued to the special rapporteurs on violence against women and on the independence of judges and lawyers show that commitment clearly. However, we are deeply concerned about persisting corruption and impunity within the administration and judiciary, which are major obstacles to the rule of law. Moreover, the EU encourages the Mexican Government to take legislative measures designed to implement constitutionally guaranteed rights. Harassment and intimidation of media professionals still occur. Illegal detention and torture are practised by police forces. The EU remains concerned about extra-judicial executions, forced disappearances, the abduction of political opponents, particularly in conflict areas, and the harassment of human rights workers. We emphasise that the human rights of indigenous people should be fully respected in all circumstances and the EU encourages the Mexican Government to continue to strengthen its efforts to end discrimination against indigenous peoples and to actively promote their full enjoyment of human rights. The EU stands ready to cooperate with the Mexican Government and hopes that those positive intentions will soon translate into a real and substantial improvement of the human rights record of the country.

44. The EU continues to be disturbed by the decline of the rule of law and democratic institutions in Peru, including deterioration in the electoral process. We express our concern about practices seriously undermining the separation of powers, lack of due process, particularly where military penal courts of justice are concerned, disrespect for procedural guarantees, harassment of human rights defenders, journalists and opposition political leaders, extra-judicial executions, torture and appalling conditions in detentions centres. The EU deplores the withdrawal by Peru from the jurisdiction of the Inter-American Court of Human Rights. It attaches great importance to the existence of complaints procedures at international level and considers that this unilateral decision deeply weakens the protection of the individual guarantees afforded by that regional system for the protection of human rights and fundamental freedoms.

We are not moved by any kind of confrontational approach towards any of the abovementioned countries. Our purpose is to offer sincere cooperation to help in reducing tensions and promote the dialogue between all involved. A more stable world can only be achieved if everyone is truly and irrevocably freed from all types of violence and harassment.

## ANNEX 9

### HUMAN RIGHTS INSTRUMENTS

#### United Nations

- Universal Declaration of Human Rights (1948)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- Convention relating to the Status of Refugees (1950)
- Convention on the Reduction of Statelessness (1954)
- Convention relating to the Status of Stateless Persons (1954)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Optional Protocol to the International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)
- Declaration on the Right to Development (1986)
- Convention on the Rights of the Child (1989)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992)
- Declaration on the Elimination of Violence against Women (1993)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)

#### Council of Europe

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol No 11 (1994)

- Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No 11 (1994)
- Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
- European Social Charter (1961)
- Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (1995)
- European Social Charter — Revised (1996)
- European Charter for Regional or Minority Languages (1992)
- Framework Convention for the Protection of National Minorities (1995)
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (1990)
- Charter of Paris for a New Europe (1990)
- Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (1991)
- Helsinki Document of the Conference on Security and Cooperation in Europe (1992)
- Document of the Rome Meeting of the Council of the Conference on Security and Cooperation in Europe (1993)
- Vienna Document of the Meeting of representatives of the participating States of the Conference on Security and Cooperation in Europe (1994)
- Budapest Summit Declaration of the Conference on Security and Cooperation in Europe (1994)
- Lisbon Summit Declaration of the Organisation for Security and Cooperation in Europe (1996)
- Istanbul Summit Declaration of the Organisation for Security and Cooperation in Europe (1999)
- Charter for European Security (1999)

### **Organisation for Security and Cooperation in Europe**

- Helsinki Final Act (1975)
- Concluding Document of the Vienna Meeting of representatives of the participating States of the Conference on Security and Cooperation in Europe (1986)



## ANNEX 10

### HUMAN RIGHTS INSTRUMENTS SIGNED BY EU MEMBER STATES

#### United Nations

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded,  
Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- Convention relating to the Status of Refugees (1951)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)

- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Convention on the Rights of the Child (1989)

#### Council of Europe

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol No 11 (1994)
- Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No 11 (1994)
- Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
- European Social Charter (1961).

## ANNEX 11

### REPORTS SUBMITTED BY MEMBER STATES TO HUMAN RIGHTS TREATY BODIES

#### BELGIQUE

##### *Pacte relatif aux droits civils et politiques*

- Date pour le prochain rapport fixée en octobre 2002.

##### *Pacte relatif aux droits économiques, sociaux et culturels*

- Deuxième rapport périodique. Soumis le 23 décembre 1997 (doc. E/1990/6/add18 du 5 mars 1998) à l'examen du Comité lors sa session de novembre 2000.

##### *Convention relative aux droits de l'enfant*

- Deuxième rapport périodique. Soumis le 15 mai 1999 à l'examen par le Comité en septembre 2001.

#### DENMARK

- Fifth periodic report to the Convention on the Elimination of All Forms of Discrimination Against Women was submitted in May 2000.
- 14th periodic report to the Convention on the Elimination of all Forms of Racial Discrimination was submitted on 8 January 1999. It was examined on 9 March 2000.
- Fourth report on the Convention Against Torture was submitted on 4 August 2000.
- Fourth periodic report to the Covenant on Civil and Political Rights was submitted 30 December 1998. It will be examined on 20 October 2000.
- Third report on the Covenant on Economic, Social and Cultural Rights was submitted on 8 August 1996. It was examined on third May 2000.
- Second periodic report to the Convention on the Rights of the Child was submitted in August 1998.

Reports in English have been published at the web site of the Danish Ministry of Foreign

Affairs: <http://www.um.dk>. Details can also be found at the web sites of the treaty bodies.

#### GERMANY

- CESCR:  
Fourth report submitted 11 January 2000 (Doc. E/C 12/4/Add.3)
- CEDAW:  
Fourth report submitted 27 October 1998 (Doc. CEDAW/C/DEU);  
Examined 1 February 2000 (Doc. CEDAW/C/2000/1/CRP.3/Add.7/rev.1)
- CERD:  
15th report submitted 16 June 2000 (Doc. N.N.)

Internet sites:

— in English: [www.unhchr.org](http://www.unhchr.org)

— in German: [www.auswaertiges-amt.de](http://www.auswaertiges-amt.de)

#### GRÈCE

- Deuxième et troisième rapports périodiques en application de la convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes, publiés sous la référence (cedaw/c/grc/2-3) et présentés au comité CEDEF (CEDAW) lors de sa 20<sup>e</sup> session, le 28 janvier 1999. Site sur ces rapports (<http://www.un.org/womenwatch/daw/cedaw/greece.htm>). Site sur les conclusions et recommandations y relatives du CEDEF (<http://www.un.org/womenwatch/daw/cedaw/20thsess.htm>).
- Troisième rapport périodique en application de la convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, soumis au comité CCT (CAT), le 29 novembre 1999. Le texte du rapport n'est pas encore publié, sa traduction dans les langues de travail du comité étant en cours. L'examen du rapport, ainsi que des rapports d'autres pays, est prévu lors de la 26<sup>e</sup> session du CCT du 20 avril au 18 mai

2001. Site sur la convocation de ladite session (<http://www.unhchr.ch/html/menu/2/6/cat/cats/24.htm>).

## SPAIN

*Convention on the rights of the child.*

- Second report (crc/c/70/add.9), submitted on 1 June 1999.

*Convention on the elimination of all forms of racial discrimination*

- 14th and 15th reports (cerd/c/338/add.6), considered jointly by the CERD on 13 and 14 March 2000.

These reports can be found on the High Commissioner for Human Rights web site (<http://www.unhchr.ch/spanish/data/sp.htm>).

## FRANCE

- Présentation du rapport en application de la convention pour l'élimination de la discrimination raciale (Genève, mars 2000).
- Envoi du rapport en application du pacte sur les droits économiques et sociaux (juillet 2000).

## IRELAND

*International Covenant on Civil and Political Rights*

- Second report of Ireland on the measures adopted to give effect to the provisions of the International Covenant on Civil and Political Rights, submitted 1998 CCPR/C/IRL/98/2. Concluding observations of Committee, July 2000 CCPR/CO/69/IRL.

*Convention on the Elimination of All Forms of Discrimination against Women*

- Second and third periodic reports of Ireland to the Committee on the Elimination of Discrimination Against Women, submitted 1997 CEDAW/C/IRL/2 and 3. Concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women: Ireland, July 1999 CEDAW/C/1999/L.2/Add.4.

All the reports and the concluding observations are available at [www.unhchr.ch](http://www.unhchr.ch) or at the Department of Foreign Affairs web site ([www.iveagh.irlgov.ie](http://www.iveagh.irlgov.ie)).

## ITALIE

- Comité pour l'élimination de la discrimination raciale. Le douzième/treizième rapport a été présenté le 26 juillet 2000 et la date

de son examen n'a pas encore été déterminée.

- Comité des droits de l'enfant. Le deuxième rapport a été soumis le 21 mars 2000 et la date de son examen n'a pas encore été déterminée.
- Comité des droits économiques, sociaux et culturels. Le troisième rapport (e/1994/104/add.19), soumis le 20 octobre 1997, a été examiné lors de la 22<sup>e</sup> session du comité (les 27 et 28 avril 2000). Le rapport peut être consulté sur le site du haut-commissaire des Nations unies aux droits de l'homme.

## LUXEMBOURG

- Comité pour l'élimination de la discrimination à l'égard des femmes. Le troisième rapport périodique a été soumis le 12 mars 1998 (cedaw/c/lux/3 et add.1) et examiné le 19 janvier 2000.
- Tous ces rapports peuvent être consultés sur le site Internet du haut-commissaire aux droits de l'homme ([www.unhchr.ch](http://www.unhchr.ch)).

