

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0270/2004

13 April 2004

ANNUAL REPORT

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

Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

Rapporteur: Véronique De Keyser

RR\329350EN.doc

PE 329.350

EN

EN

PURL: <https://www.legal-tools.org/doc/c95996/>

CONTENTS

	Page
PROCEDURAL PAGE.....	4
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	5
EXPLANATORY STATEMENT	19
ANNEX I - INDIVIDUAL CASES RAISED BY THE EUROPEAN PARLIAMENT	32
ANNEX II - LIST OF RESOLUTIONS.....	44
ANNEX III - BASIC TEXTS	49

PROCEDURAL PAGE

At the sitting of 16 January 2003 the President of Parliament announced that the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had been authorised to draw up an own-initiative report under Rule 163 on human rights in the world in 2003 and the European Union's policy on the matter.

The committee appointed Véronique De Keyser rapporteur at its meeting of 8 July 2003.

It considered the draft report at its meetings of 4 November and 2 December 2003, 27 January, 18 February, 8 March and 16 March 2004. At the meeting on 16 March 2004, on a procedural motion pursuant to Rule 165(5), the report was referred back to the rapporteur for redrafting. The redrafted report was considered at its meeting of 5-6 April 2004.

At the last meeting it adopted the motion for a resolution by 28 votes to 18, with 1 abstention.

The following were present for the vote: Elmar Brok (chairman), Baroness Nicholson of Winterbourne (vice-chairwoman), Christos Zacharakis (vice-chairman), Véronique De Keyser (rapporteur), Ole Andreasen, Per-Arne Arvidsson, Alexandros Baltas, Johanna L.A. Boogerd-Quaak (for Bob van den Bos pursuant to Rule 153(2)), Michael Cashman (for Glyn Ford), Philip Claeys, Paul Coûteaux, John Walls Cushnahan, Rosa M. Díez González, Olivier Dupuis (for Emma Bonino), Michael Gahler, Gerardo Galeote Quecedo, Jas Gawronski, Alfred Gomolka, Klaus Hänsch, Ulpu Iivari (for Magdalene Hoff), Georg Jarzembowski (for Philippe Morillon), Heinz Kindermann (for Mário Soares pursuant to Rule 153(2)), Efstratios Korakas, Catherine Lalumière, Armin Laschet, Jo Leinen (for Richard Howitt), Nelly Maes (for Elisabeth Schroedter), Miguel Angel Martínez Martínez (for Raimon Obiols i Germà), Edward H.C. McMillan-Scott (for Arie M. Oostlander), Emilio Menéndez del Valle, Reino Paasilinna (for Jannis Sakellariou), Elena Ornella Paciotti (for Pasqualina Napoletano pursuant to Rule 153(2)), Doris Pack (for Hugues Martin), Jacques F. Poos, José Ignacio Salafranca Sánchez-Neyra, Jacques Santer, Jürgen Schröder, Ioannis Souladakis, Ursula Stenzel, The Earl of Stockton (for Karl von Wogau), Charles Tannock, Gary Titley (for Hannes Swoboda), Maurizio Turco (for Francesco Enrico Speroni pursuant to Rule 153(2)), Joan Vallvé, Rijk van Dam (for Bastiaan Belder pursuant to Rule 153(2)), Jan Marinus Wiersma, Matti Wuori.

The report was tabled on 13 April 2004.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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

The European Parliament,

- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments¹,
- having regard to the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002 and to its resolutions related to the ICC²,
- having regard to the United Nations Charter, particularly Article 2,
- having regard to the entry into force on 1 July 2003 of Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances,
- having regard to Article 3 of the four Geneva Conventions,
- having regard to Article 12 of the United Nations International Covenant on Economic, Social and Cultural Rights,
- having regard to the UN declarations and resolutions on the rights of disabled persons and the UNESCO Universal Declaration on the Human Genome and Human Rights (1997),
- having regard to Articles 12(1) and 16(1)(e) of the Convention on the Elimination of All Forms of Discrimination Against Women, as well as to General Recommendations 21 and 24 of the Committee on the Elimination of Discrimination Against Women,
- having regard to the Charter of Fundamental Rights of the European Union³,
- having regard to its resolution of 3 September 2003 on the Commission communication 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities',⁴
- having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the Treaty establishing the European Community,

¹ **NB: for all relevant basic texts, please consult the table annexed to the report**

² OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293 E, 28.11.2002, p. 88; OJ C 271 E, 12.11.2003, p. 576.

³ OJ C 364, 18.12.2000, p. 1.

⁴ P5_TA(2003)0370.

- having regard to the entry into force on 1 April 2003 of the ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000¹,
 - having regard to the Euro-Mediterranean Assembly, which was established on 22-23 March 2004, and to its related resolution of 20 November 2003²,
 - having regard to the European Convention for Human Rights and Biomedicine (1999),
 - having regard to its resolution of 13 December 1996 on the rights of disabled people³, its resolution of 9 March 2004 on population and development⁴, and its previous resolutions on human rights in the world⁵,
 - having regard to its previous resolutions on the situation of fundamental rights in the European Union, in particular its resolution of 15 January 2003⁶,
 - having regard to its resolution of 23 October 2003 on peace and dignity in the Middle East (2002/2166(INI))⁷,
 - having regard to its resolution of 10 February 2004 on the 60th Session of the United Nations Commission on Human Rights in Geneva, 15 March to 23 April 2004⁸,
 - having regard to the fifth EU Annual Report on Human Rights (13449/03),
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0270/2004),
- A. whereas progress has been made worldwide in particular through the European Union's commitment to establishing and strengthening democracy, human rights, the rule of law and good governance,
- B. whereas at the same time the situation has worsened in a large number of countries, where human rights continue to be violated by discrimination on the basis of race, gender, religion and social class, bad governance, corruption, repression, abuse of power, weak institutions, lack of accountability and armed conflict,

¹ OJ L 317, 15.12.2000, p. 3.

² P5_TA(2003)0518

³ OJ C 20, 20.1.1997, p. 389.

⁴ P5_TA-PROV(2004)0154

⁵ P5_TA(2003)0375 adopted 4.9.2003; OJ C 131 E, 5.06.2003, p. 138; OJ C 65 E, 14.3.2002, p. 336; OJ C 377, 29.12.2000, p. 336; OJ C 98, 9.4.1999, p. 270; OJ C 20, 20.1.1997, p. 161; OJ C 126, 22.5.1995, p. 15; OJ C 115, 26.4.1993, p. 214; OJ C 267, 14.10.1991, p. 165; OJ C 47, 27.2.1989, p. 61; OJ C 99, 13.4.1987, p. 157; OJ C 343, 31.12.1985, p. 29; OJ C 172, 2.7.1984, p. 36; OJ C 161, 10.6.1983, p. 58.

⁶ P5_TA-PROV(2003) 0012.

⁷ P5_TA(2003)0462.

⁸ P5_TA(2004) 0079.

- C. whereas on paper there is an impressive degree of endorsement of human rights values by the international community, with over 140 countries having ratified the two major covenants and almost all states having ratified the Convention on the Rights of the Child,
- D. whereas a steadily growing number of countries has abolished the death penalty or has established or extended moratoria on executions, but in some countries there appears to be a reverse trend, in particular in China,
- E. whereas the role of the international community in assisting the truth and reconciliation process in post-conflict societies is recognised as a means of fostering reconciliation, peace, stability and development,
- F. whereas in countries which respect and uphold human rights, pressure groups and a free press help ensure that the democratic state functions well; whereas they must not be subject to censorship or restricted freedom of expression,
- G. stressing that in recent years control and repression of Internet use has increased dramatically in the People's Republic of China and dozens of people have been arrested for distributing messages calling for greater freedom and democracy, or for simply having distributed information via the Internet; whereas the number of arrests in such cases increased by 60% compared to the previous year,
- H. whereas the same phenomenon is occurring systematically in Vietnam, where several democracy activists have been arrested in recent months,
- I. convinced that all acts of terrorism deny the very concept of human rights,
- J. whereas the European Union supports and actively cooperates with the work of the Ad Hoc Committee of the 6th Committee of the UNGA in its work towards the preparation of a Draft Comprehensive Convention on International Terrorism and the preparation of a Draft International Convention for the Suppression of Acts of Nuclear Terrorism,
- K. whereas a state that has suffered acts of terrorism may collaborate with other states in a spirit of reciprocity, but with due respect for human rights and international law,
- L. whereas extradition should be refused if there are serious reasons to believe that the person to be extradited would be subject, in the country applying for extradition, to treatment that does not comply with international law,
- M. whereas in some cases a military procedure with no appeal or monitoring is imposed on alleged terrorists except those with the nationality of the country accusing them,
- N. whereas democratic countries must set an example when they want to pursue the perpetrators of such acts or bring them to justice, by granting them all the rights and safeguards that a country that respects human rights must provide for any accused person,
- O. whereas certain countries have created and/or put in place extra-territorial areas which are not subject to any concept of basic law or monitoring, contrary to all the international conventions and treaties,

- P. whereas the fight against terrorism constitutes a special situation that allows for restrictions on, and even outright suspension of, individual freedoms, particularly in countries with dictatorial regimes; stressing that all these countries have used the fight against terrorism as a pretext for stepping up repression against subjugated populations or any form of political dissidence,
- Q. subscribing to the principle that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition; fully supports the WHO principles; in particular, is preoccupied about the state of the right to access to health, as this right is closely linked to the economic, social and political situation of every individual country,
- R. whereas studies have proved that there is a direct link between access to information and high standards in all aspects of health, including lower levels of HIV/AIDS and other transmitted infections, the risk of unwanted pregnancies and correlated abortions, the risk of still-births and maternal and infant deaths,
- S. condemning the practice of female genital mutilation still used in many countries which has already produced more than 130 million victims worldwide, and poses a threat to some 2 million young girls or women each year; welcoming, in this connection, the Maputo Protocol adopted by the African Union in July 2003,
- T. concerned by the sharp decrease in the funds available since the entry into force of the Mexico City Policy,
- U. whereas 2003 was the European Year of the Disabled,
- V. whereas the UN estimates that more than half a billion people in the world are disabled through mental, physical or sensory impairment,
- W. noting that in many countries unacceptable barriers are still too often raised against the inclusion of disabled people, thus preventing them from fully enjoying a social, professional, family, emotional and sexual life,
- X. stressing that the specific needs of disabled people apply unreservedly to disabled people who are accused or suspected of crimes and/or are or could be imprisoned or held on remand,
- Y. whereas the international community must take into account the problem represented each year by the hundreds of thousands of people who, as a result of wars and conflicts, are disabled or physically or mentally handicapped;
1. Expresses its satisfaction that the fifth parliamentary term has seen a number of major innovations in relation to EU policy on human rights, including the creation or further development of important instruments, that correspond largely to its own initiatives;
 2. Notes that it has contributed considerably to strengthening the human rights dimension and in putting human rights issues on the European agenda;

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

in the same way in future human rights dialogues with third countries; invites the Presidency to transmit its in-depth evaluation of the China dialogue as soon as possible and to prepare a similar evaluation of the Iran dialogue;

12. Deplores the fact that the 3rd Round Table of the EU-Iran Human Rights Dialogue had a very abstract academic character and considers that at coming Round Tables the debate must have a stronger political dimension and contain real dialogues;
13. Welcomes the establishment in 2003 of a Subgroup on Governance and Human Rights under the Cooperation Agreement with Bangladesh and calls on the Council and the Commission to create similar Subgroups where appropriate for the other Cooperation Agreements;
14. Welcomes the efforts undertaken to engage in a similar exercise with other third countries and looks forward to the start of the work with Vietnam and Morocco;
15. Is strongly convinced that human rights dialogues should not be a justification for the marginalisation of human rights vis-à-vis security, economic or political priorities; recalls its demand on the Council to formulate concrete objectives and benchmarks for human rights dialogues and to ensure that its results are regularly evaluated;
16. Reiterates its demand for more openness and transparency on the part of the EU institutions and on the part of the Council in particular; maintains its criticism that the calls made in its resolutions for the Council to report back on the outcome of specific human rights issues, in particular as these come up in international organisations, are systematically disregarded; insists that Parliament should be given a full explanation whenever its human rights recommendations are not followed by Council or Commission;
17. Takes note of the fact that the structure of the EU Annual Report on Human Rights 2003 has been improved, but regrets that the report still does not focus particular attention on individual cases and their follow-up, including those raised in Parliament's resolutions, as well as on a response to proposals adopted in its own Annual Report on Human Rights in the World;
18. Calls on the Council, in this connection, to step up dialogue with civil society and, in future, to associate the relevant NGOs more closely with its initiatives and with the drawing up of its Report on Human Rights and the design of the annual Human Rights Forum;
19. Welcomes the creation of the Commission's website on human rights which includes analyses, reports and research done on key issues and which allows even better information to NGOs and civil society as a whole;
20. Recognises the progress made in paying outstanding commitments and in speeding up the pace of payments' execution in the EIDHR budget implementation within the general 60 days' time scale and the implementation plan for each budget heading as well as the Council's guidelines ensuring complementarity and consistency of EU external policy measures between the Community and Member States;

21. Decides to create a proper format for its Annual Reports on Human Rights in the World, which adequately evaluates the human rights policy of the Council, Commission and European Parliament in the period under consideration, and provides a systematic follow-up to proposals and statements included in the preceding Annual Report on Human Rights of the European Parliament; considers that the rapporteur can further choose special themes of particular relevance for the report;
22. Considers that the European Parliament Annual Report should be produced at a fixed time every year, and include an analysis and evaluation of the Annual Report of the Council of the same year;
23. Decides to retain closer contacts with former winners of the Sakharov Prize to enable the prize to play a role in safeguarding and helping to ensure respect for human rights in the countries concerned; stresses, in particular, the need to continue and increase support for former Sakharov Prize winners who are still suffering from repression in their country, in particular Leyla Zana and Aung San Suu Kyi;
24. Underlines the fact that serious human rights crises persist in a large number of countries, often in a context of violent conflict, with the international community failing to have any decisive influence; notes that the EU's existing potential has not been used in such a way as to effectively confront some of the world's worst violators; regrets that in no such situations human rights have ever constituted a bottom line in the EU's external policies; is convinced that respect of human rights will not result from solemn declarations which are not supported by effective actions for their implementation;
25. Is convinced that the new European security strategy provides an important conceptual framework in relation to armed conflict and conflict resolution and insists that a proper human rights dimension has to be developed, based on a concept of prevention;
26. Welcomes the London Declaration on Colombia (10 July 2003) and reaffirms the requirement that all parties in the Colombia conflict are required to comply without qualification with all recommendations of the UN office for the High Commissioner for Human Rights in Colombia;
27. Calls on the Council to ensure that responsibility on human rights issues is made a part of crisis management and of long-term engagement in post-conflict resolution;
28. Fully supports the Council's Guidelines on Children and Armed Conflict of 8 December and looks forward to the Commission's overview of Community assistance in this area as a first contribution to the implementation of the Guidelines;
29. Regrets, in particular, that Parliament's demands for a serious and non-selective application of so-called 'human rights' clauses appear not to have visible effects on the human rights policies of the Council, the EU Member States and the Commission;
30. Stresses, in addition, that on several occasions EU human rights policies have been undermined by the non-respect of EU arms embargoes; efforts to lift arms embargoes prematurely; and by Member States systematically not maintaining a restrictive application of the EU Code of Conduct on Arms Exports; emphasises that firm political action against

the proliferation of all types of arms, both conventional and WMD, both heavy arms and light weapons, is essential to the success of any EU campaign on human rights;

31. Regrets that the Euro-Mediterranean Association Agreements lack clearly defined procedures for the implementation of the clause;
32. Insists on the necessity for a mid-term review of Art. 2 of all Association Agreements in order to evaluate whether respect for human rights, particularly women's rights and democratic principles, are fully implemented and calls for specific mechanisms to enable human rights clauses to be applied more effectively and efficiently;
33. Invites the Commission to report back to Parliament on the state of preparation of an implementation mechanism for the human rights clause in order to maintain explicit pressure for significant improvements of the human rights situation in the countries concerned and to encourage sections of society that are in favour of promoting democracy and respect for human rights;
34. Reiterates its call on the Council, the Commission and Member States to enforce effectively all EU political instruments including the sanctions policies in furtherance of human rights and to ensure that actions are not taken which deliberately undermine such policies;
35. Reiterates its call for periodic review of sanctions policies in order to assess and enhance their effectiveness;
36. Considers that meetings with parliamentarians and civil society from third countries having signed the human rights clause contribute to Parliament's monitoring of the concrete implementation of the clause, but is of the opinion that this effectiveness could be enhanced;
37. Welcomes the Commission's communication on 'Reinvigorating EU actions on human rights and democratisation with Mediterranean partners', which is aimed at finding a structured approach in order to regularly assess compliance by States with their human rights obligations; supports, in particular, in line with its own proposals, a systematic discussion of human rights issues in the Association Council's meetings and welcomes the fact that the idea of establishing working groups on human rights with partner countries is gaining ground; appreciates, in particular, the 10 concrete recommendations to upgrade knowledge and expertise, improve the dialogue between the EU and its Mediterranean partners as well as to enhance cooperation on human rights' issues, including through the development of MEDA National Action Plans on human rights and democracy with those partners willing to engage in such an exercise;
38. Calls on the Commission to elaborate a coherent EU strategy on human rights, which includes all relevant elements such as the human rights clause, dialogue, financial assistance and the reinforcement of international standards, and which is elaborated in the same way as the existing strategies for the Mediterranean partners, as well as other countries and regions;
39. Welcomes the entry into force of the new ACP-EU partnership agreement (Cotonou) on 1 April 2003; considers that the human rights clause in the agreement has a clear implementation mechanism providing for proceedings for obligatory considerations,

suspension as a last resort and for the establishment of dialogue between government and civil society which merits being negotiated for further agreements with third countries;

40. Stresses nevertheless that strengthening or resuming EU economic, financial and technical assistance to the developing countries, particularly the ACP countries, can only be envisaged if the authorities of the countries concerned give a parallel undertaking to remedy any continuing human rights abuses in a verifiable and lasting manner and demonstrate their commitment to good governance, democracy and the rule of law through joining in concrete action against persistent human rights violators such as the Mugabe regime in Zimbabwe;
41. In the framework of implementation of the "Wider Europe" policy, supports the Commission in its commitment to ensure that human rights and democratisation issues are fully taken into account in the political chapter of "Wider Europe Action Plans", to be negotiated with the Union's eastern and southern neighbours;
42. Calls on all states, in the spirit of the UN Millennium Declaration, to put their commitment to uphold respect for human rights and fundamental freedoms into practice and to dedicate themselves to the full and effective implementation of international human rights treaties to which they are parties; this means that whenever domestic laws (e.g. Sharia laws) are contrary to the Universal Declaration of Human Rights and international treaties, these laws must be amended and brought into line with the commitments that have been given;
43. Welcomes the UN Human Rights Sub-Commission guidelines on multinational enterprise (August 18, 2003), as an important stepping stone towards a binding global code of conduct;
44. Reiterates its call on all states that have not done so to establish a moratorium on executions, as a first step towards the universal abolition of the death penalty, which no state should deny; calls upon the EU to start a dialogue on invoking the human rights clause against those countries which continue to execute non-adult and disabled individuals;
45. Regrets the deaths of UN staff in Iraq, symbolic of human rights defenders worldwide; insists that firm policies should be developed to support all those who campaign for the respect of human rights; welcomes therefore the initiative of the Irish Presidency to produce guidelines on the protection of human rights defenders;
46. Expresses grave concern at the continuation of the Israeli-Palestinian conflict, which has led to a seemingly endless spiral of hatred and violence and to increased suffering for both Israelis and Palestinians; strongly condemns all acts of violence, including extra-judicial killings, indiscriminate terrorist attacks killing and injuring civilians as well as the continuing Israeli settlement activities, including the illegal installation of settlers in the occupied territories and related activities; is outraged about the killing and wounding of children of both sides, as well as the impact on the lives, personal development and well-being of those who have been affected by violence;
47. Shares the deep concern expressed by the Council at the continuation of illegal settlements and expropriation of land for the construction of the so-called 'security fence', which leads to the violation of a number of basic human rights such as freedom of movement, and the rights to family life, to work, to health, to an adequate standard of living, including adequate

food, clothing and housing, and to education; the prohibition on discrimination contained in many international conventions is clearly violated in the closed zone in which Palestinians, but not Israelis, are required to have permits;

48. Takes note of the fact that the situation in each of the Central Asian countries is different; reiterates its concern with regard to human rights violations and cases of political repression, particularly in Turkmenistan where the human rights situation has deteriorated dramatically recently and in Uzbekistan where there are continuing serious concerns;
49. Welcomes the determined EU campaign against all forms of torture and degrading behaviour; regrets that by December 2003 only six EU Member States had signed (and ratified) the Optional Protocol to the Convention Against Torture as adopted by the UN in 2002; insists that the human rights clause must be invoked against all economic and political partners of the EU which allow their judiciary and police services to continue torture practices against their citizens; reiterates its concern that the Commission undertakes the financing of torture prevention projects at the cost of projects for the rehabilitation of torture victims; urges that a ban be introduced on the production, sale and exportation of torture equipment;
50. Reiterates its demand on the EU, and the Commission in particular, to fully support the case of indigenous populations, in particular to provide all aid possible to the UN Permanent Forum on Indigenous Peoples and the UN Working Group on Indigenous Populations;
51. Recalls its priorities for the 60th Session of the UNCHR as spelled out in its resolution of 10 February 2004;
52. Reaffirms the importance of the United Nations Commission on Human Rights as the world's highest body for human rights protection to ensure public scrutiny of situations of gross and persistent abuse;
53. Insists that, for the EU's global human rights policies to be effective, there cannot be 'double standards' in which human rights violations within the enlarged EU are not addressed properly and exemplarily;
54. Welcomes the EU's support for the establishment of the International Criminal Court (ICC) but reiterates that the EU and its current and future Member States should stand more firm and united against pressure from states which do not wish to adhere to the Court and who want to reduce the ICC's scope and efficiency;
55. Underlines that no immunity, as recognised under Article 41, paragraph 2, of the Vienna Convention of 18 April 1961 on Diplomatic Relations, should ever afford the possibility of impunity for any individual accused of war crimes, crimes against humanity or genocide, and is concerned about the fact that some regions of the world are still severely under-represented within the group of countries that have signed and ratified the Rome ICC Statute;
56. Invites the Council and the Commission to use the EU's political leverage under Cooperation Agreements in order to promote the signature and the ratification of the Rome ICC Statute by as many countries as possible;

57. Expresses its regret that an ad hoc International Criminal Court has not been yet established by the UN Security Council as the most expedient way of dealing with the case of the detainees held in Guantánamo;
58. Asks the US authorities to immediately put an end to the current legal limbo in which the detainees held in Guantánamo Bay have, since their arrival, been placed and to guarantee immediate access to justice in order to determine the status of each individual detainee on a case-by-case basis, either by charging them under the rules laid down in the Third and Fourth Geneva Conventions and the International Covenant on Civil and Political Rights (particularly Articles 9 and 14 thereof) or by releasing them instantly, and to ensure that those charged with war crimes receive a fair trial in accordance with international humanitarian law and in full compliance with international human rights instruments;
59. Welcomes the projects undertaken by the Commission to promote the freedom of expression under the EIDHR, and calls on the Commission to extend such projects specifically to the promotion of the freedom of conscience and religion;
60. Reiterates its call on the Council and the Commission to make the early identification of the abuse of religions for political purposes a priority of EU human rights policy, and calls for reinforced EU efforts to seek to prevent violent religious extremism which threatens human rights;
61. Calls again on the Council, Commission and Member States to make religious freedom a priority for action in the European Union's relations with third countries where appropriate, and requests that penalties be laid down for violation of this freedom;
62. Recalls the decision of the Valencia Euro-Mediterranean Ministerial Conference to set up a EuroMed Foundation, giving a structure for intercultural and interreligious dialogue with and between the countries and societies on the Mediterranean's southern shore, and urges all involved governments to provide sufficient funding in order to make the establishment of the Foundation possible by the announced date of 1 July 2004;
63. Calls on the Commission to enhance the dialogue with non-governmental organisations, including with religious and non-religious organisations, in order to promote peaceful coexistence between different religious and cultural communities; considers that such dialogue should, to start with, take place in the framework of the implementation of the Communication on 'Reinvigorating EU actions on Human Rights and Democratisation with Mediterranean partners' (COM (2003) 294);
64. Reiterates that access to modern communications technologies and language courses can facilitate inter-cultural exchanges, tolerance and understanding for other cultures and religions within and outside the European Union, and welcomes in this respect the many initiatives undertaken by the Commission such as the Euromed Youth programme, the Asialink and the eSchola Programmes, and looks forward to receiving annual evaluations of these programmes;
65. Insists that there should be no diminution of support by the Commission and Council for mine action and stresses the importance of assistance to countries and NGOs engaged in activities to clear anti-personnel landmines and other unexploded ordnance, as well as

assistance to mine victims; urges the Commission to publish regular progress reports to clarify how far the Member States of the enlarged EU adhere to their obligations under the Ottawa Treaty (a global ban on anti-personnel landmines) and to what extent these states follow Parliament's expressed wish that cluster submunitions no longer be used;

66. Underlines that the fight against terrorism has to take place in the framework of the international law; calls on the Council and the Member States to work actively in the preparation of the Draft International Convention for the Suppression of Acts of Nuclear Terrorism and the Comprehensive Convention on International Terrorism, which should include an internationally recognised status for victims of terrorist acts, as a means of further developing a comprehensive legal framework of conventions dealing with terrorism and to inform Parliament regularly about important developments in this area;
67. Insists that the Council and the Member States have to address even more firmly the magnitude of HIV/AIDS, which represents a major threat to global security, with 3 million people dying yearly despite the possibility of treatment; underlines that the fight against HIV/AIDS must include effective public health programmes involving education, prevention, treatment, care and support;
68. Calls on the Commission to make up for the loss of funds due to the 'Mexico City Policy', in particular for the lack of funds for UNFPA and other NGOs active in the field of health;
69. Calls on the Commission and Council to make ratification of the Maputo Protocol one of its priorities in relations with third countries affected by the phenomenon of female genital mutilation;
70. Welcomes the statement of the Council in the EU Annual Report on Human Rights 2003 on the situation of disabled people and the steps taken in the international arena towards advancement of persons with disabilities; however, considers that although some progress has been made, persons with disabilities are still unable to fully enjoy human rights on an equal basis;
71. Notes with regret that in some states there are numerous obstacles, unacceptable restrictions and/or limits to access to training and/or education for disabled children, adolescents or students, in so-called normal as well as special schools, disregarding the human right to education and training;
72. Considers that accessibility and use of public space and the built environment, both public and private, is a fundamental right and an essential guarantee of disabled people's freedom of movement, equal opportunities, and freedom from discrimination and thus of respect for human rights;
73. Stresses that disabled people exercising their right to mobility must not suffer any form of direct or indirect discrimination, whether deliberate or not, or financial discrimination, and regrets that public transport (buses, coaches, taxis, underground trains, trams, and transport by rail, air, river and sea) are still hard for disabled people (and their guide dogs) to access and use;

74. Deplores the human rights abuse experienced by many disabled people in the world, notably disabled persons living in institutions subject to degrading treatment, violence and abuse, as well as exploitation of disabled persons by organised begging and cases of forced sterilisation, and calls on the Commission to draw up a specific report on the subject of human rights abuse of disabled people;
75. Condemns the continued use of caged beds for some mentally ill patients in a small number of Accession countries and calls on the Commission to encourage and support a swift end to this inhuman and degrading method of restraint;
76. Welcomes the programmes set up to provide proper medical assistance for at least some of the Chechen children terribly affected by the war in their country and calls on all Member States and the EU itself to help strengthen humanitarian programmes of this kind so as to cater for the enormous needs of the Chechen population in this respect;
77. Asks the Commission to include in the horizontal EIDHR programme measures to increase awareness of the human rights of disabled people among various social and political actors and decision-makers in the partner countries, as is happening in the area of cultural dialogue, and to include in the various countries' strategic programmes objectives concerning accessibility for disabled people to health care, education and public buildings in that country;
78. Supports the assistance provided by ECHO and disability NGOs in emergencies; stresses that psychiatric problems caused by conflicts must be diagnosed and treated, particularly in children;
79. Asks the Commission to record the various ways to care for and treat disabled people in the countries with which it has Cooperation Agreements, to identify and reinforce good practice, while remaining aware of the particular circumstances of each country;
80. Insists that the unacceptable differences between rich and poor countries in the options available for treating post-infection and post-trauma disabilities must be reduced as a priority through appropriate programmes;
81. Calls on the Member States and the Council to continue their support for an International Convention to ensure the full enjoyment of human rights by persons with disabilities, to actively support its resolution on the Commission communication 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' and to ensure that the UN Convention includes effective monitoring and implementation mechanisms at both national and international level, also guaranteeing the active participation of representative disability organisations throughout the process;
82. Reiterates its call on the Commission and the Council to strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations fora; calls on the Commission and the Council to ensure that the issue of caste discrimination and policies to combat this wide-spread form of racism is properly addressed in all country strategy papers, mid-term reviews of these and communications on countries affected by it;

83. Deplores that no action has been taken by the Commission and the Council to enhance the political and human rights dialogue with caste afflicted countries on the issue of the continued dehumanising practice of caste discrimination, and that the effectiveness of EU's human rights policy in terms of addressing caste discrimination still remains to be assessed;
84. Instructs its President to forward this resolution to the Council, Commission, the governments and parliaments of the Member States and the accession countries, the United Nations, the Council of Europe, the OSCE and the governments of the countries mentioned in this resolution and the offices of the main human rights NGOs based in the EU.