## NETHERLANDS

*Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT):*

- Latest report No CAT/C/44/Add.8 (third reporting round) was submitted on 27 December 1999

*Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW):*

- Latest report No CEDAW/C/NLD/2; Add.1; Add.2 (second reporting round) was submitted on 10 December 1998

*Convention on the Rights of the Child (CRC):*

- Latest report No CRC/C/51/Add.1 (first reporting round) was submitted on 15 May 1997 (concluding observations/comments: No CRC/C/15/Add.114)

*International Convention on the Elimination of all forms of Racial Discrimination (CERD):*

- Latest report No CERD/C/362/Add.4 (13th and 14th reporting round) was submitted on 27 April 1999.

*International Covenant on Civil and Political Rights (CCPR):*

- Latest report no.CCPR/C/NET/1999/3 (third reporting round) was submitted on 10 February 1999.

*International Covenant on Economic, Social and Cultural Rights (ESOCUL):*

- Latest report No E/1990/6/Add.11 (second reporting round) was submitted on 20 June 1996 (concluding observations/comments: No E/C.12/1/Add. 25).

These reports can be found on the UN human rights web site (<http://www.unhchr.ch>).

## AUSTRIA

- Convention on the Elimination of All Forms of Discrimination against Women:

Last report submitted: fifth periodic report

Date of submission: 20 September 1999

Date of examination: 15 June 2000

- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment:

Last report submitted: second periodic report

Date of submission: 12 October 1998

Date of examination: 10–12 November 1999

All reports, summary records of the examination and concluding observations and recommendations — with the exception of the recently submitted report to CERD and the concluding observation of CEDAW on the most recent report — can be found on the Treaty body database which is available on the Internet homepage of the office of the High Commissioner for Human Rights (<http://www.unhchr.ch/tbs/doc.nsf>).

## PORTUGAL

- Contre la torture. Le troisième rapport a été soumis le 2 février 2000 (CAT/C/44/Add.7) et analysé par le Comité le 3 mai 2000. Le rapport peut être consulté sur le site ([www.gddc.pt/pt/dh/Tortura/CAT44/English\\_i.htm](http://www.gddc.pt/pt/dh/Tortura/CAT44/English_i.htm)) ou sur le site du haut-commissaire des Nations unies aux droits de l'homme ([www.unhchr.ch](http://www.unhchr.ch)).
- Comité pour l'élimination de la discrimination raciale. Le neuvième rapport soumis le 6 janvier 2000 sera analysé lors de la 58<sup>e</sup> session du CERD en mars 2001.
- Comité des droits économiques, sociaux et culturels. Le troisième rapport a été soumis le 7 novembre 1997 (E/1994/104/Add.20), lors de la présession du comité qui a eu lieu entre le 17 et le 21 mai 1999; des questions auxquelles le Portugal a répondu le 13 janvier 2000 ont été posées sur le rapport. Le rapport sera analysé par le comité lors de sa 24<sup>e</sup> session qui aura lieu entre le 13 novembre et le 1<sup>er</sup> décembre 2000.

Ce rapport peut être consulté sur le site ([www.gddc.pt/pt/dh/MDH/cdesc/index.htm](http://www.gddc.pt/pt/dh/MDH/cdesc/index.htm)).

- Comité pour l'élimination de la discrimination à l'égard des femmes. Le quatrième rapport a été soumis le 23 novembre 1999 (CEDAW/C/PRT/4). La date de son analyse n'a pas encore été déterminée.
- Comité des droits de l'enfant. Le deuxième rapport soumis le 8 octobre 1998 (CRC/C/65/Add.11) sera analysé pendant la 27<sup>e</sup> session du Comité en mai-juin 2001.

## FINLAND

*United Nations:*

- The 15th report concerning the implementation of the CERD was submitted in August 1999. The examination will take place 1 and 2 August 2000.
- The third report to the CAT Committee was submitted in October 1998. The report was examined 11 and 12 November 1999.
- The second report to the CRC was submitted in July 1998. The examination will take place 19 September 2000.
- The fourth report to the Committee on Economic, Social and Cultural Rights was submitted in July 1999. The Committee has not set a date for the examination.
- The third report to the CEDAW was submitted in January 1997 and the fourth report in October 1999. Both reports will be examined in January 2001.

*Council of Europe:*

- European Social Charter: the sixth report was submitted in April 2000.
- The initial report concerning the application of the European Charter on Regional or Minority Languages was submitted 2 March 1999.
- The initial report concerning the implementation of the Framework Convention on National Minorities was submitted 4 February 1999.

Reports in English can be viewed at the web site of the Finnish Ministry of Foreign Affairs: <http://virtual.finland.fi/ministry/english/humanrights.html>. Reports in Finnish (except the fourth report to the HRC and the third report to CEDAW) are also published on the Ministry's web site (<http://virtual.finland.fi/ministry/suomi/ihmisoikeudet.html>).

Details about the examinations can be found at the web sites of the treaty bodies. Shadow reports are published on the web site of the Finnish League for Human Rights ([www.ihmisoikeusliitto.fi](http://www.ihmisoikeusliitto.fi)).

## SWEDEN

*International Covenant on Economic, Social and Cultural Rights:*

- The latest report was submitted 10 April 2000. The time when the Committee will consider the report is not yet scheduled.

*International Convention on the Elimination of All Forms of Racial Discrimination:*

- The latest report was submitted 5 August 1999. The Committee will consider the report 10 and 11 August 2000.

*Convention on the Elimination of All Forms of Discrimination against Women:*

The latest report was submitted 21 May 1996. The Committee has scheduled to consider the report in June–July 2001.

The reports and the concluding observations of the committees can be found through the web site of the UN High Commissioner for Human Rights (<http://www.unhchr.ch/tbs/doc.nsf>).

Sweden is also preparing to make the reports and the committees concluding observations available through the web site of the Ministry of Foreign Affairs (<http://www.utrikes.regeringen.se>).

## UNITED KINGDOM

*UN Treaty Monitoring Bodies*

- Fifth periodic report under the International Covenant on Civil and Political Rights. Submitted: August 1999. It can be found on the Internet ([www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)).
- Second periodic report under the Convention on the Rights of the Child. Submitted: August 1999. It can be found on the Internet (<http://193.32.28.83/unchild.htm>).
- Initial report of UK in respect of the Overseas Territories and Isle of Man under the Convention on the Rights of the Child. Submitted: February 2000. It can be found on the Internet ([www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf)). Examination date: 21 September 2000.
- Fifteenth periodic report under the Convention on the Elimination of Racial Discrimination. Submitted: May 2000. It can be found on the Internet ([www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf)). Examination: 14 and 15 August 2000

*Other examinations:*

- Human Rights Committee examined the combined 4/5th reports of the UK in respect of the Isle of Man, Jersey, Guernsey in New York on 17 March 2000. The reports and the Committee's conclusions are available on the Internet ([www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf)).

*Reports submitted under the European Social Charter*

- UK's 20th annual report



## ANNEX 12

### FINANCIAL CONTRIBUTIONS BY MEMBER STATES TO THE UN HUMAN RIGHTS MECHANISMS

#### BELGIQUE

- Le montant des contributions budgétaires volontaires de la Belgique affectées aux mécanismes de protection des droits de l'homme de l'ONU s'est élevé, pour la période se situant entre le 1<sup>er</sup> janvier 1999 et le 31 décembre 1999, à 1 141 364 USD.

#### DENMARK

- For the year 1999, Denmark has contributed DKK 10 600 000 to the office of the High Commissioner for Human Rights covering field operations, UN Voluntary Fund for Victims of Torture, Treaty bodies, etc.
- In the budget for 2000 Denmark has also budgeted for DKK 10 000 000 to OHCHR for the abovementioned purposes. Furthermore, Denmark has contributed DKK 1 300 000 to the UN Voluntary Fund for the Programme of Action of the Third Decade to Combat Racism and Racial Discrimination earmarked for the World Conference on Racism for the period 1998-2001.
- For assistance to human rights and democracy projects in Cambodia Denmark has budgeted for DKK 2 000 000 in 1999 and DKK 2 000 000 in 2000.

#### GERMANY

- DEM 225 000:  
Voluntary Fund for Victims of Torture
- DEM 675 000:  
Trust fund technical cooperation activities
- DEM 100 000:  
Documentation of human rights violations in Congo
- DEM 200 000:  
Technical cooperation activities/national institutions
- DEM 150 000:  
Human rights support for peace-making,

peacekeeping and peace-building activities/Burundi

- DEM 150 000:  
Human rights support for peace-making, peacekeeping and peace-building activities/Colombia
- DEM 75 000:  
World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance
- DEM 25 000:  
Trust fund third decade to combat racism, racial discrimination, xenophobia and related intolerance
- DEM 50 000:  
Trust fund for indigenous populations
- DEM 250 000:  
Voluntary fund for Victims of Torture
- DEM 200 000:  
Technical cooperation activities/Yemen
- DEM 200 000:  
Technical cooperation activities/national institutions
- DEM 250 000:  
Human rights support for peace-making, peacekeeping and peace-building activities/Colombia
- DEM 500 000:  
Human rights support for peace-making, peacekeeping and peace-building activities/Federal Republic of Yugoslavia
- DEM 200 000:  
Human rights support for peace-making, peacekeeping peace-building activities/Croatia
- DEM 250 000:  
Human rights support for peace-making, peacekeeping and peace-building activities/Bosnia and Herzegovina

Grand total: DEM 3 450 000

## GRÈCE

Les contributions financières de la Grèce aux mécanismes onusiens de protection des droits de l'homme pour 1999 s'élèvent à 972 200 USD.