EXPLANATORY STATEMENT

Introduction

The events of 11 September 2001 tipped the world into instability. Apart from the armed conflicts which had been crippling some regions for a long time, terrorism and the sometimes terrible responses to it were a new move on the international chessboard. We are entitled to wonder, two years on, whether these responses have been effective. What is certain, however, is that they have led to ground being lost for individual and collective human rights, political alliances with regimes that may be powerful but care little for human rights, and a loss of confidence in the ability of international law to bring order to the planet. Far from retreating, terrorism continues to hit out blindly at more and more victims. In addition, there is no let-up in what may be described as the traditional conflicts. In this report on human rights in the world (2003) your rapporteur has chosen to focus on three types of problem:

- (1) trends in the international war on terrorism,
- (2) the impact of the international situation on reproductive health, considered as a fundamental right,
- (3) the rights of disabled people, particularly in conflict situations or in extremely poor or developing countries.

Your rapporteur thus hopes to highlight the hidden costs of instability in the world, which takes insidious forms and affects the most vulnerable people, apart from the direct victims of conflicts. These human rights violations are not necessarily visible and people do not speak out against them often enough.

Overview of EP action in the field of human rights and democracy during the 5th parliamentary term (1999-2004)

During the 5th parliamentary term, Parliament's annual reports on human rights in the world and the European Union's human rights policy carried forward the tradition of **focusing on a major aspect of human rights violations**: women's rights (1999/2000), the right to freedom of expression and situation of the media (2000/2001), terrorism and human rights, trafficking in human beings (2001/2002), freedom of religion, conscience and thought (2002/2003).

In addition, Parliament has traditionally included in the annual report a number of **proposals on the development and implementation of EU human rights policy**. (See Notice to Members No 25/2003 (PE 329.361))

During the 5th parliamentary term a **number of the Parliament's requests have been realised**. Parliament is justly proud of its success in strengthening the human rights dimension and in putting human rights issues on the European agenda. This stands as one of our most important achievements. The progress it has encouraged, in the absence of specific Treaty provisions conferring on it a decision-making role in the CFSP area, is testimony to its role as a moral rather than a legal authority.

The debate on the annual report on human rights in the world represents a major annual event devoted to the human rights situation in third countries. It is jointly debated in one part-session

with the annual report on fundamental rights in the Union (which falls within the remit of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs), and hearings are organised, with the participation of non-governmental organisations, with a view to preparing these reports.

Parliament continued to raise its concerns on breaches of human rights, democracy and the rule of law in its **resolutions and oral questions to the Council and the Commission** and paid **particular attention to individuals** (see annexed examples of individual cases raised and list of adopted resolutions) who are under threat, imprisoned or sentenced to death: human rights defenders, journalists, scientists, political opponents and people persecuted or arrested for their religious beliefs or sexual orientation. Reactions from governments indicate that there is a very definite sensitivity to the EP's criticisms and that no country wishes to have its human rights shortcomings placed in the spotlight. Furthermore, the EP has adopted resolutions on specific policy issues, which are outlined in the next chapter.

The Foreign Affairs Committee's human rights working group organised **hearings** with representatives from civil society, in particular with a view to the EP assent procedure for the conclusion of the Euro-Mediterranean Agreements with Egypt, Algeria and Lebanon. In addition, Parliament sent a delegation to Algeria for political talks and meetings with representatives of civil society and the media. The visit was scheduled at the time of the parliamentary elections and was highly symbolic of the importance Parliament attaches to the human rights situation in Algeria. In the case of Syria, a hearing with civil society representatives focused on political prisoners, in particular on the case of Riad Al Türk, who was released shortly after the hearing.

To help improve specific human rights situations or provide support for individuals, Parliament continued to send **ad hoc delegations** to third countries, such as Turkey for the observation of the re-trial of Leyla Zana (2002/2003) and the examination of the new-type prison conditions (2001), China and Tibet (2002), Iran (2002) and Chechnya (2003).

Delegations of Members of Parliament participated actively in important **international events**, such as the First World Congress against the Death Penalty (2001, Strasbourg), the World Conference against Racism (2001, Durban), the World Summit for Sustainable Development (2002, Johannesburg) and the UN/ECOSOC Indigenous Peoples' Permanent Forum (2003, New York). Furthermore, Members of Parliament played a leading role at conferences organised by the European Commission on human rights and democracy and at the annual EU Human Rights Discussion Forum.

The main political forum for dialogue between the EP and parliamentarians from African, Caribbean and Pacific countries, the **ACP-EU Joint Parliamentary Assembly**, continued to hold its biannual meetings. Respect for human rights, consolidation of the democratic process, respect for the rule of law, good governance, gender equality, poverty reduction and conflict prevention all lie at the heart of the dialogue.

The forthcoming **Euro-Mediterranean Assembly**, to be established following the final decisions of the Ministerial Conference in Naples on 2-3 December 2003, will strengthen Parliament's role in the Barcelona Process and offer new opportunities for structured dialogue with the Mediterranean countries on human rights and democratisation issues.

An important event for Parliament was once again the annual session of the **UN Commission on Human Rights in Geneva**, where MEPs meet with the UN High Commissioner, the EU Presidency and ambassadors of Member States, as well as with non-governmental organisations. **The adoption of a strong resolution** on the priorities to be established by the EU for action at the UN Commission is part of the European Parliament's traditional input, and it rightly insists on having its positions taken into due consideration by the Council and the Commission. We noticed a large degree of congruence between the EP's priorities expressed in its resolutions and the EU action taken at the UN sessions.

An important contribution of Parliament in support of democracy worldwide remained the observation of elections in a large number of countries. Parliament's role in **election observation** underwent radical changes, following a new strategy developed by the Commission and the Council for EU election observation missions¹. As early as 1997, Parliament created budget funding for election support and took the initiative of increasing the visibility and strengthening the role of its own missions in coordination with the other EU institutions and international organisations involved. In 2002, it created the '**Election Coordination Group**', which forwards proposals for EP election observation missions, either as an integral part of the EU observation mission or under the umbrella of other organising bodies, such as the OSCE and the Council of Europe. The most important achievement for Parliament, which gives proof of its increased and acknowledged role in this exercise, is the appointment of an **MEP as Chief Observer** for most of the EOMs.

A major annual event celebrated by Parliament since 1988 is the award of the **Sakharov Prize for Freedom of Thought**. Between 1999 and 2003, the Prize was awarded to the following for their outstanding contributions to the promotion of human rights and freedoms in their respective countries: José Alexandre 'Xanana' Gusmao, President of East Timor (1999), Basta Ya from the Basque Country (2000), Nurit Peled-Elhanan from Israel, Izzat Ghazzawi from Palestine, Don Zacarias Kamuenho from Angola (2001) and Oswaldo José Payá Sardinias from Cuba, author of the Varela Project (2002). In 2003, the Prize was awarded to the United Nations Staff and its Secretary-General Kofi Annan, in memory of Sergio Vieira de Mello, the UN High Commissioner for Human Rights and UNSG Special Representative in Iraq². Parliament is committed to strengthening contacts with former laureates with a view to guaranteeing the protective effect of the Prize.

European Parliament initiatives on specific policy issues

The European Parliament is proud to have taken a number of **specific initiatives** designed to improve respect for human rights, for instance in relation to the International Criminal Court, the abolition of capital punishment, the prevention of torture, the fight against racism and xenophobia, the protection of minorities, conflict prevention, the promotion of the rights of women and the rights of the child, human rights defenders, indigenous peoples and disabled people.

Since the beginning of the process, the European Parliament has been strongly committed to the creation of the **International Criminal Court**, the first permanent judicial body capable of

¹ OJ C 343, 5.12.2001, p. 270; Council conclusions of 31.5.2001; EU guidelines for election observation, 1998.

² The Sakharov Prize brochures, speeches given at the ceremony and the Sakharov Prize Statute can be found under http://www.europarl.eu.int/comparl/afet/droi/sakharov/default_en.htm.

trying individuals for genocide, crimes against humanity and war crimes, which was inaugurated on 11 March 2003 in the Hague. Parliament called for the widest possible international ratification of the Statute and followed up this commitment by voting a fund of EUR 5 million into the EU budget for this purpose. Part of the funding has been used to support the work of the existing ad hoc International Criminal Tribunals on the former Yugoslavia and on Rwanda. In total, the EU has provided over EUR 13 m since 1995 through the EIDHR for international justice.

However the US Administration's policy of discouraging governments from ratifying the Rome Statute, pressurising States into entering into 'bilateral non-surrender agreements', and the enactment of the 'American Service-Members' Protection Act', which contains provisions which threaten to penalise countries which have chosen to support the Court, was a major setback that gave rise to **sharp criticism from Parliament**. It strongly urged all governments not to conclude agreements with the United States, as these are contrary to the Rome Statute and inconsistent with the EU position. A particular call came from Parliament on all countries to refuse to engage in the scheme of transforming the fight against terrorism into a pretext for the conclusion of such agreements¹.

As regards the general question of combating **impunity** for grave abuses of human rights and international humanitarian law, Parliament strongly advocated the establishment of a **Special Court in Sierra Leone**, an international commission of inquiry in the context of the conflict in the Democratic Republic of Congo, and an **ad hoc tribunal on East Timor**, and urged all countries and parties in the Western Balkans to fully cooperate with the International Criminal Tribunal for the former Yugoslavia.

Parliament continued to be committed to the abolition of the **death penalty** worldwide. It strongly defended its point of view that no country which has not abolished the death penalty may become a member of the EU. In the meantime, all accession countries, including Turkey, have abolished capital punishment. A major step forward was the adoption of **Protocol No 13** to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances, which entered into force on 1 July 2003.

Parliament called on the EU Presidency to ensure that a **universal moratorium on executions** was adopted at the UN General Assembly in 2003, with a view to completely abolishing the death penalty². By November 2003, 112 countries had abolished the death penalty in law or practice. 83 countries still retain and use the death penalty³. Over the years, Parliament has consistently called on third countries to commute death sentences and immediately to put an end to all forms of degrading and cruel corporal punishment, such as **public executions and stoning** (under Sharia law). In this regard, the EP has regularly appealed to countries such as China, Iran,

¹ P5_TA(2003)0375 adopted 4.9.2003, para 180 + 182 (EP Annual Report 2002); see also Council Conclusions and Guiding Principles of 30.9.2002, Council Common Position of 11.6.2001, 16.6.2003; Council conclusions of 21.7.2003, 17.6.2002.

² P5_TA-PROV(2003)0461 adopted on 23.10.2003.

³ Amnesty International web info last update on 13.11.2003: 76 countries had abolished the death penalty for all crimes; 16 countries had abolished it for all but exceptional crimes such as wartime crimes; 20 countries were abolitionist in practice: i.e. had not carried out any executions for the past 10 years. In 2002, 81% of all known executions took place in China (officially known 1,060), Iran (at least 113) and the USA (71).

USA, Saudi Arabia, Nigeria, and Sudan (see chapter on individual cases raised). The EP has so far noted with satisfaction the de facto moratorium on stoning in Iran since the end of 2002¹.

The adoption of the **Optional Protocol to the Convention against Torture**² – which introduces national and international monitoring mechanisms for places of detention – received strong support from the EP and the EU in general. The EP welcomed the **Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment**, as a decisive step towards making the eradication of torture a key objective of EU human rights policy³. The European Parliament is proud of its role in the creation of funding for the prevention of torture and the rehabilitation of torture victims.

Another strong concern for Parliament regards the uncontrolled **spread and misuse of small arms**, which is greatly responsible for violations of human rights all over the world. Parliament called for a strict EU arms export policy that prevents transfers of weapons to human rights abusers, and urged the Member States to advocate the adoption of a comprehensive and effective action programme at the July 2001 'UN Conference on the illicit trade in small arms and light weapons in all its aspects' which was the first global initiative to tackle this humanitarian challenge. Another important call from Parliament regards the restriction of the manufacture, trade and use of **equipment for capital punishment, torture or other cruel, inhuman or degrading treatment**, on which the Commission presented a proposal for a Council Regulation on 30 December 2002 as follow-up to the UN Conference.

Parliament has actively promoted the concept of **conflict prevention**, of which human rights and democracy must be an integral part. As early as 1995, Parliament took the initiative of creating an **EU Crisis Prevention Network**, which gathers and disseminates information about situations which are likely to develop into open conflict. Parliament is in favour of providing immediate financing for non-combat (civilian) activities and therefore supported the creation of the **EU Rapid Reaction Mechanism**⁴, which provides funding for human rights projects⁵. An important achievement in the area of conflict prevention is the **Kimberley Process**, which introduces a certification scheme for the international trade in rough diamonds. The Kimberley Process has been put in place since the beginning of 2003 as a multilateral initiative bringing together governments, the diamond industry and NGOs with the aim of eradicating the trade in conflict diamonds, which has contributed to countless deaths and severe human rights violations in a number of African countries⁶.

The aftermath of 11 September has created new challenges for the promotion and protection of human rights. The European Parliament is convinced that maintaining respect for human rights must be a condition in the **fight against terrorism**. A counter-terrorism clause is now incorporated in new EU agreements, and technical assistance is provided to states for combating illegal arms trafficking and border management. Parliament has taken several initiatives on the

¹ See also EU declaration of 30.9.2002 on stoning.

² Adopted at the meeting of the 3rd Committee of the UNGA in 2002; see also EU declaration of 20.12.2002.

³ Guidelines adopted on 9.4.2001; See also Council's Working Paper on the Implementation of the Guidelines, Dec. 2002.

⁴ Council Regulation adopted on 26/27.2.2001.

⁵ OJ C 343, 5.12.2001, p. 261; see also Commissioner Patten's statement on 'current and future trends of the human rights' agenda' at the NGO special seminar on 14.7.2003.

⁶ Council Regulation (EC) No 254/2003 of 11.2.2003.

situation of the prisoners held in Guantánamo, the American base in Cuba, with particular attention to their right to a fair trial¹.

The fight against **racism and xenophobia** is one of Parliament's major concerns at EU level, in the accession countries and in third countries. The 5th parliamentary term has seen the adoption of several important resolutions on the issue² and the participation of the EP in the **World Conference against Racism** (Durban, 2001). Parliament urged the Member States to take active measures to combat xenophobia and racism against refugees, asylum seekers, migrants, and caste discrimination, including the ratification without reservation of the Convention on the Elimination of All Forms of Racial Discrimination. Action to combat racism is discussed under the political dialogue and represents one of the four priorities of the funding through the EIDHR budget. In 2002, EUR 21 m was spent in 20 countries for related projects.

As regards the protection of **minority rights** in the accession countries, the Copenhagen political criteria specifically include respect for minorities as a prerequisite for accession to the EU. The European Parliament has actively supported the protection of minorities through PHARE programme funding and the evaluation of progress in the countries concerned in the context of its annual resolutions on the Commission's progress reports. The parliamentary conference under the **Stability Pact** (created in 1999) offers Parliament a platform for contributing to peace, democracy, human rights and reconciliation between ethnic groups in the south-eastern European countries.

As regards the protection of the **Rights of the Child**, major initiatives during this 5th parliamentary term were taken against the use of child soldiers and child labour.

Parliament unequivocally condemned the forcible and systematic kidnapping of children who are pressed by insurgent groups into service as soldiers, as a heinous crime that merits the urgent attention of the international community. The EP therefore welcomed the entry into force of the **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts** (12 February 2002), which sets the age limit for recruiting children as members of the armed forces at 18, and called on all EU Member States to ratify the Protocol without reservations. Parliament also called for **EU guidelines on children and armed conflicts**, which the Council adopted in December 2003. Monitoring, reporting and analysis are to be the basis for effective action to influence third countries and non-state actors, to provide actual protection to children from the effects of armed conflict, to halt the use of child soldiers and to end impunity.

As regards action against **child labour**, the ILO Worst Forms of Child Labour Convention of 1999, and the ILO Minimum Age Convention are major instruments for the application of labour standards. Since 2001, Parliament has expressed itself in favour of a coherent policy in the area of Corporate Social Responsibility by setting fair social standards in order to combat the problem throughout the world. In line with Parliament's demands, the Commission has proposed an integrated strategy including voluntary initiatives, core labour standards in agreements with third

¹ see resolution P5_TA(2002)0066 adopted on 7.2.2002; hearing organised by the Committee on Civil Liberties, October 2003.

² OJ C 377, 29.12.2000, p. 366 (Countering Racism and Xenophobia in the EU), OJ C 377, 29.12.2000, p. 376 (Countering racism, xenophobia and anti-Semitism in the candidate countries), OJ C 87 E, 11.4.2002, p. 149 (World Conference against Racism).

countries and capacity building for countries to implement and respect core labour standards¹. On the basis of the **revised Generalised System of Preferences** (December 2001), the social incentive scheme grants additional preferences to countries which respect core labour standards. On the same basis the temporary withdrawal of the general preferences was extended to cover the serious infringement of all ILO core conventions, e.g. in the case of Burma/Myanmar. Funding is allocated under the EIDHR for projects tackling the issue of child labour and slavery².

Violence against **women**, including **genital mutilation, rape in wartime** and **trafficking in women for sexual exploitation** are issues of great concern. Although 53 states are parties to the UN Convention on the Elimination of All Forms of Discrimination against Women (as of 2 November 2003), discussions at the 59th session of the UNCHR and at the 47th session of the Commission on the Status of Women have shown that the tendency persists to justify violation of women's rights - genital mutilation and honour crimes in particular - on the basis of religion, customs and traditions. Consequently, the relevant Beijing platform recommendations would be seriously challenged³. In a number of resolutions, Parliament has called for **genital mutilation** to be fully recognised as a human rights violation. It underlined the need to provide for the treatment of victims and called for suitable protection to be given to such women where they seek asylum⁴. Parliament actively supported the project 'Stop FGM: an International Campaign to eradicate Female Mutilation' in African, Arab and EU countries, which received an EIDHR grant of almost EUR1 m. Parliament has put forward several recommendations on how **to counter violations of women's rights in EU external relations**, proposing, inter alia, the inclusion of special clauses in addition to the general human rights clause in external agreements, together with incentive and punitive measures in case of non-respect⁵. The fight against **trafficking in women and children** has, in accordance with the EP's request, become an integral part of the political dialogue with the countries concerned. TACIS and CARDS finance anti-trafficking projects in Eastern and South-East Europe. The Commission confirmed that an action plan has been elaborated in the context of the EU-Africa-Dialogue. As concerns protection of victims at EU level, the Justice and Home Affairs Council reached an agreement on residence permits for third-country nationals that have been victims of trafficking⁶.

Parliament is attentive to the situation of **human rights defenders**. Human rights defenders have come under threat after having testified before the European Parliament about the critical situation in their country (see ACAT case in the chapter on individual cases raised). Cases of kidnapping and even killings of relief workers are well known. The situation of human rights activists who are becoming targets of human rights violations themselves, due to harassment from state authorities, intimidation, arbitrary detention and torture, has worsened in the aftermath of 11 September. Counter-terrorism measures by governments often limit the freedom of expression and movement of human rights activists to a disproportionate extent in comparison

¹ Communications on the EU's role in promoting human rights and democratisation in third countries, COM (2001) 252, of 8.5.2001, and Communication on Promoting Core Labour Standards and Improving Social Governance in the Context of Globalisation, COM(2001) 416, of 18.7. 2001.

² Under the 2001 budget, € 1,252,375 was allocated to promote children's rights and to combating child trafficking, modern forms of slavery and the exploitation of minors in Gabon, Benin, Togo and Nigeria. Such support complements the assistance which is channelled through country-specific programmes.

³ see EU Annual Report 2003, page 83.

⁴ OJ C 77 E, 28.3.2002, p. 126.

⁵ P5_TA-PROV (2003)0497 adopted on 19.11.2003.

⁶ Council Justice and Home Affairs 6.11.2003.

with their legitimate work. The Commission, which shares Parliament's concern, has introduced specific security clauses in contracts with implementing partners of EC humanitarian assistance.

Parliament expressed its concerns on the vulnerable position of **indigenous peoples** worldwide. In line with its request, the Commission confirmed that, pursuant to the Council conclusions of 18 November 2002, specific references to indigenous peoples have already been included in the Community agreements under negotiation as regards Central America and the Andean Community¹. Major attention will also be given to the needs of indigenous peoples in the context of political dialogues. Parliament itself is in favour of establishing a permanent delegation between the European Parliament and the **UN Forum on Indigenous Peoples**.

The European Parliament's internal structure for human rights and democracy issues

At the beginning of the 5th parliamentary term, the **Subcommittee on Human Rights**, which existed under the Foreign Affairs Committee between 1984 and 1999, was abolished. The political groups could not reach an agreement on whether to create a fully-fledged committee on human rights responsible for human rights within and outside the Union or whether to re-establish the subcommittee. Parliament's authorities opted for the solution of strengthening human rights issues in the framework of the main committee responsible. A **human rights working group**, composed of MEPs from all political groups, was created and held meetings in the framework of the Foreign Affairs Committee meetings dedicated mainly to the human rights situation in a specific country. A working group dealing with human rights specifically in relation to ACP countries was also established under the Committee on Development and Cooperation. The Interparliamentary Delegations, Joint Parliamentary Committees and Parliamentary Cooperation Committees discussed human rights issues at their meetings with parliamentarians from partner countries. Responsibility for fundamental rights within the European Union lies with the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs. However, the arrangements, which should have led to improved consideration of human rights matters, were not satisfactory, mainly because of logistic constraints.

Parliament kept its commitment to undertake a review of its own structures and the working methods of its competent bodies dealing with human rights high on the agenda. Most recently, it has been decided to re-establish a subcommittee on human rights at the beginning of the next parliamentary term. Some means must be devised of ensuring that members' attendance is increased and of strengthening the competences of the new subcommittee in order to make its work more visible and result-orientated. In line with the requests made by Parliament since 2000 and in particular in last year's annual report, a coordinated approach needs to be found in order to **mainstream human rights** in its external relations activities - CFSP, development cooperation and external trade- and **to link up the activities** of the future subcommittee, the main committees responsible and the interparliamentary delegations. A consistent **follow-up to Parliament's resolutions** by the Commission, the Council and the third countries concerned, with particular attention to individual cases raised, needs to be ensured.

¹ see also Commission's Report on review of progress of working with indigenous peoples, 11.6.2002.

Trends in the war on terrorism

Combating terrorism regularly goes hand in hand with increased infringements of citizens' rights and freedoms. This proves to be the case in many countries: those which have not adopted a specific definition of terrorism, refusing to define it as a particular and autonomous crime, those whose legal systems have included the phenomenon of terrorism under related laws, and those which have a specific definition of the crime of terrorism.

Legally, combating terrorism is less a question of how to define it in criminal law than of criminal law procedures. In all countries, various police bodies have been given increased powers to investigate and prosecute in order to combat terrorism. This infringement of citizens' rights and freedoms, which is presented as justified to combat terrorism effectively can also be seen in the context of international police and judicial cooperation.

A study of the procedural mechanisms adopted in the various legal systems to investigate, identify, prosecute, judge and punish acts of terrorism shows up judicial solutions which very often differ from the traditional rules of the various national criminal procedures. Some of these solutions are actually at odds with the rules that are generally accepted by lawyers who are concerned to protect the rights of the individual; they must however be weighed against the necessary and just as legitimate defence of democracy: giving priority to one imperative inevitably leads to relative jeopardy of the interests supported by the other imperative. Combating terrorism does not just endanger the freedom of the individual. Although it is important to underline the need for prudence which those active in preventing individual acts of terrorism and seeking out the perpetrators of these acts must bear in mind, and which is one of the defining elements of a constitutional state, the collective aspects of a relentless war against terrorism must not be forgotten.

Emotional reactions such as fear, anger, frustration and a desire for vengeance can lead a country to adopt repressive measures which have a strong effect on the fundamental rights of individuals. Despite this opposition to the methods and aims of the terrorists, the threat remains that questionable measures will be applied not to suspect individuals, but to a whole section of the population, because of their nationality, religion, race or political opinions. A collective response is dangerously seductive for those who wish not to punish terrorists, but terrorism, at least the terrorism that has affected them, by removing not only the perpetrators but also those who constitute the causes.

This collective punishment can take different forms. Racism is one, institutionalised discrimination is another. Measures taken against the activities of a terrorist group contain the seeds of a threat not only that others will be affected, but that everyone belonging to the nationality of the target group will be suspect, and then the halo effect will extend this suspicion to all foreigners.

The next stage is the massive use of armed forces against another state. The victim state is therefore tempted to use armed force to attack another country unilaterally, on the pretext that it harbours terrorists. The status of the combatants in the war on terrorism is highly ambiguous and the source of a good number of violations of international human rights law. The military do not grant them prisoner of war status because of the odious acts that they are suspected of having committed, but their fate, from the point of view of their detention conditions and also the

outcome of their detention, is in the hands of the armed forces, with no public scrutiny or supervision by humanitarian organisations.

Another oppressive measure is forced segregation. In this scenario, the terrorist is identified with the population from which he comes, and the solution adopted is to prevent those people from mixing with the victim population. The geography of natural resources however does not always follow that of the political will. The result is that people are cut off from other parts of their territory or from natural resources that were previously available to them. The access points to the victim's territory become very highly protected zones and also very dangerous places, as the situation leads to searches, blackmail, humiliation or corruption.

Tolerance of human rights infringements is also, paradoxically, a violation of human rights. Pressure on some countries to cease serious abuses of fundamental rights weakens when there is a need to obtain their cooperation in combating terrorism. Moreover, many abuses against certain groups of people have been justified on the grounds of combating terrorism. These abuses, far from being condemned by the international community, are tolerated because of the need to cooperate with these countries throughout the global war on terrorism. In addition, other forms of response, such as extrajudicial executions, which often provoke 'collateral damage' then meet with general indifference, even if they have violated the sovereignty of a country subject to a revenge attack.

In conclusion, we should note the attacks on journalists who are trying to inform the public. Clearly for the purposes of an investigation, information must not be disseminated that could inform terrorists of the progress of investigations against them. This need for discretion, however, leads in certain cases, in the name of combating terrorism, to systematic press censorship and to using the press for propaganda and misinformation purposes. In this case it is not just the journalists who are victims of abuses, but the whole population from whom essential information is withheld and who are manipulated in order to obtain their support for an action which, without this misinformation, would be deprecated even by the victim population. In some countries, press censorship is backed up by threats and physical intimidation of journalists who seek information or do not want to disseminate misinformation.

The intention here is not to make human rights a framework for a laissez-faire policy which favours terrorism, i.e. actions which, by virtue their aims and methods, constitute a negation of fundamental rights. However, using the same methods of 'ends justifying means' gives moral ammunition to those who take the action that we seek to combat. The solution is not a relentless war and a great deal of collateral damage but rather to promote absolute respect for human rights, so that the death of innocent people can no longer be considered acceptable, whatever the cause or aim of the action, and the perpetrators of acts of terrorism may no longer obtain support even from the part of the population that they claim to defend.

Reproductive health

"Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. States should take all appropriate measures to ensure, on the basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health. Reproductive health care programmes should provide the widest range of services without any form of coercion. All couples and individuals have the basic right to decide freely and responsibly the number and

spacing of children and to have the information, education and means to do so.” ICPD Programme of Action went further: Chapter 2, principle 8.

Access to reproductive health care comprises all forms of services which relate to the sexual and reproductive cycle, including medical, educational, nutritional, counselling and informed consent services. It has been proven that, if one of the components is missing, this has immediate repercussions on the quality of life and life expectancy in the relevant country.