## SPAIN

- World Conference on Racism: ESP 15 000 000.
- UN fund for technical cooperation in the field of human rights: ESP 10 000 000.
- UN voluntary fund for victims of torture: ESP 7 000 000.
- Office for Coordination of Humanitarian Affairs (OCHA): ESP 300 000 000.
- Office of the UN High Commissioner for Human Rights (UNHCHR): ESP 15 000 000.
- Office of the UNHCHR in Bogota (Colombia): ESP 15 000 000.

## FRANCE

Pour la période couverte par le rapport, les contributions volontaires de la France s'élèvent à 5,85 millions de FRF, soit:

- 4,35 millions de FRF pour le Haut-Commissariat pour les droits de l'homme;
- 0,5 millions de FRF pour les victimes de la torture;
- 0,5 millions de FRF pour les populations autochtones;
- 0,5 millions de FRF pour le Togo.

## IRELAND

### Funding:

*Details of funding for 2000 and 1999 below:*

- UN Office for the Coordination of Humanitarian Affairs (OCHA):
  - 2000: IEP 200 000;
  - 1999: IEP 175 000.
- UN Voluntary Fund for Assistance in Mine Clearing:
  - 2000 IEP 125 000;
  - 1999 IEP 100 000.
- Office of the Special Representative for Children and Armed Conflict:
  - 2000 IEP 35 000;
  - 1999 IEP 38 000.
- UNV:
  - 2000 GBP 350 000 (Some 50 % of this funding for projects to which Irish APSO-spon-

sored volunteers are assigned; GBP 50 000 in support of Ombudsman office in Peru);  
— 1999 GBP 275 000.

- Office of the UN High Commissioner for Human Rights:
  - 2000 IEP 650 000;
  - 1999 IEP 440 000.

## ITALIE

- 1999: 1 300 000 000 ITL;
- 2000: 1 200 000 000 ITL.

## LUXEMBOURG

En 1999

- Fonds des Nations unies de contributions volontaires aux victimes de la torture: 500 000 LUF (12 395 EUR)
- Haut-Commissariat aux droits de l'homme: 60 000 000 LUF (1 487 362 EUR)

En 2000

- Fonds de contributions volontaires aux victimes de la torture des Nations unies: 500 000 LUF (12 395 EUR)
- Haut-Commissariat aux droits de l'homme: 1 000 000 LUF (24 790 EUR)

## NETHERLANDS

Contributions to the office of the UN High Commissioner for Human Rights in 1999/2000 a total of NLG 5 537 000 consisting of:

- General contribution to the office: NLG 3 000 000;
- Torture Fund: NLG 1 000 000;
- Indigenous People Fund: NLG 212 000;
- Technical Assistance Fund: NLG 1 000 000;
- World Conference Against Racism: NLG 250 000;
- Trust Fund Slavery: NLG 75 000.

## AUSTRIA

- UN Voluntary Fund for Technical Cooperation:
  - 1999: USD 120 000;
  - 2000: USD 40 000.
- UN Voluntary Fund for Victims of Torture:
  - 1999: USD 20 000;
  - 2000: USD 40 000.

## PORTUGAL

Pendant la période se situant entre le 1<sup>er</sup> janvier 1999 et le 31 décembre 1999, le Portugal a versé des contributions volontaires pour un montant de 85 000 USD aux mécanismes onusiens de protection des droits de l'homme.

## FINLAND

*In 1999 Finland's contribution was c. FIM 5 700 000, which was divided as follows:*

Directly to the OHCHR:

- Treaty monitoring bodies: FIM 1 200 000;
- field operations (Congo, Columbia, Bosnia-Herzegovina): FIM 2 100 000;
- World Conference on Racism: FIM 150 000.

Through the OHCHR:

- UN Fund for Technical Cooperation in the Field of Human Rights, VFTC: FIM 1 000 000;
- UN Voluntary Fund for Victims of Torture: FIM 1 000 000;
- UN Voluntary Fund for Indigenous Populations: FIM 200 000.

Due to the late date of disbursement of some 1999 grants, these would appear in OHCHR accounts as revenue received 2000. In the budget for the year 2000, Finland has allocated around FIM 6 000 000 for the abovementioned purposes.

## SWEDEN

Sweden contributes with SEK 9 300 000 to OHCHR's activities, SEK 1 000 000 to 'national institutions' through the OHCHR, SEK 8 900 000 to OHCHR Field Offices in Burundi, Cambodia and Colombia, about SEK 3 000 000 to SRSG for Children in Armed Conflicts and SEK 1 000 000 to SRSG on Internally Displaced Persons. Sweden also finances about 20 JPOs working with human rights issues. Not including the costs of the JPOs this amounts to SEK 23 200 000.

## UNITED KINGDOM

- GBP 2 000 000 to OHCHR every year from 1999-2002. Projects include strengthening resource mobilisation capacity, support to the TMBs and strengthening core management systems.
- UN Voluntary Fund for Victims of Torture: GBP 130 000.
- Convention against Torture Fund for Urgent Cases: GBP 50 000.
- UNHCHR Voluntary Fund for Technical Cooperation: GBP 115 000.
- UNHCHR Trust Fund for the World Conference Against Racism: GBP 100 000.
- UNHCHR Office in Bogota Technical Cooperation Programme: GBP 108 000.

## ANNEX 13

### VISITS TO MEMBER STATES BY REPRESENTATIVES OF HUMAN RIGHTS MECHANISMS

#### BELGIUM

There have been no visits to Belgium by a representative of a human rights mechanism recently.

#### DENMARK

There have been no visits to Denmark by a representative of a human rights mechanism during the period July 1999 to June 2000.

#### GERMANY

The Special Rapporteur on the Illicit Movement and Dumping of Toxic Waste, Mrs Fatma-Zohra Ouhachi-Vesely, paid a visit to Germany from 25–29 October, 1999. She submitted her report:

(Doc. E/CN.4/2000/50/Ad.1) on March 20, 2000. It is available (in English) on the Internet ([www.unhchr.ch](http://www.unhchr.ch)).

#### GREECE

There have been no visits to Greece by a representative of a human rights mechanism recently.

#### SPAIN

There have been no visits to Spain recently by a representative of a human rights mechanism.

#### FRANCE

- Visit by a delegation consisting of two members of ECRI (European Commission Against Racism and Intolerance), October 1999.
- Visit by a delegation from the CPT (Committee on the Prevention of Torture), May 2000.

#### IRELAND

Visit of the Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression (1999): Report of the mission

to Ireland E/CN.4/2000/63/Add.2. The report is available on the Internet ([www.uchchr.ch](http://www.uchchr.ch)).

#### ITALY

There have been no visits to Italy by a representative of a human rights mechanism recently.

#### LUXEMBOURG

There have been no visits to Luxembourg by a representative of a human rights mechanism recently.

#### NETHERLANDS

In the period of May 1999 to May 2000, a visit was paid to the Netherlands by Mrs Fatma-Zohra Ouhachi-Vesely, UN Special Rapporteur on the Illicit Movement and Dumping of Toxic Waste. The report of her mission to the Netherlands from 18 to 20 October 1999 (No E/CN.4/2000/50/Add.1 of 20/03/00) can be found on the UN human rights web site (<http://www.unhchr.ch>).

#### AUSTRIA

There has been no visit by a mechanism of the Commission on Human Rights to Austria.

#### PORTUGAL

There have been no visits to Portugal by a representative of a human rights mechanism recently.

#### FINLAND

*Council of Europe:*

- The Committee on European Charter of Regional or Minority Languages visited Finland in December 1999 and the Advisory Committee on National Minorities visited Finland in August 1999. Reports mentioning the visits

have been published at the web site of the Council of Europe (<http://www.coe.int>).

- The Advisory Committee on National Minorities has not yet finished its recommendations, which will be submitted to the Committee of Ministers for final acceptance, most likely in autumn 2000.

## **SWEDEN**

There have been no visits by any representatives of UN human rights mechanisms within the time scale of the report (July 1999 to June 2000).

## **UNITED KINGDOM**

- The Special Rapporteur on the Right to Education visited the UK from 18–22 October 1999. Her mission report is available on the Internet ([www.unhchr.ch](http://www.unhchr.ch)).
- The Special Rapporteur on Freedom of Expression visited the UK from 25–28 October 1999. His report is also available on the Internet ([www.unhchr.ch](http://www.unhchr.ch)).
- European Committee for the Prevention of Torture visited Northern Ireland from 29 November to 8 December 1999.



## ANNEX 14

### DECLARATION OF THE EUROPEAN UNION on the occasion of the 50th anniversary of the Universal Declaration on human rights Vienna, 10 December 1998

#### A.

On the occasion of the 50th anniversary of the adoption of the Universal Declaration of Human Rights, the Union recalls the primary importance that it attaches to this Declaration. It constitutes the foundation for national, regional and global policies to advance and ensure human dignity worldwide.

The universality and indivisibility of human rights and the responsibility for their protection and promotion, together with the promotion of pluralistic democracy and effective guarantees for the rule of law, constitute essential objectives for the European Union as a union of shared values and serve as a fundamental basis for our action.

The human being is at the centre of our policies. Ensuring the human dignity of every individual remains our common goal. The full realisation of the rights of women and children deserve in particular to be highlighted as neglect in this respect remains widespread.

The protection and promotion of human rights and fundamental freedoms, for which governments have responsibility, contributes to prosperity, justice, and peace in the world. However, these goals cannot be realised without the work of international organisations, civil society and individuals.

The Union pledges its continuing support for the further promotion and protection of human rights, in fulfilment of the Treaty on the European Union, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the Declarations of the European Council of Luxembourg 1991 and 1997, and adopts the following Declaration:

#### B.

I. Since the adoption, 50 years ago, of the Universal Declaration of Human Rights, the Union has witnessed progress in the field of human rights and the spread of democracy throughout the world. At the same time, however, the Union remains aware of threats to progress and the need to strengthen its determination and efforts for the worldwide realisation of all human rights for all.