The consequences, if the human right of access to reproductive health is denied, are as follows:

- One woman dies each minute from pregnancy-related causes and another 13 suffer severe complications.
- About 200 000 maternal deaths per year result from the lack or failure of contraceptive services. (At least 75 million of the 175 million pregnancies each year are unwanted, resulting in 45 million abortions and 30 million live births).
- There are approximately 100 abortions per minute, of which 40 are performed in unsafe conditions by people who are not medically trained. 70 000 women die each year from unsafe abortion.
- Almost half of all deliveries in developing countries take place without a trained medical attendant present.
- Over 350 million couples lack access to a range of family planning services. Approximately 126 million women would use such services immediately if they were available and affordable.
- 1 million women each year die as a result of reproductive tract infections, including sexually transmitted infections not related to HIV/AIDS.
- HIV infects ten people per minute; half are 24 years of age or younger.
- Rape and other forms of sexual violence are increasing, including in Europe. Domestic violence is a leading cause of suicide among younger women.
- Over 100 million women who would otherwise be alive are missing as a result of sex selective abortion, infanticide and neglect.
- 2 million girls between 5 and 15 are introduced into the commercial sex market each year, many against their will in a situation of virtual slavery.
- Approximately 130 million women have been the victims of female genital cutting or mutilation with another 2 million at risk every year.
- There are some 2 million women living with obstetric fistula, a horrible condition resulting from problem pregnancies, primarily afflicting young women whose birth canals are underdeveloped and who do not have access to emergency obstetric care. The baby cannot pass through the birth canal and is frequently stillborn. After days of labour, the women are left with a torn bladder or intestine or both, leaving them unable to control bodily functions.

They are often social outcasts, disowned by their families and left to beg for a living. As a comparison, the last fistula hospital in the United States closed in 1886.

Access to reproductive health is not a 'women's' issue alone, nor is it only a question of developing countries. HIV/AIDS affects both sexes equally and the absence of prevention, lack of supply and failure to provide treatment affect men and women equally. The death or invalidity of a family member, be it the mother or the father, generate grave social consequences for the whole family.

The AIDS epidemic in Eastern Europe and Central Asia is increasingly worrying. Some 230 000 people were infected with HIV in 2003, bringing the total number of people living with the virus in this region to 1.5 million. AIDS claimed an estimated 30 000 lives in the past year. For instance, in the Russian Federation, newly diagnosed HIV infections rose to 33% in 2002, compared to 24% a year earlier. (Comparable figures concern Ukraine, Moldova, Belarus and Central Asian countries). Even though the main factor of transmission is the increase in use of drugs, there is also a sharp rise in mother-to-child transmission of the virus. The figures indicate the onset of a new stage in the epidemic in parts of the countries, where the sexual spread of the virus is becoming a more prominent feature. Because most injecting drug users are young and sexually active, a significant share of new infections is occurring through sexual transmission.

On the other hand, there are examples of good practice, which prove that an active governmental policy can make a major contribution to bringing down the number of new HIV/AIDS infections and, furthermore, to improving other reproductive health figures such as maternal mortality, other sexually transmitted infections (STI), female genital mutilation (FGM) and all social factors linked to these issues (e.g. Uganda, Senegal, Philippines).

A burning problem remains the access to reproductive health care for refugees and in emergency contexts, as refugees, and in particular women, are highly vulnerable, and this results in higher maternal mortality and morbidity, increased (often unsafe) sexual activity with an increased risk of STI and increased fertility rates.

Access to reproductive health can only be guaranteed if the international community meets the goals set in the Cairo Programme. The Millennium Development Goals do not specifically mention reproductive health, but cover three major items: child mortality, improving maternal health and combating and preventing HIV/AIDS. To meet the goals endorsed by 179 countries in the Programme of Action to provide universal access to reproductive health by 2015, full international involvement must be ensured. While developing countries contributed 76% of their share and the donor countries only 45% or even less of their share, the contributions from UN organisations amounted to just 17.6% of the ICPD target for 2000. All in all, this represents a total of 45.6% of the ICPD target for the year 2000. The situation is made even worse by the policy conducted by the US since the Bush Administration came into place. The US Administration withheld funds from the UNFPA in 2002 and 2003, and will most probably do so again in 2004. The administration withheld US\$ 34 m from the UNFPA in 2002 alone and is continuing this policy in 2003. Assistance to any foreign non-governmental organisations which provide, advise on or advocate abortion has been cancelled. Furthermore, this policy was extended in 2003 to include all assistance for voluntary population planning for emergency and refugee assistance, e.g. the IPPF. While the EU is trying to make up for this loss, far more financial resources need to be devoted to meeting these goals.

The rights of disabled people

According to the United Nations, one person in twenty in the world is disabled. Three-quarters of disabled people live in developing countries and there is a clear difference between rich countries and poor countries, between countries at peace and countries at war. But many of the causes of incapacity, disability and disabling situations can be avoided. If they result from infection or trauma (violence, armed conflict, road accidents) they could be prevented and/or treated if sufficient resources were available. But even congenital disabilities can be alleviated in developed countries. This is not so in developing countries, where the combined effects of poverty, conflicts and disability form a vicious circle. People who are mutilated by war, displaced, psychologically traumatised, mentally unstable and far from any care or rehabilitation centre are hidden victims who often do not feature in statistics on the outcome of armed conflicts. Many of these victims are simply counted as collateral damage.

In the European Union there is still an ongoing, daily struggle for the rights of disabled people and for them to be fully integrated into the working population and not face any discrimination (conscious or unconscious, deliberate or not). This is the evidence presented by the Forum which closed the European Year of People with Disabilities in 2003. What are we to think of what is happening in the world if not even the country's resources, legislation, national priorities or local solidarity can tackle the problem?

In low-income countries, incapacities and disabilities limit or cut off altogether any access to education and employment and even sometimes to fundamental rights. They lead to social and economic exclusion and thus poverty, which reduces life expectancy still further. European associations' demands for the right to a responsible sex life and parenthood seem an inappropriate luxury. Mental disability is sometimes denied or ignored but it can also mean that sufferers are treated, cared for or detained in degrading conditions and sometimes suffer forced sterilisation. Physical and/or sensory disability can lead to exploitation (forced and organised begging), even in countries applying to join the EU.

The work of NGOs in this area is remarkable and essential. Many of these associations do not simply treat the disability or deficiency and rehabilitate the people concerned, but they also aim to ensure that their fundamental rights as people and citizens in their own country are recognised. They also act to combat the causes of disabilities and deficiencies, of whatever kind.

There should be particular support for NGOs working to combat anti-personnel mines. Every year mines cause approximately 26 000 deaths in the world, in current or former conflict zones. Various mine clearance programmes developed for each situation not only aim to rehabilitate the victims, including a large number of children, but also try to persuade the warring factions, whether governments or not, not to use these murderous devices. Although the Landmine Monitor (ICBL, Nobel prizewinner 1997) shows that the number of mine-producing countries has dropped from 54 to 16 in a few years and that 22 million mines have been destroyed by about 50 countries, it must be said that many countries, and not just the small ones (USA, Russia, China, India, Pakistan, etc) have not yet signed the Ottawa Treaty, and do not seem to have decided to commit themselves, and other countries which have signed have not honoured their commitment.

ANNEX I - INDIVIDUAL CASES RAISED BY THE EUROPEAN PARLIAMENT

(see list ANNEX II - LIST OF RESOLUTIONS)

PEOPLE SENTENCED TO DEATH

Famous examples of individual cases were:

- **Amina Lawal, Safiya Hussaini and Hafsatu Abukabar, three women who were accused of adultery and sentenced to death by stoning in the northern states of Nigeria under Sharia law.** Sharia law has been introduced in a dozen largely Muslim northern states during the last three years. The code does not apply to Christians. The fate of these women received a lot of international attention. Particularly important were the roles played by civil society and human rights and non-governmental organisations. The European Union followed the proceedings closely and issued statements on various occasions. Between 2001 and 2003, Parliament adopted several resolutions¹ calling on the Nigerian Supreme Court to deliver a judgment bringing regional legislation into line with the international law that Nigeria has signed up to, in particular the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights.

The Sharia Court of Appeal of Sokoto State upheld the appeals of Hafsatu Abubakar and Safiya Hussaini in January and March 2002 respectively, and acquitted them.

In the case of Amina Lawal, who was sentenced to death on 22 March 2002 after she confessed to having had a child while divorced, the Funtua Upper Sharia Court in Katsina State dismissed the appeal against her conviction on 19 August 2002. The Court further ruled that, in line with an earlier decision by the lower court, Lawal would not be executed until the child was weaned - a period set to end in January 2004. Amina Lawal was given the opportunity for appeal at federal level in the context of the Sharia System. In view of the hearing, the European Parliament called on the Upper Sharia Court of Appeal of Katsina to uphold its commitment to all the international agreements entered into by Nigeria in the human rights field. The Appeal was postponed several times and took place on 27 August 2003. **A month later, on 25 September 2003, the court issued its judgment. Amina Lawal was acquitted and set free.** The appeals panel overturned the original conviction, largely on the basis of irregularities.

- Another case that attracted a lot of attention was that of **Dr Hashem Aghajari**, the head of the history department at Tarbiat Modaress University in **Teheran**. Dr Aghajari, a prominent member of the reformist movement, which supports President Mohamad Khatami, was sentenced to death for apostasy by a local court in the town of Hamedan after giving a speech entitled 'Islamic Protestantism', reportedly calling for a 'religious renewal of Shiite Islam' in which Muslims should not 'blindly follow religious leaders'. The sentence had triggered several days of strikes amongst university students in Iran and provoked widespread criticism in Iran and abroad. Parliament urgently called for the death sentence against the Professor to be suspended

¹ OJ C 140 E, 13.6.2002, p.583, OJ C 127 E, 29.5.2003, p. 686, OJ C 272 E, 13.11.2003, p.486, P5_TA(2003)0105 adopted 13.3.2003.

immediately or commuted on appeal in line with the International Covenant on Civil and Political Rights.¹ **On 14 February 2003, Amnesty International reported that according to the London-based Kahyan newspaper, the death sentence against Dr Aghajari had been repealed.** Without confirmation by the Judiciary however, the case has to be monitored.

- In line with its firm opposition to the use of the death penalty, the European Parliament called on the Turkish authorities not to carry out the death sentence imposed on **Mr Öcalan**, particularly as **Turkey** had observed a de facto moratorium on capital punishment since 1984 and had announced its abolition.²

- Parliament adopted several resolutions on the death penalty in the **US** calling for sentences to be commuted, for example those of **Derek Rocco Barnabei**, sentenced to death in the State of Virginia, and of **Juan Garza**, prisoner under US federal law.³ **Both men were executed; Barnabei in April 2000, and Garza in June 2001.**

- The European Parliament continued to express its concerns on the extensive use of the death penalty in **China**. Executions sometimes occur within hours of sentencing. On 2 December 2002, the Intermediate People's Court of Ganzi Tibetan Autonomous Prefecture made its judgment of first instance and sentenced Tenzin Deleg Rinpoche, an influential Buddhist lama, to death, suspended for two years, and sentenced his attendant, Lobsang Dhondup, to death for immediate execution. It was the first reported case for many years of death sentences being passed on Tibetans for alleged political offences, 'action against the security of the State'. The European Parliament urged the Chinese Government to commute the death sentences handed down to both men⁴ in vain. **Lobsang Dhondup was executed on 26 January 2003**, immediately after the Higher People's Court rejected the appeal of the two defendants and affirmed the original judgment.

The EU reiterated its concerns on the conditions under which the trial was conducted and the lack of certainty as to whether due process and other safeguards for a fair trial were respected, and considered this a serious violation of the rights of the two defendants. The EU, therefore, urged the Chinese authorities to review the case against Tenzin Deleg Rinpoche and expressed its expectation that his death sentence would not be upheld.⁵

HUMAN RIGHTS DEFENDERS

- The case of **Riad Al Turk in Syria** has been subject to a resolution of the European Parliament; the case was also treated at a hearing of the Human Rights Working Group on 4 June 2002.⁶

Riad al-Turk, a leading member of the National Democratic Alliance, a coalition of various Syrian opposition groups, and the First Secretary of the unauthorised Syrian Communist Party, had been detained as a prisoner of conscience without charge or trial and mostly incommunicado

¹ P5_TA(2002)0573 adopted 21.11.2002.

² OJ C 301, 18.10.1999, p. 32.

³ OJ C 40, 7.2.2001, p. 424, OJ C 121, 24.4.2001, p. 404.

⁴ P5_TA(2002)0632 adopted 19.12.2002.

⁵ Declaration by the EU, 5.2.2003.

⁶ OJ C 261 E, 30.10.2003, p. 595.

from 1980 to 1998. Riad al-Turk was re-arrested by the security forces on 1 September 2001 during a wider crackdown on government critics. He was sentenced to two and a half years in prison by the Supreme State Security Court on charges including 'attempting to change the constitution by illegal means' on 26 June 2002. The European Parliament urged the Syrian authorities to take serious account of the concerns expressed regarding the health of Riad al-Turk and called for his immediate release. Parliament pointed out the current process of an intense dialogue with the Syrian authorities with a view to concluding an association agreement and therefore called on the Council and the Commission to make representations to the Syrian authorities in an effort to secure the release of Riad al-Turk. **Following a personal presidential amnesty he was released on 16 November 2002.**

- Human rights defenders in **Egypt**, already subjected to repression in the past, have been made even more vulnerable since the promulgation of a new law on associations in June 2002. A prominent case was **Mr Saad Eddin Ibrahim, Director of the Khaldoun Centre for Development Studies** who had been sentenced, along with his 27 co-defendants, for the first time in May 2001 to seven years' imprisonment on charges of accepting EU funds without prior official authorisation. He was also charged with forgery of electoral cards, misappropriation of funds, and disseminating false information abroad contrary to the interests of Egypt. The judgment had been confirmed in a second trial by the Egyptian Supreme State Security Court on 29 July 2002.

The situation raised grave concerns amongst national and international human rights organisations, and was denounced by all the actors of the international community, including the European Parliament that has followed the case closely.¹ The European Union clarified that the Ibn Khaldoun Centre and the Hoda Association had - on the basis of duly signed contracts - received project funds worth a total of EUR 315 000 from the European Commission. Independent audits gave no evidence of the alleged falsification of documents. The EU reiterated its full support of the defendants and expressed its opinion that the verdict against Dr. Ibrahim and his co-defendants has done serious damage to Egypt's image abroad.²

Mr Eddin Ibrahim was finally released upon a second decision of the Court of Appeal on 3 December 2002, pending for the final and definitive verdict pronounced on 18 March 2003.