II. The adoption of the Universal Declaration initiated an irreversible process of awareness-building in civil society on human rights and fundamental freedoms throughout the world. The Declaration constitutes, in particular, the foundation for the subsequent development of an impressive body of important international legal instruments, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The 1993 Vienna World Conference on Human Rights reconfirmed the universality and indivisibility of all human rights. The Union calls upon all countries that have not yet done so to become a party to all major human rights treaties.

The implementation of the Universal Declaration and of the other international human rights instruments is of paramount importance for the universal character of the rights laid down therein to become a reality. There can be no valid exemption from the principles enshrined in those instruments through special provisions based on national, cultural or religious considerations. The 50th anniversary of the Universal Declaration is a time to take stock, and a time to

redouble efforts to promote the implementation of human rights in all countries in the world. The Union seizes this opportunity to reaffirm its commitment to realise all human rights for all.

Mindful of the Declaration of the European Council of 28 and 29 June, 1991, in Luxembourg, the Union recognises and welcomes the achievements since the adoption of the Universal Declaration. The Union feels compelled, however, to deplore the persistence of violations of human rights throughout the world. The Union reaffirms that it is the legitimate and permanent responsibility of the international community and of all States acting individually or collectively to promote and safeguard human rights throughout the world. The Union for its part will continue to take up violations wherever they occur. At the same time the Union welcomes the fact that an increasing number of States work together with the EU on the basis of partnership to promote human rights and to ensure their universality.

During the past 50 years, throughout the world, thousands of women and men have fought for the protection of those values, often paying a heavy toll. The Union pays tribute to their courageous actions that shall inspire the EU in its determination to promote the rights enshrined in the Declaration.

The Union welcomes, in this context, the adoption of a Declaration on Human Rights Defenders by the General Assembly of the United Nations. Individuals and non-governmental organisations throughout the world are making indispensable and courageous contributions to safeguarding and promoting human rights. They need continuing strong support.

- III. The European Union, which is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, shares the values in which the Declaration is rooted. It is conscious of the need to promote human rights in its own countries. Both internally and externally, respect for human rights as

proclaimed in the Universal Declaration is one of the essential components of the activities of the Union. In their activities, the institutions of the Union respect human rights as guaranteed by the European Convention on the Protection of Human Rights and Fundamental Freedoms and as resulting from the constitutional traditions common to the Member States, under the control of the Court of Justice of the European Communities. Equally, Member States are bound by the European convention and their actions are submitted to the supervision of the European Court of Human Rights.

With the entry into force of the Treaty of Amsterdam, respect for human rights and fundamental freedoms will be a condition for accession to the European Union, and a serious and persistent breach of these rights may lead to the suspension of rights of a Member State.

Moreover, the Amsterdam Treaty will further strengthen the commitment to safeguard and promote human rights and fundamental freedoms, especially by measures against discrimination in a wide range of fields including by strengthening the possibilities of ensuring equal opportunities for men and women. Furthermore, aware of the European Social Charter and the Community Charter on Basic Social Rights of Workers, it defines aims in the field of basic social rights. The European Union in its cooperation in the field of justice and security will also be guided by its respect for human rights.

Respect for human rights and fundamental freedoms is also one of the objectives of the Union's common foreign and security policy as well as of its development cooperation. The Union pursues this goal both in its bilateral relations with third countries and in the framework of the United Nations and other multilateral forums, in particular the Organisation for Security and Cooperation in Europe, and the Council of Europe.

In pursuit of its policy of promoting human rights in all parts of the world, the Union

regularly raises human rights questions in its dialogue with third countries, as an important and legitimate part of this dialogue, and in démarches as well as declarations.

The European Community has included in the agreements it concludes a clause which makes respect for human rights, in particular as contained in the Universal Declaration on Human Rights, an essential element for its agreement to be bound. The Union thus assumes its responsibility for the promotion and protection of human rights as a legitimate concern of the international community, while reaffirming that this protection and promotion remain the primary responsibility of each and every government.

The Union expresses its preoccupation about recent incidents of racism and xenophobia, both within the Union and throughout the world, and will work actively towards achieving meaningful results at the World Conference on Racism. A range of practical measures complement the Union's efforts in these fields; the Union wishes to highlight, in this context, notably the activities of the Vienna Monitoring Centre on Racism and Xenophobia.

The Union has decided this year to reinforce its efforts for the universal abolition of the death penalty as a strongly held policy agreed by the EU. Where the death penalty still exists, the Union calls for its use to be restricted, and demands that it be carried out only in accordance with international safeguards. The Union is also pressing, where relevant, for moratoria to be introduced.

The Union accords high importance to supporting efforts for the promotion of democracy, respect for human rights, the rule of law, and good governance. The Union therefore provides support for a wide range of projects and programmes in these fields throughout the world.

The Union and its Member States are committed to cooperating with international human rights mechanisms at the global and regional levels. The Union actively supports the action of the UN High Commissioner for

Human Rights and her activities, especially at the field level. The Union encourages the efforts by the UN Secretary-General towards better integrating human rights into the broad range of UN activities.

The Union particularly welcomes the adoption of the Statute of a permanent International Criminal Court to try the most serious crimes and violations of humanitarian law of concern to the international community and calls for an early ratification of this statute.

IV. These policies must be continued and, where necessary, strengthened and improved. In this regard, it is important that the Union reinforce its capacity to achieve its objectives on the protection and promotion of human rights and fundamental freedoms. In this context, the Union is determined to ensure respect for human rights in all its actions. In particular the Union will consider concrete measures such as:

- (a) enhance the capacity to jointly assess the human rights situation in the world by closer coordination and otherwise ensure that all pertinent means for action are available within the framework of the Union, including through the possible publication of an annual EU human rights report;
- (b) further develop cooperation in the field of human rights, such as education and training activities, in coordination with other relevant organisations, and ensure the continuation of the Human Rights Masters Programme organised by 15 European universities;
- (c) reflect on the usefulness of convening a periodic human rights discussion forum with the participation of EU institutions as well as representatives of academic institutions and NGOs;
- (d) strengthen the capacities to respond to international operational requirements in the field of human rights and democratisation, such as through the possible establishment of a common roster of European human rights and democracy experts, for human rights field operations and electoral assistance and monitoring;

- (e) foster the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms in third countries, in particular through working towards the earliest possible adoption of the draft regulations, currently under consideration in the EU framework, on the implementation of cooperation operations;
- (f) ensure all means to achieve the coherent realisation of these goals, including through the consideration of strengthening relevant EU structures.

## ANNEX 15

56th United Nations Commission on Human Rights — Geneva, March–April 2000

### 2249TH MEETING OF THE COUNCIL (GENERAL AFFAIRS)

#### Communiqué on China

*Brussels, 20 March 2000*

#### CHINA — CONCLUSIONS

1. In accordance with its conclusions of 22 March 1999, in the light of the EU–China human rights dialogue and on the eve of the 56th UN Commission on Human Rights, the Council reviewed its policy towards human rights in China.
2. The Council welcomed China's stated willingness to cooperate with UN human rights mechanisms and urged China to step up efforts to that end. The EU in particular encourages China to ratify the UN Covenants on Economic, Social and Cultural Rights and Civil and Political Rights as soon as possible, to cooperate more closely with the CHR Special Rapporteurs and Working Groups, as well as to sign the memorandum of understanding with the office of the High Commissioner on Human Rights.
3. The Council reiterated the importance it attaches to the opportunity presented by the EU–China Human Rights Dialogue and Cooperation Programme which allows for joint work for the promotion and respect of human rights and fundamental freedoms in China. The Council notes that China has demonstrated willingness to discuss a number of sensitive issues of common concern in the framework of the dialogue. The EU maintains its position that dialogue is an acceptable option only if enough progress is achieved and reflected on the ground.
4. The Council however regretted that the positive steps taken by China at the international level are not only marking time but also have not been matched by tangible progress in the domestic human rights situation. The EU is deeply concerned by the continuing and widespread restrictions on fundamental freedoms, notably freedom of assembly, expression and association. In particular the EU is dismayed by the fact that the Chinese Government has continued to impose harsh sentences on pro-democracy activists and to take severe measures against certain minority groups, particularly in Tibet and Xinjiang. The EU also expresses concern about the number of arrests and the harshness of sentences passed upon followers of the Falun Gong, and about the restrictions and punishments of members of the Christian Church and other religious groups.
5. The Council noted with distress the frequent use of the death penalty in China. Furthermore, and notwithstanding the recent reforms in the Chinese legal framework, the number of non-violent crimes, including those of an economic nature, still punishable with the death penalty can scarcely be encompassed within the definition of serious crimes used by the Chinese authorities. The retention of administrative detention camps where people may be detained without appropriate legal assistance and in most cases without a fair trial is a further source of concern which has not been addressed properly by the Chinese authorities.
6. The Council will review the dialogue, with the aim of achieving a more focused and result-oriented approach, particularly in the main areas of EU concern referred to above. Objectives will be identified in these areas and explained publicly, starting with the EU Presidency speech at the 56th CHR, as well as when dealing with country situations, and in agenda points on civil and political rights and thematic issues. The EU will need to assess the future of the dialogue on the basis of the results produced. The EU will continue to express publicly its concerns



- about human rights in China and to raise them in meetings with China at all levels.
7. The Council shares the concerns expressed by the European Parliament, civil society and NGOs regarding human rights in China. It will continue to keep EU policy on China under regular review, including at CHR 56th.
  8. The Council noted that the United States is preparing to table a resolution on human rights in China at CHR 56th. The Council believes that an effective dialogue is the best way of securing improvement of the human rights observance in China.
  9. The Council, agreed that the EU should adopt the following approach at the forthcoming CHR:
    - no co-sponsorship of the resolution;
    - vote against a 'no-action motion';
    - if the resolution is put to a vote, EU countries which are members of the Commission will vote in favour.
  10. The Council further agreed that its approach next year will reflect what results have been secured on human rights in China through dialogue.