Further examples of Parliament's attention to the situation of human rights activists who came under threat from the authorities of their countries were:

- **Mr Yannick Bigah, Chairman of ACAT (Action by Christians for the Abolition of Torture) from Togo who suffered harassment** because of the contribution made by ACAT at a hearing organised by the European Parliament on the human rights situation in his country. Mr Bigah was forced to flee the country and other members of ACAT have been obliged to go underground. Parliament called on the Togolese authorities to publish a statement in which they guarantee the safety of the members of ACAT – Togo and to ensure that they may freely pursue their activities in defence of human rights. **Mr Bigah was granted political asylum in Belgium in January 2004.**³

¹ OJ C 272 E, 13.11.2003, p. 485, OJ C 053 E, 28.02.2002, p. 406.

² Declaration by the Presidency on behalf of the EU 30.07.2002 (11415/02 Presse 225).

³ P5_TA-PROV(2003)0131 adopted 8.4.2003.

- **Mr Akin Birdal, President of the Human Rights Association of Turkey (IHD)**, sentenced in 1998 on the grounds that his speech during the World Day of Peace constituted an incitement to hatred, and seriously wounded in an assassination attempt in 1998. After having been released on 25 September 1999 on health grounds, the Turkish courts decided on 30 March 2000 that he must serve the rest of this sentence in prison. The European Parliament condemned his re-imprisonment and insisted that the Turkish authorities release him immediately, particularly in view of the strict application of the Copenhagen political criteria in the applicant countries.¹
Akin Birdal was finally released in September 2000.

- **Flora Brovina, the Albanian doctor and human rights campaigner**, who was sentenced to twelve years' imprisonment in February 2000 by a court in the Serbian city of Nis. The European Parliament appealed to the Serbian government to immediately release Mrs Brovina, who was in poor health. In addition, it called on the Council to take a decisive initiative with a view to exerting strong pressure on the Belgrade authorities and obtaining the release of Albanian Kosovar political prisoners. **On the orders of the newly elected President Kostunica she was released on 1 November 2000.** Three weeks later the European Parliament's Delegation for Relations with South-Eastern Europe held a meeting with Mrs Brovina in Brussels.²

- **Mr Nazar and Mr Kautsa, internationally recognised Acehnese human rights activists**, were sentenced on the grounds of spreading hatred against the government following their participation in peaceful pro-independence meetings. Parliament called on the Indonesian Government for their immediate release and for protection of human rights defenders and to allow the UN Special Representative on Human Rights Defenders to visit the province of Aceh.³
On 1 July 2002, a five-year prison term was handed down to Mr Nazar, who is still in prison. Mr Kautsa was acquitted of all charges and released in November 2001, after he had spent four months in detention.

- **Arjan Erkel, the head of the Médecins Sans Frontiers mission in Dagestan**, who was abducted on 12 August 2002. Parliament called on the Russian authorities to step up their efforts to find and free Mr Erkel.⁴ President Cox wrote to the Russian Ambassador to the EU about the case and met with representatives of Médecins Sans Frontières.

JOURNALISTS AND SCIENTISTS

Cases of journalists, mainly from independent media, or cases of scientists who have been detained and questioned concerning alleged defamation and/or crimes against the security of the state were brought up by Parliament in its resolutions on various countries. Parliament takes the view that the EU must be vigilant on behalf of citizens persecuted or imprisoned for their scientific, environmental or humanitarian commitments or positions, in the same way as political prisoners.⁵ Some of the most striking cases which have been raised by Parliament are listed below.

¹ OJ C 40, 7.2.2001, p. 422.

² OJ C 339, 29.11.2000, p. 273, OJ C 067, 1.3.2001, p. 291, OJ C 232, 17.8.2001, p. 352.

³ P5_TA(2003)0271 adopted 5.6.2003.

⁴ P5_TA(2003)0335 adopted 3.7.2003.

⁵ P5_TA-PROV(2003)0375, para 47, adopted 4.9.2003.

- The case of **Grigory Pasko** was highly symbolic of restrictions on the right to freedom of speech in **Russia**. Grigory Pasko, a military reporter, was convicted of treason on 25 December 2001 and sentenced to four years' imprisonment in a work camp in Vladivostok for bringing to light the brewing nuclear disaster represented by the Russian Navy's ageing Pacific fleet and its negligent waste disposal practices. In its resolution on his verdict, the EP urged the Russian authorities to release Grigory Pasko immediately, halting further judicial proceedings, and expressed its hope to see positive steps by President Putin. Parliament called on the Council to express the EU's Deepest concern and its sympathy with the imprisoned journalist and to put the subject of freedom of the media at the top of the agenda for the next EU-Russia meetings.¹

On 1 January 2003, amendments of the Russian Criminal Procedure Code entered into force, allowing consideration of cases by the Presidium based on the fact that a supervisory appeal is submitted. **These amendments have opened the gates to the Presidium for Grigory Pasko who was granted a parole release on 23 January 2003.**

The European Court of Human Rights in Strasbourg has taken on Pasko's case and is expected to reach a decision by the end of 2003. Among these rights spelled out by the European Convention on Human Rights that were violated in the Pasko case are the right to the determination of criminal charges within a reasonable time, the right to a fair trial, defence against being tried retroactively and under too extensive an interpretation of existing legislation, and the right to freedom of expression.

- **Alexander Nikitin, a Russian engineer**, was charged in 1996 with high treason and divulging state secrets for co-authoring a report for the Norwegian-based Bellona Foundation that documented the environmental dangers posed by the abandoned nuclear submarines of the Russian Northern Fleet in the Kola Peninsula. Parliament asked the Russian authorities to guarantee Nikitin an impartial and public trial and to dismiss the charges against him based on secret retroactive decrees, the application of which was contrary to the Russian Constitution.² The St. Petersburg City Court acquitted Alexander Nikitin in December 1999. **But only after the Supreme Court had dismissed the appeal of the Prosecutor-General on this decision in September 2000 was the criminal case against Nikitin brought to a close after five long years.**

- **Andrei Babitsky, the Radio Liberty Reporter**, was another case of a journalist who came under threat in **Russia**. The journalist had been covering the war in Chechnya before he was detained at a Russian checkpoint on 16 January 2000 and was then supposedly handed over by the Russian authorities to Chechen commanders in exchange for two Russian prisoners of war. Mr Babitsky, alleged to have been involved with armed groups, faced a prison sentence of up to five years if found guilty. Parliament called on the Russian authorities to ensure that Russian and international journalists can work in Chechnya without constraints and asked to provide a full account of the journalist's disappearance.³

¹ OJ C 271 E, 12.11.2003, p. 611, OJ C 284 E, 21.11.2002, p. 354.

² OJ C 189, 7.7.2000, p. 237.

³ OJ C 339, 29.11.2000, p. 277, OJ C 377, 29.12.2000, p. 358.

- **Professor Yuri Bandazhevsky, the Belarusian scientist**, has been sentenced on 18 June 2001 to 8 years' hard labour (with a ban on reading and writing) for denouncing the health situation in Belarus after the explosion of the Chernobyl nuclear power plant. The European Parliament considers that scientists such as Professor Bandazhevsky who are critical of officialdom should not be prosecuted under criminal law for their publications and sentenced to disproportionately lengthy terms of imprisonment. The European Parliament called on President Loukachenko to ensure that his case was reviewed by an independent commission and refers, in this connection, to the fact that the published results of the professor's work received international acknowledgement.¹

- The case of **Sergei Duvanov**, a leading independent journalist and editor of a human rights bulletin in **Kazakhstan** has attracted major attention. Sergei Duvanov was arrested on 28 October 2002 on charges relating to sexual offences with a minor which were based on dubious evidence. He has been sentenced to three and a half years imprisonment despite many irregularities in the investigation and a lack of adequate legal defence during his trial. Parliament expressed its great concern over the investigation, trial and sentencing of Sergei Duvanov and called for his immediate release as well as for an independent investigation into the case.²

The EU had followed the course of the events leading up to the trial of Mr Duvanov over several months, including through the attendance of an EU observer throughout the proceedings. The EU declared that the trial could not be considered fair according to OSCE standards. All the shortcomings raise concerns over the guilty verdict passed on Sergei Duvanov, and must also pose wider questions about the rule of law in Kazakhstan. The EU welcomed the offer by Kazakhstan to provide access to case materials concerning Mr Duvanov to professional jurists sent by the OSCE and will follow this up as soon as possible.³

- **Mr Olivier Dupuis, Member of the European Parliament, together with four other members of the Transnational Radical Party**, was arrested in **Laos** on 26 October 2001 and imprisoned for 14 days in particularly harsh conditions, with no contact with diplomatic representatives of their respective countries. The MEP and his four companions were detained on the grounds of a non-violent demonstration in favour of democracy and reconciliation in Laos organised on the occasion of the second anniversary of the '26 October 1999 Movement', whose principal leaders have disappeared and of whom no news has been forthcoming since that date. **Olivier Dupuis and the other four European activists were released after a two-year suspended sentence had been handed down by the Vientiane court to the detainees for propaganda against the Lao People's Democratic Republic.**⁴

- Parliament again passed a strong resolution on a case of two other European citizens arrested in **Laos** on 4 June 2003.⁵ The Belgian journalist, **Mr Thierry Falise**, and **Mr Vincent Reynaud**, a French cameraman, were arrested together with their Laotian escorts while producing a report on the Hmong, who were allied to the US during the Vietnam war and have a long history of resistance and aspirations to independence vis-à-vis the Laotian government. After having been sentenced to 15 years in prison on charges of 'obstructing an official in the performance of his

¹ OJ C 271 E, 12.11.2003, p. 614, OJ C .65 E, 14.3.2002, p.373.

² P5_TA(2003)0064 adopted 13.2.2003, P5_TA(2003)0467 adopted 23.10.2003.

³ Declaration by the Presidency on behalf of the European Union, 14 February 2003 6375/03 (Presse 45) P 18/03.

⁴ OJ C 140 E, 13.6.2003, p. 577.

⁵ P5_TA(2003)0340 adopted 3.7.2003.

duties', in a trial which failed to respect the defendants' rights, **the two Europeans and their Laotian interpreter were released on 9 July 2003**. The three other Laotians still remain in prison.

- **Shahbaz Huduoglu, editor-in-chief and founder of the Milletin Sesi (People's Voice) newspaper in Azerbaijan**, was sentenced to six months in jail by a Baku court on 17 September 2001 for having criticised Ramiz Mehdiyev, Head of the Presidential Office, in an article. The European Parliament called for his release without delay and the rights of the citizens in Azerbaijan, and the rights of journalists in particular, to be ensured.¹ **On 17 October 2001, the day when the Court of Appeals was scheduled to hear Mr Huduoglu's case, President Aliyev signed a pardon to release him in honour of the 10th anniversary of Azerbaijan's independence.**

POLITICAL PRISONERS - PRISONERS OF CONSCIENCE

A major concern of the European Parliament is the repression of political opposition in a large number of countries. The European Parliament has called for the release of all political prisoners:

- in **Kazakhstan, Kyrgyztan**, and particularly in **Turkmenistan**, which is one of the Central Asian states where the human rights situation has deteriorated dramatically recently; cases of unfair trials, torture and ill-treatment of political opponents, including death in custody, were subjects of strong resolutions of the European Parliament²;

- in **Eritrea**, following the arrest of representatives of the Eritrean opposition, including 11 former members of the Government, the ban on an independent press and the arrest of several journalists since September 2001 as well as the government crack-down on students in August 2001;³

- in **Equatorial Guinea**, where the sentencing of 68 opposition leaders to jail terms ranging from 6 to 20 years was a result of political trials that were internationally considered as unfair and in total disregard of the most fundamental rights of defence;⁴

- in **Ethiopia**, where 110 opposition politicians had been arrested, together with hundreds of students, and being kept in solitary confinement, among them **Lidetu Ayalew**, Secretary-General of the Ethiopian Democratic Party, the journalist **Seifu Mekonen**, and **Professor Mesfin Woldemariam**, founder and former President of the Ethiopia Human Rights Council, the country's first independent human rights organisation, and **Dr Berhanu Nega**, President of the non-governmental Ethiopian Economic Association, an eminent human rights activist;⁵

- in **Mauritania**, where the **leader of the Mauritanian Popular Front, Mr Chbih Ould Cheikh Malainine**, a former minister, as well as two other members of the MPF, had been sentenced in June 2001 to five years' imprisonment on charges of 'conspiracy against the state'

¹ OJ C 087 E, 11.4.2002, p. 261.

² P5_TA(2003)0467 adopted 23.10.2003, OJ C 47 E, 27.2.2003, p. 611.

³ OJ C 284 E, 21.11.2002, p. 359.

⁴ OJ C 261 E, 30.10.2003, p. 592.

⁵ OJ C 72 E, 21.3.2002, p. 343.

following widespread repression of political activities of the opposition, the press and human rights organisations¹. **After three years' imprisonment under very harsh conditions, Mr Malainine was released on 24 August 2003;**

- in **Togo**, where **Mr Yawovi Agboyibo, chairman of the Action Committee for Renewal, one of the main opposition groups**, was sentenced to imprisonment for six months, on 3 August 2001, for attacking the honour of the Prime Minister, Parliament called on President Eyadema not to wait until Yawovi Agboyibo applies for a pardon before having him released, so as to demonstrate that the presidential alliance will allow the Togolese opposition to express itself fully and freely during the elections on 1 June 2003²; **Yawovi Agboyibo was set free on 14 March 2002;**

- in **Zimbabwe**, where the post-election period in 2000 was characterised by violence and persecution of political opponents, in particular the Movement for Democratic Change and its President, **Morgan Tsvangirai**, the MDC Secretary-General, **Welshman Ncube**, and **Renson Gasela**, another senior member of MDC; Parliament condemned the sustained campaign of murder, violence, intimidation and harassment by President Mugabe and the ruling Zanu-PF Party against political opponents and insisted that the spurious and unsubstantiated charges against Mogan Tsvangirai, Welshman Ncube and Renson Gasela should be dropped and that the systematic violence and intimidation against opponents of the Mugabe regime must cease³; **on 11 August 2003, the Zimbabwean High Court ruled that opposition leader Morgan Tsvangirai should be tried for treason**, because state lawyers demonstrated that Tsvangirai may have plotted to kill President Mugabe in 2001; **the court dismissed similar charges against Welshman Ncube and Renson Gasela;**

- in **Moldova**, where opposition leaders have disappeared under alarming circumstances, among them **Vlad Cubreacov**, Member of the Moldovan Parliament and of the Moldovan delegation to the Parliamentary Assembly of the Council of Europe and one of the leading figures of the parliamentary opposition movement in Moldova⁴; **Vlad Cubreacov stood as a candidate in the municipal elections in Moldova in May 2003;**

- in **Tunisia**, where **Hamma Hammami**, leader of the outlawed Communist Workers' Party, as well as **Abdeljabar Madouri** and **Samir Taamallah**, appeared before the Court of First Instance in Tunis on 2 February 2002 for a retrial after years of living in hiding; the European Parliament urged the Tunisian authorities to ensure that the current trial is conducted in full compliance with international legal standards and that the accused are afforded specific treatment to guarantee their safety, health and right of defence, which may entail their provisional release⁵; the Court of First Instance confirmed their initial sentence of nine years' imprisonment; the Appeal Court however reduced the length of imprisonment substantially; the proceedings of both courts were observed by international observers who considered that the trial did not conform to international standards. **On 4 September 2002, Mr Hammami was released from prison. His wife, Ms Radhia Nasraoui, went on hunger strike some weeks prior to his release;**

¹ OJ C 34 E, 7.2.2002, p. 378.