## ANNEX 16

### OVERVIEW OF INITIATIVES FINANCED IN 1999 THROUGH CHAPTER B7-7

*Support for democracy for countries of central and eastern Europe and in the republics formerly part of Yugoslavia*

B7-700 — Amount available: EUR 15 million; 21 projects (+ micro-projects) approved.

*Support for democracy in the Independent States of the former Soviet Union and Mongolia*

B7-701 — Amount available: EUR 10 million; 14 projects (+ micro-projects) approved.

*Human rights and democracy in developing countries, in particular the ACP countries*

B7-7020 — Amount available: EUR 17 million; 27 projects approved.

*Human rights in democracy in southern African countries*

B7-7021 — Amount available: EUR 4 million; eight projects approved.

*Special programme for democracy and good governance in Nigeria*

B7-7022 — Amount available: EUR 4 million; six projects approved.

*Democratisation process in Latin America*

B7-703 — Amount available: EUR 12 625 000; three projects and one multi-annual regional programme (Andean Community) approved.

*Grants to certain activities of human rights organisations (including the rehabilitation of torture victims)*

B7-704 — Amount available: EUR 15 million; 29 projects approved.

*MEDA programme for democracy and human rights*

B7-705 — Amount available: EUR 10 075 000; six projects approved.

*Support for the activities of the international criminal tribunals and for the setting up of the ICC*

B7-706 — Amount available: EUR 3.3 million; five projects approved.

*Human rights and democracy in Asian countries*

B7-707 — Amount available: EUR 5 million; two projects concerning China and one programme to strengthen the democratisation process in Bangladesh approved.

*Support for and supervision of electoral processes*

B7-709 — Amount available: EUR 2 million; three projects approved.

Budget headings B7-700, B7-701, B7-704, B7-706 and B7-709 were managed with the technical assistance of the European Human Rights Foundation from May 1999.

## ANNEX 17

### CONFERENCES ON HUMAN RIGHTS

- BRUSSELS: human rights discussion forum,  
30 November and 1 December 1999

For more information:  
[http://europa.eu.int/comm/  
external\\_relations/human\\_rights/intro](http://europa.eu.int/comm/external_relations/human_rights/intro)

- VENICE: 'The European Union and the central role of human rights and democratic principles in the relations with third countries', 25–28 May 2000.

For more information:  
<http://hrd-euromaster.venis.it>

## ANNEX 18

# HUMAN RIGHTS ON THE INTERNET

### European Commission

Service Commun Relex des relations extérieures

[http://europa.eu.int/comm/scr/index\\_en.htm](http://europa.eu.int/comm/scr/index_en.htm)

Secretariat-General of the Commission — A guide to grants and loans

[http://europa.eu.int/comm/secretariat\\_general/sgc/aides/en/en.htm](http://europa.eu.int/comm/secretariat_general/sgc/aides/en/en.htm)

External relations

[http://europa.eu.int/comm/external\\_relations/index.htm](http://europa.eu.int/comm/external_relations/index.htm)

Development policy

[http://europa.eu.int/comm/development/index\\_en.htm](http://europa.eu.int/comm/development/index_en.htm)

Humanitarian aid

[http://europa.eu.int/comm/echo/en/index\\_en.html](http://europa.eu.int/comm/echo/en/index_en.html)

Enlargement

<http://europa.eu.int/comm/enlargement/index.htm>

Justice and home affairs

[http://europa.eu.int/comm/justice\\_home/index\\_en.htm](http://europa.eu.int/comm/justice_home/index_en.htm)

Employment and social affairs

[http://europa.eu.int/comm/dgs/employment\\_social/index\\_en.htm](http://europa.eu.int/comm/dgs/employment_social/index_en.htm)

### European Parliament

<http://www.europarl.eu.int>

### EU Council of Ministers

<http://ue.eu.int/>

### European Court of Justice

<http://europa.eu.int/cj/index/>

### Academica — University

European Masters Degree in Human Rights and Democratisation

<http://www.hrd-european.master.venis.it>

Mediterranean Masters Degree in Human Rights and Democratisation

<http://www.um.edu.mt/courses/prospectus.medmahrd>

Netherlands Institute of Human Rights

<http://www.law.uu.nl/english/sim>

The Danish Centre for Human Rights

<http://www.humanrights.dk>

### **Non-governmental organisations**

Coalition to stop the use of child soldiers

<http://www.child-soldiers.org>

The Death Penalty Information Centre

<http://www.deathpenaltyinfo.org>

International Rehabilitation Council for Torture Victims

<http://www.irct.org/>

The European Human Rights Foundation

<http://www.ehrfoundation.org>

European Roma Rights Centre

<http://errc.org/>

International Coalition for the Establishment of an International Criminal Court

<http://www.iccnw.org/>

Amnesty International

<http://www.amnesty.org/>

International Federation of Human Rights

<http://www.fidh.org/>

Human Rights Watch

<http://www.hrw.org/>

Human Rights Web

<http://www.hrweb.org/>

Search engine specialised in human rights issues

<http://www.hri.ca>

Sweden — Save the Children

<http://www.raddabarnen.se>

The Asia–Europe Child Welfare Centre

<http://www.asem.org>

International Committee of the Red Cross

<http://www.icrc.org>

The Human Rights Informations Centre

<http://www.humanrights.coe.int>

### **Intergovernmental organisations**

Organisation of African Unity

<http://www.oau-oau.org>

The Commonwealth

<http://www.thecommonwealth.org>

Organisation of American states

<http://www.oas.org>

International Labour Organisation

<http://www.ilo.org>

Organisation for Security and Cooperation in Europe

<http://www.osce.org>

### **United Nations**

<http://www.un.org/>

Office of the High Commissioner for Human Rights

<http://www.unhchr.ch/>



United Nations — the UN working for women  
<http://www.un.org/womenwatch/un/index.html>

World Conference Against Racism  
<http://www.unhchr.ch/html/racism/index.htm>

International Criminal Court  
<http://www.un.org/law/icc>

United Nations Children's Fund  
<http://www.unicef.org>

### **Council of Europe**

<http://www.coe.int/>

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment  
<http://www.cpt.coe.int>

European Court of Human Rights  
<http://www.echr.coe.int>

### **Member States**

German Foreign Ministry  
<http://www.auswaertiges-amt.de>

German Permanent Mission to the United Nations  
<http://www.germany-info.org/UN/index.htm>

German Federal Ministry of Development  
<http://www.bmz.de>

UN information centre in Germany  
<http://www.uno.de>

Ireland: Department of Foreign Affairs  
<http://www.irlgov.ie/iveagh/>

Sweden: Swedish EU Presidency's web site  
<http://EU2001.se>

Sweden: Ministry of Foreign Affairs/International Law and Human Rights Department  
<http://www.utrikes.regeringen.se/dettaar/organisation/depart/enheter/fMr.htm>

Sweden: Permanent Mission to the United Nations  
<http://www.un.int/sweden>

United Kingdom: The Foreign and Commonwealth Office  
<http://www.fco.gov.uk>

España: Defensor del Pueblo Español  
<http://www.defensordelpueblo.org>

España: Ministerio de Asuntos Exteriores/Oficina de Derechos Humanos  
E-mail: [juan.zurita@mae.es](mailto:juan.zurita@mae.es)

España: Ministerio de Justicia/Dirección del Servicio Jurídico del Estado  
Abogacía del Estado para el Tribunal Europeo de Derechos Humanos  
E-mail: [dhumanos@dsje.mju.es](mailto:dhumanos@dsje.mju.es)

France: Site Internet de la présidence française:  
<http://www.presidente-europe.fr>

## ANNEX 19

### COUNCIL REGULATION (EC) NO 975/1999 OF 29 APRIL 1999

laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms

#### THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty <sup>(2)</sup>,

- (1) Whereas procedures should be laid down for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms;
- (2) Whereas the Council has adopted simultaneously with this Regulation, Council Regulation (EC) No 976/1999 of 29 April 1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries <sup>(3)</sup>;
- (3) Whereas Community policy in the sphere of development cooperation contributes to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms;
- (4) Whereas Article F.2 of the Treaty on European Union stipulates that the Union respects fundamental rights, as guaranteed by the Euro-

pean Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law;

- (5) Whereas Community action to promote human rights and democratic principles is guided by belief in the universality and indivisibility of human rights, principles that underpin the international system for the protection of human rights;
- (6) Whereas Community action to promote human rights and democratic principles is rooted in the general principles established by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- (7) Whereas the Community recognises the interdependence of all human rights and whereas progress in economic and social development and in the achievement of civil and political rights should be mutually supportive;
- (8) Whereas human rights within the meaning of this Regulation should be considered to encompass respect for international humanitarian law, also taking into account the 1949 Geneva conventions and the 1977 Additional Protocol thereto, the 1951 Geneva

<sup>(1)</sup> OJ C 282, 18.9.1997, p. 14.

<sup>(2)</sup> Opinion of the European Parliament of 19 November 1997 (OJ C 371, 8.12.1997, p. 74), Council Common Position of 25 January 1999 (OJ C 58, 1.3.1999, p. 17) and Decision of the European Parliament of 14 April 1999 (not yet published in the Official Journal).

<sup>(3)</sup> See OJ L 120, 8.5.1999, p. 8.