² OJ C 72 E, 21.3.2002, p. 344, OJ C 177 E, 25.7.2002, p. 316.

³ OJ C 343, 5.12.2001, p. 304, OJ C 180 E, 31.7.2003, p. 535, P5_TA(2003)0066 adopted 13.2.2003.

⁴ OJ C 127 E, 29.5.2003, p. 679.

⁵ OJ C 47 E, 27.2.2003, p. 612.

- in **Pakistan**, where in March 2001 the largest wave of arrests by the military authorities was directed against the political parties since the military took power in 1999 and where many civil rights activists were arrested, among them **Nawadzada Nasrullah Khan**, head of the Pakistan Democratic Party and chief of the Alliance for Restoration of Democracy¹; **Nasrullah Khan died on 27 September 2003 of a heart attack at the age of 85**;

- in **Malaysia**, where the International Security Act (ISA) which allows for indefinite detention without charge or trial of any person suspected of acting in a manner prejudicial to national security, is increasingly used by the Malaysian Government in the name of fighting terrorism. The European Parliament urged the Malaysian Government to abolish the ISA and to release immediately and unconditionally all prisoners of conscience detained under the ISA for exercising their right to legitimate political organisation and dissent, or to officially charge them and ensure that they are tried promptly and fairly².

INDIVIDUALS PERSECUTED ON THE GROUNDS OF THEIR RELIGIOUS BELIEF

- **Turkmenistan** is an appalling case of a country where the principle of religious freedom is not respected, where only Islam and the Russian Orthodox Church are accepted by the State, and other religious communities face discrimination and often persecution. The European Parliament passed a resolution on the case of several people arrested for their religious beliefs, among them **Shageldi Atakov**, a Baptist minister, sentenced to four years in prison.³ **He was released from prison on 8 January 2002 after serving more than three years of his sentence in extremely harsh conditions.**

- Freedom of expression and religion in **Vietnam** is a constant concern of the European Parliament. Over a number of years it has adopted many resolutions in particular on restrictions on and withholding official recognition from certain religious bodies. Parliament strongly condemns the repression of the Unified Buddhist Church of Vietnam, the Christian Montanards and the Hoa Hao Buddhist Church. Parliament is particularly concerned about the isolation of the Patriarch of the UBCV, the **Venerable Thich Huyen Quang**, who has been living under conditions resembling house arrest since 1982, and of the **Venerable Thich Quang Do**, the UBCV's second-ranking leader, who has been confined to his living quarters under guard since June 2001, for having launched an appeal for democracy in Vietnam, as well as of the imprisonment of **Father Nguyen Van Ly** since May 2001 for having expressed his religious faith peacefully. Parliament called on the Vietnamese government to release all prisoners of conscience and to guarantee them their full political and civil rights⁴.

PEOPLE DISCRIMINATED AGAINST ON THE GROUNDS OF THEIR SEXUAL ORIENTATION

¹ OJ C 21 E, 24.1.2002, p. 354.

² OJ C 53 E, 28.2.2002, p. 406, OJ C 261 E, 30.10.2003, p. 596.

³ OJ C 343, 5.12.2001, p. 310.

⁴ P5_TA(2003)0526 adopted 20.11.2003, P5_TA(2003)0225 adopted 15.5.2003, OJ C 065 E, 14.3.2002, p. 369, OJ C 87 E, 11.4.2002, p. 255.

The detention of 50 defendants suspected of homosexuality in **Egypt**, in the so-called **Queen Boat case**, was declared arbitrary by the UN Working Group on Arbitrary Detention. The European Parliament recalled the human rights clause of the Association Agreement and urged the Egyptian authorities to stop all prosecution and discrimination of citizens on grounds of sexual orientation.¹ **Following the retrial and a ruling of the Court of Cassation on 4 June 2003, 21 persons were sentenced to one to three years' imprisonment, while 29 were acquitted.**

The Egyptian Parliament reacted on the adoption of the resolution by accusing the European Parliament of intransigence. The Egyptian Parliament reproaches the MEPs of 'simplifying thorny issues to the extreme' and making 'arbitrary judgments'. 'Nobody has the right to preach to others' it asserts in the letter.²

SAKHAROV PRIZE LAUREATES

The European Parliament paid major attention to the situation of former Sakharov Prize laureates, **Leyla Zana in Turkey, Aung San Suu Kyi in Burma and Oswaldo Payá Sardiñas in Cuba.**

In December 1994, **Leyla Zana**, former Kurdish MP and Sakharov Prize laureate in 1995, was sentenced to fifteen years in prison for supporting the PKK (Kurdish Workers' Party). Since her imprisonment, the European Parliament considered Leyla Zana a prisoner of conscience who has been prosecuted for expressing her peaceful beliefs. It has called on the Turkish authorities to release Leyla Zana and other political prisoners, notably **Selim Sadak, Hatip Dicle and Orhan Dogan**, the three other former Turkish MPs of Kurdish origin sentenced along with Leyla Zana. The European Parliament has urged Turkey to abrogate the 'anti-terror legislation' which is the basis for massive human rights violations and to thoroughly reform the Turkish penal code by bringing it in line with the European Convention on Human Rights which has been ratified by Turkey.³

In its decision of 17 July 2001, the European Court of Human Rights unanimously concluded that the legal procedure of the trial against Leyla Zana had not respected her fundamental right to a fair trial, as provided in the European Convention on Human Rights. A second trial was organised following this decision and started on 28 March 2003. The chairman of the EP Delegation to the EU-Turkey Joint Parliamentary Committee, Mr Jan Joost Lagendijk (NL, Greens), called on President Cox to allow an ad hoc delegation to be present at all the hearings of the new trial, up until the verdict. Mr Lagendijk, who headed the European Parliament Delegation, said that they had been a little over-optimistic, following recent reforms passed by the Turkish government. He said that nothing has changed since the 1994 trial; the delegation had seen that the defence had been unable to properly defend its client at this trial.

On 23 September 2003, the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament organised a meeting with the lawyer of Leyla

¹ P5_TA-PROV(2003)0192 adopted 10.4.2003, OJ C 271 E, 12.11.2003, p. 612.

² 23/04/2003 (Agence Europe) - open letter to President Cox released by MENA news agency.

³ OJ C 177 E, 25.7.2002, p. 317.

Zana, Mr Yusuf Alatas. The lawyer concluded: 'The retrial of L. Zana, O. Doga, H. Dicle and S. Sadak is being conducted in a manner which violates both the principle of fair trial and the points determined in the decision of the European Human Rights Court. Until now, the practices of the Court have been far from being objective.' Mr Alatas has informed the MEPs that the request made by the defendants for their release, after nine years of imprisonment, was rejected by the Court without any justification. On these grounds, Leyla Zana and her colleagues have lodged a complaint at the European Court of Human Rights.

The European Parliament passed several resolutions on the situation of human rights and democracy in **Burma/Myanmar** and in particular on the situation of **Aung San Suu Kyi**, Nobel Prize Winner and Sakharov Prize laureate of 1990. Parliament considers Aung San Suu Kyi a prisoner of conscience who is being prosecuted for expressing her peaceful beliefs and continues to call for her immediate release and for the full exercise of her rights to be guaranteed. After a long period under house arrest, Aung San Suu Kyi was released for almost a year until she was arrested again on 31 May 2003. Parliament considers Aung San Suu Kyi, the winner of the 1990 Burmese elections, the only legitimate elected leader of the Burmese people and insists that the military regime restore democracy and bring about national reconciliation by initiating a broad political dialogue and rapidly releasing all political prisoners.¹

In 2002, Parliament awarded the Sakharov Prize for Freedom of Thought to **Mr Oswaldo José Payá Sardiñas** from **Cuba**, author of the Manifesto 'Todos Unidos' which is the origin of the Varela Project calling for a referendum on open elections, freedom of speech, freedom for political prisoners and free enterprise. Mr Payá was able to receive the prize personally, after joint efforts by President Cox, an EP delegation on mission in Cuba and diplomatic representatives.

Since the situation in Cuba deteriorated in March 2003 after the new wave of arrests of dissidents and the execution of three Cubans who were found guilty of a ferryboat highjack, the Foreign Affairs Committee tried twice, in September and December 2003, to invite Mr Payá in order to demonstrate solidarity with the Sakharov Prize laureate. The invitation followed debates in the EP about the human rights situation in Cuba² and particularly the 'Sakharov Initiative', which has been supported by many MEPs. Parliament expressed its commitment to strengthen and systematise contacts with former Sakharov Prize laureates with a view to guaranteeing the protective effect of the prize for laureates and monitoring the situation of human rights and fundamental freedoms in the respective countries³. In spite of many efforts made through different channels, Mr Payá was not authorised to leave the country. Instead he sent a message to the European Parliament in which he expressed his thankfulness for the support he receives from Parliament for the Varela Project and for the attention paid to the development of the human rights situation in his country. Parliament had condemned the numerous arrests, after which over 70 human rights activists, members of the political opposition, intellectuals, independent journalists, Varela Project promoters and members of other groups supporting democracy in Cuba, and trade unionists had been imprisoned and called on the Cuban authorities to release

¹ P5_TA(2003)0385 adopted 4.9.2003, P5_TA(2003)0272 adopted 5.6.2003, OJ C 177 E, 25.7.2002, p. 317, OJ C 127 E, 29.5.2003, p. 681, P5_TA(2003)0104 adopted 13.3.2003, see also EU declaration of 30.5.2003 and Common position of 16.6.2003.

² P5_TA(2003)0374 adopted 4.9.2003, P5_TA(2003)0191 adopted 10.4.2003.

³ P5_TA-PROV(2003)0375, para 95, adopted 4.9.2003.

those arrested immediately.¹ The further deterioration in the human rights situation in Cuba affected the EU's relationship with Cuba. On 16 May 2003, Cuba withdrew its application for membership of the Cotonou Agreement, after the Commission decided to suspend the accession negotiations with Cuba.

In his letter, Mr Payá informed Parliament that in spite of the repression of March 2003, the political campaign for the Varela Project continued and thousands of citizens had added their signature in support of the Referendum. He confirmed that the Cuban government has not shown any willingness to bring about a change in the human rights situation of Cuban people, in particular towards more openness, which the majority of Cubans desire.

¹ P5_TA(2003)0191 adopted 10.4.2003, see also Council conclusions of 14 April 2003.

ANNEX II - LIST OF RESOLUTIONS

List of resolutions adopted by the European Parliament (Rule 50) between July 1999 and March 2004, and relating directly or indirectly to human rights violations in the world:

Country	Date of adoption of resolution
<u>AFRICA</u>	
ALGERIA	18.01.2001 / 17.05.2001
ANGOLA	17.02.2000 / 15.03.2001 / /14.06.2001 / 06.09.2001 / 11.04.2002 / 04.07.2002
BURUNDI	18.11.1999 / 17.02.2000 (UNCHR) / 07.09.2000 / 23.10.2003 / 15.01.2004
CAMEROON	20.01.2000 / 17.05.2001
CENTRAL AFRICAN REPUBLIC	14.06.2001
CHAD	20.01.2000 / 14.06.2001
COTE D'IVOIRE	20.01.2000 / 16.11.2000 / 14.12.2000 / 10.10.2002
DEMOCRATIC REPUBLIC OF CONGO	17.02.2000 (UNCHR)/ 18.01.2001 (UNCHR) / 15.02.2001 / 13.12.2001 / 07.02.2002 / 13.06.2002 / 15.05.2003
DJIBOUTI	16.12.1999
EQUATORIAL GUINEA	18.05.2000 / 13.06.2002 / 16.01.2003
ERITREA	07.02.2002
ETHIOPIA	17.05.2001
GUINEA	15.02.2001
LIBERIA	04.09.2003
MADAGASCAR	07.02.2002 / 16.05.2002
MAURITANIA	06.09.2001
MOZAMBIQUE	14.12.2000
NAMIBIA	05.04.2001
NIGERIA	15.02.2001 / 15.11.2001 / 07.02.2002 (UNCHR) / 11.04.2002 / 05.09.2002 / 13.03.2003 / 05.06.2003
RWANDA	18.11.1999 / 17.02.2000 (UNCHR)
SIERRA LEONE	16.12.1999 / 17.02.2000 (UNCHR) / 18.05.2000 / 07.09.2000 / 18.01.2001 (UNCHR)
SOMALIA	05.04.2001 / 04.07.2002
SOUTH AFRICA	05.07.2001
SUDAN	17.02.2000 (UNCHR) / 21.11.2002
TANZANIA (refugees from Burundi)	05.07.2001