Convention relating to the Status of Refugees, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and other acts of international treaty or customary law;

- (9) Whereas the resolution on human rights, democracy and development adopted by the Council and the Member States, meeting within the Council, on 28 November 1991 sets out guidelines, procedures and practical measures aimed at promoting civil and political freedoms alongside economic and social rights, by means of a representative political system based on respect for human rights;
- (10) Whereas Community action to promote human rights and democratic principles is the product of a positive and constructive approach in which human rights and democratic principles are seen as a matter of common interest for the Community and its partners, and as a subject for dialogue that can produce measures to promote respect for these rights and principles;
- (11) Whereas this positive approach should be reflected in the implementation of measures in support of democratisation, the strengthening of the rule of law and the development of a pluralist and democratic civil society and in confidence-building measures aimed at preventing conflicts, supporting peace initiatives and addressing the issue of impunity;
- (12) Whereas the financial instruments used to support positive action in individual countries should be used in a manner consistent with geographical programmes and integrated with other development instruments to maximise their impact and effectiveness;
- (13) Whereas it is also necessary to ensure that these operations are consistent with the European Union's foreign policy as a whole, including the common foreign and security policy;
- (14) Whereas these operations should in particular focus on those discriminated against or suffering from poverty or disadvantage, children, women, refugees, migrants, minorities, displaced persons, indigenous peoples, prisoners and victims of torture;
- (15) Whereas Community support for democratisation and observance of the principles of the rule of law within a political system respecting the individual's fundamental freedoms helps fulfil the objectives laid down in the agreements concluded by the Community with its partners, in which respect for human rights and democratic principles is an essential element of relations between the parties;
- (16) Whereas the quality, impact and continuity of operations should in particular be safeguarded by providing for multiannual programmes to promote human rights and democratic principles in partnership with the authorities of the country concerned, taking account of its specific needs;
- (17) Whereas efficient and consistent action requires the specific characteristics of action on human rights and democratic principles to be taken into consideration and to be reflected in the establishment of flexible, transparent and rapid decision-making procedures for the financing of operations and projects in this field;
- (18) Whereas the Community needs to be able to respond rapidly to emergencies or situations of particular importance in order to enhance the credibility and effectiveness of its commitment to the promotion of human rights and democratic principles in countries where such situations arise;
- (19) Whereas the procedures for the award of assistance and the evaluation of projects in particular should take account of the special nature of the recipients of Community support in this field, namely the non-profit nature of their activities, the risks run by members who are in many cases volunteers, the sometimes hostile environment in which they operate and the limited room for manoeuvre afforded by their own resources;
- (20) Whereas the development of civil society must involve the emergence and organisation of new players and whereas in this context the Community may be required in

beneficiary third countries to provide financial support to partners who have no previous experience in this area;

- (21) Whereas decisions to fund projects to promote human rights and democratic principles must be taken impartially, without racial, religious, cultural, social or ethnic discrimination between bodies receiving Community support and persons or groups targeted by the projects supported, and must not be guided by political considerations;
- (22) Whereas procedures should be established for the implementation and administration of aid for the promotion of human rights and democratic principles financed from the Community's general budget;
- (23) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995<sup>(4)</sup>, is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty,

## HAS ADOPTED THIS REGULATION:

### CHAPTER I

#### Objectives

##### Article 1

The purpose of this Regulation is to lay down the procedures for the implementation of Community operations which, within the framework of Community development cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.

The operations referred to in this Regulation shall be implemented in the territory of developing countries or shall be directly related to situations arising in developing countries.

##### Article 2

Within the limits of Article 1, and consistent with the European Union's foreign policy as a whole, the European Community shall provide technical and financial aid for operations aimed at:

1. promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other international instruments concerning the development and consolidation of democracy and the rule of law, in particular:
  - (a) the promotion and protection of civil and political rights;
  - (b) the promotion and protection of economic, social and cultural rights;
  - (c) the promotion and protection of the human rights of those discriminated against, or suffering from poverty or disadvantage, which will contribute to reduction of poverty and social exclusion;
  - (d) support for minorities, ethnic groups and indigenous peoples;
  - (e) supporting local, national, regional or international institutions, including NGOs, involved in the protection, promotion or defence of human rights;
  - (f) support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or help to improve conditions in places where people are deprived of their liberty in order to prevent torture or ill-treatment;
  - (g) support for education, training and consciousness-raising in the area of human rights;
  - (h) supporting action to monitor human rights, including the training of observers;
  - (i) the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia;
  - (j) promoting and protecting the fundamental freedoms mentioned in the Inter-

<sup>(4)</sup> OJ C 102, 4.4.1996, p. 4.

- national Covenant on Civil and Political Rights, in particular the freedom of opinion, expression and conscience, and the right to use one's own language;
2. supporting the processes of democratisation, in particular:
    - (a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;
    - (b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;
    - (c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;
    - (d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;
    - (e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;
    - (f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process, and by training observers;
    - (g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;
  3. support for measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences, in close collaboration with the relevant competent bodies, in particular:
    - (a) supporting capacity-building, including the establishment of local early warning systems;
    - (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;
    - (c) supporting measures facilitating the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;
    - (d) promoting international humanitarian law and its observance by all parties to a conflict;
    - (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing ad hoc international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

### Article 3

Community support for these aims may include the financing of:

1. campaigns to increase awareness, inform and train the agencies involved and the general public;
2. the measures needed for the identification and preparation of projects, namely:
  - (a) identification and feasibility studies;
  - (b) the exchange of technical know-how and experience between European organisations and bodies in third countries;
  - (c) the costs arising from tendering procedures, in particular the evaluation of tenders and the preparation of project documents;



- (d) the financing of general studies concerning the Community's action within the scope of this Regulation;
- 3. the implementation of projects:
  - (a) technical assistance and expatriate and local staff to help implement the projects;
  - (b) purchasing and/or delivering any product or equipment strictly necessary for the implementation of operations, including, in exceptional circumstances, and when duly justified, the purchasing or leasing of premises;
  - (c) where appropriate, actions for the purpose of highlighting the Community character of the operations;
- 4. measures to monitor, audit and evaluate Community operations;
- 5. activities to explain the objectives and results of these measures to the general public in the countries concerned and administrative and technical assistance for the mutual benefit of the Commission and the beneficiary.

## CHAPTER II

### Procedures for the implementation of aid

#### Article 4

1. The partners eligible for financing under this Regulation are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, community-based organisations and public or private-sector institutes and operators.
2. Operations financed by the Community under this Regulation shall be implemented by the Commission either at the request of a partner referred to in paragraph 1 or on its own initiative.

#### Article 5

To be eligible for Community aid, the partners referred to in Article 4(1) must have their main headquarters in a third country eligible for Com-

munity aid under this Regulation or in a Member State of the Community. Such headquarters must be the effective decision-making centre for all operations financed under this Regulation. Exceptionally, the headquarters may be in another third country.

#### Article 6

Without prejudice to the institutional and political environment in which the partners referred to in Article 4(1) operate, the following factors shall in particular be considered when determining a body's suitability for Community funding:

- (a) its commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner;
- (b) its experience in the field of promoting human rights and democratic principles;
- (c) its administrative and financial management capacities;
- (d) its technical and logistical capacity in relation to the planned operation;
- (e) the results, where relevant, of any previous operations carried out, in particular those financed by the Community;
- (f) its capacity to build up a working relationship with other elements of civil society in the third country concerned and to direct assistance to local organisations accountable to civil society.

#### Article 7

1. Aid shall not be allocated to the partners referred to in Article 4(1) unless they undertake to comply with the allocation and implementation conditions which are laid down by the Commission and to which they shall be contractually bound.
2. Activities aided by the Community shall be implemented in accordance with the objectives laid down in the Commission financing decision.
3. Community financing under this Regulation shall take the form of grants.
4. Where operations financed under this Regulation are the subject of financing agreements between the Community and the

recipient countries, such agreements shall stipulate that taxes, charges and customs duties are not to be borne by the Community.

#### **Article 8**

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural or legal persons from the recipient country and the Member States. It may be extended to other countries in exceptional and duly justified cases.

2. Supplies shall originate in the Member States or the recipient country. They may originate in other countries in exceptional and duly justified cases.

#### **Article 9**

1. In the interests of consistency and complementarity and in order to maximise the overall effectiveness of operations, the Commission, in close cooperation with the Member States, may take any coordination measures necessary.

2. In any case, for the purposes of paragraph 1, the Commission shall encourage:

- (a) the introduction of a system for the exchange and systematic analysis of information on operations financed or considered for financing by the Community and the Member States;
- (b) the coordination of the implementation of operations on the spot by means of regular meetings for the exchange of information between the representatives of the Commission and the Member States in the recipient country;
- (c) the promotion of a coherent approach in relation to humanitarian assistance and, whenever possible, the integration of the protection of human rights within humanitarian assistance.

### **CHAPTER III**

#### **Procedures for the implementation of operations**

#### **Article 10**

The financial reference amount for the implementation of this Regulation during the period 1999 to 2004 shall be EUR 260 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

#### **Article 11**

The Commission shall plan, appraise, decide upon and administer, monitor and evaluate operations under this Regulation in accordance with the budgetary and other procedures in force. It shall lay down the conditions for allocating, mobilising and implementing aid under this Regulation.

#### **Article 12**

1. The following shall be adopted by the Commission according to the procedure laid down in Article 13(2):

- decisions on operations for which financing under this Regulation exceeds EUR 1 million and any modification to such operations leading to an increase of more than 20 % in the sum initially agreed,
- programmes intended to provide a coherent framework for action in a given country or region or in a specific field where the scale and complexity of the needs identified are such that they seem likely to continue.

2. The Commission shall notify the committee referred to in Article 13 of financing decisions that it intends to take concerning projects and programmes costing less than EUR 1 million. Notice shall be given at least a week before the decision is taken.

#### **Article 13**

1. The Commission shall be assisted by a Human Rights and Democracy Committee, hereinafter referred to as 'the committee', composed of representatives of the Member States, and chaired by the representative of the Commission.

2. Where reference is made to this Article the representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down

in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### **Article 14**

1. The Commission may finance emergency measures up to a maximum of EUR 2 million. Emergency measures shall be deemed necessary in cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis or exceptional and imminent danger affecting all or part of the population of a country and posing a grave threat to the fundamental rights and freedoms of the individual.

2. Where operations fulfil these conditions, the Commission shall act after consulting the Member States by the most efficient means. Five working days shall be allowed to the Member States in which to put forward any objections. If there are any objections, the committee, referred to in Article 13, shall examine the question at its next meeting.

3. The Commission shall inform the committee referred to in Article 13, at its next meeting, of all emergency measures financed under these provisions.

#### **Article 15**

The committee may examine any general or specific issues concerning Community aid in the

field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the European Union towards third countries. Once a year it will examine the planning for the following financial year or discuss general guidelines for operations under this Regulation to be undertaken in the year ahead.

#### **Article 16**

1. The Commission shall regularly evaluate operations financed by the Community under this Regulation in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations. The Commission shall submit to the committee a summary of the evaluation exercises carried out that it might, if necessary, examine. The evaluation reports shall be available to the Member States on request.

2. At the request of the Member States, the Commission may, with them, also evaluate the results of the Community's operations and programmes under this Regulation.

#### **Article 17**

All contracts or financing agreements concluded under this Regulation shall provide in particular that the Commission and the Court of Auditors may conduct checks on the spot and at the headquarters of the partners referred to in Article 4(1) in accordance with the usual procedures established by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

#### **Article 18**

1. Within a month of its decision, the Commission shall notify the Member States of operations and projects approved, indicating the sums, the nature of the operation, the recipient country and the partners involved.

2. At the close of each financial year, the Commission shall submit an annual report to the European Parliament and to the Council

with a summary of the operations financed in the course of that year.

The summary shall contain information concerning the partners with which the operations referred to in Article 1 have been implemented.

The report shall also include a review of any external evaluation exercises which may have been conducted and may, if appropriate, propose specific operations.

#### **Article 19**

Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and to the Council an overall assessment of the operations financed by the Community under this Regulation, which may

be accompanied by appropriate proposals concerning the future of this Regulation.

#### **Article 20**

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall apply until 31 December 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 29 April 1999.

For the Council  
The President  
W. MÜLLER

## ANNEX 20

### COUNCIL REGULATION (EC) NO 976/1999 OF 29 APRIL 1999

laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries

#### THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular, Article 235 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

- (1) Whereas procedures should be laid down for the implementation of Community operations, other than those of development cooperation which, within the framework of Community cooperation policy in third countries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries;
- (2) Whereas the Council has adopted simultaneously with this Regulation, Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms <sup>(3)</sup>;
- (3) Whereas, within the framework of existing programmes relating to cooperation with third countries, including Tacis, Phare, MEDA and the Regulation on reconstruction in Bosnia and Herzegovina, as well as

future such cooperation implemented on the basis of Article 235 of the EC Treaty, action is necessary to contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries;

- (4) Whereas Article F.2 of the Treaty on European Union stipulates that the Union respects fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of law;
- (5) Whereas Community action to promote human rights and democratic principles is guided by belief in the universality and indivisibility of human rights, principles that underpin the international system for the protection of human rights;
- (6) Whereas Community action to promote human rights and democratic principles is rooted in the general principles established by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

<sup>(1)</sup> OJ C 282, 18.9.1997, p. 14.

<sup>(2)</sup> Opinion delivered on 14 April 1999 (not yet published in the Official Journal).

<sup>(3)</sup> See OJ L 120, 8.5.1999, p. 1.

- (7) Whereas the Community recognises the interdependence of all human rights, and that progress in economic and social development and in the achievement of civil and political rights are mutually supportive;
- (8) Whereas human rights within the meaning of this Regulation should be considered to encompass respect for international humanitarian law, also taking into account the 1949 Geneva conventions and the 1977 Additional Protocol thereto, the 1951 Geneva Convention relating to the Status of Refugees, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and other acts of international treaty or customary law;
- (9) Whereas the resolution on human rights, democracy and development adopted by the Council and the Member States meeting within the Council on 28 November 1991 sets out guidelines, procedures and practical measures aimed at promoting civil and political freedoms alongside economic and social rights, by means of a representative political system based on respect for human rights;
- (10) Whereas Community action to promote human rights and democratic principles is the product of a positive and constructive approach in which human rights and democratic principles are seen as a matter of common interest for the Community and its partners, and as a subject for dialogue that can produce measures to promote respect for these rights and principles;
- (11) Whereas this positive approach should be reflected by the implementation of measures in support of democratisation, the strengthening of the rule of law and the development of a pluralist and democratic civil society and by confidence-building measures aimed at preventing conflicts, supporting peace initiatives and addressing the issue of impunity;
- (12) Whereas the financial instruments used to support positive action in individual countries should be used in a manner consistent with geographical programmes and integrated with other development instruments to maximise their impact and effectiveness;
- (13) Whereas it is also necessary to ensure that these operations are coherent with the European Union's foreign policy as a whole, including the common foreign and security policy;
- (14) Whereas these operations should focus on those discriminated against or suffering from poverty or disadvantage, children, women, refugees, migrants, minorities, displaced persons, indigenous peoples, prisoners and victims of torture;
- (15) Whereas Community support for democratisation and observance of the principles of the rule of law within a political system respecting the individual's fundamental freedoms helps fulfil the objectives laid down in the agreements concluded by the Community with its partners, in which respect for human rights and democratic principles is an essential element of relations between the parties;
- (16) Whereas the quality, impact and continuity of operations should in particular be safeguarded by providing for multiannual programmes to promote human rights and democratic principles in partnership with the authorities of the country concerned, taking account of its specific needs;
- (17) Whereas efficient and consistent action requires the specific characteristics of action on human rights and democratic principles to be reflected in the establishment of flexible, transparent and rapid decision-making procedures for the financing of operations and projects in this field;
- (18) Whereas the Community needs to be able to respond rapidly to emergencies or situations of particular importance in order to enhance the credibility and effectiveness of its commitment to the promotion of human rights and democratic principles in countries where such situations arise;
- (19) Whereas the procedures for the award of assistance and the evaluation of projects, in particular, should take account of the special nature of the recipients of Community support in this field, namely the non-profit nature of their activities, the risks run by members who are in many cases volunteers, the sometimes hostile environment in



which they operate and the limited room for manoeuvre afforded by their own resources;

- (20) Whereas the development of civil society must involve the emergence and organisation of new players and whereas in this context the Community may be required in beneficiary third countries to provide financial support to partners who have no previous experience in this area;
- (21) Whereas decisions to fund projects to promote human rights and democratic principles must be taken impartially, without racial, religious, cultural, social or ethnic discrimination between bodies receiving Community support and persons or groups targeted by the projects supported, and must not be guided by political considerations;
- (22) Whereas procedures should be established for the implementation and administration of aid for the promotion of human rights and democratic principles financed from the general budget of the European Communities;
- (23) Whereas implementation of these operations is likely to help achieve the Community's objectives; whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those set out in Article 235;
- (24) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995 <sup>(4)</sup>, is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty,

tries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.

The operations referred to in this Regulation shall be implemented in the territory of third countries or shall be directly related to situations arising in third countries.

### Article 2

The procedures laid down in this Regulation apply to operations in the fields covered by Articles 3 and 4 implemented within the framework of existing programmes relating to the cooperation with third countries, including Tacis <sup>(5)</sup>, Phare <sup>(6)</sup>, MEDA <sup>(7)</sup> and the Regulations relating to Bosnia and Herzegovina <sup>(8)</sup>, as well as to any future operations of Community cooperation relating to third countries in these fields, other than those of development cooperation, implemented on the basis of Article 235 of the Treaty establishing the European Community.

### Article 3

Within the limits of Articles 1 and 2, and consistent with the European Union's foreign policy as a whole, the European Community shall provide technical and financial aid for operations aimed at:

1. promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and the other international instruments concerning the development and consolidation of democracy and the rule of law, in particular:
  - (a) the promotion and protection of civil and political rights;

## HAS ADOPTED THIS REGULATION:

### CHAPTER I

#### Objectives

#### Article 1

The purpose of this Regulation is to lay down the procedures for the implementation of Community operations, other than those of development cooperation which, within the framework of Community cooperation policy in third coun-

<sup>(4)</sup> OJ C 102, 4.4.1996, p. 4.

<sup>(5)</sup> Council Regulation (EEC) No 2157/91 (OJ L 201, 24.7.1991, p. 2). Regulation as last amended by Regulation (EC) No 1279/96 (OJ L 165, 4.7.1996, p. 1).

<sup>(6)</sup> Council Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11). Regulation as last amended by Regulation (EC) No 753/96 (OJ L 103, 26.4.1996, p. 5).

<sup>(7)</sup> Council Regulation (EEC) No 1763/92 (OJ L 181, 1.7.1992, p. 5). Regulation as last amended by Regulation (EC) No 1488/96 (OJ L 189, 30.7.1996, p. 1).

<sup>(8)</sup> Council Regulation (EC) No 753/96 (OJ L 103, 26.4.1996, p. 5).