TOGO	16.09.1999 / 06.09.2001 / 13.12.2001 / 08.04.2003
TUNISIA	15.06.2000 / 14.12.2000 / 14.03.2002
UGANDA	17.02.2000 (UNCHR) / 06.07.2000 / 03.07.2003
WESTERN SAHARA	16.03.2000
ZIMBABWE	13.04.2000 / 18.05.2000 / 06.07.2000 / 15.03.2001 / 06.09.2001 / 13.12.2001 / 14.03.2002 / 16.05.2002 / 04.07.2002 / 05.09.2002 / 13.02.2003 / 05.06.2003 / 15.01.2004
<u>ASIA</u>	
BANGLADESH	21.11.2002
CAMBODIA	17.12.2000 / 18.01.2001 / 06.09.2001 / 07.02.2002 / 11.04.2002 / 13.03.2003 / 03.07.2003 / 12.02.2004
CHINA	20.01.2000 / 17.02.2000 (UNCHR) / 15.02.2001 / 18.01.2001 (UNCHR) / 05.04.2001 (UNCHR)
BEIJING'S APPLICATION TO HOST THE 2008 OLYMPIC GAMES	05.07.2001
EAST TIMOR	16.09.1999 / 18.11.1999 / 17.02.2000 (UNCHR) / 18.01.2001 (UNCHR) / 04.10.2001
FIJI	06.07.2000
GEORGIA	18.12.2003
HONGKONG	19.12.2002
INDIA	16.03.2000 / 07.02.2002 / 16.05.2002
INDONESIA	16.12.1999 / 13.12.2001 / 16.05.2002 / 05.06.2003 / 20.11.2003
KALIMANTAN	15.03.2001
MOLUCCAN ISLANDS	07.10.1999 / 20.01.2000 / 06.07.2000
KASHMIR	16.03.2000
KAZAKHSTAN	13.02.2003 / 23.10.2003
KYRGYZSTAN	14.03.2002 / 23.10.2003
LAOS	15.02.2001 / 15.11.2001 / 03.07.2003
MALAYSIA	14.06.2001 / 13.06.2002
MYANMAR (BURMA)	16.09.1999 / 18.05.2000 / 07.09.2000 / 16.11.2000 / 18.01.2001 (UNCHR) / 04.10.2001 / 13.12.2001 / 11.04.2002 / 13.03.2003 / 05.06.2003 / 04.09.2003 / 11.03.2004

NEPAL	07.09.2000 / 14.06.2001 / 13.12.2001 / 13.06.2002 / 24.10.2002 / 23.10.2003
NORTHERN KOREA	16.01.2003
PAKISTAN	18.11.1999 / 15.02.2001 / 05.04.2001 12.02.2004
PHILIPPINES	18.05.2000 / 18.12.2003
SOLOMON ISLANDS	06.07.2000
SOUTHERN CAUCASUS	04.10.2001
SRI LANKA	18.05.2000 / 14.03.2002 / 20.11.2003
TAIWAN	13.04.2000 / 15.05.2003
TAJKISTAN	23.10.2003
TIBET	13.04.2000 / 06.07.2000 / 19.12.2002
TURKMENISTAN and CENTRAL ASIA	23.10.2003
UZBEKISTAN	04.10.2001 / 23.10.2003
VIETNAM	16.11.2000 / 05.07.2001 / 04.10.2001 / 11.04.2002 / 15.05.2003 / 20.11.2003
<u>AUSTRALIA</u>	
AFGHAN REFUGEES / ASYLUM	06.09.2001
<u>EUROPE</u>	
BELARUS	07.10.1999 / 05.07.2001 / 13.06.2002 / 04.07.2002
BOSNIA-HERZEGOVINA (Banja Luca)	17.05.2001
CYPRUS	05.04.2001
FEDERAL REPUBLIC OF YUGOSLAVIA	17.02.2000 (UNCHR) / 16.03.2000 / 15.06.2000 / 14.12.2000
FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)	05.10.2000
IRELAND (Immigration)	13.12.2001
KOSOVO	22.07.1999 / 16.09.1999 / 07.10.1999 / 18.11.1999 / 17.02.2000 (UNCHR) / 17.02.2000 / 15.06.2000 / 15.02.2001 / 01.04.2004
MOLDOVA	14.03.2002 / 11.04.2002 / 18.12.2003
RUSSIA	18.11.1999 / 18.01.2001 / 07.02.2002 / 04.07.2002
RUSSIAN REPUBLIC OF CHECHNYA	07.10.1999 / 18.11.1999 / 20.1.2000 / 17.02.2000 / 17.02.2000 (UNCHR) / 16.03.2000 / 13.04.2000 / 18.01.2001 (UNCHR) 15.02.2001 / 16.01.2003 / 03.07.2003
RUSSIAN REPUBLIC OF DAGESTAN	16.09.1999
SOUTHERN CAUCASUS (Armenia, Azerbaijan and Georgia)	04.10.2001

TURKEY	22.07.1999 / 13.04.2000 / 07.09.2000 / 18.01.2001 / 13.12.2001 / 15.05.2003
TURKMENISTAN	15.03.2001
UKRAINE	11.03.2004
<u>AMERICA</u>	
ARGENTINA	04.07.2002
BOLIVIA	23.10.2003
CENTRAL AMERICA	16.11.2000
CHILE	14.12.2000
COLOMBIA	07.09.2000 / 18.01.2001 (UNCHR) 04.10.2001 / 14.03.2002
CUBA	10.04.2003 / 04.09.2003
GUATEMALA	18.05.2000 / 14.06.2001 / 11.04.2002 / 10.04.2003
HAITI	15.01.2004 / 11.03.2004
MEXICO	05.04.2001
NICARAGUA	16.12.1999
PARAGUAY	15.06.2000
PERU	16.03.2000 / 15.06.2000 / 05.10.2000
UNITED STATES	17.02.2000 / 13.04.2000 / 06.07.2000
VENEZUELA	13.02.2003 / 11.03.2004
<u>MIDDLE EAST</u>	
AFGHANISTAN	16.12.1999 / 17.02.2000 (UNCHR)/ 05.10.2000 / 18.01.2001 (UNCHR) / 14.06.2001 / 13.12.2001 / 05.09.2002 12.02.2004
EGYPT	20.01.2000 / 14.06.2001 / 04.07.2002 / 05.09.2002 / 10.04.2003
IRAN	16.09.1999 / 17.02.2000 (UNCHR) / 13.04.2000 / 18.05.2000 / 07.02.2002 (UNCHR) / 24.10.2002 / 21.11.2002 / 12.02.2004
IRAQ	20.01.2000 / 13.04.2000 / 06.07.2000
ISRAEL	19.12.2002
KUWAIT	16.12.1999
SAUDI ARABIA	17.02.2000 (UNCHR)/ 18.01.2001 (UNCHR) / 07.02.2002 (UNCHR)
SYRIA	13.06.2002
<u>MISCELLANEOUS</u>	
EU's rights, priorities and recommendations for the session of the UN Commission on Human Rights in Geneva	17.02.2000 (56th) / 18.01.2001 (57th)/ 07.02.2002 (58th)/ 30.01.2003 (59th) / 10.02.2004 (60th)

Death Penalty in the World	07.10.1999 / 18.11.1999 / 16.12.1999 / 13.04.2000 / 06.07.2000 / 26.10.2000 / 05.07.2001
Abolition of Death Penalty in Japan, South Korea and Taiwan	13.06.2002
International Criminal Court	16.12.1999 / 18.01.2001 / 28.02.2002 / 04.07.2002 / 26.09.2002 / 24.10.2002
Aung San Suu Kyi and Leyla Zana (Sakharov Prize Laureates)	13.12.2001
Trafficking in Children and Child Soldiers	03.07.2003
Forced Child Labour (Africa)	17.05.2001
Child Labour in the Production of Sports Equipment	13.06.2002
EU Position for the Session of the UN GA on the Rights of Child	11.04.2002
UN GA Special Session on the Rights of Child	05.07.2001
European Parliament resolution on the 10th Anniversary of the UN Convention on the Rights of the Child	18.11.1999
Children kidnapped by their parents	15.03.2001
Racism and Xenophobia	17.02.2000 / 16.03.2000 (European Union) / 16.03.2000 (Candidate Countries) / 06.07.2000 03.10.2001 (World Conference against Racism)
Press Freedom throughout the World	17.05.2001
Combatting Terrorism	24.10.2002
Detainees in Guantanamo Bay	07.02.2002 / 10.03.2004
Cluster Bombs	13.12.2001
Refugees - Channel Tunnel	11.04.2002
Female Genital Mutilation	20.09.2001
Harassment at the Workplace	20.09.2001
Violence towards Catholic Nuns	05.04.2001
UN World Food Summit	16.05.2002
UN World Day to Overcome Extreme Poverty	04.10.2001
UN Conference on Least Developed Countries	05.04.2001

ANNEX III - BASIC TEXTS

TITLE	DATE OF ADOPTION	SOURCE
INTERNATIONAL HUMAN RIGHTS INSTRUMENTS		
UNITED NATIONS		
Universal Declaration on Human Rights	10 December 1948	http://www.unhchr.ch/udhr/index.htm
International Covenant on Civil and Political Rights	16 December 1966	http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
Optional Protocol to the International Covenant on Civil and Political Rights	16 December 1966	http://www.unhchr.ch/html/menu3/b/a_opt.htm
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	15 December 1989	http://www.unhchr.ch/html/menu3/b/a_opt2.htm
International Covenant on Economic, Social and Cultural Rights	16 December 1966	http://www.unhchr.ch/html/menu3/b/a_cescr.htm
International Convention on the Elimination of All Forms of Racial Discrimination	21 December 1965	http://www.unhchr.ch/html/menu3/b/d_icerd.htm
Convention on the Elimination of All Forms of Discrimination against Women	18 December 1979	http://www.unhchr.ch/html/menu3/b/e1cedaw.htm
Optional Protocol to the Convention on the Elimination of Discrimination against Women	6 October 1999	http://www.unhchr.ch/html/menu3/b/opt_cedaw.htm
Convention on the Rights of the Child	20 November 1989	http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	25 May 2000	http://www.unhchr.ch/html/menu2/6/crc/treaties/opac.htm

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	25 May 2000	http://www.unhchr.ch/html/menu2/6/crc/treaties/opsc.htm
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 December 1984	http://www.unhchr.ch/html/menu3/b/h_cat39.htm
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	18 December 2002	http://www.bayefsky.com/treaties/cat_opt.php
UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief	25 November 1981	http://www.unhchr.ch/html/menu3/b/d_intole.htm
UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms	9 December 1998	http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument
UN Declaration on Human Rights Defenders	9 December 1998	
United Nations Millennium Declaration	8 September 2000	http://www.un.org/millennium/declaration/ares552e.htm
INTERNATIONAL LABOUR ORGANISATION		
Minimum Age Convention	26 June 1973	http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?C138
Convention on Indigenous and Tribal Peoples	27 June 1989	http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?query=C169&query0=C169&submit=Display
Convention to eliminate the Worst Forms of Child Labour	17 June 1999	http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?query=C182&query0=C182&submit=Display
UNITED NATIONS CONFERENCES		
World Conference on Human Rights (Vienna) Declaration and Programme of Action	25 June 1993	http://www.unhchr.ch/html/menu5/wchr.htm

World Conference on Women and Development (Beijing) Declaration and Platform for Action	September 1995	http://www.un.org/womenwatch/daw/beijing/platform/
World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban) Declaration and Programme of Action	8 September 2001	http://www.unhchr.ch/html/racism/Durban.htm
EUROPEAN PARLIAMENT		
Annual Human Rights Reports	1983 - 2002	http://www.europarl.ep.ec/comparl/afet/droi/annual_reports.htm
Resolutions related to the International Criminal Court	19 November 1998 16 December 1999 18 January 2001 28 February 2002 4 July 2002 26 September 2002 24 October 2002	http://www.europarl.eu.int/comparl/afet/droi/other_reports.htm#resolutions
Resolutions on the EU's rights, priorities and recommendations for the sessions of the UN Commission on Human Rights	18 January 2001 7 February 2002 30 January 2003	http://www.europarl.eu.int/comparl/afet/droi/other_reports.htm#resolutions
Resolution on the communication from the Commission to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries (COM (2001) 252)	25 April 2002	http://www.europarl.ep.ec/comparl/afet/droi/other_reports.htm

Resolution on the Commission communication on EU election assistance and observation (COM (2000) 191 - C5-0259/2000)	15 March 2001	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on countering racism and xenophobia in the European Union, on the Commission communication: "Countering racism, xenophobia and anti-Semitism in the candidate countries" (COM (1999) 256 – C5-0094/1999), and on the World Conference against Racism	16 March 2000	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on the communication from the Commission to the Council and the European Parliament on “The European Union and the external dimension of human rights policy: from Rome to Maastricht and beyond” (COM (1995) 567 – C4-0568/1995)	17 December 1998	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on the report from the Commission on the implementation of measures intended to promote observance of human rights and democratic principles (for 1995) (COM (1996) 672 - C4-0095/1997)	19 December 1997	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on setting up a single co-ordinating structure within the Commission, responsible for human rights and democratisation	19 December 1997	http://www.europarl.eu.int/comparl/afet/droi/default.htm
Resolution on the communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries (COM (1995) 216 – C4-0197/1995)	20 September 1996	http://www.europarl.eu.int/comparl/afet/droi/default.htm

COUNCIL		
EU guidelines on Human rights dialogues	13 December 2001	http://europa.eu.int/comm/external_relations/human_rights/doc/ghd12_01.htm
Guidelines for EU policy towards third countries on the death penalty of 29 June 1998	29 June 1998	http://europa.eu.int/comm/external_relations/human_rights/adv/guide_en.htm
Guidelines for EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment	9 April 2001	http://europa.eu.int/scadplus/leg/en/lvb/r10109.htm
Regulations (EC) No 975/1999 and (EC) No 976/1999 on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms	29 April 1999	Official Journal L 120 , 08/05/1999 P. 0001 - 0014
Common Position amending Common Position of 22 January 2001 on the International Criminal Court	20 June 2002	http://ue.eu.int/pesc/icc/doclist.asp?lang=en&doctype=1
Action Plan to follow-up on the Common Position of 22 January 2001 on the International Criminal Court	27 May 2002	http://ue.eu.int/pesc/icc/doclist.asp?lang=en&doctype=1
Conclusions on human rights and democratisation in third countries, together with practical measures endorsed for the implementation of the Council's conclusions of 25 June 2001	10 December 2002	
Conclusions on the communication from the Commission to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries (COM (2001) 252)	25 June 2001	

Conclusions on the Commission communication on EU election assistance and observation (COM (2000) 191 - C5-0259/2000)	31 May 2001	
COMMISSION		
Programming Document for the European Initiative for Democracy and Human Rights (2002-2004)	20 December 2001	http://europa.eu.int/comm/external_relations/human_rights/doc/eidhr02_04.htm
COUNCIL OF EUROPE		
Convention for the Protection of Human Rights and Fundamental Freedoms	4 November 1950	http://conventions.coe.int/treaty/EN/WhatYouWant.asp?NT=005
OTHERS		
Appeal of the First World Congress against the Death Penalty in Strasbourg	June 2001	http://www.coe.int/T/E/Communication_and_Research/Press/Theme_Files/Death_penalty/e_IndexCongres.asp