- (b) the promotion and protection of economic, social and cultural rights;
  - (c) the promotion and protection of the human rights of those discriminated against, or suffering from poverty or disadvantage, which will contribute to reduction of poverty and social exclusion;
  - (d) support for minorities, ethnic groups and indigenous peoples;
  - (e) supporting local, national, regional or international institutions, including NGOs, involved in the protection, promotion or defence of human rights;
  - (f) support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or help to improve conditions in places where people are deprived of their liberty in order to prevent torture or ill-treatment;
  - (g) support for education, training and consciousness-raising in the area of human rights;
  - (h) supporting action to monitor human rights, including the training of observers;
  - (i) the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia;
  - (j) promoting and protecting the fundamental freedoms mentioned in the International Covenant on Civil and Political Rights, in particular the freedom of opinion, expression and conscience, and the right to use one's own language;
2. supporting the processes of democratisation, in particular:
- (a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;
  - (b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;
- (c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;
  - (d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;
  - (e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;
  - (f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process and by training observers;
  - (g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;
3. support for measures to promote the respect for human rights and democratisation by preventing conflict and dealing with its consequences in close collaboration with the relevant competent bodies, in particular:
- (a) supporting capacity-building, including the establishment of local early warning systems;
  - (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;
  - (c) supporting measures facilitating the peaceful conciliation of group interests,

including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;

- (d) promoting international humanitarian law and its observance by all parties to a conflict;
- (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing ad hoc international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

#### **Article 4**

Community support for these aims may include the financing of:

1. campaigns to increase awareness, inform and train the agencies involved and the general public;
2. the measures needed for the identification and preparation of projects, namely:
  - (a) identification and feasibility studies;
  - (b) the exchange of technical know-how and experience between European organisations and bodies in third countries;
  - (c) the costs arising from tendering procedures, in particular the evaluation of tenders and the preparation of project documents;
  - (d) the financing of general studies concerning the Community's action within the scope of this Regulation;
3. the implementation of projects:
  - (a) technical assistance and expatriate and local staff to help implement the projects;
  - (b) purchasing and/or delivering any product or equipment strictly necessary for the implementation of operations, including, in exceptional circumstances, and when duly justified, the purchasing or leasing of premises;

(c) where appropriate, actions for the purpose of highlighting the Community character of the operations;

4. measures to monitor, audit and evaluate Community operations.
5. activities to explain the objectives and results of these measures to the general public in the countries concerned and administrative and technical assistance for the mutual benefit of the Commission and the beneficiary.

## **CHAPTER II**

### **Procedures for the implementation of aid**

#### **Article 5**

1. The partners eligible for financing under this Regulation are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, Community-based organisations and public or private-sector institutes and operators.
2. Operations financed by the Community under this Regulation shall be implemented by the Commission either at the request of a partner referred to in paragraph 1 or on its own initiative.

#### **Article 6**

To be eligible for Community aid, the partners referred to in Article 5(1) must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community. Such headquarters must be the effective decision-making centre for all operations financed under this Regulation. Exceptionally, the headquarters may be in another third country.

#### **Article 7**

Without prejudice to the institutional and political environment in which the partners referred to in Article 5(1) operate, the following factors shall in particular be considered when determining a body's suitability for Community funding:

- (a) its commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner;
- (b) its experience in the field of promoting human rights and democratic principles;
- (c) its administrative and financial management capacities;
- (d) its technical and logistical capacity in relation to the planned operation;
- (e) the results, where relevant, of any previous operations carried out, in particular those financed by the Community;
- (f) its capacity to build up a working relationship with other elements of civil society in the third country concerned and to direct assistance to local organisations accountable to civil society.

#### **Article 8**

1. Aid shall not be allocated to the partners referred to in Article 5(1) unless they undertake to comply with the allocation and implementation conditions laid down by the Commission, to which they shall be contractually bound.

2. Activities aided by the Community shall be implemented in accordance with the objectives laid down in the Commission financing decision.

3. Community financing under this Regulation shall take the form of grants.

4. Where operations financed under this Regulation are the subject of financing agreements between the Community and the recipient countries, such agreements shall stipulate that taxes, charges and customs duties are not to be borne by the Community.

#### **Article 9**

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural or legal persons from the recipient country and the Member States. It may be extended to other countries in exceptional and duly justified cases.

2. Supplies shall originate in the Member States or the recipient country. They may originate in

other countries in exceptional and duly justified cases.

#### **Article 10**

1. In the interests of consistency and complementarity and in order to maximise the overall effectiveness of operations, the Commission, in close cooperation with the Member States, may take any coordination measures necessary.

2. In any case, for the purposes of paragraph 1, the Commission shall encourage:

- (a) the introduction of a system for the exchange and systematic analysis of information on operations financed or considered for financing by the Community and the Member States;
- (b) the coordination of the implementation of operations on the spot by means of regular meetings for the exchange of information between the representatives of the Commission and the Member States in the recipient country;
- (c) the promotion of a coherent approach in relation to humanitarian assistance and, whenever possible, the integration of the protection of human rights within humanitarian assistance.

### **CHAPTER III**

#### **Procedures for the implementation of operations**

#### **Article 11**

The financial reference amount for the implementation of this Regulation during the period 1999 to 2004 shall be EUR 150 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

#### **Article 12**

The Commission shall appraise, decide upon and administer, monitor and evaluate operations under this Regulation in accordance with the budgetary and other procedures in force. It shall lay down the conditions for allocating, mobilising and implementing aid under this Regulation.

### Article 13

1. The following shall be adopted by the Commission according to the procedure laid down in Article 14(2):

- decisions on operations for which financing under this Regulation exceeds EUR 1 million and any modification to such operations leading to an increase of more than 20 % in the sum initially agreed,
- programmes intended to provide a coherent framework for action in a given country or region or in a specific field where the scale and complexity of the needs identified are such that they seem likely to continue.

2. The Commission shall notify the committee referred to in Article 14 of financing decisions that it intends to take concerning projects and programmes costing less than EUR 1 million. Notice shall be given at least a week before the decision is taken.

### Article 14

1. The Commission shall be assisted by the 'Human Rights and Democracy Committee', hereinafter referred to as 'the Committee', set up by Article 13 of the Regulation (EC) No 975/1999.

2. Where reference is made to this Article the representative of the commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without

delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

### Article 15

1. The Commission may finance emergency measures up to a maximum of EUR 2 million. Emergency measures shall be deemed necessary in cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis or exceptional and imminent danger affecting all or part of the population of a country and posing a grave threat to the fundamental rights and freedoms of the individual.

2. Where operations fulfil these conditions, the Commission shall act after consulting the Member States by the most efficient means. Five working days shall be allowed to the Member States in which to put forward any objections. If there are any objections, the committee, referred to in Article 14, shall examine the question at its next meeting.

3. The Commission shall inform the committee referred to in Article 14, at its next meeting, of all emergency measures financed under these provisions.

### Article 16

The committee may examine any general or specific issues concerning Community aid in the field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the European Union towards third countries. Once a year it will examine the planning for the following financial year or discuss general guidelines presented by the representative of the Commission for operations under this Regulation to be undertaken in the year ahead.

### Article 17

1. The Commission shall regularly evaluate operations financed by the Community

under this Regulation in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations. The Commission shall submit to the committee a summary of the evaluation exercises carried out that it might, if necessary, examine. The evaluation reports shall be available to the Member States on request.

2. At the request of the Member States, the Commission may, with them, also evaluate the results of the Community's operations and programmes under this Regulation.

#### **Article 18**

All contracts or financing agreements concluded under this Regulation shall provide in particular that the Commission and the Court of Auditors may conduct checks on the spot and at the headquarters of the partners referred to in Article 5(1) according to the usual procedures established by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

#### **Article 19**

1. Within a month of its decision, the Commission shall notify the Member States of operations and projects approved, indicating the sums, the nature of the operation, the recipient country and the partners involved.

2. At the close of each financial year, the Commission shall submit an annual report to the European Parliament and to the Council with a

summary of the operations financed in the course of that year.

The summary shall contain information concerning the agencies with which the operations referred to in Article 1 have been implemented.

The report shall also include a review of any external evaluation exercises which may have been conducted and may, if appropriate, propose specific operations.

#### **Article 20**

Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and to the Council an overall assessment of the operations financed by the Community under this Regulation, which may be accompanied by appropriate proposals concerning the future of this Regulation.

#### **Article 21**

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

It shall apply until 31 December 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 29 April 1999.

For the Council  
The President  
W. MÜLLER



## ANNEX 21

### LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific States
ASEM	Asia–Europe Meeting
CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CFSP	common foreign and security policy
CHR	Commission on Human Rights
CIS	Community of Independent States
COHOM	Human Rights Working Group
Coreper	Permanent Representatives Committee
CPT	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CSW	Commission on the Status of Women
Daphne	Programme of community action on preventive measures to fight violence against children, young persons and women
EC	European Community
ECHO	European Community Humanitarian Office
ECHR	European Convention on Human Rights
ECMM	European Community monitoring mission
Ecosoc	Economic and Social Council
ECRI	European Commission against Racism and Intolerance
ECU	European currency unit
EP	European Parliament
ESC Committee	United Nations Committee on Economic, Social and Cultural Rights
EU	European Union
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
Grulac	Latin American and Caribbean Group

GSP	generalised system of preferences
HOM	Head of Mission
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ILO	International Labour Organisation
IMF	International Monetary Fund
NGO	non-governmental organisation
OAU	Organisation of African Unity
ODA	official development aid
OECD	Organisation for Economic Cooperation and Development
ODIHR	Office for Democratic Institutions and Human Rights
OAS	Organisation of American States
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
Phare	Programme for central and eastern Europe
STOP	incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
Unicef	United Nations Children's Fund
WEOG	western European and others group

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